

**Women Under Sharia:
Case Studies in the Implementation of Sharia-Influenced
Regional Regulations (*Perda* Sharia) in Indonesia**

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Declaration of Originality

I certify that this thesis does not incorporate without acknowledgement any material previously submitted for a degree or diploma in any university; and that to the best of my knowledge and belief it does not contain any material previously published or written by another person except where due reference is made in the text.

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Abstract

Women Under Sharia: Case Studies in the Implementation of Sharia-Influenced Regional Regulations (*Perda* Sharia) in Indonesia

This study examines the religious, social and political dynamics of *Perda* Sharia and how the implementation of these regulations has affected women rights and women's security. This study also explores the concept of women's security based on women's own experiences. It employed qualitative methodologies, including in-depth interviews, focus group discussions and analysis of primary source documentation. It examined *Perda* Sharia in two district governments: Cianjur, West Java and Bulukumba, South Sulawesi.

My research argues that *Perda* Sharia was the outcome of the local political processes reflecting the interaction of regional autonomy, democratisation and the Islamic resurgence. Given the struggle for Sharia since Indonesian independence, the widespread implementation of *Perda* Sharia suggests that it has been widely accepted as part of the legal system in district governments. This research found that the implementation of *Perda* Sharia has strengthened the position of Islam as a social and cultural force, but not necessarily of Islam's influence in politics or government and as such it is a great accomplishment for its supporters. It argues *Perda* Sharia is just one strategy to implement Sharia values more comprehensively. Although implemented by district governments, *Perda* Sharia is a national phenomenon. Prior to the reformation era most of the debate about Sharia was conducted at the national level and concerned the nature of the Indonesian state, however, after the 1999 Regional Autonomy Laws attention shifted to the integration of Sharia values into the legal system, with implications for women's security.

The discourse on women's security was associated with the implementation of regulations concerning women veiling, which became the most visible symbol of *Perda* Sharia. The research examines the differing views of women, with some arguing that they felt more secure wearing the *jilbab*, while others felt threatened by the mandated use of the *jilbab*.

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List of publications and presentations

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- 2013 *'Opening the Door: How the Regional Autonomy has Made the Implementation of Perda Sharia Possible?'* paper for upcoming publication on Journal Islamic Archipelago, UIN Bandung.
- 2012 *'Contesting Islam And Women's Rights In Indonesia: The Case of The Implementation Of Perda Sharia'*, accepted abstract for presentation at the International Conference, on Islam, *Spiritualism* and Radicalism (IC-ISRA), Yogyakarta, 23-25 November, 2012.
- 2012 *'Questioning Women's security in Perda Syariah: Critics to Indonesia's District Policies'*, a paper published in Jurnal Kebijakan Publik dan Bisnis, *Inspirat*, Jember University
- 2010 *'Women's Rights within Islam: Learning from women'*, accepted paper for presentation at the 1st International Conference on Human Rights in Southeast Asia, held by Southeast Asian Human Rights Studies Network (SEAHRN), Bangkok, Thailand, 14-15 October, 2010
- 2010 *Islamic Symbolism or Islamic Law: Examining the Law Enforcement of Perda Sharia in Indonesia*, accepted abstract for presentation at 3rd International Indonesia Forum (IIF), Semarang, Indonesia, 14-15 July 2010
- 2010 *'Contesting Islamic Law and Women's Rights: The Study of the Implementation of Sharia-based Regional Regulations in Indonesia*, a paper presented at 7th Asian Law Institute (ASLI) Conference, Kuala Lumpur, Malaysia, 25-26 May 2010
- 2010 *'Contesting Islam and Human Rights in Indonesia'* Paper presented at 18th Biennial Conference of Asian Studies Association of Australia (ASAA), University of Adelaide, Australia, 5- 8 July 2010
- 2010 *'Contesting Women's Security Under the Implementation of Perda Syariah'*, Presentation at the Society of South-East Asian Studies (SEAS) Conference, Vienna, Austria
- 2009 *'Contesting Women's Security and Perda Syariah: Have Indonesia's Perda Syariah Enhanced Women Security'*, Jurnal Kultur, Published by Centre for Study of Religion and Culture (CSRC), UIN, Jakarta

Glossary

<i>Ahmadiyah</i>	a Muslim religious movement which started in India in the late 19th century and was brought to Indonesia in 1925. This movement believes that Mirza Ghulam Ahmad of Qadian was a prophet after Muhammad and the Promised Messiah. In Indonesia, the movement is considered as a cult by the MUI.
<i>Ahwalu Syahsiah</i>	Family Law that regulates <i>Mabarrot</i> (philanthropy/charities), <i>Munakahat</i> (marriage), <i>mawarits</i> (inheritance) and <i>Siasah Syariah</i> (Islamic Politics)
<i>Ajengan</i>	Islamic teachers among the Sundanese
<i>Akhlak</i>	Islamic good morals
<i>Amar ma'ruf-nahi munkar</i>	a call to maintain what is right and forbid what is wrong
AMB	<i>Aliansi Muslim Bulukumba</i> (Bulukumba Muslim Alliance)
<i>Aqidah</i>	Islamic theology, (believe in the unity of God)
<i>Asas tunggal</i>	the sole foundation, the requirement that all organizations adopt Pancasila as their official ideological foundation.
Asda III	<i>Asisten Daerah III</i> - the Regional Assistant
<i>Aurat</i>	the part of the body that must be kept covered in public under Islamic law
Bappeda	<i>Badan Perencana Pembangunan Daerah</i> - (Regional body for planning and development)
<i>Berbuka puasa</i>	Breaking the Fast
BIN	<i>Badan Intelijen Negara</i> - (State Intelligence Agency)
BKPRMI	<i>Badan Koordinasi Pemuda Remaja Masjid Indonesia</i> - (Coordinating Board of Indonesian Mosque)
BPUPKI	<i>Badan Penyelidik untuk Persiapan Kemerdekaan Indonesia</i> – (the Preparatory Committee for Indonesian Independence)
<i>Bulukumba berlayar</i>	Bulukumba's motto, literally meaning Bulukumba Sails, but <i>Berlayar</i> is an acronym of ' <i>Bersih Lingkungan [lingkungan yang bersih], Alam yang Ramah</i> ' (a clean environment, nature-friendly).
<i>Bupati</i>	head of district, regent
CHS	Commission of Human Security
<i>Crash Program Keagamaan</i>	The Crash Program of Religiosity - Preliminary program of sharia implementation in Bulukumba before

the district implemented *Perda* Sharia. The name of ‘crash program keagamaan’ aims to give an understanding that this program has to be implemented quickly, as the word ‘crash’ conveys.

