

Islamist Democrats? The Role of the *Shura* Council and The Implementation of Party Institutionalization in The Prosperous Justice Party (PKS) in Indonesia

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Abstract

After the Reformation in 1998, Indonesia's transition to democracy took place rapidly after 32 years of authoritarian rule. This period subsequently opened significant space for the development of pro-democracy movements, including Islamist movements. One notable example is the Prosperous Justice Party (*Partai Keadilan Sejahtera*, PKS), which has demonstrated a capacity for party institutionalisation aligned with the democratic development in Indonesia's evolving political landscape. This article explores how the PKS integrates Islamist concepts, particularly *shura* (consultation), into its internal decision-making processes. It seeks to ascertain whether the party's institutionalisation effectively supports internal governance and parliamentary decision-making, focusing on the role of the party's *Shura* Council (*Majelis Syura*). This article employs a political institutional analysis approach to assess the party's organisational capacity in managing both internal affairs and national policy decisions, highlighting how the presence of the *Shura* Council reflects the party's democratic tendencies. The study employs a qualitative approach, acquiring data from official party materials, documentation, and in-depth interviews with key persons, including members of the *Shura* Council and parliaments. The study revealed several findings: Firstly, the maintenance of strict party rules is indicative of the efficacy of party institutionalisation. Secondly, the PKS manifests democratic tendencies in both the policy-making process and the themes it champions. Thirdly, these features indicate the endurance of Islamist parties in upholding democratic principles both inside and outside party in Indonesia during the Reformation era.

Keywords: Islamist Party; The Prosperous Justice Party (PKS); *Shura* Council; Party Institutionalisation; Parliament

Introduction

Islamist political parties have constituted an integral component of Indonesia's political landscape since the early years of independence. During the 1950s, these parties were predominantly perceived as political actors striving to establish an Islamic state and institutionalise Islamic law as the foundation of governance. However, the democratic transition initiated in 1998, which marked the end of three decades of authoritarian rule, significantly reshaped the political orientation of Islamist movements. This transition opened new opportunities for Islamist parties, including the Prosperous Justice Party (*Partai Keadilan Sejahtera*/PKS), to reassess its ideological and organisational transformation, adapting the normative commitments to practical demands of electoral democracy while remaining rooted in Islamic political traditions.¹ Nevertheless, Islamist parties are still often stereotyped as inherently undemocratic and old-fashioned, reliant on charismatic leadership rather

than institutionalised procedures.²

This paper challenges such assumptions by examining how does the institutionalisation of PKS works? Does it reflect a genuine shift toward formalised organisational rules and decision-making mechanisms, or does individual leadership remain a decisive force in shaping party operations? The analysis reveals an alternative dimension of Islamist parties, demonstrating their capacity to implement inclusive party management practices that engage broader cadres while maintaining strict procedural discipline. Such practices reflect a stronger alignment with democratic norms, particularly the principles of participation and the rule of law.³ Institutionalisation in PKS is observable not only within its internal governance structures but also in its external engagement with policymaking processes in Indonesia's legislature, where party discipline and organisational coherence play a crucial role.

Building on this foundation, the article critically examines PKS's policy-making mechanisms, with particular attention to the role of the *Shura* Council (*Majelis Syura*) and the application of *musyawarah* (deliberative consensus) as the party's core decision-making principle. The study analyses the institutional authority and operational procedures of the *Shura* Council, as well as its influence on legislative decision-making within the House of Representatives (*Dewan Perwakilan Rakyat/ DPR*). Furthermore, the article explores three key legislative issues advocated by PKS over the past two decades, state ideology, omnibus law reforms, and sexual violence legislation to illustrate how collective decision-making processes function in practice. Through these cases, the study evaluates PKS's capacity to adopt relatively moderate positions, prioritise broader public interests, and align its political agenda with Indonesia's sociocultural context.⁴ Ultimately, this research contributes to the broader literature on Islamist parties by demonstrating how traditional Islamic consultative practices are institutionalised within modern party governance, offering comparative insights into the negotiation between Islamic political norms and contemporary democratic governance.

Literature Review

According to Raja Saleem, Islamist parties are typically "movement parties" at their core, exhibiting ideological congruence with their parent organisation. However, the character of such movement parties often conditionally overlaps with that of elite-based party, which rely heavily on the influence and popularity of charismatic leaders/clerics as a major source of authority.⁵ The PAS (*Parti Islam Se-Malaysia*) case in Malaysia exemplifies this dynamic through its tradition of ulama leadership, which grants Nik Mat Nik Aziz a significant degree of centrality and influence. This tradition serves to ensure the ongoing survival of the party, whilst also maintaining its commitment to Islamic principles.⁶

A significant challenge arises from the notion that excessive clerical centrality within Islamic parties may conflict with the imperatives of the contemporary political landscape. This clerical dominance often leads to party personalization, thereby rendering the party dependent on the subjective leadership of a single figure. Such a phenomenon constitutes a contradiction to the principles of good governance and undermines democratic values, given also that most Islamist parties centre their political struggles on the promotion of Islamic values (*Sharia*).⁷

However, Indonesia has provided Islamist groups with greater opportunities to participate in political life. Such political inclusion has fostered an increasingly democratic political environment⁸. For an Islamist party such as PKS, transforming its Islamist ideology and identity to adapt to the socio-political conditions of Indonesian society is imperative for its survival in electoral politics. The objectification and localization of Islamic identity within PKS requires a reinterpretation of the relevance of its foundational ideology, derived from campus-based proselytization activities of the Muslim Brotherhood (*Ikhwanul Muslimin/IM*),⁹ within the context of Indonesian society.¹⁰ As a result,

