



The Rise of Religious Bylaws in Indonesia

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TERROR and violence may be declining in Indonesia, but there is another development that Indonesians --particularly the non-Muslims and the secular Muslims — are following with concern. This is the emergence of religious bylaws. Coming on the back of new regional regulations known as “Perda” (*peraturan daerah*), such religious bylaws have now been adopted by no less than 35 Indonesian regions.

The Perda themselves are a response to the regional autonomy law that was enacted in 1999. This regional autonomy law stated that local governments at the district level are entitled to have their own implementation regulations. The central government will no longer interfere in the local administration. The law that introduced Perda itself was part of the reform agenda put forward in 1998 following the fall of the Suharto regime.

Some Perda are purely secular as they deal with administrative matters such as the formation of the parliamentary system, the rules of elections, and the constitution of local government. Others deal with economic matters such as tax and fiscal regulations. There are, however, some Perda that distinctly bear an ideological agenda to Islamize the local governments. They are referred to as “religious bylaws” or in Indonesian “*Perda bernuansa syari’ah*” (Perda with Shari’ah nuances).

The Failure of Political Islam

Apart from the regional autonomy law, the emergence of religious bylaws in the last five years has been triggered by the current political situation. Since 2002, the trend in Islamization at the central level has suffered a setback. The 2002 annual meeting of the People’s Consultative Assembly (MPR), the highest policymaking body in Indonesia, annulled a proposal to insert the Jakarta Charter into the Constitution. The Jakarta Charter is a constitutional amendment dating back to the 1940s. Had it been adopted, the Jakarta Charter would have obliged Muslims to implement the *shari’ah* in the country. Throughout the history of the Indonesian nation-state, many Muslims have been struggling for this charter.

Islamists consider the 2002 MPR meeting as a disastrous event. The proposal to implement *shari’ah* was only supported by two small political parties; major Islamic organizations such as Muhammadiyah and Nahdlatul Ulama (NU) were ironically against the proposal. This setback was worsened by the failure of the Islamic political parties to win the majority of the votes in the 2004 general election, even collectively.

The limited support for the Islamization agenda at the central level forced the Islamists to turn their attention to the level of the local government. An impetus for this reorientation is Aceh, which has been given the status of a special region (*daerah istimewa*) to implement its own local government and laws. For many regions, Aceh has become the

role model for the implementation of *shari'ah* in the country.

There are other factors why such religious bylaws are now in high demand. The secular government has been considered to have failed in managing the country. Corruption is still rampant, crime and social malaise have shown no signs of abating, poverty is everywhere while disasters seem to have become frequent. All these factors are influencing Muslims to seek solace in *shari'ah*.

Freedom Issue

The application of *shari'ah* through Perda has been carried out by several regions at the district level. It should be noted that apart from Aceh, the autonomy system in Indonesia is not at the provincial level, but at the lower level of the district. Currently, about 35 districts have implemented or are in the process of implementing the religious bylaws.

Each district implementing the religious bylaws have different concerns, but generally they address seven issues; (i) the obligation to implement the shariah; (ii) decency in dressing and moral conduct; (iii) the obligation to read the Qur'an; (iv) male and female interaction; (v) gambling; (vi) the drinking of liquor; and (vii) alms giving.

Some of these issues are embedded in a general bylaw, such as the issue of gambling - a social habit which has been opposed by the Indonesian government at the central level. Others, however, are distinctly religious. Some critics say that there are aspects of the religious bylaws that have created problems not only with regard to Indonesian culture and tradition but also to the Constitution. A bylaw in Tangerang (Perda No 8/2005), for instance, prohibits women to go out at night. This Perda has stirred controversy amongst many Indonesian women who have to work till late night.

Some Muslim scholars openly state that certain religious bylaws discriminate against women. Musdah Mulia, a Muslim intellectual and activist, criticizes such a Perda as achieving nothing but encroaching women's rights. In Padang, West Sumatra, a Perda on Islamic dress (*busana muslimah*) is said to impinge on people's freedom as the Perda is not only applied to Muslims but also to non-Muslims. The Bishops Conference of Indonesia reported that several Christian students in Pasaman Barat, West Sumatra, complained that they had to wear Islamic dress to school even though theirs is a public school which is supposed to be faith-neutral.

Bylaws and Politics

The trend towards *shari'ah* implementation in some regions is not always driven by pure ideological impetus. Some politicians see *shariah* as beneficial for their own political standing. Thus, support for the *shariah* bylaw comes not only from the Islamic political parties but also from secular ones such as the Democrat Party of President Susilo Bambang Yudhoyono and the Golkar Party of Vice-President Jusuf Kalla.

These trends are the background for the repeated warnings by Muslim leaders from the liberal camp, such as former president Abdurrahman Wahid and former chairman of Muhammadiyah, Ahmad Syafii Maarif, to Indonesia's politicians that they risk turning their country into another Afghanistan.

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