<i>Dakwah</i>	Islamic propagation/missionary activity
DDII	<i>Dewan Dakwah Islamiyah Indonesia</i> (Indonesian Islamic Propagation Council) was established in 1967 by leaders of the banned Masyumi Islamic Party. Its focus was on propagation rather than practical political activity. DDII’s chairman, Mohammad Natsir, a former Prime Minister, was widely respected in Middle Eastern Wahhabi and Salafist circles and he became the most important conduit for Saudi funding flowing into Indonesia during the 1970s and 80s.
<i>Deklarasi Bersama Umat Islam</i>	Joint Declaration of Muslim Community
Depag	<i>Departemen Agama</i> (Department of Religious Affair)
<i>Departemen Infokom</i>	<i>Departemen Informasi dan Komunikasi</i> (The Department of Information and Communication)
<i>Desa</i>	village
<i>Desa mengepung kota</i>	villages encircling the towns
DII	<i>Darul Islam Indonesia</i> — a movement which sought to make Indonesia into an Islamic State (<i>Negara Islam Indonesia</i>) that implemented Islamic law based on Kartosuwiryo’s interpretation. The DII was based in Tasikmalaya and by 1956, the DII occupied nearly half the area of West Java, with strong basis of support in Ciamis, Garut, Sukabumi, Cianjur, Bandung and Bogor. The DII movement in West Java was associated with the rebellions in Aceh led by Daud Beureuh, and in South Sulawesi led by Kahar Muzakar.
Dishubpar	<i>Dinas Perhubungan dan Pariwisata</i> —(Department of Transportation and Tourism)
DMI	<i>Dewan Masjid Indonesia</i> —(the Council for Indonesian Mosques)
DPD	<i>Dewan Perwakilan Daerah</i> —(Regional Representative Council)
DPRD	<i>Dewan Perwakilan Rakyat Daerah</i> (Regional House of People’s Representatives)
<i>Fatwa</i>	legal opinion and advice on religion (<i>tausiyah</i>)
<i>Fatwa sesat</i>	proliferation of false fatwa
<i>Fiqh</i>	Islamic Jurisprudence
FKMT	<i>Forum Komunikasi Majelis Taklim</i> (Communication Forum of <i>Majelis Taklim</i>)—was established in 1998 by

Patabai Pabokori (former Bupati of Bulukumba) as an umbrella organisation and mediator for the *Majlis taklim* groups. Later on, the FKMT was re-named as ‘Badan Kerjasama Majelis Taklim (BKMT-Cooperation Council of *Majelis Taklim*)’ (Andis 2004, p. 57) (Andis 2004, p. 57)

Format Dasar Pelaksanaan Syariat Islam : Basic Format of Islamic Syariah Implementation

FPI Islamic Defenders Front

FUI *Forum Umat Islam* (Muslim Community Forum)

GARIS *Gerakan Reformis Islam* (Islamic Reformist Movement)

Gerakan Aparatur Berakhlakul Karimah: movement calling for the government apparatus to uphold good moral standards—preliminary program in Cianjur before the implementation of *Gerbang Marhamah*

Gerakan Masyarakat Marhamah: movement calling on the community to behave according to good moral standards.

Gerbang Marhamah stands for *Gerakan Pembangunan Masyarakat Berakhlakul Karimah* and literally means ‘The Development Movement of the Good Moral Community’. *Gerbang Marhamah* is an umbrella term for several programs to implement Sharia in Cianjur. There were three primary programs of *Gerbang Marhamah*: develop good moral behaviour for the government administration and individuals; develop harmonious family (*Keluarga Sakinah*), and develop good moral behaviour for the community

Golkar *Golongan Karya* (Functional Groups)--Ruling Party during Soeharto era and the state political party under the New Order.

GPAK *Guru Pembimbing Akhlakul Karimah* (good moral supervising teacher)

Hadith Prophet’s sayings; Reports of the words and actions of the Prophet, collected traditions, teachings, and stories of the prophet Muhammad; accepted as a source of Islamic doctrine and law, and regarded as a second scripture in Islam, ancillary to the Qur’an.

Hajj The pilgrimage to Mecca

Halal Permitted, lawful activities particularly foods which comply with Islamic dietary rules.

Hamka Initials of Haji Abdul Malik Karim Amrullah. He was awarded an honorary doctorate by al-Azhar University,

	Cairo in 1959, and given a title Professor from the University of Dr Moestopo, Jakarta in 1966
HSN	Human Security Network
<i>Hudud</i>	<i>Hudud</i> is a term that is often used in Islamic literature for the specific punishments for certain major crimes mentioned in the Qur'an such as adultery, fornication, theft, consumption of alcohol and apostasy.
<i>ibadah</i>	worship
ICMI	<i>Ikatan Cendekiawan Muslim Indonesia</i> , (Indonesian Muslim Intellectuals' Association), established in 1990 and led by BJ Habibie.
<i>Ijtihad</i>	to exercise rational judgement in the process of interpreting religious doctrine and law; or legal improvisation based on, or inspired by, the Islamic principal values/sharia to meet new worldly situations and the challenges of modern civilization.
IMAM	<i>Ikatan Muslim Anti Maksiat</i> (Muslim Association of Anti Maksiat)
Inpres	<i>Instruksi presiden</i> (instructions of the president, president decree.)
Islamic parties	parties based on Islamic ideology or parties whose supporters mostly come from members of Muslim organizations (e.g. Muhammadiyah and Nahdlatul Ulama).
Jakarta Charter	Proposed Preamble to the Constitution of 1945 that would have stipulated that Indonesian Muslims were obliged to carry out the syariah. Omitted from the final draft of the Constitution.
<i>Jilbab</i>	'Tight veil': head covering for Muslim women consisting of a headscarf pinned tightly under the chin and covering the neck, ear, hair and shoulders, leaving only the face exposed (in contrast to the loose veil or <i>kerudung</i>)
<i>Jinayat</i>	criminal law based on Islamic tradition, it includes <i>hudud</i> - punishments for specific crimes
<i>kabupaten</i>	district or regency headed by Regent/head of district (<i>Bupati</i>)
<i>kaffah/seutuhnya</i>	Comprehensively ; implement Islam comprehensively
<i>kecamatan</i>	sub-district
<i>kelurahan</i>	ward
<i>Ketuhanan Yang Maha Esa</i>	The first principle of Pancasila – Belief in the One and Only God