PKS has been the subject of extensive scholarly debate concerning the authenticity, consistency, and direction of its ideological orientation¹¹. Several literatures have focused on PKS's ideological moderation during its formative years. This moderation was not merely a strategic response to electoral incentives but was also linked to the reinforcement of its institutionalisation and social composition of its members.¹²

Research examining PKS from an institutional perspective remains limited. Firman Noor¹³ conducted a comparative institutional analysis between this party and the National Awakening Party (PKB), assessing the potential for factionalization and organisational solidity. Noor's findings seem similar to Hamayotsu¹⁴ indicate that the PKS maintains a relatively robust level of institutionalisation. Similarly, Dirk Tomsa's study, though primarily focused on the institutionalisation of the Functional Group Party (Partai Golkar), evaluates PKS's institutional quality, reaching a congruent conclusion: PKS remains one of Indonesia's more institutionalised political parties.¹⁵

Despite PKS's relatively strong institutionalisation, internal divisions have resulted in member defections and the formation of the Gelora Party. This article addresses a novel contribution by examining how PKS's institutional arrangements shape its political agenda, particularly in legislative policymaking.

Institutionalisation in the Policy Making Process: A Theoretical Framework

From the perspective of political party institutionalisation, Panebianco's¹⁶ concept of *systemness* refers to a party's capacity to mitigate the potential for individuals or factions to pursue political manoeuvres that prioritise their exclusive interests over collective organisational goals. It, by Randall and Svasand conception, entails the expansion, consolidation, and standardization of interactions among a political party's internal components, thereby reinforcing its structural integrity.¹⁷ The good institutionalised party reflects this systemness which has the consistent adherence to formally codified rules and procedures in party operations, ensuring organisational coherence in internal decision-making protocols while limiting unilateral actions by elites.

The degree to which a political party consistently upholds and internalizes procedural norms in its organisational governance directly correlates with its level of institutionalisation. This operational paradigm reflects what Huntington,¹⁸ Panebianco,¹⁹ and Randall and Svasand²⁰ conceptualize as systematicity, denoting the institutionalised regularity and rule-bound nature of party operations that distinguishes mature political organisations from their less developed counterparts.

In assessing party institutionalisation, two critical dimensions must be examined. *First*, the primacy of formal rules and procedures as the determining factor in policymaking processes. In this context, non-procedural elements, including the influence of individual party leaders, should play only a secondary role. While leaders may serve in advisory or directive capacities, their influence should not extend to decisive policymaking authority. Elaborating further, Panebianco²¹ acknowledges that charismatic figures or veteran leaders can contribute positively to party cohesion and unity. However, he emphasises that such roles must remain constrained within established institutional boundaries. The authority of individual leaders should never supersede constitutional provisions or formal party regulations.

Furthermore, all party policies and decisions must be formulated through established procedural mechanisms in strict accordance with institutionalised rules. These rules must serve as genuinely determinative, rather than merely nominal or ceremonial, frameworks for all policymaking processes. Such processes must be implemented comprehensively, consistently, and without interruption. The binding authority of these rules extends to both internal party affairs, such as the selection of party officials at all organisational levels and personnel promotions, and external political

engagements, including responses to government policies, the nomination of presidential and vice-presidential candidates, and reactions to significant political developments. Moreover, the rules must govern the evaluation processes for policy implementation, encompassing assessments of substantive content, execution mechanisms, and policy implementers.

Second, the party's constitutional framework must govern all internal relationships - whether among leadership, cadres, or supporters. An institutionalised party demonstrates this by establishing its constitution as the primary reference point that shapes interactions between all members. When party members develop strong constitutional consciousness and consistently treat these rules as binding authority, the party achieves true institutionalisation. In essence, the party constitution becomes internalized to the degree that it fundamentally shapes members' political perspectives, organisational behaviour, and strategic decision-making. This institutional maturity creates what McGuire²² describes as a "taken-for-granted" condition, where compliance with party rules becomes naturalised rather than forced. Members operate within constitutional boundaries not due to external constraints, but because these norms have become the unquestioned foundation of party culture.

At this stage of institutional maturity, the party's constitutional framework achieves stability and universal adherence. All regulatory provisions and policy decisions serve as binding guidelines that command respect across the organisational hierarchy. This institutionalisation manifests through the established rules and creates behavioural uniformity among all members, from leadership elites to grassroots cadres, fostering organisational harmony. It is also reflected by the existence of institutional authority. For instance, when specific bodies are constitutionally empowered to determine policies, all party elements uniformly recognize and defer to their decisions without exception. In addition, it also established internal synchronization, which demonstrates perfect operational alignment where all components function as an integrated whole, maintaining consistent movement toward shared objectives.

Further, Panebianco²³ identifies this as the hallmark of institutionalisation, the complete synchronization of party elements that creates mutual interdependence under a unified constitutional order. Crucially, this requires uniform interpretation, which all members share fundamentally aligned understandings of party rules and norms. Also, it involves behavioural consistency, in which party's daily operations reflect constitutional principles at all organisational levels, as well as structural cohesion, whereby the entire apparatus moves with unified purpose under established governance frameworks.

