

No. 143

**Islamic Militancy, *Sharia*, and Democratic
Consolidation in Post-Suharto Indonesia**

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Singapore

23 October 2007

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ABSTRACT

The current strategy for the comprehensive implementation of *sharia* (Islamic law) pursued by a number of Indonesia's militant Islamic groups, including MMI (Majelis Mujahidin Indonesia, the Council of Indonesian Holy Warriors), HTI (Hizbut Tahrir Indonesia, the Indonesian Islamic Party of Liberation) and FPIS (Front Pembela Islam Surakarta, the Islam Defenders' Front of Surakarta), has gradually shifted towards campaigning for *sharia* from below. Keeping pace with the narrowing space for manoeuvring that has been available to these groups, the democratic consolidation that has been taking place over the last five years has enabled various forces of Indonesian society and political parties to appropriate *sharia* for their own interests. Through parliamentary channels, *sharia* has become formalized and institutionalized, and transformed into a dozen products of (regional) legislation. The application of these regulations indicates that attempts made by the groups have proved fruitful, despite their failure to demand a constitutional status for *sharia*. Indeed, the groups' high-profile politics to enforce *sharia* at the state level has faded away, along with the intensifying global campaign against terror. Nevertheless, their dream and aspiration to see the supremacy of *sharia* in the world's most populous Muslim nation remain intact. Herein lies the significance of the regulations as the key for them to continue moving towards this end.

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Islamic Militancy, *Sharia*, and Democratic Consolidation in Post-Suharto Indonesia

Introduction

The collapse of the New Order regime in May 1998 served as the catalyst for the rise of militant Islamic groups—with names like MMI (Majelis Mujahidin Indonesia, the Council of Indonesian Holy Warriors), HTI (Hizbut Tahrir Indonesia, the Indonesian Islamic Party of Liberation) and FPIS (Front Pembela Islam Surakarta, the Islam Defenders' Front of Surakarta)—that have rigorously called for the comprehensive application of *sharia*. In various demonstrations, they have petitioned Indonesian Muslims to stand shoulder-to-shoulder and support their aspiration for *sharia*, whose enforcement is deemed highly necessary to curb the current crises and disasters afflicting Indonesia. Extolling the slogan “*al-amr bi'l-ma'ruf wa nahy 'an'l-munkar*”, a Quranic phrase meaning “enjoining good and opposing vice”, they did not hesitate to carry out raids on cafés, discotheques, casinos, brothels and other so-called dens of iniquity, and mobilize members to stage protests against what they claimed to be the enemies of Islam out to destroy the supremacy of *sharia*. Both implicitly and explicitly, they question the format of the modern nation-state and express their concern with the establishment of an Islamic state. They assert that only a return to *sharia* Islam will the Muslim *umma* (community) be protected and saved from the attacks of “belligerent infidels”. Having viewed the existing system of government as illegitimate, they reject the idea of compromise and participation. Instead, they use popular politics to attract the sympathy of the masses and direct public opinion (Hasan, 2005).

MMI is a loose alliance of a dozen minor Muslim paramilitary organizations that had been scattered throughout cities such as Solo, Yogyakarta, Kebumen, Purwokerto, Tasikmalaya and Makassar, where the Darul Islam-inspired NII movement, which emerged in the 1970s, exerts its influence.¹ Notable member organizations are Laskar Santri (Muslim Student Paramilitary Force), Laskar Jundullah (God's Army

¹ This underground movement appeared to draw other disaffected radicals into its orbit, forming small quietist groups named *usrah* (Ar. *'usra*, literally meaning “family”) in various cities under different names, such as Jama'ah Islamiyah (Muslim community) in Solo, Generasi 554 in Jakarta and NII Cirebon in Cirebon. For an overview of the NII movement, see June Chandra Santosa, “Modernization, Utopia, and the Rise of Islamic Radicalism in Indonesia” (Ph.D. dissertation, Boston University, 1996), Appendix 3.

Paramilitary Force), Kompi Badar (Badar Company), Brigade Taliban (Taliban Brigade), Corps Hizbullah Divisi Sunan Bonang (God's Party Corps of the Sunan Bonang Division) and Pasukan Komando Mujahidin (Holy Warrior Command Force). MMI was established as the result of the so-called "first national congress of *mujahidin*", in Yogyakarta in August 2000. About 2,000 participants attending the congress were absorbed in discussing one central theme: the enforcement of *sharia* as an action necessary to curb the problems and disasters afflicting Indonesia. Within this context, notions of the *khilafa Islamiyya* (Islamic caliphate), the *imama* (imamate) and *jihad* were also discussed. The congress drafted a charter called the Piagam Yogyakarta (Yogyakarta Charter), which insisted on the rejection of all ideologies confronting and contradicting Islam and resolved to continue preaching and conducting *jihad* for the dignity of Islam (Majelis Mujahidin Indonesia, 2000).

Unlike MMI, which emerged as the most deeply rooted, home-grown militant organization, HTI was originally a trans-national Islamist movement established by a Palestinian, Taqiy al-Din al-Nabhani, in 1953.² It was introduced to Indonesia by 'Abd al-Rahman al-Baghdadi, an activist from Australia, following an initiative of the Muslim Brotherhood in seeking to exert its influence on university campuses. Also, like the Muslim Brotherhood, it used secret cells. But in terms of ideology, it was more radical than the Muslim Brotherhood, as it vigorously espoused the creation of the *khilafa* system. To achieve this aim, it did not hesitate to use violent means.³ Al-Baghdadi started his efforts to propagate the movement when he was invited by Abdullah Nuh to his Pesantren Al-Ghazali in Bogor, West Java. From this town, he began promoting the Hizbut Tahrir by organizing *halqas* in the al-Ghifari Mosque, which was located in Bogor's largest university, Institut Pertanian Bogor (Institute for Agriculture of Bogor, IPB), and in a private university located in the same city, Universitas Ibnu Khaldun (Ibnu Khaldun University). The movement soon attracted a significant number of activists into the Lembaga Dakwah Kampus (LDK, University Da'wa Organization) of both universities. Through the network established by this

² For an introduction to this movement, see D. Commins, "Taqiy al-Din al-Nabhani and the Islamic Liberation Party", *The Muslim World Journal* 81, 194–211, 1991; S. Taji-Farouki, *A Fundamental Quest: Hizb al-Tahrir and the Search for the Islamic Caliphate* (London: Grey Seal, 1996).

³ For further accounts on this organization, see HTI, "Mengenal Hizbut Tahrir Indonesia", VCD Recording (Yogyakarta: HTI Prop. DIY and MIG, 2005).

organization, it has spread to other universities, including Padjadjaran University in Bandung, Gadjah Mada University in Yogyakarta, Airlangga University in Surabaya, Brawijaya University in Malang and Hasanuddin University in Makassar.⁴ Later, it openly proclaimed its existence in post-Suharto Indonesia by calling itself Hizbut Tahrir Indonesia. Under this name, it has remained consistent in viewing the existing political system as illegitimate and thus refused to participate in general elections.

FPIS is another militant organization based in Surakarta, Central Java, and is estimated to have around 12,000 members, most of whom are associated with Ustadh Muzakir, the leader of an NII splinter group allegedly sympathetic to Shi'a. It is not to be confused with the Muhammad Rizieq Shihab-led FPI, which is notorious for conducting what it calls *razia maksiat* (raids on vice). Under the leadership of Warsito Adnan, FPIS has also been notorious for attacking bars, gambling joints, discotheques and brothels, but operates independently of FPI. In addition, it is also active in attacking gays, leftist-inclined student groups like Forkot and Christian citizens. In response to the U.S. decision to lead the allied forces' air strikes on Afghanistan following 9/11, FPIS swept through a dozen hotels in Solo and issued a threat to expel American citizens in particular and Western people in general (Fananie et al, 2002). In various demonstrations, members of this organization did not hesitate to burn the Stars-and-Stripes (U.S. flag) and other American symbols, including billboards of McDonald's and KFC franchise restaurants. Though rhetorical in nature, they have also stated their determination to carry out *jihad* against the U.S. should the superpower continue its aggression towards Muslim countries.