<i>Khalifa</i>	Caliphate; a Qur’anic word that refers to the vicegerency of man as the trustee of Allah on earth. Historically it referred to political leadership in Islam.
<i>Komando Jihad</i>	Jihad Commando, is a militant group led by Ismail Pranoto, which carried out bomb attacks in Java and Sumatra;
Komnas Perempuan	<i>Komisi Nasional Anti Kekerasan Terhadap Perempuan</i> (National Commission on Violence Against Women)
<i>konco wingking</i>	Javanese teaching that placed women as inferior companions of men
Kongres Umat Islam	The Congress of the Muslim Community
Kota	city, municipality headed by a mayor (<i>walikota</i>)
<i>KPPSI</i>	<i>Komite Persiapan Penegakan Syariat Islam</i> , (the Preparatory Committee for the implementation of Islamic Sharia) is an umbrella organisation for Islamic organisations supporting the implementation of Sharia in South Sulawesi.
KPU	<i>Komisi Pemilihan Umum</i> (General Election Commission)
<i>Kuda Kosong</i>	empty horse; is a Parade, held to mark ceremonies in Cianjur, commemorated the historical struggle of R.A. Wira Tanu, a Dalem Pamoyanan R.A.A. Wiratanudatar II, the first regent of Cianjur. The practice was that the regent was required to give a tribute of harvest crops to the Sunan of Mataram in Central Java. The Regent, Dalem Pamoyanan R.A.A. Wiratanudatar II, who was considered sacred and powerful, when he presented the tribute always stated that the people of Cianjur were poor in agricultural products but demonstrated great courage in their struggle for the nation, just like the spicy flavor of chili and pepper. Due to his clever diplomacy, the Sunan of Mataram gave a gift of a horse to the Dalem Pamoyanan and this gift was a matter of pride for the Cianjur people and “kuda kosong” parade celebrates the occasion
<i>Kyai</i>	Muslim leader, cleric; a title for Islamic scholars who generally lead a pesantren
<i>Laskar Jundullah</i>	Army of Allah, Militia of God; a ‘military’ wing of KPPSI. The <i>Laskar</i> aimed to safeguard the implementation of Islamic <i>Sharia</i> if South Sulawesi was granted special autonomy.
LBH	<i>Lembaga Bantuan Hukum</i> (Legal Aid Institute)
Litbang	<i>Penelitian dan Pengembangan</i> (research and development)

LPPI	<i>Lembaga Pengkajian dan Pengembangan Islam</i> (Institute for Islamic Studies and Development)
<i>Madrasah</i>	Islamic school
Mahkamah Agung	Supreme Court
Mahkamah Konstitusi	Constitutional Court
Majelis Konstituante	Constituent Assembly
<i>Majlis taklim</i>	Islamic Religious Learning Groups for women.
<i>Maklumat</i>	edict, proclamation, decree, pronouncement
<i>Maksiat</i>	Sinful behaviour/immoral act
<i>Masyumi</i>	is an acronym of Majelis Syuro Muslim Indonesia (Indonesian Muslim Consultative Council). <i>Masyumi</i> is an Islamic umbrella organization created under Japanese auspices in 1943. It became a political party after Indonesian independence and was banned in 1960.
Mimbar	<i>Majelis Muslim Bersatu</i> (the United Muslim Council)
MPR	<i>Majelis Permusyawaratan Rakyat</i> (the People's Consultative Assembly)
Muamalah	human interaction
Muhammadiyah	The Way of Muhammad; One of the most significant Islamic modernist organisations in Indonesia; the second largest Muslim association, after NU, established in 1912. Generally advocates reinterpretations of established religious practices and the heritage of the Salafiya modernist movement.
<i>Muhrim</i>	or <i>mahrom</i> is from Arabic language, literally means forbidden to be married, is a person whom is never permitted to marry because of their close blood relationship (such as daughter to her father, grandfather, great-grandfather, etc., and her son, grandson, great-grandson, etc., her paternal and maternal uncles, her brother, brother's son and sister's son and so on), or because of <i>radaa'ah</i> or breastfeeding (such as the brother and husband of the woman who breast fed her), or because they are related by marriage (such as the mother's husband, the husband's father, grandfather, and so on, and the husband's son, grandson, and so on).
MUI	<i>Majelis Ulama Indonesia</i> (Indonesian Ulama Council)
<i>Musholla</i>	little mosques, praying space/chapel
<i>Mustasyar</i>	adviser
MUUI	<i>Majelis Ukhuwah Umat Islam</i> (The Council of Muslim Brotherhood.)

Nasakom	an acronym for the three major ideological streams in Indonesian politics: <i>Nasionalisme</i> (nationalism), <i>Agama</i> (religious) and <i>Komunis</i> (communism), an effort to blend nationalism, communism and religion (including Islam) into national ideology. What Soekarno's ideology of Nasakom apparently meant was that PNI for nationalism, NU for religion and PKI for communism, should share a role in government at all levels, thus producing a system which would rest upon a coalition of predominantly Java-based political forces. The important aspect of Nasakom from the perspective of political Islam was that Islam, through Agama, was accommodated in this ideological formulation, but not given a special place.
<i>Ngaos, Mamaos, Maen Po</i>	are philosophical terms that are believed to be aspects of the perfection of life for Cianjur Community. ' <i>Ngaos</i> ' means the tradition of reading <i>Qur'an</i> and learning Islamic teaching. ' <i>Mamaos</i> ' is the Sundanese song, music and art. ' <i>Maen Po</i> ' is the martial art that expresses skill and strength.
NGOs	Non-Government Organisations
<i>Nisab</i>	a certain minimum amount required for zakat payment.
NKRI	<i>Negara Kesatuan Republik Indonesia</i> (Unitary State of the Republic of Indonesia)
NU	<i>Nahdlatul Ulama</i> , the awakening of ulama, is the largest association of Indonesian Muslims. It was founded in 1926 and has strong membership in Java. It follows mostly the Shafi'i madhhab school with moderate and traditional values.
OIC	Organisation of the Islamic Conference (OIC),
CDHRI	Cairo Declaration on Human Rights in Islam issued by the OIC in 1990
<i>Orang dekat</i>	private assistant/ trusted person.
Orba	<i>Orde Baru</i> , (New Order— the period of Indonesian political history when Soeharto was President, hold control on Indonesia since 1966-1998.)
Ormas	<i>organisasi masyarakat</i> (community organisations)
P4	<i>Pedoman, Penghayatan dan Pengamalan Pancasila</i> (Guide Understanding and Practice of Pancasila)
PAK	<i>Penyuluh Akhlakul Karimah</i> (The preacher of good morals)
PAN	<i>Partai Amanat Nasional</i> (National Mandate Party)
<i>Pancasila</i>	literally means 'five principles.' It is found in the preamble to the 1945 Indonesian constitution and

includes (1) belief in One Almighty God, (2) a just and civilized humanitarianism, (3) national unity, (4) Indonesian democracy through consultation and consensus, and (5) social justice.