A functioning democracy requires the presence of effective political parties to achieve consolidated democratic governance. Political parties play a crucial role in sustaining democratic systems.²⁴ Randall²⁵ argues that institutionalised political parties can fulfill their democratic functions effectively. Well-functioning parties facilitate the articulation of political demands to the government, ultimately contributing to public-responsive policymaking.²⁶ The role of parties is particularly vital for the development and successful consolidation of democracy.²⁷ Highly institutionalised political parties generally contribute positively to the political stability of democratic nations. Such parties help mitigate intergroup conflicts, or at least channel them through established political mechanisms, while ensuring smooth leadership transitions.²⁸

Research Methodology

This study employs a descriptive analytical approach, utilising qualitative methods to allow for flexibility in data collection, information gathering, and the development of interpretation.²⁹ It includes an in-depth document analysis to scrutinize relevant data and information indicative of any transformative developments within the political party under study. This document analysis covers

official party materials such as the Statutes and Bylaws, the Party Platform, official publications, and other forms of documentation that reflect the party’s attitudes and positions. Additionally,, the study draws on literature including books authored by party cadres, scholarly papers, and popular writings from diverse sources that focus on PKS. In order to enforce the depth of data in this paper, in-depth interviews with key persons authorised to make policies are required, as this method allows researchers to explore participants’ perspectives, and experiences on decision-making processes³⁰ This article incorporates interview data collected from party officials including members of the *Shura* Council and members of parliaments in Jakarta, as well as findings from previous research on PKS.

The *Shura* Council and Policy Making Process in PKS

This section analyses the role of the Shura Council in PKS’s policy-making processes as a key indicator of party institutionalisation, highlighting the party’s consistent adherence to internal regulations and procedural traditions. The analysis underscores PKS’s commitment to institutionalised, rule-based decision-making mechanisms over personality-centreed politics, reflecting the effective implementation of “rules of the game” in everyday party operations. Empirically, PKS is widely recognized as one of Indonesia’s most institutionalised political parties. This assessment is supported by findings from the Research Center for Politics at the National Research and Innovation Agency (October 2024), which ranked PKS highest on the Institutionalised Political Party Index (IPPI) (see Table 1). The index is constructed using 33 indicators assessed on a standardised scale, converted into interval scores, and aggregated through the Analytical Hierarchy Process (AHP) to generate weighted sub-dimension, dimension, and overall institutionalisation scores.

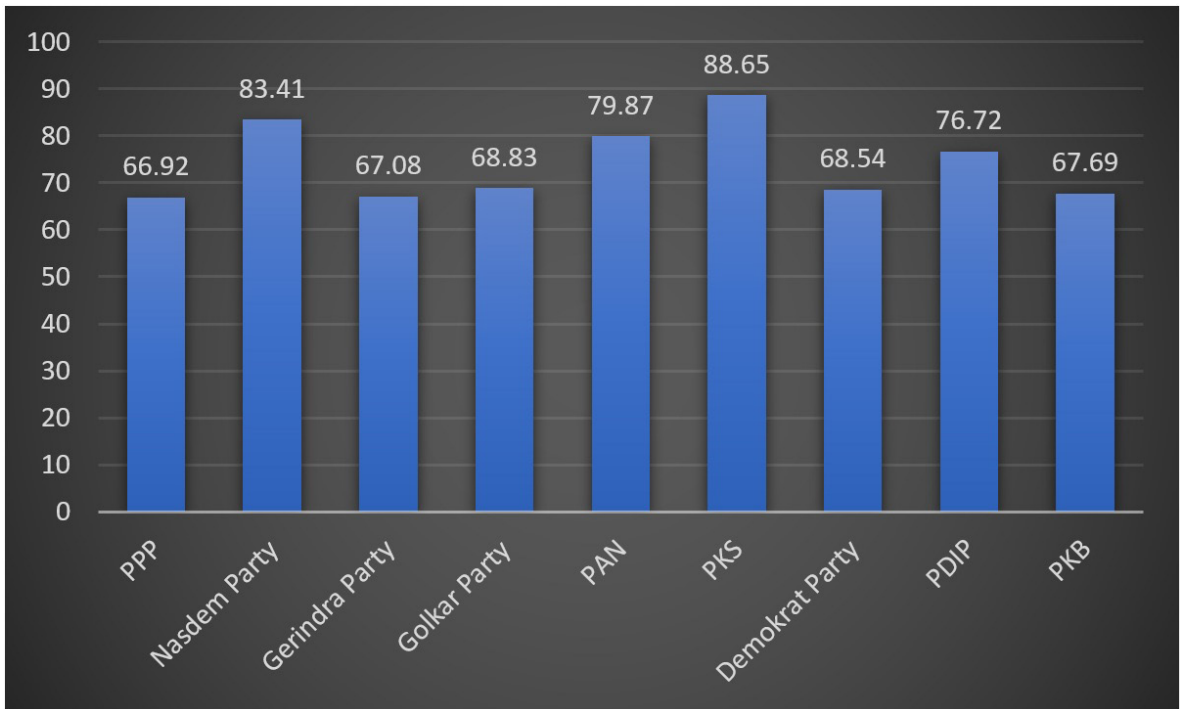


Figure 1: The Index of Indonesia Party Institutionalisation (2024).

The table indicates that the Islamist party achieves the highest score on the Institutionalised Political Party Index (IPPI) at 88.65, surpassing other major Indonesian parties such as Nasdem Party, Gerindra Party, and Partai Demokrasi Indonesia Perjuangan (PDI-P). These findings empirically reinforce the

argument that PKS demonstrates a higher degree of institutional coherence and procedural consistency relative to other parties in Indonesia. This makes the party's structure and decision-making processes an essential subject of study for understanding its effective functioning.

The following section will provide a detailed examination of four critical aspects concerning the *Shura* Council: (1) the conceptual foundations of *shura* as the philosophical basis for the Council's existence, (2) its formal authority and competencies, (3) the selection mechanisms for its members, and (4) its operational adherence to established rules and procedures. This analysis aims to elucidate the institutional framework that governs decision-making processes within the party.