***Sharia* as the Solution**

Militant Islamic groups generally identify *sharia* as the highest law and the only source for all kinds of legislation. It contains all God's rules derived from the Quran and Sunna, which provide a comprehensive and universal guide and solution to all problems facing humankind, not to mention that the Indonesian Muslim society has been recently afflicted by protracted economic, political and social crises. There is no choice for faithful Muslims, therefore, but to abide by *sharia*. Giving a speech in the first national

⁴ On the spread of this movement, see Rusydi Zakaria, "Studi Awal tentang Kelompok-kelompok Keagamaan di Kampus Universitas Pajajaran", *Penamas: Jurnal Penelitian Agama dan Masyarakat* 20(7), 17-18, 1995.

congress of *mujahidin* (holy warriors) in August 2000, the commander (*amir*) of Indonesia's *mujahidin* and also leader of the *ahl al-hall wa'l aqd* (advisory council) of MMI, Abu Bakar Ba'asyir, proclaimed that the application of *sharia* is absolutely essential and argued that its rejection must be countered by *jihad* (Ba'asyir in Awwas, 2001). He believed that the application of *sharia* would lead Indonesia out of its crises. In his eyes, *sharia* had proved to be a leading political system for about 14 centuries. It expanded throughout the world, bringing peace, justice and prosperity. It was not until 1924, when worldly temptations (*penyakit kemewahan*) began to overwhelm the Muslim *umma* (community), that its superiority was undermined by secular ideologies. He further emphasized that *sharia* is final (*harga mati*). It is not to be negotiated or debated. Rejecting *sharia* might even lead a Muslim ruler to apostasy (Ba'asyir in Awwas, 2003).

The chairman of the executive board of MII, Irfan S. Awwas, considers the Indonesian Muslims' neglect of *sharia* as the root cause of never-ending crises, widespread injustice and terrifying disasters. Having argued that *sharia* is the most just law revealed by God, he points out that Indonesia's adoption of the secular system of the modern nation-state has brought nothing less than brutality, a lack of justice, corruption and disasters. It is natural then, he says, that Muslims share a desire to see *sharia* implemented, since it is a system that creates safety, accountability and prosperity. Examples are given about how the implementation of *sharia* has significantly reduced the frequency of crime and, at the same time, increased the level of prosperity in Saudi Arabia and other Muslim countries around the world (Interview, July 2006).

HTI's leader, Muhammad al-Khaththath, sees the importance of *sharia* as an alternative to secular ideologies, including nationalism, socialism and capitalism, which he claims to have exerted domination over the world but have failed to bring humankind to its full realization of both material and spiritual dimensions. *Sharia* is emphasized as a means that leads to the establishment of the *khilafa* system, which is the main goal of the organization. In his opinion the failure to enforce *sharia* is steering Indonesian Muslims clear of the only Islamic system that can bring them out of the current crises and achieve prosperity, wealth and justice (Al-Khaththath, 2005). On the necessity to establish the *khilafa* system, the chairman of HTI's Central Leadership Board, Hafidz

Abdurrahman, highlights that every Muslim is obliged to take up the cause towards the implementation of *sharia* (Abdurrahman, 2005). HTI's spokesperson, Muhammad Ismail Yusanto, emphasizes that the existing secular system is flawed from the beginning. It has led to the marginalized role of religion in the Indonesian public sphere as the system treats religion as merely a personal or private matter (Yusanto, 2004). Members of the organization have taken to the streets to champion the slogan "Save Indonesia with *sharia*". It is believed that only with *sharia* will Indonesia's dependence on Western countries, which has brought it nothing less than severe economic and political crises, be eliminated. Yusanto maintains that *sharia* is merciful towards all humankind. It is relevant to any problem faced by all people and citizens, regardless of their ethnicity or religion. Its universality is predicated upon the universality of Islam as a religion revealed by God (Yusanto, 2004).

FPIS is also totally concerned with the application of *sharia*. It has been vocal in its struggle for *sharia*, claiming it to be the only solution to get rid of the domination of the *jahiliyya* system.⁵ FPIS believes that the United States is at the forefront to challenge any attempt made by Muslims worldwide to implement *sharia*, noting what has happened in Afghanistan, Palestine and Iraq. It is not surprising then that FPIS has been known as the most active organization to perpetrate anti-American protests. Its members served as the backbone when Muslims all over the world took to the streets to voice their sympathies for Afghan Muslims and yell anti-American slogans following the U.S. decision to attack Afghanistan. From their perspective, Muslims in the country have become the victims of the arrogance of the U.S., which, by bombing Afghanistan, has declared war against Islam and positioned themselves as the greatest enemy of Muslims. In an attempt to demonstrate their resistance against the U.S., FPIS has initiated sweeping actions on American expatriates in Solo. Nonetheless, FPIS activist Khalid Hasan claims that these actions are actually not as significant as what the media has reported. The message is simply to warn the U.S. of the consequences of its determination to undermine Islam by attacking Afghanistan and other Muslim countries (Interview, August 2006).

⁵ The concept of *jahiliyya*, which originally referred to the period before, was interpreted by Qutb as the situation of the Muslim populace under nationalist regimes as being in a state of ignorance and barbarism, quickly gained wide currency (see Haddad, 1983).

Historically speaking, the issue of *sharia* constitutes a recurring theme in the modern Indonesian politics. The founding fathers of Indonesia debated the issue prior to its independence in 1945. The debates continued during the parliamentary democracy in the 1950s and only came to an end when Sukarno issued a presidential decree to return to the 1945 Indonesian Constitution in 1959. The call for a return to *sharia* resurfaced after Suharto came to power in 1967 and found a legitimate voice in the Indonesian societal discourse in the mid 1970s. At that time, university campuses began witnessing the proliferation of *halqas* and *dauras*, sites of religious activities.⁶ This so-called “campus-Islam” phenomenon started with mosque-based *da’wa* activities pioneered by youth activists from the Salman Mosque of the Institute of Technology in Bandung. Under the leadership of Imaduddin Abdurrachim, who had been appointed the general secretary of the Kuwait-based International Islamic Federation of Student Organizations (IIFSO), they introduced the programme Latihan Mujahid Dakwah (Training of *Da’wa* Strivers), which was aimed at training new cadres among university students preparing to undertake *da’wa* activities (Husin, 1988). Thanks to the support of Muhammad Natsir, the leader of Dewan Dakwah Islamiyah Indonesia (DDII, Indonesian Council for Islamic Propagation), a *da’wa* organization that served as the local representative of the Saudi-based Rabitat al-‘Alam al-Islami (Islamic World League), the programme developed very fast. It not only provided a model for Islamic activism on college campuses but also facilitated the popularity of a variety of programmes for the study of Islam organized by religious activity units, such as Mentoring Islam (Islamic Courses) and Studi Islam Terpadu (Integrated Study of Islam) (see Aziz et al, 1989).

Suharto’s depoliticization of university campuses through the implementation of a restrictive policy known as the Normalization of Campus Life (Normalisasi Kehidupan Kampus) in 1978, prohibiting university students from playing an active part in politics, resulted in growing numbers of students turning towards Islamic *da’wa* activities. The trend reached its peak following the Iranian Revolution in 1979. There can be little doubt that the spirit and euphoria inspired by the success of the revolution

⁶ *Halqa*, literally meaning “circle”, is a forum for the study of Islamic sciences, in which an *ustadh* (a teacher or preacher) gives lessons based on certain books and his participants sit around him to hear and scrutinize his lessons. It is distinct from *daura*, literally meaning “turn”, which is a type of workshop held for a period ranging from one week to one month, during which its participants gather and stay in one place and follow all the designed programmes.

affected Indonesian Muslims in general and university students in particular, to the extent that they became so keen in their endeavours to “cleanse” and “purify” society from alleged vices and evils of modernity and lead their lives according to Islamic ideological and social values. More than that, the revolution provided not only inspiration, but also a blueprint for Muslims all over the world to struggle for the creation of Islamic states. In the years that followed, the Muslim world has witnessed what Esposito (1983: 17–20) calls an “Islamic resurgence”, marked by an increasing interest among Muslims in implementing religious teachings into all aspects of life.