PBB	<i>Partai Bulan Bintang</i> (the Crescent Star Party)
PD	<i>Partai Demokrat</i> (Democratic Party)
PDAM	<i>Perusahaan Daerah Air Minum</i> (Regional Water Supply Company)
PDI	<i>Partai Demokrasi Indonesia</i> (Indonesian Democratic Party).
PDI-P	<i>Partai Demokrasi Indonesia-Perjuangan</i> (the Indonesian Democratic Party of Struggle.)
PDII	<i>Pusat Dakwah Islam Indonesia</i> (the Centre for Indonesian Islamic Propagation)
PDII	<i>Pusat Dakwah Islam Indonesia</i> (Indonesian Islamic Propagation Centre)
<i>pejuang pergerakan nasional</i>	The struggle of the nationalist movement
<i>pemekeran</i>	<i>pemekeran</i> (establishment of new provinces and districts).
<i>pengajian</i>	Islamic learning, Islamic education groups
<i>Pengayom Terbaik Pembina Remaja Masjid Tingkat nasional</i>	the Best Coach and Advisor of the Mosque Youth recognised at the national level
<i>PP Muhammadiyah</i>	<i>Pengurus Pusat Muhammadiyah</i> (the Central Board of Muhammadiyah)
<i>Peniti Emas</i>	golden pin
<i>Perda Bernuansa Keagamaan</i>	Religious-nuanced Regional Regulation
<i>Perda keagamaan</i>	Religious Regulation
<i>Perda Sharia</i>	is acronym of <i>Peraturan Daerah</i> , which means regional regulation; sharia is Islamic Sharia/Islamic law. <i>Perda Sharia</i> is referring to sharia-influenced regional regulation(s).
<i>Persis</i>	<i>Persatuan Islam</i> , (Islamic Unity)
<i>Pesantren</i>	boarding school for Muslim students.
<i>Piagam Jakarta</i>	literally means Jakarta Charter. It was actually the first draft of the preamble to the Indonesian constitution and it contained what has since become a well-known phrase in Indonesia, consisting of ‘seven words’: <i>dengan kewajiban menjalankan syariat Islam bagi pemeluknya</i> (with the obligation of carrying out Islamic sharia for its adherents)

<i>Piagam Madinah</i>	in the Indonesian political context, it refers to the proposed amendment to Article 29 of the 1945 Constitution on Religion that required the state to oblige each religious adherent to perform religious duties.
PJTKI	<i>Perusahaan Jasa Tenaga kerja Indonesia</i> (migrant worker placement company)
PKB	<i>Partai Kebangkitan Bangsa</i> (National Awakening Party)
PKI	<i>Partai Komunis Indonesia</i> (Indonesian Communist Party)
PKS	<i>Partai Keadilan Sejahtera</i> -Justice Prosperous Party.
<i>Pola Perjuangan Revolusioner Islam</i>	Islamic Revolutionary Struggle Model
<i>Pondok Remaja</i>	youth boarding house
<i>Porseni Remaja Masjid</i>	Sports and Arts Competition for Youth Mosque
Porseni Remas	Pekan Olahraga dan Seni Remaja Masjid (Sport and art competition for the Youth Mosque)
PPP	<i>Partai Persatuan Pembangunan</i> (United Development Party)
Provinsi	Province
PSI	Partai Sosialis Indonesia--Indonesian Socialist Party
PTIQ	Perguruan Tinggi Ilmu al-Qur'an- College of the Quran.
<i>Qanun</i>	the regional regulations enacted by the Aceh provincial government that relate to the obligation for Islamic worship, the prohibition of liquor and the illegality of gambling and moral misconduct such as adultery. Ramadhan fasting month for Muslims
Raperda	Rancangan Peraturan Daerah (Draft of Regional Regulation)
Raperda Jember Relijius	'Jember Religious Draft', The name of the proposed religious regulation in Jember district.
<i>Remaja masjid</i>	Youth Mosque Activist
Renstra Gerbang Marhamah	Rencana Strategi Gerbang Marhamah--Strategic Planning of Gerbang Marhamah contains an implementation plan for the first five years of Gerbang Marhamah as a guideline to implement Islamic Syariah comprehensively (Kaffah) in Cianjur
Resan	<i>Resimen Santri</i> --Student Brigade
<i>Riba</i>	excessive predetermined interest rate, usury
<i>Santri</i>	Islamic student(s)
Sarasi	Santri Raksa Reformasi--Student Supporters of Reformation

Sekda	<i>Sekretaris Daerah</i> (Regional secretary), is the highest administrative position in <i>kabupaten</i> after <i>Bupati</i> . However, the <i>Bupati</i> is the senior political position
Sex bebas	fornication, free sex
<i>Sholat berjamaah</i>	congregation prayer
<i>Sholat Jumat</i>	Friday Prayer/Friday congregation
SILMUI	<i>Silaturahmi dan Musyawarah Ummat Islam</i> (Conference of the Muslim Community)
STAI	<i>Sekolah Tinggi Agama Islam</i> (Islamic College).
STAIN	<i>Sekolah Tinggi Agama Islam Negeri</i> (State College of Islamic studies)
STKIP	<i>Sekolah Tinggi Keguruan dan Ilmu Pendidikan</i> (College of Teacher Training And Education)
Surat edaran	Circular letter
<i>Surau</i>	is also called <i>musholla</i> , a little mosque mainly for <i>shalat jamaah</i> (congregational prayers). The different from a mosque, <i>surau</i> is not used for <i>shalat jum'at</i> (jum'at prayer)
<i>Tasawuf/sufi</i>	mysticism/Sufism
<i>Tausiyah</i>	advice on religion
TII	<i>Tentara Islam Indonesia</i> (Indonesian Muslim Army)
<i>Tim sukses</i>	election campaign team that helps a candidate to win the election
TKA	<i>Taman Kanak-kanak Alqur'an</i> (Quran learning Centres for children)
TP-GAB	<i>Tim Penggerak Aparatur Berahlaqul Karimah</i> (Enforcement Team of Good Morals for Government Officials)
TPA	<i>Taman Pendidikan Alqur'an</i> (Quran learning centres for juniors)
TPO	<i>Taman Pendidikan Orang tua</i> (Quran Learning centre for adults/parents)
<i>Uang pelicin</i>	bribery
<i>Ubudiyah</i>	total submission to Allah
<i>Ukhuwah Islamiyah</i>	fraternity within fellow Muslims, Muslim solidarity
<i>Ukhuwah wathaniyah</i>	fraternity within the state as a citizen/ among fellow Indonesians, Indonesian solidarity
<i>Ukuwah insaniyah</i>	fraternity as a human, human solidarity
<i>Ulama</i>	Muslim Scholar, Muslim religious teacher, often community leaders.