The Meaning of Shura as the Fundamental Principal

The PKS enshrines collective deliberation as its foundational decision-making mechanism, as codified in its constitutional documents since the commencement of the party's presence circa 1998. This principle structurally prohibits unilateral policymaking by individuals or restricted groups, requiring instead consultative processes across all organisational tiers, from local branches to national leadership bodies. Notably, while the party's Articles of Association have undergone multiple amendments, this deliberative norm has remained an unaltered constitutional cornerstone since the party's inception, demonstrating what Levitsky³¹ terms "procedural rigidity".

The PKS' deliberative principle originates from the Islamic concept of *shura*,³² grounding decision-making in both scriptural principles and scholarly interpretation. PKS explicitly prioritises Islamic teachings as its foundational framework that emphasizes deliberation as a mechanism to foster collective unity and broaden participatory governance. Crucially, this process actively incorporates grassroots aspirations,³³ positioning *shura* as an institutional bridge between doctrinal adherence and cadre representation in policymaking.³⁴ By institutionalizing this dual accountability, to both Islamic values and member consensus, PKS structurally mitigates risks of personalistic leadership while maintaining ideological coherence. PKS also implements acclamation and voting mechanisms in policy making. This method is implemented especially when the decision-making forum has difficulty finding agreement or deadlock.

As an embodiment of the principle of deliberation (*musyawarah*), the party established an institution known as the *Shura* Council. This body serves as the primary forum for formulating strategic and critical decisions. The *Shura* Council holds several key prerogatives, most notably the authority to issue binding resolutions that all members must adhere to. While PKS cadres retain the right to express their opinions freely, once a decision has been formally ratified, all party members are obligated to comply with it.

Shura Council's Main Functions

PKS's Constitution (*Anggaran Dasar/Anggaran Rumah Tangga*, AD/ART) firmly institutionalises the *Shura* Council (*Majelis Syura*) as the highest authority in formulating strategic party policies. From the early reform period, PKS cadres broadly recognized the *Shura* Council as the sole legitimate body for policy determination and regulatory decisions, a legitimacy rooted in strong cadre confidence in its procedural integrity. This acceptance reflects successful organisational socialization and the party's entrenched commitment to rules-based governance. Uniquely among Indonesian Islamist parties, PKS formally designates the *Shura* Council as its *ahlul halli wal aqdi* (body of authoritative decision-makers), endowing it with critical functions, including 1) setting the party's strategic direction, 2) electing national leadership, 3) formulating fundamental policies, and 4) establishing internal working committees.³⁵

Although some *Shura* Council decisions have generated internal dissent, party leaders have consistently relied on constitutional procedures, reinforcing a normative commitment to institutionalism over personal or populist authority. The *Shura* Council convenes its full membership for deliberations, prioritizing consensus-building after granting equal opportunity for all members to articulate their positions. While voting mechanisms are constitutionally permitted, they have historically been used sparingly, primarily in exceptional circumstances such as presidential candidate nomination or leadership selection within the Council itself. This practice underscores a core party principle: even highly salient political choices must be legitimised through institutional channels. As a result, the *Shura* Council has retained broad credibility among cadres as the sole authority empowered to make strategic decisions, including endorsing presidential and vice-presidential candidates and determining coalition participation.

Institutionally, the *Shura* Council's supremacy is balanced by the constitutionally protected autonomy of the party's *Sharia* Councils at national and regional levels.³⁶ These bodies function independently as religious authorities responsible for issuing *fatwas* and providing Islamic legal guidance, free from political intervention. Nevertheless, accountability is maintained through mandatory reporting requirements to the *Shura* Council, ensuring organisational coherence.³⁷ This dual institutional arrangement delineates political authority from religious interpretation while maintaining coordination within the party structure. Operationally, *Shura* Council decisions are implemented by the Central Executive Committee (*Dewan Pengurus Tingkat Pusat*), which functions as the party's working body under the leadership of the *Shura* Council Chairman.³⁸ Collectively, this governance architecture illustrates PKS's distinctive institutional balance between political decision-making, religious authority, and procedural accountability.

Selection Methods within the Shura Council

PKS institutionalises leadership selection through an internal electoral mechanism known as *Pemilihan Raya* (General Election), which serves as the primary procedure for appointing members of the *Shura* Council, including the Party President and the Chairman of the Party Advisory Assembly. This process is conducted as a nationwide internal election across 20 electoral districts, enabling party members to participate directly in selecting *Shura* Council representatives. The Council operates under strict egalitarian principles, with its membership expanding from 52 individuals prior to 2008 to 99 members at present. Of these, 66 are elected through *Pemilihan Raya*, one seat is reserved for the former Chairman of the *Shura* Council, and the remaining 32 members are appointed based on recommendations from elected Council members. Participation in this electoral process is restricted to core cadres³⁹ currently designated as *Kader Pelopor*⁴⁰ reflecting a structured cadre-based system. These core cadres are further differentiated into three hierarchical levels: *Kader Utama*, *Kader Dewasa*, and *Kader Madya*, reinforcing PKS's institutionalised and merit-based leadership recruitment framework.⁴¹

Such institutional design deliberately prevents authoritarian tendencies by decentralising selection authority. The PKS leadership selection process began with a rigorous national screening by an independent Election Committee, which identified thousands principle cadres meeting strict criteria: 5 years (nowadays 7 years) of membership and dual experience in structural-organisational and functional-operational party roles.⁴² From this pool, 198 cadres were shortlisted as *Shura* Council candidates, later elected by approximately 70,000 pioneer cadres. The newly elected Council members then appointed thematic experts and conducted an internal chairman election via equal voting rights, exemplified in the 2005 *Shura* Council session where Aminuddin won the chairmanship (29/50 votes) through secret ballot.