Indeed, the growth of campus Islam coincided with the dissemination of global revival messages, which revolve around the slogan “Islam is the solution”. This vague call puts an emphasis on the need to return to the model of the Prophet Muhammad and the example of first-generation Muslims (*Salaf al-Salih*), considered to be the purest form of Islam. In this context, Islam is underscored as a complete system governing all religious, social, political, cultural and economic orders and encompassing all things material, spiritual, societal, individual and personal. Battles over dress, morality, marriage, celebrations, entertainment, sexuality and faith as well as conflicts over governance and law are thus at the centre of the call (Ayubi, 1991; Eickelman and Piscatori, 1996; Kepel, 2002). It is not surprising then that university campuses have witnessed an increase in students’ observation of Islamic obligations, in their wearing of the *jilbab* (headscarf) and other Islamic symbols, and in the spread of Islamist books by, among other authors, Hasan al-Banna, Abul A‘la al-Mawdudi, Sayyid Qutb, Mustafa al-Shiba‘i, Ayatollah Khomeini, Murtada Mutahhari and Ali Shariati (Aziz, 1995; Damanik, 2002). This situation has undoubtedly provided a precondition for the growing influence of a new variant of Islam imbued with the zeal to set up a society of upright, moral and pious individuals who have a thorough understanding of Islam and a desire to live according to its principles.

The campus variant of the (more Arabized) orthodox Islam emphasizes the formalization of religious expressions and the need to establish an exclusive moral order in which behaviour, language and dress codes are strictly regulated. The basic message is that to be a Muslim alone is not enough to guarantee success in dealing with future challenges. There is no choice for any Muslim but to become a Muslim *kaffah* (total Muslim) that practises and applies Islam in all aspects of his life. The identity as a total

Muslim is quite crucial. In a sense, a Muslim cannot be considered a (faithful) Muslim without believing in and applying the totality of Islam. A total Muslim is in turn required to show his commitment to uphold the principle of *al-amr bi'l-ma'ruf wa nahy'an'l-munkar* and become the most committed defender of Islam. It is believed that this commitment is badly needed in a situation when Islam is under attack by the Western world, glossed variously as secularism, a Jewish conspiracy, communism, Christianization and American domination.

The influence of orthodox Islam soon spread beyond university campuses. Despite his steadfast determination to marginalize Muslim politics and wipe out its radical expressions, Suharto encouraged religious observance and the promotion of personal piety, which he believed to be one of the ways to eradicate the remaining forces of alleged communists. *Da'wa* activities intensified, either through radio and television appeals or the personal efforts of individual *ulama* (religious teachers). Mosques have developed in function—no longer simply as places to pray but also as centres for a diverse set of religious-social activities, including Quran learning sessions, seminars, workshops, discussions, religious festivals and various associations. Participants of these activities are provided with updates of the latest issues of the Muslim world, especially the conflict in the Middle East, plus various religious texts and pamphlets distributed free of charge. This has all resulted in an increase in anti-Christianization and Zionist sentiments (Jones, 1980: 311–23). DDII, which enjoys generous financial support from the Rabitat, facilitates various *da'wa* activities around mosques and the dispatching of young talented Muslim preachers to study in the Middle East, who, upon return, are expected to spearhead the expansion of *da'wa* activities to reach remote areas in the countryside. This attempt has accelerated the process of santrization (Islamization) in the hinterlands of Java and other Indonesian islands, believed to be the bastions of the *abangan* (nominal Muslim) culture.⁷ There, mosques have also been constructed, complete with *madrasas* (Islamic schools), teaching

⁷ I use the terms *santri* and *abangan* in reference to the concept introduced by the American anthropologist Clifford Geertz, who divides Javanese society—the majority of Indonesian Muslims—into *santri*, *abangan* and *priyayi*. In a simple way, the term *santri* is applied to puritanical Muslims committed to a more or less normative profession of the faith, as opposed to the *abangan*, nominal Muslims, who feel comfortable with local customs influenced by Animism, Hinduism and Buddhism. See Clifford Geertz, *The Religion of Java* (Glencoe, IL: Free Press, 1960). Despite some criticisms, I consider this concept still relevant to the understanding of Indonesian Islam.

exclusively Islamic subjects, often under the sponsorship of Middle Eastern funding foundations (Hasan, 2006).

Formalization of *Sharia*

The endeavours of militant Islamic groups to call for *sharia* have resonated loudly in the post-Suharto Indonesian public sphere. The demise of the Suharto regime, which was followed by the eruption of bloody communal conflicts in various regions in Indonesia, have provided empirical credibility for the groups to develop an anti-system frame. They state their grievance in the general terms, stressing that what has happened in Indonesia may not be dissociated with the so-called Zionist-cum-Christian international coalition that attempts to undermine Islam. They argue that Indonesia has implemented secular laws since the colonial period, but the laws have simply brought about prolonged crises that cannot be resolved to this day. Against this backdrop, the argument goes, it is time for Indonesian Muslims to realize that they have been walking on the wrong path and it is time to implement *sharia*. It is argued that the failure to implement *sharia*, thus creating a just and prosperous society, is not because of Muslims' neglect but rather of the intention of the Zionist-cum-Christian conspiracy to destroy Islam. As such, this action frame facilitates their attempts to consolidate their cohorts and share incentives that enabled them to organize collective actions, and thereby enhanced their identity and negotiate a place for themselves on the map of Indonesian Islam.

In the atmosphere of *reformasi* brought about by Suharto's departure, the issue of *sharia* appears to be a floating empty signifier. It provides the medium through which collective actors associated with different movements within a cycle can assign their aspirations and interests. Within this context, demands for *sharia* have gained momentum in different parts of Indonesia. In an attempt to channel the mounting aspiration for *sharia*, Islamic political parties that arose during Habibie's presidency have actively proposed the revitalization of the Jakarta Charter, or more precisely the seven words—*dengan kewajiban menjalankan syari'at Islam bagi pemeluk-pemeluknya*—that stipulate the obligation for adherents of Islam to follow *sharia*. Later, the debates on the Jakarta Charter shifted to the amendment of Article 29 of the constitution, which declares that “the State shall be based upon the belief in the One and

Only God”, so that it includes a constitutional obligation for Muslims to practise *sharia* (Hosen, 2005).

It should be noted, however, that past attempts to give *sharia* constitutional status have ended in failure. But failure has not brought the aspiration for *sharia* to an end. It has continued to resonate through local (provincial and district) parliaments, along with the introduction of autonomy packages and direct election systems of regional administrators (*pilkada*). These demands have, to some extent, materialized with the enactment of *sharia*-based regional regulations (*perda-syari'ah*) in a dozen provinces in Indonesia, including Aceh, West Sumatra, Riau, Banten, West Java, East Java, South Kalimantan, South Sulawesi, Gorontalo and North Moluccas. Even though the advocates of *sharia* prefer to call these legal products “anti-sin regional regulations” (*perda anti-maksiat*) instead of *sharia* regional regulations (*perda syari'ah*), their enactment clearly represents a historical breakthrough in the trajectory of political Islam in Indonesia.⁸

Advocates of *sharia* have demonstrated their jealousy to Aceh, the first province to implement *sharia*. In November 1999, a young man accused of committing adultery was punished by public whipping. In order to bring the protracted bloody conflict between the Indonesian Armed Forces and the Free Aceh Movement (GAM) to an end, the Indonesian government offered a special autonomy package that granted Aceh the prerogatives to implement *sharia*. Neglecting Aceh’s peculiarity as a province that had long suffered from a conflict that has claimed thousands of lives, advocates of *sharia* continue working with their plans by emphasizing that the regional regulations they have endorsed are not *sharia*-based but moral and social regulations that fall under the heading of “people prosperity” (*kesejahteraan rakyat*). They also proposed the regulations through the Office of Social Affairs (*Dinas Sosial*) rather than the regional offices of the Ministry of Religious Affairs (MORA).