<i>Umaro</i>	government
<i>Umat</i>	Community of Muslim believers.
UN	United Nations
<i>Undang-Undang</i>	Laws
<i>Ustadz</i>	religious notable, teacher
UU KDRT	<i>Undang-Undang Kekerasan Dalam Rumah Tangga</i> (Law on Domestic Violence)
UUD 45	<i>Undang-Undang Dasar 1945</i> (Indonesian constitution)
<i>Wahyu</i>	revelation of God
<i>Wakil Dewan Syuro KPPSI</i>	vice head of the advisory board of KPPSI
<i>Waqaf</i>	charitable foundation
<i>Warung</i>	street food stalls, small restaurant
<i>Zakat</i>	obligation of Muslims to give a specific amount of their wealth, with certain conditions and requirements, to beneficiaries called <i>al- mustahiqqin</i>

Contents

Declaration of Originality	ii
Abstract.....	iii
Acknowledgment.....	iv
List of publications and presentations	vi
Glossary	vii
Contents	xviii
Chapter 1: The Complexity of <i>Perda</i> Sharia: An Introduction.....	1
1.1 Introduction.....	1
1.2 Research Questions.....	6
1.3 Methodology	8
1.4 The Fieldwork.....	11
1.5 Scope and the Objective of the Research.....	14
1.6 Two Case Studies: Understanding the Context	16
1.6.1 Cianjur.....	16
1.6.1.1 <i>Perda</i> Sharia in Cianjur	18
1.6.2 Bulukumba.....	19
1.6.2.1 <i>Perda</i> Sharia in Bulukumba	21
1.7 Thesis Outline	22
Chapter 2: A Review on Previous Studies of <i>Perda</i> Sharia.....	24
2.1 Introduction.....	24
2.2 Sharia: The Meaning and its Implementation	24
2.3 Discourses on Sharia and its Implementation in Indonesia	27
2.3 Human Rights, Democracy and Islam	29
2.4 Muslims' Responses to International Human Rights.....	30
2.5 Women, Islam and Women's Security	33
2.5.1 Women's Status and State Identity	33
2.5.2 Women and Islam within Indonesia	35
2.5.3 Defining Human Security and Women's Security.....	35
2.5.4 <i>Perda</i> Sharia and Women's Security.....	39
2.5.5 The Veil and its Discourses	40
Conclusion	45
Chapter 3: Opening the Door: How Regional Autonomy Has Made the Implementation of <i>Perda</i> Sharia Possible	47
3.1 Introduction.....	47
3.2 History of the Sacred Word of Sharia in Indonesian Politics	48
3.3 Contrasting Soekarno and Suharto's Policies towards Islam	50
3.4 Duality in Suharto's Policies towards Islam	52
3.4.1 Suharto's Accommodation of Islam	55
3.5 Reformasi and Changes in Indonesian Politics.....	56
3.6 Regional Autonomy and <i>Perda</i> Sharia	57
3.7 Pros and Cons of <i>Perda</i> Sharia	61
Conclusion	66

Chapter 4: The Dynamics of <i>Perda</i> Sharia	68
4.1 Introduction.....	68
4.2 Identifying the Supporters of <i>Perda</i> Sharia	68
4.2.1 Idealists: Formalist and Substantive	69
4.2.2 Pragmatists.....	69
4.2.3 Formalist Idealists.....	70
4.2.3.1 KPPSI.....	70
4.2.3.2 Motivation: KPPSI and Special Autonomy	79
4.2.3.3 Ideological Basis and the Network	81
4.2.3.4 GARIS.....	83
4.2.3.5 LPPI	85
4.2.4 Substantive Idealists.....	87
4.2.4.1 Muhammadiyah	87
4.2.4.2 NU	88
4.2.4.3 MUI.....	90
4.3 Islam for Politics or Politics for Islam	91
4.4 Politics of Nomenclature.....	92
Conclusion	95
Chapter 5: The Utopia Sharia: Ideology, Motives and Methods.....	97
5.1 Introduction.....	97
5.2 Proponents' Understanding of Sharia	98
5.2.1 <i>Perda</i> Sharia and Human Rights.....	100
5.2.3 (Religious) Pluralism	101
5.3 Ideology: Utopia Sharia	102
5.4 Strategies and Methods	104
5.5 Methods.....	108
5.6 Reasons and the Motives	109
Monetary Crisis.....	109
Natural Dissaster.....	110
Corruption.....	111
Disadvantage of being Muslim	111
Degradation of Islamic Character	112
Romanticising the Achievements of Islam	112
Maintaining the Islamic Culture and Identity in their Region	113
Muslims are the Majority.....	114
National Legal System is Out of Date	114
Conclusion	115
Chapter 6: Behind the Scenes: The Election and the Strategy to Implement Sharia	117
6.1 Introduction.....	117
6.2 Changes in the Electoral System.....	117
6.3 Change of the Election System and its Consequences.....	118
6.4 Sharia in <i>Bupati</i> Elections.....	119
6.5 Strategy to use Sharia during the Election	120
6.6 Sharia as a Campaign Strategy in Cianjur	120
6.6.2 <i>Gerbang Marhamah</i> and the Strategy to Implement Sharia	123
6.6.3 <i>Gerbang Marhamah</i> or <i>Perda</i> Sharia: The Politics of Nomenclature in Cianjur	129
6.6.4 Contesting <i>Gerbang Marhamah</i> as (<i>Perda</i>) Sharia	130