As such, this provides a notable example occurred during the *Musyawarah Majelis Syura* (*Shura* Council Meeting) in Jakarta (26-29 May 2005), where Aminuddin was elected as *Shura* Council Chairman through a confidential ballot, securing 29 of 50 votes (58%). Significantly, despite Aminuddin's influential status as the party's so-called "godfather," 21 council members (42%) opposed his election. This substantial minority dissent demonstrates meaningful intra-party democratic practice, revealing two key institutional characteristics: (1) operational adherence to formal democratic procedures (secret voting, term limits), and (2) substantive tolerance for internal opposition within PKS's hierarchical structure. The episode exemplifies how the party's codified rules facilitate authentic political expression while maintaining organisational discipline

Rejecting Personal Leadership and Policy Making Process

PKS's commitment to institutional procedures manifests not only in its formal recognition of the *Shura* Council's authority but also through its entrenched culture of collective deliberation. All binding party policies are produced through collective deliberation mechanisms, representing the institutionalisation of the *shura* principle within a modern organisational governance framework. PKS consciously rejects personalistic leadership models by upholding deliberative equality among *Shura* Council members, whereby no structural position confers special decision-making privileges.⁴³ The sole procedural exception, granting the chairman authority to resolve voting deadlocks, is narrowly designed to ensure decisional effectiveness without undermining the principle of collective deliberation.⁴⁴ Through this institutional design, PKS has operationalised *shura* principles, transforming Islamic consultative norms into a functioning governance framework that balances participatory input with organisational discipline.

Historically, the leadership of the *Shura* Council has been held by prominent figures such as Hilmi Aminuddin and Salim Segaf Aljufri, both of whom emerged from the campus-based Islamic *da'wa* movement of the 1980s and played a pivotal role in its institutional transformation into PKS in 1998. Despite their significant symbolic authority, particularly Aminuddin's status as one of the movement's principal founders, decision-making practices within the *Shura* Council consistently prioritised procedural norms over personal influence. Internal accounts indicate that Aminuddin's views were frequently contested or disregarded, including by his own *protégés*, underscoring the depth of institutionalised deliberative norms. This commitment to inclusivity often resulted in lengthy policy formulation processes characterized by intensive debate, extensive negotiation, and a facilitative rather than directive role for the chairman.⁴⁵

PKS's adherence to institutionalised democratic procedures is most clearly illustrated by the 2004 presidential election case. During this period, internal divisions emerged between factions supporting General Wiranto and those advocating Professor M. Amien Rais.⁴⁶ Both groups were granted equal opportunity to present their arguments within the *Shura* Council before a final decision was reached. Notably, the outcome contradicted the preferences of two highly influential party figures the Secretary General Anis Matta and *Shura* Council Chairman Hilmi Aminuddin yet was collectively accepted and implemented by all party cadres. Aminuddin's explicit acknowledgment of the limits of his authority reaffirmed that presidential nomination decisions reside within the institutional domain of the *Shura* Council rather than with individual leaders.⁴⁷ He clearly stated: "the decision about the presidential nomination is in the domain of the *Shura* Council, not the Chairman of the *Shura* Council".⁴⁸ Overall, these dynamics illustrate a distinctive model of Islamist party institutionalisation in which deliberative consultation, procedural discipline, and the supremacy of formal rules constitute the foundation of political decision-making.

The Implementation of Party Institutionalisation and Striving for Democratic Values in Parliament

The institutionalisation of PKS is strongly reflected in its parliamentary practices, particularly through the institutional relationship between the PKS faction, the Central Executive Board (DPP), and the *Shura* Council. PKS members of the parliament serve as the official representatives of the party and are bound to carry out the directives and policies set by the DPP, including in the legislative policy-making process.⁴⁹ Historically, the agenda and policy debates in parliament have been resolved through intensive coordination between the DPP and faction members, which confirms the faction's position as an extension of the party in state institutions. Meanwhile, the *Shura* Council plays a consultative and normative role by providing general policy guidance and strategic advice, without being directly involved in the faction's executive decision-making. In this context, the *Shura* Council functions more as a supervisory and normative legitimizing body, whose recommendations carry significant moral weight and remain an important reference for PKS faction members. This institutional dynamic demonstrates a clear division of roles between the party's executive authority and the ideological-advisory function of the *Shura* Council in the PKS's parliamentary policy process.

State Ideology: The Case of the Constitutional Amendment

PKS has consistently maintained that it does not seek to establish Indonesia as an Islamic state. This position has formally articulated by the *Shura* Council. The constitutional amendment debate serves as a critical case study that demonstrates: (1) PKS's substantive commitment to Indonesia's pluralistic foundations, and (2) the *Shura* Council's institutional role in formulating and maintaining party policy through established procedural channels.

At the initiations stage of the Reformation, two Islamic parties supported by various Islamic organisations proposed that the seven words “*with the obligation to carry out the teachings of Islam to its adherents*”, contained in the Jakarta Charter, be adopted into the National constitution (UUD 1945). Specifically, they aimed to reinstate these words in the preamble of the National Constitution, which historically is a revision of the Jakarta Charter, during the 2000 Special Assembly of the People's Consultative Assembly (MPR). The Islamic parties proposing this were the United Development Party (PPP) and the Star Moon Party (PBB). However, this suggestion inevitably sparked a polemic. Among those who opposed it, particularly from the nationalist camp, such as Indonesia Democracy Indonesia of Struggle (PDIP), Functional Group Party (Partai Golkar), Indonesia Justice and Unity Party (PKPI), the effort to reinstate these words was seen as a gateway to the implementation of Islamic Sharia within the constitution and the political life in Indonesia. There were concerns that this would turn Indonesia into an Islamic state, potentially leading to discrimination against non-Islamic groups.