This manoeuvre has been justified by the amended 1945 Constitution (18:5) which reads: “Regional Government should implement *autonomy in its broadest sense*, except governmental affairs decided by laws to be parts of the Central Government affairs.” In line with the aforementioned argument, advocates of *sharia* argue that the

⁸ The only exception is in South Sulawesi, where the regulations are officially called “religious regional regulations” (*perda keagamaan*), in contradiction with the Regional Autonomy Law regulating that religious affairs are not to be decentralized.

regional regulations are proposed to boost public morality and improve social welfare, and thus relevant to the need to accelerate regional “autonomy in its broadest sense”. This is also supported by another article (18:5), which reads: “Regional Government has the rights to ratify regional regulations and other legal products in order to accelerate its autonomy from the central government.” Supporters of *sharia* found these plastic articles as “blessings in disguise” of the euphoria of *reformasi*, which demands wider autonomy for regional administrations.

Sharia-based Regional Regulations

No	Provinces/Districts	Regional Regulation	Year
1.	Solok, West Sumatra	Regional Regulation of 2000 on the compulsion to wear Muslim dress and recite the holy Quran	2000
2.	Nanggroe Aceh Darussalam	Aceh Regional Regulation No. 5/2000 on the application of the Islamic <i>sharia</i>	2000
3.	Tasikmalaya, West Java	Bupati’s (District Head) Decree No. 421.1/Kep.326 A/Sos/2001 on the requirements to enrol at primary and secondary schools	2001
4.	Tasikmalaya, West Java	Bupati’s Circulation Letter No. 451/SE/04/Sos/2001 on efforts to boost the quality of belief and piety	2001
5.	Cianjur, West Java	Bupati’s Decree No. 36/2001 on the establishment of the Institute for the Study and Development of Islam (LPPI)	2001
6.	Cianjur, West Java	Bupati’s Decree No. 451/2719/ASSDA I on the socialization of Islamic morality among government apparatus and society at large	2001
7.	Indramayu, West Java	Bupati’s Call on wearing Muslim dress for government apparatus on every Friday, recommendation to fast on every Monday	2001

		and Thursday, termination of all office activities during prayer times and reciting the Quran 30 minutes before working.	
8.	West Sumatra	Regional Regulation No. 11/2001 on the prevention and elimination of vice.	2001
9.	South Sumatra	Regional Regulation No. 13/2001 on the elimination of vice	2001
10.	Maros, South Sulawesi	Bupati's Circulation Letter, dated 21 October 2002, on wearing of headscarf (<i>jilbab</i>) for women and Muslim shirt (<i>baju koko</i>) and hat (<i>kopiah</i>) for men working at government offices, especially on every Friday, termination of office activities during prayer times, and enrichment of religious instructions at schools	2001
11.	Pamekasan, East Java	Bupati's Circulation Letter No. 450/2002 on the wearing of the <i>jilbab</i> for women and <i>baju koko</i> and <i>kopiah</i> for men working at governmental offices, especially on every Friday, termination of all office activities during prayer times and the enrichment of religious instructions at schools	2001
12.	Gorontalo	Regional Regulation No. 10/2003 on the prevention of vice	2003
13.	Gowa, South Sulawesi	Regional Regulation No. 7/2003 on Quranic literacy as the condition to enrol at primary schools	2003
14.	Bulukumba, South Sulawesi	Regional Regulation No. 6/2003 on the compulsion to recite the Quran for students at primary and secondary schools and brides- and bridegrooms-to-be.	2003
15.	Bulukumba,	Regional Regulation No. 2/2003 on the	2003

	South Sulawesi	management of <i>zakat</i> (Islamic tax), <i>infaq</i> (charity) and <i>shadaqah</i> (donation)	
16.	Bulukumba, South Sulawesi	Regional Regulation No. 5/2003 on the wearing of Muslim dress	2003
17.	Banjarmasin, South Kalimantan	Regional Regulation No. 13/2003 on the prohibition of organizing public performances during Ramadan	2003
18.	Banjar, South Kalimantan	Regional Regulation No. 9/2003 on the management of <i>zakat</i>	2003
19.	Banjar, South Kalimantan	Regional Regulation No. 5/2004 on the prohibition to open restaurants and food stalls during Ramadan	2004
20.	Banjar, South Kalimantan	Regional Regulation No. 4/2004 on the compulsion for students of primary and secondary schools to finish reciting (<i>khatam</i>) the Quran	2004
21.	Padang Pariaman, West Sumatra	Regional Regulation No. 2/2004 on the prevention, punishment and elimination of vice	2004
22.	Musi Banyuasin, South Sumatra	Regional Regulation No. 13/2005 on the prohibition of vice	2005
23.	Banjar, South Kalimantan	Regional Regulation No. 8/2005 on Friday prayer	2005
24.	Padang, West Sumatra	Mayor's Instruction No. 451.422/Binsos-III/2005 on the compulsion to wear the <i>jilbab</i> and Muslim dress for Muslims and the recommendation to wear the same dress for non-Muslims	2005
25.	Maros, South Sulawesi	Regional Regulation 2005 on Quranic literacy for students and civil servants	2005

Source: Tim Imparsial (2006)

Sharia in Aceh

As mentioned above, Aceh has been the pivotal inspiration and pioneer of the implementation of *sharia*-based regional regulations. Therefore, it is important to observe what has happened in the region in terms of *sharia* implementation. Following the Law of 1999 on Nanggroe Aceh Darussalam (Undang-Undang NAD), President Megawati issued Presidential Decree No. 11/2003 on the establishment of the Mahkamah Syar'iyah and Provincial Mahkamah Syar'iyah on 3 March 2003. As the implementation of Chapter XII of NAD Law, the decree was concerned with the transition and transformation of the existing religious courts (*pengadilan agama*), which cover almost all things, including the names, legal authority and status of judges, clerks, secretaries, prosecutors and other staff, property, infrastructure and financial sources. Nineteen religious courts in Aceh were transformed into the *sharia* courts overnight: those in Banda Aceh, Sabang, Sigli, Meureudu, Bireun, Lhokseumawe, Takengon, Lhoksukon, Idi, Langsa, Kuala Simpang, Blang Kejeren, Kutacane, Meulaboh, Sinabang, Calang, Singkil, Tapak Tuan and Jantho. A total of 121 judges of the former religious courts automatically serve as the judges of *sharia* courts by Articles 1 and 2 of the decree.

However, NAD Law insists that the meaning of *sharia* in this law is confined and subject to the framework of the national judiciary system. This has been a non-negotiable point for the central government. Article 25 reads:

1. Islamic *Sharia* Court (*Pengadilan Syari'at Islam*) in the Nanggroe Aceh Darussalam constitutes *part of the national judiciary system* run by the *Sharia* Justice (*Pengadilan Syari'ah*), which is free from any intervention.
2. The authority of *Sharia* Courts meant in the subsection 1 is based on *Islamic Sharia in the framework of national legal system*, which would be regulated by the Qanun of the Nanggroe Aceh Darussalam.

To strengthen the position of the Mahkamah Syar'iyah, the then Governor of Aceh, Abdullah Puteh, issued a number of major *qanuns*: Qanun No. 10/2002 on Islamic *Sharia* Courts (*Pengadilan Syariat Islam*); Qanun No. 11/2002 on the implementation of *sharia* in the fields of Islamic belief (*'aqidah*), worship (*'ibadah*) and symbol (*shi'ar*), both on 14 October 2002 (7 Sha'ban 1423 A.H.); Qanun No. 12/2003

on intoxicants and the like (*Khamr*); No. 13/2003 on gambling (*Maisir*); and No. 14/2003 on improper relationships between men and women (*Khalwat*), on 16 July 2003 (Biro Hukum dan Humas, 2003).