6.6.5 <i>Gerbang Marhamah</i> : Substantive or Symbolic Sharia?	133
6.6.1 The Issue of Sharia in The Cianjur Election: Who Benefited?.....	135
6.7 Sharia as a Campaign Strategy in Bulukumba.....	140
6.7.1 The Crash Programme: One Step Towards <i>Perda</i> Sharia	142
6.7.2 <i>Perda keagamaan</i> or <i>Perda</i> Sharia: the politics of nomenclature in Bulukumba	144
6.7.3 The ‘Crash program’ and electoral success	145
6.8 The Advantages of Using Sharia as an Election Issue.....	146
Conclusion	148
Chapter 7: Contesting Women’s Security and <i>Perda</i> Sharia.....	150
7.1 Introduction.....	150
7.2 <i>Perda</i> Sharia and Women’s Security	151
7.3 Women’s and Minority’s Security	152
7.4 Defining Women’s security: the Indonesian Context.....	154
7.5 Women Define Women’s Security	161
7.6 The Politics of Human Security	162
7.7 Enhancing Security	166
7.8 The Effect of <i>Perda</i> Sharia on Women’s Security	168
7.9 Women’s Security-Related Issues	174
Conclusion	178
Chapter 8: The Quest of <i>Jilbab</i>-Head Veil	181
8.1 Introduction.....	181
8.2 History of <i>Jilbab</i> -Head Veil in Indonesia	182
8.3 Islamic Resurgence	184
8.4 <i>Jilbab</i> and <i>Perda</i> Sharia.....	186
8.5 <i>Jilbab</i> for Women’s Security?	191
8.6 The Meaning of the <i>Jilbab</i> -Head Veil	193
8.7 The Politics of <i>Jilbab</i>	200
Conclusion	201
Chapter 9: Conclusion.....	203
9.1 Women and Sharia: A Contestation.....	203
9.2 <i>Perda</i> Sharia: the Religious, Social and Political Dynamics in Cianjur and Bulukumba	204
9.2.1 The Objectives: <i>Perda</i> Sharia Now, what is next?	204
9.3 The Ideologies and Motives: Anything but Sharia	206
9.3.1 The Enforcement: Symbolic Politics or Religious Gesture	207
9.3.2 The Strategies and Elections	209
9.3.3 Is <i>Perda</i> Sharia, a Sharia?.....	210
9.4 Localising Human and Women’s Security	211
Bibliography	216

Chapter 1: The Complexity of *Perda* Sharia:¹ An Introduction

The entire Muslim social structure can be seen as an attack on, and a defence against, the disruptive power of female sexuality (Mernissi in Shirazi 2001, p. 29)

1.1 Introduction

Women's issues first came to my attention when I was actively involved in student organisations and non-government organisations (NGOs) during the last year of my bachelor degree in 2001 at Jember University, East Java, Indonesia. I became concerned about women's issues within Islam when, in 2004, some local Islamic groups proposed to implement a *Perda* Sharia look-alike in the Jember Dewan Perwakilan Rakyat Daerah (DPRD—Regional House of People's Representatives). This proposed regulation was known as the 'Jember Religious Draft',² which sought to implement part of Islamic law in the Jember district, and it was debated several times in the DPRD during 2004 and 2005. The Jember Religious Draft consisted of some Sharia-influenced regulations, such as prohibiting women from going out at night and banning prostitution and the sale of alcohol. These regulations concerned NGOs and other organisations, especially those with female members, because they were concerned about the criminalisation of women as a result of being outside of their homes at night. Some women activists who often held their meetings at night felt insecure and threatened with this draft regulation. Due to large protests from NGOs and other organisations, including Islamic organisations such as Nahdlatul Ulama³ (NU), the idea of the Jember religious draft was rejected. However, there is potential for the regulation to be implemented, as many other districts in Indonesia have implemented such regulations, and the political constellation in Jember district itself and the political interests of local leaders might enable the revival of the Jember Religious idea.

¹ *Perda* is an acronym of *Peraturan Daerah*, which means regional regulation; *Sharia* is Islamic Sharia/Islamic law referred to as *fiqh* (further discussion on Sharia will be in Chapter 2). In this thesis, I will use term *Perda* Sharia to refer to Sharia-influenced regional regulations. A further explanation of *Perda* Sharia will be provided in the next section.

² The name of the proposed regulation in Indonesian is 'Jember religius'. 'Jember' is the name of the district and 'religius' means religious. In this thesis, I will use the English version 'Jember religious'.

³ NU (the awakening of Islamic scholar) is the largest Islamic organisation in Indonesia; it has moderate and traditional values (Mujani, Saiful & Liddle 2004).

⁴ I prefer to use Islamic-influenced regional although some other scholars used Islamic-based regional regulation because the regulations are simply influenced by the teachings, values or cultures of Islam but not fully refers to

Several years later, in 2007, I received a scholarship to pursue a PhD, and I became preoccupied with the idea of women and Islam. I wanted to study the effect of the implementation of Sharia-influenced⁴ regional regulations (*Perda* Sharia)—especially as many districts in Indonesia have been implementing these regulations—with the hope that I could identify whether the implementation of these regulations has helped women or disadvantaged them. It is important to develop a research culture, particularly in Indonesia, that supports evidence-based policy-making. I agree with Bloor’s critique that the public policy was not mainly based on independent research; moreover, research is sometimes specifically conducted to support and confirm the preferred policy options (Bloor 2004).

Indonesia has the largest Muslim population in the world, with around 160 million Muslims, or approximately 84 per cent⁵ of the total population of Indonesia. However, the Indonesian government has never been dominated by leaders who sought to identify the state with Islam (Porter 2002). Nevertheless, the debate about whether Islam and Sharia should be the basis of the national constitution was started on the eve of Indonesian independence. In 1945, Muslim leaders sought to introduce a phrase into the preamble of the 1945 Constitution that would have resulted in Muslim citizens living according to Sharia. The preamble later became known as the Jakarta Charter (Salim, Arskal & Azra 2003b). However, the endeavour was unsuccessful due to strong resistance from secular nationalists—most of whom were Muslim—as well as non-Muslim nationalists (Boland 1982). The aspiration to have Islamic Sharia included in the constitution remains strong (Hosen 2007b, p. 1).

In 1985, President Suharto succeeded in imposing Pancasila as the sole foundation (*asas tunggal*) of all political parties and social and religious organisations (Effendy 2003). Hence, any endeavour to restore the Jakarta Charter was seen as an attack on the ideological foundation of the state (Hosen 2007b, p. 1). However, at the end of the 1980s, the Suharto government tried to reach a rapprochement with the Islamic community. In 1989, the president signed Law No. 7, which allowed the formation of

⁴ I prefer to use Islamic-influenced regional although some other scholars used Islamic-based regional regulation because the regulations are simply influenced by the teachings, values or cultures of Islam but not fully refers to Islam or use Islam as a source or base of law.

⁵ These data are different to the data provided by BPS—that the number of Muslims in Indonesia is 88 per cent of the Indonesian population (BPS 2010)

the Association of Indonesian Muslim Intellectuals (ICMI), headed by Professor BJ Habibie, a minister in Suharto's government. Since then, government officials have adopted Islamic attributes, and the government has involved itself in Islamic issues in a much more positive way. For example, the government supported the building of new mosques and prayer houses, many ministers attend Friday services/prayers in mosques and celebrate Ramadan rituals, and Muslim women, to some extent, are allowed to wear the *jilbab* (head veil) at schools and government offices.