During this constitutional amendment process, PKS, in alliance with the National Mandate Party (PAN) under the Reform Faction (*Fraksi Reformasi*), proposed a more moderate revision of Article 29. Their proposal emphasised that the state should guarantee the rights of all religious adherents, not just Muslims, to practice their faith,⁵⁰ which is known as more open and has a strong commitment to respecting the values of pluralism.⁵¹ During the 2000 Annual Session of the People's Consultative Assembly (*Majelis Permusyawaratan Rakyat*), four factions submitted proposals to revise this article (Table 2). Under the Reform Faction banner, PKS offered a “middle way” proposal that included a clause stating: “Every adherent of a religion is obligated to carry out the teachings of their religion.” This formulation affirmed religious freedom for all and explicitly rejected efforts to reinsert the Jakarta Charter (*Piagam Jakarta*) into the Constitution.

Table 1: The Proposals for Amending the 29 Articles in the MPR Annual Session Year 2000

Proposal		Supported Faction
Proposal I	<p>Verse 1 The stated based on The One supreme God.</p> <p>Verse 2 The state guarantees the freedom of the people to adhere a religion and perform the religious services based on their religion and believes.</p>	Indonesia Democratic Party-Struggle, Golkar Party, Delegate Group, Union of Muslim Community Sovereignty, National Peace Democratic Party, National Armed Forces/Police
Proposal II	<p>Verse 1 The stated based on The One supreme God with the obligation for adherents of Islam to implement the Islamic law.</p> <p>Verse 2 The state guarantees the freedom of the people for adhering and performing the religious services.</p>	United Development Party, Crescent Star Party
Proposal III	<p>Verse 1 The stated based on The One supreme God.</p> <p>Verse 2 The state guarantees the freedom of the people to adhering and performing the religious services.</p> <p>Verse 3 Every Religion adherents are obligated to serve their religious teaching.</p>	Reform, National Awakening Party
Proposal IV	<p>Verse 1 The state based on Belief in the One and Only God, Just and Civilized Humanity, The Unity of Indonesia, Democracy Guided by the Inner Wisdom in the Unanimity Arrising Out of Deliberations Amongst Representatives and Social Justice for the Whole of the People of Indonesia.</p> <p>Verse 2 The state guarantees the freedom of the people for adhering a religion and performing the religious services based on their religion and believes.</p>	Indonesia National United

Source: Basalim (2002: 123-126).

When this case was brought forward, parliamentary members engaged in extensive deliberations regarding the substantive issues under debate. Throughout this deliberative process, in accordance with established party protocols, all PKS faction members, serving as party representatives, received direct mandates to draft legislation reflecting the party's official position within the Reform Faction. Notably, several PKS parliamentarians concurrently held positions within the *Shura* Council,

further reinforcing the institutional connection between legislative action and party governance.

The policy was subsequently conveyed by parliamentary members to the DPP of the PKS, the governing body within the organisation responsible for all policies decided by PKS in parliament through its representatives. The DPP PKS ultimately approved the policy.⁵² The party's central political stance emphasised that Indonesia is a multi-religious state. Consequently, the obligation to fulfill religious duties should extend equally to all citizens, rather than being restricted solely to Muslims. PKS regarded its proposal as aligning with the principles of the Medina Charter, as implemented by the Prophet Muhammad in the seventh century. Some members even contended that the successful enactment of the proposal would have expanded opportunities for the implementation of Islamic law through democratic and constitutional mechanisms.⁵³

Since both PKS members in parliament and the DPP PKS shared a consensus, the policy was promptly formalised as the party's official parliamentary stance regarding the foundational principles of the state. In such circumstances, the *Shura* Council, acting through its executive body, assumed merely a supervisory role.⁵⁴ Furthermore, given that the policy had already been ratified by the DPP, the *Shura* Council deemed it unnecessary to issue additional directives or opinions. The Council would only intervene if unresolved disputes arose at the DPP PKS level. This demonstrates that PKS parliamentary members retained the authority and autonomy to formulate party policies in parliament based on considerations they deemed significant. On the other hand, the *Shura* Council, as the party's highest governing institution, refrained from direct intervention.

The Case of Omnibus Law

The *Shura* Council delegated substantive deliberation of this legislation to its parliamentary members, recognising their technical capacity to comprehend the Omnibus Law's provisions and objectives. Ultimately, the PKS faction's position reflected broader societal concerns regarding the law's problematic implications. This case also demonstrates the *Shura* Council's institutional stance that indicates the party's dual commitment to both technical legislative engagement and representative democracy.

In 2020, the Indonesian government enacted the Omnibus Law, a comprehensive legislative framework that includes the Job Creation Act (*Undang-Undang Cipta Kerja*), with the aim of fostering a favorable investment climate to support economic growth, job creation, and overall economic development.⁵⁵ The government argues that the law enhances the ease of doing business, streamlines regulations, and reduces illegal levies, thereby improving Indonesia's economic performance and creating new employment opportunities, particularly in labour-intensive sectors.⁵⁶

However, the law has sparked widespread criticism. Many argue that it undermines labour rights, disproportionately benefits large corporations, and reflects oligarchic tendencies.⁵⁷ Critics also warn of increased opportunities for foreign corporate dominance, the marginalization of local communities, and environmental degradation. According to several observers, the law appears to favor business interests more than it protects workers and local populations. Criticisms are not only directed to the substantive aspects of the Omnibus Law, but also from the accelerated and opaque legislative process. As a law encompassing 11 clusters, 80 laws, and over 1,200 articles, it was passed within just three months.⁵⁸