One of the major impacts of the implementation of *sharia* in Aceh has been the obligation for women to wear the *jilbab* to the extent that local police officers have participated in distributing *jilbabs* to unveiled women in the streets. This was aimed at socializing *sharia* and “enhancing the image (*citra*) of women” (*Serambi Indonesia*, 2002). In this context, the meaning of *jilbab* has been hegemonized by the *sharia* apparatus. The criteria for the *jilbab*, according to T. Lembong Misbah, the head of Wilayat al-Hisbah (Justice Administrator) of the Dinas Syari‘at Islam, is that it should cover all parts of a woman's body considered to be *aurat* (Ar: ‘*awrah*, requiring covering), be loose, not transparent and not show the shape of the body. The form of the *jilbab* is flexible, as long as it meets the above criteria. However, tightly-worn sport clothing, for example, is not allowed (*Serambi Indonesia*, 2004). Al-Yasa’ Abu Bakar, the head of the Dinas Syari‘at Islam, said that covering the *aurat* is aimed as much to honour women and protect their dignity as to symbolize their Islamic identity. Women covering their *aurat* are thus seen as good and respectable women. The Wilayat al-Hisbah is responsible for taking care (*razia*) of women who do not wear the appropriate *jilbab*. Interestingly, this rule is not exclusive for women but also applies to men wearing inappropriate clothes, such as short trousers.

However, the implementation of *sharia* in Aceh does not necessary restricts women solely to household activities, as may be the case in other countries where Islamic law is enforced. Aceh has a long history of women’s involvement in the public sphere. Four of Aceh's rulers in the seventeenth century were women (*sultanah*). Aceh has also heroines such as Tjut Nja’ Dien and Tjut Nja’ Meutia, who struggled against Dutch colonialism. Moreover, Governor Abdullah Puteh had guaranteed that the implementation of *sharia* “would not reduce women’s rights and freedoms of education, labour, protection, politics and participation in public life. Women are allowed to become legislative and bureaucratic members.”⁹

⁹ See “*Pelaksanaan Syariat Islam secara Menyeluruh di Aceh*”, from www.lin.go.id/detail.asp?idartcl=060303AgaT0001&by=wilayah, accessed on 6 March 2003.

Concerning the status of non-Muslim minorities, most Acehnese believe that all people in Aceh are Muslims, except for a small number of immigrants from other parts of Indonesia. From the perspective of the Aceh government itself, there is nothing to be worried about non-Muslims. *Sharia* is applicable only to Muslims. Governor Abdullah Puteh said that, according to *sharia*, “non-Muslims should be respected, honoured, protected, given the freedom to express their religious tenets, and worship peacefully and to establish religious buildings according to their needs”.¹⁰ It is undeniable, however, that the implementation of *sharia* by the Aceh government must have affected non-Muslim life. In fact, *sharia* has also been socialized to non-Muslim citizens, claiming that it is the way to avoid any possible misunderstanding that the implementation of *sharia* would prevent the latter from living peacefully in Aceh and from practising their religious worship (*Serambi Indonesia*, 2002). However, non-Muslims, like other citizens, are obligated to respect Muslims practising their faith. Qanun No. 11/2002 states: “Everybody living in the Nanggroe Aceh Province is obligated to respect the Muslim *‘ibadah* practices” (Art. 11) (Muhammad, 2003: 63).

It is of interest to note that the concept of non-Muslims as *ahl al-dhimmah* (protected community) is absent from the Aceh government’s discourse. This probably arises from the fact that the issue of *ahl al-dhimmah* is very sensitive, as it may imply that there are “protected, dominated minorities” and a “protecting, ruling majority”, in which the former is obliged to pay *jizyah* (poll tax) to the latter. Nonetheless, the concept of *jizyah* has been discussed among Muslim scholars in the region, which bears no agreement in its usage.

What is clear is that all elements of Acehnese society have been mobilized to support *sharia*-tization programmes. As a result, the “Islamic” nuances of the province can be immediately sensed when one visits Aceh. A big billboard displaying a smiling woman wearing the *jilbab* welcomes you right after you leave the airport. Strolling along the city roads, you can see names of streets, buildings, shops, markets, government offices and drugstores are all written in Arabic script (Jawi). However, these symbolic policies have not changed the attitude of the Acehnese society drastically; it remains plural and colourful. *Sharia* in Aceh is in fact incomprehensive.

¹⁰ Ibid.

Although some elements of the Islamic penal law are implemented, it does not include the hardest ones, such as chopping off thieves' hand and stoning adulterers to death.

Sharia Efficacy

Notwithstanding their superficiality, the application of *sharia*-based regional regulations indicates that attempts made by Islamic militant groups to call for *sharia* have resonated loudly throughout Indonesia. A survey conducted by the Centre for Research on Islam and Society of Syarif Hidayatullah State Islamic University in Jakarta (2001–2002) found a strong tendency among Indonesian Muslims to support *sharia*. Fifty-six per cent of respondents supported an Islamic government based on the Quran and the Prophet Muhammad's teachings and run by Muslim clerics. A bigger proportion (61 per cent) was positive that the government should enforce *sharia* on every Muslim. Up to 76.6 per cent even believed that the government should outlaw groups that follow other faiths. Interestingly perhaps, 55 per cent were against chopping off thieves' hand and 88 per cent were against the police having to ensure Muslims pray five times a day (*Tempo* 43, December 2002).¹¹ The difference between the high level of support for *sharia* in a general sense and the much lower level of support for its specific provisions indicates not only that the interpretation of *sharia* may vary from one individual Muslim to another but also, at any rate, that only a small percentage of respondents (14 per cent) who can be labelled "Islamists" and really aspire for the comprehensive implementation of *sharia* (Mujani and Liddle, 2004: 16).

It is understandable, therefore, that despite their repudiation of the democratic process and parliamentary system, militant Islamic groups welcome the enactment of *sharia*-based regional regulations with enthusiasm. This is believed to be the first step of a long, winding road towards the comprehensive implementation of *sharia*. Giving a speech at the anniversary of the Preparation Committee for the Enforcement of the Islamic Sharia (KPPSI) of South Sulawesi, Ba'asyir stated that the formalization of *sharia* that takes the form of regional regulations is an action necessary and part of the struggle towards enforcing *sharia* at the state level. In his eyes, the final goal is to realize an Islamic state (*Harian Tribun*, 21 September 2006). Although Ba'asyir

¹¹ The tendency to support *sharia* continued to rise up. In a similar survey conducted in 2004, the same centre found that 75.5 per cent of respondents appear to stand behind *sharia* (*Gatra* 22, May 2006).

believes that democracy is a polytheistic (*shirk*) political system, he does not reject any efforts to promote *sharia* through a democratic mechanism. This paradox seems rooted in his belief that *sharia* should be materialized into laws (*undang-undang, qanuns*) and use political power. The existence of secular states like Indonesia can be tolerated and considered as a bridge that would lead to the formation of the *khilafah* system. For him, *sharia* is final and should not be negotiated or debated. Even parliament members have no prerogatives to discuss it, except to deal with how to implement it (Interview, August 2006).

Nevertheless, Ba'asyir emphasizes that all laws and regulations implemented should express the spirit of *al-amr bil ma'ruf wa al-nahy 'an al-munkar*. He criticizes that the so-called *sharia*-based regional regulations do not apply clear sanctions for those who disobey or transgress the (Islamic) laws. He is supportive of such regulations as long as they represent the spirit of *al-amr bil ma'ruf wa al-nahy 'an al-munkar*. This is also the exact position of his organization, MMI, in the matter (Interview, August 2006). Awwas repeatedly emphasizes that the euphoria of democracy that spawns a dozen *sharia*-based regional regulations should not backfire, going towards politicization driven by temporary, profane interests. This should remain under the *da'wa* principle, that is, to realize public good and the sacred message of Islam (Interview, July 2006).