The intensive public discussion and debate about women's rights within Islam has emerged since the government passed two laws on regional autonomy in 1999. The primary objective of regional autonomy is to give regions more authority and resources to manage their own development and affairs (Erb, Sulistiyanto & Faucher 2005). Through Regional Autonomy Laws No. 22/1999 and 25/1999, which were implemented in 2001, district (*kabupaten*) and municipality (*kota*) governments have more power to make decisions to manage their regions and to allow people to establish a democratic system with the participation of all citizens, including women, to improve social welfare (Mulia 2007b). From the implementation of regional autonomy in 2001 until the end of 2009, 154 regional regulations that referred to Islamic moral teaching were implemented, which structurally and specifically restricted women's rights⁶ (Khusnaeny et al. 2010). By the end of 2010, the number of discriminatory regulations had increased to 189; in 2012, the National Commission of Women's Protection (*Komnas Perempuan*) noted that there are 282⁷ regulations discriminating against women (Tri & Haksoro 2012). In addition, Lindsey (2007) observed that around 70⁸ regions have introduced Sharia-influenced regional regulations that are forcing women to dress in a certain fashion and preventing them

⁶ In 2008 the government passed the pornography law which also discriminated against and violated women's rights. However, this issue is not discussed in this thesis due to the fact that the Pornography Law was not related to regional autonomy. The pornography law was also not associated with the issue of *perda* sharia, because the law was not enacted by any regional government but rather the central government. In addition, the Pornography Law was not developed in the framework of sharia, thus the proponents of the pornography law were not discussed in the context of support for sharia implementation.

⁷ Not all these discriminatory regulations were *Perda* Sharia. According to the Head of *Komnas Perempuan*, Yuniyanti Chuzaifah, from 282 regulations, 207 directly discriminate against women, 60 obligate women to wear Muslim clothes (long sleeves and skirt with a head-veil), 96 criminalise women through anti-prostitution and pornography regulations, and 38 restrict women by limiting their work hours (*jam malam*) (Tri & Haksoro 2012).

⁸ The regions include Cianjur, Tasikmalaya, Indramayu, Bandung, Garut, Sukabumi, Depok, Majalengka, Karawang, West Java; Tangerang, Serang, Banten; Padang, solok, Bukit Tinggi, Sawahlunto, Agam, Padang Pariaman, West Sumatra; Bulukumba, Makassar, Gowa, Maros, Enrekang, Pangkep, Sinjai, Takalar, South Sulawesi; Banjarmasin, South Kalimantan; Gorontalo; East Lombok, Bima, Dompu, NTB; Pamekasan, Sumenep, East Java.

from going out at night. By 2009, the number had increased to 81; however, there are no data for 2011.

By definition, Sharia-influenced regional regulations (*Perda* Sharia) are created by district governments and use Islamic moral teachings as a reference point. In general, *Perda* Sharia seeks to manage three aspects of public life: first, to eradicate moral and social problems such as prostitution, drinking alcohol and gambling;⁹ second, to enforce ritual observances among Muslims such as reading the Qur'an, attending Friday prayers and fasting during Ramadan; and third, to govern the way people dress in the public sphere, especially in relation to head-veiling for women (Bush 2008b; Candraningrum 2006; Salim, Arskal & Azra 2003b).

During the implementation of *Perda* Sharia, the district police detained many women because they were considered to have broken the law. For instance, in Tangerang City, which implemented Regional Regulation No. 8/2005 (banning prostitution), the police apprehended 11 women who were suspected of being prostitutes because they stood at a bus stop waiting for a bus after 8 pm; others were drinking tea in small cafes, and one was staying in a hotel while her husband went out to buy food (Soekirno 2006). There has been no systematic collection of data relating to the detentions made under *Perda* Sharia.

The enactment of *Perda* Sharia by about 100 district governments relates to a number of factors. First, since the implementation of regional autonomy, Islamist groups¹⁰ in Indonesia have more opportunities to attain their objective of implementing Sharia law. When their efforts at the national level failed, Islamist groups attempted to have aspects of Sharia law implemented by district governments, despite the provision in article 7 of Law No. 22/1999, which states that religion remains the sole jurisdiction of the central government. Hence, local authorities have rarely used the term 'Sharia'. Instead, they frame the regulations in terms of upholding 'morality and order' (Satriyo 2003). However, the central government has not attempted to rescind any *Perda*

⁹ Laws against prostitution, gambling and alcohol consumption operate in many legal systems and are not particular to Islam. However, the implementation of these *Perda* is different because the regulations are made based on religious motivation and using religious justification to express religiosity.

¹⁰ Islamist groups refer to the term as denoting a strict application of Islamic principles to all aspects of life, including society, the state, culture and the economy.. For detailed information, see Fealy and Borgu (2005).

Sharia because any attempt to rescind any *Perda* Sharia will likely provoke a contentious debate and much criticism of the central government.

Second, at the district level, most local politicians from Islamic political parties¹¹ or the coalition of Islamic and nationalist parties, as well as religious leaders and other people of influence, have expressed support for *Perda* Sharia by trying to build support for the next election or because they have been subjected to pressure by Islamist groups (Satriyo 2003). Most regulations and decisions would be affected by the Islamic moral teachings, and they mostly use the issue of Sharia. However, some Islamist groups have expressed fundamentalist¹² attitudes, including a lack of tolerance and a rejection of feminism and gender equity. They support the domestication of women, control over women's bodies and perpetuation of a patriarchal society (Moghissi 1999; Munir 2003). This has been done mainly by pursuing an aggressive agenda for the politicisation of the religion to attain certain objectives and by using religious symbols to pursue a political agenda (Munir 2003). Therefore, it is important to differentiate between Islam as a belief and cultural system and Islam as a tool used by politicians, parties and fundamentalist movements to build political legitimacy (Munir 2003).

During the process of implementing *Perda* Sharia, there has been much debate about whether it could enhance women's rights. The supporters of *Perda* Sharia argue that it will make women feel more secure,¹³ thus enhancing women's rights and security, whereas opposers argue that *Perda* Sharia will jeopardise women's rights and security. Few studies focus on women's security, especially in the context of the implementations of *Perda* Sharia.

The studies include what Lili Zakiah Munir (2008) has researched on the impact of the *perda* sharia on women. She explored the impact of the sharia implementation in

¹¹ Fealy (2001) separated Islamic parties into two categories. First, Formalist Islamic parties have Islam or the Quran and Sunna as their sole ideological basis; second, Pluralist Islamic parties not only have Pancasila as their ideological foundation, but they also use Islamic symbols and principles or draw most of their votes from santri (pious Muslims).