As part of the opposition, PKS consistently rejected the law, citing concerns over its pro-investor orientation and the potential erosion of national sovereignty and public welfare. PKS argued that while investment is important, it must serve the people's needs rather than prioritise elite interests. According to PKS, the legislation exhibited a structural bias favoring the capital investors over labour rights, characterizing it as fundamentally "elite-oriented rather than people-centric."⁵⁹ PKS regards its

potential adverse effects on Indonesian citizens' welfare and national sovereignty.⁶⁰

The party also raised substantive objections to both the law's content and its formulation methodology, criticizing what it perceived as insufficient accountability measures and procedural deficiencies. From the PKS perspective, the consolidation of numerous regulations demands methodical examination to verify alignment with popular interests while satisfying rigorous legislative standards.⁶¹ These procedural flaws were later validated when, in November 2021, the Constitutional Court declared the Omnibus Law conditionally unconstitutional due in part to the hasty process and insufficient public participation.⁶²

Concerning the policymaking process, the *Shura* Council of PKS regarded this as problematic and urged party members in parliament to represent public concerns. Mulyanto, a member of both the *Shura* Council and the legislature, firmly rejected the Omnibus Law, emphasizing the party's consistent opposition to its discussion. He said even when the government and the DPR agreed to postpone the employment cluster while continuing with others.⁶³ The Omnibus Law case followed the same procedural framework as previous instances. PKS parliamentary members undertook the policy formulation process.

Following internal deliberation among PKS faction members, the formulated policy was formally reported to and consulted with the Central Executive Board and its leadership structure.⁶⁴ In the case of the Omnibus Law, the DPP demonstrated substantive comprehension of the policy framework developed by PKS parliamentary representatives. A shared understanding emerged within the party leadership that, as an opposition force, PKS bore responsibility to advocate for public interests and labour rights. The established consensus between parliamentary members and the DPP enabled immediate parliamentary action without requiring further internal negotiations. Concurrently, the *Shura* Council received a comprehensive report from its Executive Committee (DPTP) detailing both the policy position adopted by PKS legislators and the underlying rationale for these decisions.⁶⁵ The law, accordingly, is therefore seen as substantively unjust, granting disproportionate benefits to entrepreneurs while burdening labour groups.⁶⁶ In essence, this policy reflects unequal treatment, reducing the influence and rights of particular groups and reinforcing political exclusion.

The policy-making process on the Omnibus Law illustrates the party institutionalisation in the PKS, particularly in the formulation of policy decisions. Existing regulations in the PKS stipulate that in determining the party's stance and policies in parliament, the Majelis Shura functions primarily as an advisory body within a consultative forum that involves the Central Leadership Council (DPTP). The formulation of policies related to PKS's political stance in parliament are entrusted to the Central Executive Board (DPP) and PKS parliamentary members. Accordingly, although the Majelis Shura constitutes a high-level organ within the party structure, it does not possess the authority to intervene in the activities of PKS members of parliament or to unilaterally determine the party's policy positions and political direction within the legislature.

The Case on the Sexual Violence Act

In determining its position on this legislation, the PKS parliamentary faction conducted extensive policy analysis before ultimately rejecting the bill following consultations with the Central Executive Board. The *Shura* Council, as the party's highest governing body, endorsed the faction's decision and formally supported its stance.⁶⁷

The discourse surrounding the ratification of the Sexual Violence Act in Indonesia has garnered significant public attention. The law was proposed in response to the recent surge in sexual violence cases in Indonesia. According to data collected by the National Commission on Women, the number of recorded cases of sexual violence throughout 2020 amounted to 299,911.⁶⁸ The impetus

behind the emergence of this legislation as a subject of societal discourse warrants examination.

Beyond the government's delayed response, the intricacies of the law have generally covered a wide range of articles relating to sexual violence, including sexual exploitation, forced contraception, forced abortion, rape, forced marriage, forced prostitution, sexual slavery, and sexual torture. The National Commission on Women has expressed the opinion that the law contains no articles that contradict sharia law. Consequently, the implementation of the TPKS Law in Indonesia, including in regions such as Aceh that have adopted Islamic law, is not impeded by any significant obstacles.⁶⁹

The PKS is committed to upholding the principles enshrined in the TPKS Law, which encompasses the prevention, protection, recovery and rehabilitation of sexual violence. The party has expressed a stance in favour of declaring a national emergency to safeguard women from sexual violence. The PKS Party's decision to reject the ratification of the TPKS Law in the DPR was motivated by its perceived incompleteness and lack of comprehensiveness.⁷⁰ There was consensus with the PKS on the importance of minimizing sexual violence and crimes of decency. However, divergent perspectives emerged on the legal implications of 'sexual consent' in relation to values and perspectives that are incompatible with Indonesian culture.⁷¹ Sexual violence laws place significant emphasis on the absence of sexual consent as the fundamental element of the offence without considering and juxtaposing adultery and sexual perversion.⁷² Moreover, PKS considers the Sexual Violence Act to be at odds with the prevailing nomenclature in the Criminal Code. This has a substantial impact on the understanding of the law.⁷³