Like MMI, HTI expresses relentless support for the formalization of *sharia*, in spite of the fact that the organization strongly rejects parliamentary democracy and the electoral process. HTI asserts that the principle of people's sovereignty is an illusion. In democracy, the government acquires a contract from the people to carry out governmental tasks. Ironically, in most cases, the government appears to be much superior than the people. Accordingly, it is not the people who are sovereign but the government, who comes from political parties or other vested interest groups that possess capital. These are what HTI calls the "irony of democracy" and "illusion of people's sovereignty" (*Buletin Al-Islam* 166, 2004). HTI is also concerned that democracy is predicated upon the principles of pluralism and secularism. In a democratic political culture, all religions are treated equally. In other words, democracy does not treat Islam as the only true religion (*Buletin Al-Islam* 45, 2001). This premise, according to HTI, has led to the repudiation of *sharia* as the state's constitution. HTI

even claims that democracy justifies the international conspiracy to make Muslims abandon their own sacred purpose, that is, to live under the *khilafa* and *sharia* system (*Buletin Al-Islam* 43, 2001).

HTI criticizes the opinion that equalizes democracy and *shura* (consultation). It views that the concept of *shura* in Islam is part of *sharia*. This makes it different from democracy, which acknowledges that sovereignty remains in the hands of people. In *shura*, sovereignty belongs solely to God. In contrast to democracy, therefore, *shura* not only entails *vox populi* in the process of decision making, it also involves several steps of cautious consideration (*Buletin Al-Islam* 166, 2004). In the process of legislation (*al-tashri'*) the decision cannot be predicated upon the principle of majority or minority. Rather, it should be grounded on legal texts (the Quran and Sunna), since the only legislator or lawgiver (*musharri'*) is God, not the people. The function of the ruler (caliph), HTI suggests, resembles the role of the Prophet Muhammad (*Buletin Al-Islam* 166, 2004).

HTI has been active in campaigning for *sharia* and even proposed a legal draft for a *sharia*-based penal code. But it refuses to take part in discussing any legal drafts initiated by the government. It sees that there is no need to fulfil such a task as long as the *khilafa* has not been established yet. Shiddiq Al-Jawi, the head of the Department of Culture (Lajnah Thaqaftiyah) of HTI's Yogyakarta branch, states that HTI has been involved in proposing some academic drafts (*naskah akademik*) of *sharia*-based regional regulations but has never gone beyond that position (Interview, November 2006). Other HTI leaderships in Yogyakarta, including Suswanta and Yoyok Tindyo Prasetyo, also express their support for the application of *sharia*-based regional regulations, while carefully reminding Muslims of the dangers of the democracy trap, which they claim to be a "biological" child of secularism (Interview, August 2006).

What should be emphasized here that the demands for the application of *sharia* through the enactment of *sharia*-based regional regulations continues to resonate. In districts where the regulations have been implemented, the need to strengthen existing regulations and provide clearer legal sanctions have been expressed. In other districts or cities where such regulations have not been implemented, the aspirations for *sharia* remain vocal. In Depok, a neighbouring city of Jakarta led by a mayor from the Party of Justice and Prosperity (PKS, Partai Keadilan Sejahtera), for example, advocates of

sharia have succeeded in consolidating themselves by establishing in 2005 the so-called Forum Mudzakaroh Syariah Islam (the Forum of Discussing the Islamic Sharia) (see gerbang.jabar.go.id). The establishment of this sort of organization reminds us of the history of the application of *sharia* in South Sulawesi, which began with the establishment of the Preparation Committee for the Enforcement of the Islamic Sharia (KPPSI), or in Garut, with the Institute for the Study and Development of the Islamic Sharia. In Bogor, also a neighbouring city of Jakarta, HTI has pioneered the call for the application of *sharia* by organizing a Tabligh Akbar on 6 March 2005, with the central theme of “*Galang Ukhuwah, Satukan Langkah, Menuju Bogor Bersyariah*” [Strengthen solidarity and unite steps towards Bogor which implements *sharia*]. Interestingly, a number of Bogor’s governmental officers, including Saiful Anwar, Endang Oman and Rachmat E. Sulaeman, attended this gathering (www.kotabogor.go.id).

Democratic Consolidation

The application of *sharia*, as we have seen, has not gone through without challenge. Various pro-democracy groups, including elements of mainstream Indonesian Muslims, have expressed their anxiety over the threat posed by the *sharia*-tization trend against the Indonesian plural and democratic society. They are particularly concerned with the absolutist and intolerant character of *sharia*-based regional regulations, which tend to discriminate against minority groups and marginalize plural expressions in the society. Despite their superficiality, the regulations are in this context considered in contradiction to the three principles of democratic life: (a) the *raison d’etre* of the *rechtstaat* (law state) and the rule of law; (b) the people’s sovereignty; and (c) the unity and plurality of Indonesian society. These three principles require the guarantee that laws implemented in the state should be built, enforced and developed in accordance with democratic principles. In other words, the application of the regulations contradicts the principles of human rights, as guaranteed by the Indonesian Constitution (Tim Imparsial, 2006).

Bloody communal conflicts in the Moluccas, Poso and other Indonesian trouble spots, as well as bombings in Bali (2002), the J. W. Marriott Hotel (2003) and Kuningan (2004), to mention but a few, have awakened the Indonesian people to the clear threat of absolutism, let alone terrorism, clad in religious symbols. This consciousness has

increased in tandem with the process of democratic consolidation. No doubt, shifts in the political landscape of Indonesia after Megawati replaced Abdurrahman Wahid in July 2001 reduced the room that is available for militant Muslim groups to manoeuvre. The ascendancy of Megawati, who was known to have cordial ties with the senior military command, and Vice-President Hamzah Haz, himself a supporter of hardline Muslim groups, had to some extent stabilized the political configuration. Megawati's administration gave the military and security apparatus an opportunity to restore political stability.

In the context of the global campaign against terror launched by U.S. President George W. Bush, Megawati's government had no choice but to join the international coalition to fight against terror. Given that terrorism has become "borderless", and is ready and willing to sacrifice human lives and human values, strategic policies and intelligence operations have been carried out to minimize room for terrorists to manoeuvre and, in the process, guarantee national security. Various preventive and early warning measures have been taken to prevent further terrorist activities. New regulations have been enacted to provide legal devices for combating terrorism. President Megawati issued, for example, Government Regulation in Lieu of Statute No. 1/2002 on War against Terrorist Crimes and Presidential Instruction No. 4/2002 that instructs the Coordinating State Minister of Politics and Security Affairs to take the necessary steps to implement the regulation. These regulations were strengthened by the Laws No. 15 and 16/2003 on Anti-Terrorism.

President Susilo Bambang Yudoyono, who was elected in 2004, as president to replace Megawati in Indonesia's first direct presidential election, has continued the campaign by intensifying anti-terror operations and strengthening counter-terrorist capabilities through networking and programmes of training and education, seminars, conferences and joint operations. As a result, many terrorist cells have been destroyed and their operational spaces have been tightened. Dr. Azahari, a Malaysian believed to be behind the terror bombings in Indonesia in the past years, was shot by anti-terror police in a raid in his hideout in Malang, East Java, in mid 2006. His supporting cells in Semarang, Wonosobo, Solo, Sleman and Surabaya were subsequently discovered. Nonetheless, the international community has questioned Yudoyono's decision to

release Ba'asyir as a follow-up of the failure of the Indonesian court to secure evidence of his linkage with the Jama'ah Islamiyah.

Keeping pace with the increasing pressure on militant Islamic groups, opposition has arisen among Indonesian Muslims who advocate liberal Islam. Jaringan Islam Liberal (JIL, Liberal Islam Network), established in March 2001 by young Muslim thinkers under the leadership of Ulil Absar Abdalla, is leading this opposition. The group's rise has been welcomed by moderate Muslims who feel increasingly frustrated and hobbled by the spread of religious radicalism. The proliferation of liberal Islamic discourse in favour of democracy, human rights, gender equality, freedom of thought and progressiveness has become the main goal of the Liberal Islam Network. Proponents consistently reject the concept of totality in Islam, the imposition of *sharia* by the state, the identification of *jihad* with armed holy war and gender inequality. In order to reach a broad audience, they use various media channels, including the Internet, newspapers, magazines, radio and television. They regularly open discussion forums, publish articles in various newspapers and broadcast talk shows with liberal Muslim thinkers.

