

# **IDSS SEMINAR NOTES**

## **IDSS Seminar on Ethical Dimensions of Syari'ah Law in Indonesia**

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### ***Introduction***

The history of Indonesian politics shows that the majority of Muslims did not support the idea of implementing the syari'ah. It is precisely for this reason the idea was not included in the UUD 1945 and also because the majority of Muslim members in BPUKI did not support it.

The result of the Indonesian general election indicated that support for the implementation of syari'ah fluctuated from the highest (49%) to the lowest (21%). Even the combined votes for Islamic parties never make up the majority resulting in the Islamic parties not performing better than in the 1955 general election. The reformation period, only saw 39% of the votes given to Islamic parties in 1999 and 41% in 2004, if the votes for PAN and PKB are included.

Although NU and Muhammadiyah claim to have a combined followers of 70 million (more than 70% of the eligible voters in Indonesia) but PKB (MU) and PAN (Muhammadiyah) only obtained 18.9% votes in the 2004 election, which was a 20.4% decline from what NU and Masyumi (Muhammadiyah) obtained in 1955 election. The much publicised 500% increase of votes for PKS in 2004 election compared to that received in the 1999 election actually makes up only 7.3% of the total votes. Such an achievement cannot be an indication of increased support for Islamic parties.

On the contrary, the election results indicated that the majority of abangan Muslims in Indonesia preferred the secular and nationalist parties. Likewise not all santri Muslims from NU and Muhammadiyah supported the Islamic parties, which include PKB and PAN.

The unsuccessful attempt of the santri Muslims to implement the syari'ah since 1945 has moved the younger generation of santris to offer, instead, a 'santri culture' as a practical basis of state affairs in Indonesia – the largest Muslim country in the world (200 million population, 88% Muslims).

New orientation emerged as a response to such political realities in Indonesia. The orientation strived to reconstruct the meaning of implementing the syariah. One of the most prominent figure from this orientation is Nurcholish Madjid whose popular slogan was "Islam, yes! Islamic party, no!".

Following up on Nurcholish Madjid's idea, the new generation of santri from NU and Muhammadiyah as, the two largest Muslim organisations in Indonesia, expanded it further by transforming it into a social vision based on the ethical aspects of the syari'ah.

This new generation of santri can be found in Liberal Islam Network and Young Muhammadiyah Intellectual Network. This generation is characterised by their educational background, which encompasses modern sciences and not restricted to Islamic sciences only. They also have a distinct Sufi bent.

They promote the national development of Indonesia based on the ethical and not the legal aspects of the syari'ah to achieve socio-economic progress, justice, harmonious living and social order, which are compatible with the universal human values that are accepted by all nations, and suitable with the contemporary and modern development. The idea is similar to the concept of "halal food" that does not need any symbol but still widely accepted by Muslims. This idea later on inspired the emergence of PAN and PKB, and themes in PKS' election campaign.

However, it is important to note that this orientation is also a reaction to the accesses of secular government experienced in Indonesia during the period of the Old and New Order. Thus, the orientation does not reject the role of Islam in politics. It only emphasised the ethical substance of it, not the legal.

The supporters of the implementation of syari'ah in Indonesia rejected such idea. Due to their literal and formal approach in understanding the syari'ah, they rejected the idea promoted by the above groups. They argue that the failure to implement the syari'ah is not because of the inherent problem in the idea but due to the conspiracy of anti-Islam forces. They labelled the above orientation as a product of America and Jews

### *Discussion/Q&A*

- Difference between old and new orientation

The difference between the proponents of the new and old orientation is about the meaning of the syari'ah. The new orientation views syari'ah in the form of legal treatise as understood by the ulama is open for review and reinterpretation due to the change of context. The ethical aspects of Islam are in fact the unchangeable and not the legal aspects. In tis regard, the contemporary ulama are seen as capable and bear similar obligation to perform ijihad like ulama of the past. This is in contrast to the old orientation that views the syari'ah as having been completed and finalized, and therefore, not open for review. In addition to that, the contemporary ulama are seen as unqualified to perform ijihad became the reason for them to uphold the ijihad of the past ulama.

- Use of election data

Statistical data must be used with caution because of the lack of one important factor in 1955, which is the Golkar party. It is known that there are many santris in Golkar. However, votes for Golkar have often not been factored in when determining the support towards Political Islam. One indicator of increased importance of Islam in Indonesian politics could be inferred fro the efforts made by secular parties including PDIP to woe more santris to join them.

- Change of attitude

In the past, secular/nationalist parties were viewed as being outside of Islam. But now, the meaning of “Islamic” is increasingly widening.

- View on imposition of Islam in public space

The issue is about focusing on the ethical substance, which is universal and the way of implementing it. For example, the fight against pornography need not necessarily be in the form of anti-pornography law but could be in the form of improving the efficiency of the existing institutions i.e board of censorship.

- Direction of Muhammadiyah under Din Syamsudin

Din Syamsudin is different from Syafii Maarif; the former Chairman and is closer to the formalist (old orientation) than the cultural santri (new orientation). But because he has political objectives for Muhammadiyah, Din will be more accommodative to the reality.

- PKS: Cultural santri or formalist

There is an internal debate going on in PKS whether to continue with the current orientation which bents towards cultural santri or return to previous formalist orientation. There is a suggestion that PKS should be more inclined towards cultural santri in the future or risk being unsuccessful. This could manifest in local election by PKS joining forces with non-Islamic parties to gain votes. As in the last presidential election, PKS had supported SBY.

### **Conclusion**

The views that suggest that Political Islam is gaining ground in Indonesia on the basis of Islam’s role in politic is becoming more prominent and important is inaccurate. The truth is: it is Islam in the form of cultural santri that is becoming increasingly popular.

Recorded by:

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