Furthermore the nomenclature of 'sexual violence' is regarded by the PKS as inappropriate and not in accordance with higher legal provisions. The terms 'sexual crime' or 'crime against decency' are more appropriate when referring to Article 284 of the Criminal Code or Law 1/2023 article 411 (new Criminal Code). The grounds on which the PKS party filed a legal challenge to the sexual violence law are related to this basis. The PKS party has expressed concern that this potential for varied interpretation could lead to societal excesses, particularly in the context of religion and legal certainty in Indonesia.⁷⁴ The most evident impact is on law enforcement, where any form of consensual sexual intercourse will be regarded as a legitimate activity in the eyes of the law. To minimise this possibility, the PKS Party asserts that this TPKS Law must be aligned with adultery and sexual deviations in order to avoid causing misperceptions and public uproar. Moreover, the PKS party's position on the Sexual Violence Act must be understood within Indonesia's unique constitutional framework that harmonises religious values with democratic governance, distinct from Western secular models.⁷⁵ As a religious constitutional democracy similar to India or Switzerland, Indonesia's 1945 Constitution enshrines Belief in God as its first principle while accommodating legal pluralism, creating institutional pressures that shape party behaviour.⁷⁶

In this case, similar to the above explained cases, the Member of Parliament from PKS maintained party's regulatory frameworks and ensuring operational consistency by establishing a draft of the policies, before making consultation to the DPP as the superior of the MPs. Since there was a similar understanding among them, the draft was soon finalised and reported to *Shura* Council. In addition to internal discussions within the PKS Faction in the parliament, the faction has proposed the establishment of a consultation forum with the The President of PKS (as the head of the DPP). The rationale underlying the establishment of this consultative forum was rooted in the party's procedures in facing extensive public discourse and the party's commitment to adopt measured and risk-averse policies.⁷⁷

However, the DPP asserts that, given its need for a more agile and intense forum, the TPKS Law polemic is not being brought to a large forum such as the *Shura* Council. The DPP perceives the Dewan Pimpinan Tingkat Pusat (Central Level of Leadership Council), as working body of the *Shura* Council to do meeting⁷⁸ as a more suitable and tactical venue to assist the PKS faction in addressing

this legal challenge.⁷⁹ Hence the policy draft was eventually stipulated by involving the DPTP as the representative element of the *Shura* Council to establish the agreement among them (the MP from PKS, the DPP and the DPTP) related to the substance of TPKS Law.

Although their rejection of the TPKS Law ended in failure, the implementation of democratic procedures make the party more moderate and rational in dealing its Islamist identity with the reality of parliamentary politics. The extensive discourse surrounding the TPKS Law in parliament since 2016 exemplifies the persistence of PKS in contesting their ideas in a competitive democracy. The PKS party employs a rational approach in its policy-making process. While ensuring swift response to extensive and chaotic public debates, the party demonstrates an open adoption the second step of decision making procedures through DPP and DPTP. This has reflected a consistent commitment to avoid personalization approaches by preserving the integrity of its institutional framework, so that policies taken by factions in parliament have a strong foundation with the party platform.

Conclusion

In the context of Indonesia's democratic reality, the transformation of the PKS party from its inception in electoral politics is indicative of a moderate approach towards the democratic climate. This finding aligns with Schwedler's theoretical framework, which posits that Islamists can become legitimate actors in the democratic process within the Islamic world.⁸⁰ Similarly, Islamic political parties can demonstrate genuine commitment to procedural governance without reliance on a single dominant leadership figure. The present study reveals that PKS has effectively implemented one core element of institutionalisation: consistent adherence to established rules and procedures. PKS demonstrates strong institutionalisation through three distinctive characteristics that contrast sharply with Indonesia's dominant party model: (1) its formalised decision-making processes involving the *Shura* Council, DPP, and parliamentary faction; (2) consistent policy formulation based on documented ideological principles rather than personalistic leadership; and (3) stable organisational continuity across multiple election cycles.

Moreover, the PKS demonstrates institutionalisation through both cohesive voting patterns and structured internal processes. While maintaining strong parliamentary discipline (94% unity in key votes, 2019-2024), the party equally exhibits institutional maturity through its formalised policy formulation system - including mandatory DPP consultations, *Shura* Council oversight, and documented internal debate protocols. This combination of behavioural discipline with procedural rigor distinguishes PKS from more personality-driven parties. This consistency is indicative of the party's commitment to democratic principles. Furthermore, the manner in which the PKS party manages internal differences and engages in public discourse reflects its dedication to democratic processes. This approach confers a distinct advantage upon the PKS party, aligning with the pursuit of public sympathy and popularity while demonstrating a commendable capacity to translate the party's beliefs and values by harmonizing Islamic and democratic doctrines.

While PKS demonstrates strong party institutionalisation and operates within democratic parliamentary processes, it maintains distinctly Islamist ideological positions that reject secular-liberal norms. The party's consistent advocacy for religion-based legislation confirms its principled opposition to liberal secularism, despite its functional adaptation to Indonesia's pluralist democracy. Nevertheless, PKS's sustained engagement with pluralistic political discourse, despite its ideological commitments, reflects a strategic recognition of Indonesia's democratic framework. This willingness to participate in cross-partisan dialogue suggests cautious optimism about the compatibility of its Islamist principles with democratic consolidation, albeit within boundaries defined by religious values. Such an approach positions PKS as a pragmatic actor in Indonesia's evolving democracy, one

that seeks to reconcile doctrinal objectives with institutional constraints.

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Notes

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⁷⁸ DPTF functions as the working committee of the *Shura* council. This committee is responsible for the tactical and strategic execution of crucial and pressing party policies. The DPTF comprises the Chairman of the Shura Council, the Chairman of the Central Advisory Council, the Chairman of the Central Sharia Council, the Central Leadership Council, and the Chairman of the Central Leadership Council.

⁷⁹ Suswono, personal interview.

⁸⁰ Jillian Schwedler, *Faith in Moderation: Islamist Parties in Jordan and Yemen*, Cambridge University Press, 2006, <https://doi.org/10.1017/CBO9780511550829>.

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