It is worth mentioning that the birth of the Liberal Islam Network has started a widespread increase of consciousness among mainstream Muslim organizations, such as Nahdlatul Ulama and Muhammadiyah, that represent the majority of Indonesian Muslims and work to disseminate discourses advocating inter-religious harmony, democracy, egalitarianism and gender equality. The leadership of both organizations seek to encourage the creation of non-governmental organizations, which become centres where potential scholars work to spread bold new thinking on pluralism, the inclusiveness of Islam and gender equality. At the same time, they continue to exercise a profoundly moderating and democratic influence on Islam and Indonesian politics through their campaigns asserting that Islam and democracy are compatible and their condemnation of Islamic radicalism. They not only reject proposals to implement *sharia* but also organize meetings to condemn terrorist actions committed in the name of Islam. To them, terrorism cannot be tolerated, since it is in total opposition to Islam. Similar views have been expressed even by elements within the militant Islamic groups themselves. In response to a book by the infamous Imam Samudera (2004), *Aku Melawan Teroris [I am Against Terrorists]*, Luqman Ba'abduh (2005), one of the

leaders of the Laskar Jihad's operations in the Moluccas, criticized the former as having misunderstood the meaning of *jihad* and thus deviated from true Islam.

The resistance of moderate Muslim groups against the rising tide of Islamic militancy and radicalism has got the Majelis Ulama Indonesia (MUI, Indonesian Council of Ulama) to come out express its opinion. The head of the *fatwa* commission of MUI, Ma'ruf Amin, for example, stated: "Terror and suicide bombings are totally forbidden in Islam. Both are not the form of *jihad* and martyrdom whatsoever" (*Kompas* 2005). MUI is a semi-government body established by Suharto in 1975 to mediate between the government and Muslim communities, and declares itself to be the "servant of *umma*" (*khadimul ummah*) in the National Congress in 2000. MUI has established a special Commission for Harmony among Religious Believers, and in the National Conference VII on 28 July 2005 set up a special programme to enhance harmonious relations among religious believers, which consists of seven points: (a) enhancing sensitivity of and having proactive attitudes towards problems happening among religious communities, especially those emerging from inter-religious conflict that can destruct harmonious relations among religious believers and national integrity; (b) realizing common understanding about inter-religious tolerance, especially among religious leaders and national leaders; (c) following the development of Law Draft of Harmonious Relations among Religious Believers and endorsing its legalization and implementation in a consistent manner; (d) enhancing cooperation and consultation with other religious councils and the government; (e) conducting sustainable studies on intra-religious and inter-religious life in Indonesia; (f) cooperating with both regional and international religious institutions; (g) composing a book on the ethical code of inter-religious relations.

Apart from these, MUI participates directly in the campaign against terrorism. Along with the Department of Research and Development (Balitbang) of the Ministry of Religious Affairs, it has established a Special Team for Fighting against Terrorism through Islamic Religious Approach (Tim Penanggulangan Terorisme Melalui Pendekatan Ajaran Islam). The team actively promotes the peaceful understanding of Islam through so-called "anti-violent religious sermons" (*khutbah anti-kekerasan*). It has also published a compilation of sermons (2006) entitled *Taushiyah dari Mimbar*

yang Teduh: Kumpulan Khutbah Anti Kekerasan [Admonition from the Peaceful Pulpit: Anthology of Anti-Violent Sermons].

Paradoxically, MUI has also issued a number of controversial *fatwas* (Islamic legal opinion) in 2005 aimed at challenging the liberal views of Islam. One such example is the *fatwa* on religious pluralism, liberalism and secularism, which forbids “religious pluralism”, but only in the sense of the ideology that regards all religions as having equal truth. It does not forbid “religious plurality” in the sense of the reality of the plural nature of Indonesian peoples in terms of religion, and that Muslims are supposed to live together with non-Muslims in peace. The *fatwa* even says that “Muslims living with non-Muslims (religious plurality) should behave inclusively in social affairs as far as they are not related to *aqidah* (belief) and *ibadah* (ritual), meaning that Muslims should involve in social relations with believers of other religions as far as this does not destruct each other”. Another example is the *fatwa* on inter-religious inheritance. It is common in society that this issue triggers conflict within the family. Non-Muslim children usually got nothing from their parents’ bequest. Indeed, the *fatwa* says that it is *haram* (forbidden) for Muslims to bequeath (*waratha*) non-Muslim children, but allows it by way of *hibah* (donation), *wasiyah* (testament) and *hadiah* (gift). The problem usually comes from ignorant parents and relatives.

These controversial *fatwas* apparently can be seen as MUI’s attempt to accommodate aspirations from almost all groupings of the so-called Indonesian Muslim *umma* (community), including the militant groups. A former general secretary of MUI, Din Syamsuddin, once stated that MUI did not want the militant Islamic groups to feel alienated from mainstream Indonesian Muslims to the extent that they become more and more militant. In fact, there are elements within MUI itself that represent, or at least are sympathetic to, the diverse spectrum of hardline Muslims. Since 2000, at least, hardline Muslim representatives have been gradually accommodated by MUI. This accommodation is not without consequence. MUI’s discourses are “hardening”, especially in its *tausiya* (recommendations). Responding to national and international developments considered to have impact on Muslims, MUI has issued *tausiya* to articulate its views on the issues concerned. It is through the *tausiya*, for instance, that MUI condemns the U.S. war in Afghanistan and called Muslims to *jihad* in that land. It

is the hardest *tausiya* ever issued by MUI. After the negative response that the *tausiya* has received, it clarified that *jihad* here is in its broadest sense, not in the sense of war.

Sharia from Below

Being aware of the changes taking place over the last few years, militant Islamic groups apparently no longer see any relevance of *jihad* as a means that may be used for realizing the application of *sharia*. Instead, they argue that *da'wa* is more appropriate in making Indonesian Muslims aware of their duty to uphold the supremacy of *sharia*. Since his release in mid 2006, Ba'asyir has on many occasions promoted non-violent endeavours in defending Muslim solidarity and in struggling for the application of *sharia*. He claimed that violence would simply jeopardize Islam. In response to demonstrations against the Israeli war in Lebanon and George W. Bush's visit to Indonesia in late 2006, Ba'asyir warned that demonstrators should perform peaceful protests and avoid any violent act. It is not the first time that Ba'asyir has called for peaceful demonstration. He even disagreed with the methods used by Dr. Azahari and Nurdin M. Top, another Malaysian believed to be behind the terror bombing in Indonesia.

As Ba'asyir points out, the strategy for implementing *sharia* suitable for the current situation in Indonesia is not *jihad*, but rather informing Indonesian Muslims about the magnificence of *sharia*. In his eyes, it is the prophetic strategy of *da'wa* to give hope (*tabshir*) and threat (*indhar*)—the hope of heaven and the threat of hell. Following the Prophet, he compares the implementation of *sharia* to the relationship between man's life in this world and that in the hereafter. Every individual is a leader: a leader for himself, his family, his village and, above all, his country. They are all responsible in the hereafter for whatever they have done in this world. Political leaders who do not take any initiative to create laws that may prevent their people from being sinful will fall into trouble in the hereafter; they will be responsible for all people's sins (Interview, August 2006).

However, this does not mean that Ba'asyir totally neglects the importance of *jihad*; he just sees that *da'wa* is more appropriate for the current situation in Indonesia. For him, *da'wa* and *jihad* are twin concepts that establish God's laws on earth. In his eyes, the West has demonized and criminalized *jihad* because they are afraid of

Muslims' return to the past glorious victory of Islam. He argues that Islam becomes weak if it is separated from *jihad*. Islam will gain honourable victory only with *jihad*. However, he emphasizes that *jihad* should not be understood simply as holy war. It connotes any effort to establish God's laws, and *da'wa* is considered the most suitable condition for realizing the spirit of *jihad* in this context (Interview, August 2006). This view is shared by Awwas and Syakur, who perceive *da'wa* as action necessary to prepare the mentality of Indonesian Muslims to accept *sharia* (Interview, July 2006).

Commenting on the need to conduct *da'wa* in order to materialize the application of *sharia*, Yusanto emphasizes the basic nature of Islam as a peaceful religion. In his opinion, *jihad* should be interpreted in its broadest sense, that is, any struggle for doing good deeds, like commitment to perform daily prayers, fasting, pilgrimage to Mecca, serving others and helping the poor. In other words, *jihad* is no other than *da'wa* itself, meaning *amr ma'ruf* (enjoining good) and *nahy munkar* (opposing vice) (Interview, July 2006). In a similar tone, M. Rahmat Kurnia, another HTI activist, has said that HTI promotes “non-violent *da'wa*” (*dakwah tanpa kekerasan*). In his opinion, “violent *da'wa* simply engenders negative impact on Muslims and jeopardizes their struggle as a whole” (Kurnia 2005).

Khalid Hasan, FPIS advisor, sees that violent-prone activities in the streets are no longer relevant. Instead, he claims that FPIS is very much concerned with serious attempts to apply *sharia* at the grassroots level. There must be people who work for *sharia* from above, he says, but this does not benefit much if there is no grassroots movement committed to boost Muslims' consciousness to apply *sharia* in their everyday lives. These two strategies are complimentary. He asserts that leaving behind its high-profile politics, FPIS is now working at the grassroots level. Part of this struggle is, of course, endorsing the application of *sharia*-based regional regulations (Interview, August 2006).

There are reasons to believe that the high-profile politics staged by militant Islamic groups has shifted towards a strategy of implementing *sharia* from below. As we have seen, attempts to give *sharia* constitutional status, and thereby enforcing *sharia* at the state level, have ended in failure, as these have not garnered adequate support from the People's Consultative Assembly. Nevertheless, this does not mean that the struggle for *sharia* has totally failed. The application of *sharia*-based regional

regulations, albeit superficial, in a number of provinces and regencies in Indonesia is the invaluable result of their struggle. Herein lies the key for them to continue aspiring for *sharia* in the future.

In fact, the leadership of militant Islamic groups remain optimistic that their dream to see *sharia* implemented will materialize some day. This optimism is apparently not without adequate reason, considering the accentuation of religious symbols, the proliferation of Islamic institutions and new lifestyles in the current Indonesian public sphere. In fact, luxury mosques with new architectural designs (usually derived from the Middle East) have been built—and they are full of during daily and Friday prayers as well as Quranic reading sessions (*pengajian*). More and more people are performing the *hajj* (pilgrimage to Mecca), with some making the trip on expensive tour packages offering five-star services. Typical Muslim fashion, such as the *jilbab* for women and *baju koko* for men with their trendy and colourful styles, have sprung up and dominate the cultural landscape of every corner of the country. Special make-up and skin products with the *halal* label¹² are extensively advertised and sold both in traditional markets and in the Muslim section of luxury goods department stores.

The so-called integrated and quality Islamic schools have expanded with full-time and boarding school systems. Partai Keadilan Sejahtera (PKS), which calls itself the “*da’wa* party”, a party that not only orients to gain political goals, but also to call people to Islamic values, especially justice and prosperity, pioneered the establishment of this kind of school from elementary to secondary level, including SDIT, SMPIT and SMUIT. These schools, according to Ahmad Sumiyanto, the head of the Yogyakarta branch of PKS, try to bridge the gap between, and integrate, religious and general sciences. The integration of both religious and general sciences is motivated by the view that all kinds of knowledge are God’s. The secular education system separates general sciences from religious sciences, and vice versa (Interview, August 2006).

Alongside institutions that are collecting increasingly large sums of religious alms and donations, Islamic financial institutions, including Islamic banks (also known as *sharia* banks), Islamic insurance (*takaful*), Islamic people’s credit unions (*bank perkreditan rakyat syari’ah*) and Islamic houses of treasury (*bait al-mal wa al-tamwil*) have flourished across the country, reaching even remote villages in the countryside.

¹² *Halal* is an Arabic term meaning “permissible”. It refers to anything that is permissible under Islam.

Ahad-Net, the first *sharia*-based multi-level marketing in Indonesia that has served as the national distributor of different kinds of Islamic products like Zahra, Wardah, Fairuz, Nazhif, al-Syifa and Habbatussauda, is gaining ground (Ahad-Net, 2003). With the slogan “Economic *Jihad* for the Prosperity of the *Umma*”, it has operated to realize five primary visions that include: (a) conducting *jihad* or the ultimate struggle to revive the victorious belief, economy and politics of the Muslim *umma*; (b) emphasizing *ukhuwwa* or solidarity to unite the Muslim *umma*; (c) taking al-Quran and the Hadith as the basis for Muslims thought and praxis; (d) building the community concerned with *halal* and *tayyib* (good) products; and (e) facilitating attempts to empower the economy, behaviour and professionalism of the Muslim *umma* (www.ahadnet.com).

Islamic print media, such as magazines, bulletins, pamphlets, books and novels, have achieved prominence and compete to cover *da'wa* (Islamic proselytizing) themes. Radio and television channels have lost no time in broadcasting religious programmes, including Islamic soap operas. New *da'wa* genres, such as cyber *da'wa* and cellular *da'wa*, offer religious messages through the Internet and mobile phones. No less important, various kinds of pop and hip-hop Islamic music have gone to the top of national popular music charts.

This current face of Indonesian Islam was perfectly reflected at the Islamic Book Fair 2007 that I visited recently in the Senayan Main Stadium of Jakarta. Hundreds of publishing houses participated in the event and thousands of old and new publications covering such broad themes as *da'wa*, *sharia*, Islamic politics, Islamic education, Islamic economy and Islamic pop culture were on display. To complement the exhibition of the books and different kinds of “Islamic” products, such as veiled Barbie dolls and Digital Quran, the organizer staged public discussions every day with the theme “the magnificence of the Islamic *sharia*”, (*indahnyanya syari'at Islam*). Besides popular preachers like Aa Gym, important personalities from militant Islamic groups were also present to share their opinions.

Conclusion

The call for *sharia* is emblematic of the rising tide of Islamism in post-New Order Indonesia. Its apogee occurred when a number of militant Islamic groups emerged and took to the streets to demand the comprehensive implementation of *sharia*. The groups

view *sharia* as the only answer and solution to resolve the current crisis afflicting Indonesia, which is perceived as a result of the application of a secular system imposed by the West. They claim the system has generated a society that is brutal, sadistic, licentious and corrupt. For the groups, the way to resolve this crisis is *sharia* alone, whose implementation will bring stability, morality and prosperity to the country. *Sharia* is thus seen as an alternative and a solution to the crisis and it is believed to be able to create a fair and prosperous society. In the name of *sharia*, the groups stage protests and call for *jihad*, which is believed to be one of the legitimate ways to cope with the challenges posed by the enemies of Islam. In response to the bloody communal conflicts in the Moluccas and other Indonesian trouble spots, thousands of their members have ventured to the frontlines and carry out *jihad* against Christians.

There is no doubt that the issue of *sharia* has become part of the complicated dynamics of Indonesia's transition towards an electoral democracy, which has ushered in a plethora of opportunities for different groups and interests to emerge and compete for the newly liberated public sphere. The longevity of such a discourse is, therefore, largely the result of how long the political opportunity is available. Attempts made by the Indonesian government to respond to the rising threat of terrorism in post-9/11 events by strengthening capacity building and counter-terrorists capabilities have significantly reduced room for these groups to manoeuvre. At the same time, the ongoing democratization process has enabled various societal forces and political parties to appropriate the issue of *sharia* for their own the interests. Through parliamentary channels, *sharia* has become formalized and institutionalized, and transformed into the government products of legislation. Despite their repudiation of the parliamentary system and democratic process, militant Islamic groups welcome the regulations with enthusiasm. This is believed to be the first step that will lead to the comprehensive application of *sharia*.

Nevertheless, the acceptance of *sharia*-based regional regulations marks the end of the era of high-profile politics of militant Islamic groups towards a strategy of implementing *sharia* from below. In the eyes of these groups, *jihad* is no longer relevant to the current situation and context. Instead, they emphasize that *da'wa* is a more appropriate tactic towards further Islamizing Indonesia. It is in the ability of the

groups to adjust their strategy and discourse lies the secret of their survival and sustainability.

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