¹² The term 'fundamentalist' might also describe radical Islam. It tends towards a strictly literal interpretation of the Qur'an (Fealy & Borgu 2005).

¹³ The meaning of secure has become key, both as an issue and as a discourse, and it will be a focus of the discussion throughout this thesis.

Aceh¹⁴. Other studies such as Abu-Bakar Eby Hara (2007) focus on the concept of human security in relation with political participation of women in Indonesia. While this study tries to elaborate the implications of the *Perda* sharia implementation for women and incorporates the concept of human security and women's security into the analysis. Although this thesis mainly discusses women's security and how *perda* sharia affects women, however, this research does not cover all the ways in which women are affected and acknowledges that men are also affected.

Exploring the concept of women's security it is important to know whether this concept, by adapting the concept of human security, which was formulated by Commission of Human Security (CHS), is relevant with the local context of Indonesia. Referring to the concept of human security developed by CHS, the concept of women's security emphasizes freedom and it is not always applicable in the Indonesian context. In some contexts the idea of freedom is contested space in Indonesia and often has a negative connotation. In this contested space women's security expresses the autonomy of women. This research examines in which situations women have autonomy. What are the implications of *perda* sharia to women's autonomy, whether *perda* sharia gives them more autonomy or restricts them?

1.2 Research Questions

The discourse on Sharia in Indonesia has become a crucial discussion between the Indonesian government, NGOs and the public, especially since the province of Aceh implemented *Qonun*.¹⁵ Many district governments followed Aceh—particularly when regional autonomy was introduced in 2001—in implementing Sharia regional regulations. Since the regulations were implemented, the police have detained many women in the name of Sharia. Hence, this research will examine the interrelationships between the implementation of *Perda* Sharia and human security, especially women's security.

¹⁴ The central government enacted the Special Autonomy Law for Nanggroe Aceh Darussalam (Law No. 18/2001), which gave jurisdiction to the province to implement Sharia law, which in Aceh is called *Qonun*.

¹⁵ *Qonun* are the regional regulations enacted by the Aceh provincial government that relate to the obligation for Islamic worship, the prohibition of liquor and the illegality of gambling and moral misconduct such as adultery. However, Salim (2008) defined *Qonun* as referring exclusively to Regional Regulations produced by the legislature of Aceh from 2002 onwards, whether or not related to Islamic norms.

Literature on the implementation of Sharia regional regulation in Indonesia is extensive and readily available in the mass media. Some research has been undertaken in Aceh and other regions in Indonesia on the implementation of *Qonun* and Sharia-influenced regional regulations (*Perda* Sharia) (Salim, A. 2007; Wagener 2006). Much of the literature has been based on limited fieldwork and has discussed the pros and cons of Sharia regional regulations as part of a religious and political debate and discourse (Lazuardi 2006; Salim, Arskal 2003). Other work has focused on the legal perspective (Hosen 2007b) and the effects of its implementation (Candraningrum 2006; Mulia 2007a; Munir 2005). None of the research has focused on women's security, by referring to the concept from the Commission of Human security and in the context of *perda* sharia, although some researchers have used a feminist perspective and a focus on gender.

This study seeks to address the question of how the religious, social and political changes in two districts where *Perda* Sharia has been implemented—Cianjur, West Java and Bulukumba, South Sulawesi—have been influenced by the regulations. It also seeks to analyse the effects on women and their security by investigating the interrelationship between regional regulations and the implementation of *Perda* Sharia to examine the extent to which regional autonomy laws have made *Perda* Sharia possible. In addition, to provide more understanding to the context and the discourse of the *Perda* Sharia, this research also examines supporters' motivations and whether their support for the implementation of *Perda* Sharia is part of their beliefs that it is their religious duty to promote Sharia, or whether it is simply a strategy to mobilise support in local electoral campaigns. Further, the arguments of the opposition groups are considered.

To understand women's security, this study investigates the enactment of *Perda* Sharia in terms of whether it has been a symbolic, political or religious gesture, and whether *Perda* Sharia has been systematically enforced. The study also investigates the enforcement of *Perda* Sharia and its effect on women—specifically women's security—which has not been discussed much in the Indonesian context. Due to a lack of research on this issue, it is important to explore the agency of the women to express their opinions regarding *Perda* Sharia and the concept of security, as women's voices are often ignored in most developing countries. In addition, this study also

investigates women's participation in the political process surrounding *Perda* Sharia and the decision-making process surrounding the implementation of *Perda* Sharia. It also examines the extent to which policy-makers, politicians and legislators have used women's issues to advance other social, political and religious agendas. Thus, the discourse on *jilbab*- head veiling - is also an integral part of the discussion in this thesis

Therefore, this study is important because it not only explores women's participation in the political process, but also their security. This research contributes to academics' and policy-makers' understanding of how the implementation of Sharia regional regulations has affected women's security.

1.3 Methodology

This study adopts a qualitative methodology and uses a case study approach to investigate the effect of the implementation of Sharia-influenced regional regulations in Indonesia. A case study is a way of exploring the phenomenon in its context (Holloway 1997), and it is considered an appropriate approach because it will allow for the inclusion of the perspectives of individuals within a bounded domain (the district) and determine the range of factors and issues affecting the implementation of an initiative (Stake 1999). This approach will not attempt to generalise the phenomenon; rather, it will examine the empirical data from particular cases (Stake 1999).

The case studies used in this research are two districts in different provinces that have implemented *Perda* Sharia: Cianjur (West Java) and Bulukumba (South Sulawesi). These districts have been chosen for several reasons. First, both districts have implemented all categories of *Perda* Sharia, which govern three aspects of life: to eradicate moral and social problems such as the consumption of alcohol and prostitution; to enforce ritual observances among Muslims; and to manage the way people dress in the public sphere. Second, *Perda* Sharia in these two districts have been in place for more than five years. This enables me to observe and analyse the effect of the implementation of *Perda* Sharia, especially on women's rights and women's security. Third, the political constellations in the two districts are relatively

complex. For instance, in both districts, the most successful party in the 2004 legislative election was the ‘secular’ party *Golkar*, which, it was presumed, would not support *Perda* Sharia. However, Muslim parties supported the successful candidate for the position of *Bupati*, and in the election campaigns for *Bupati*, *Perda* Sharia was one of the key issues debated. I assume that these are unusual circumstances that will provide a useful context to analyse the complex political dynamics surrounding the implementation of *Perda* Sharia. Lastly, the two districts have different cultures, ethnic compositions and dominant Islamic organisations, which reflect divergent religious values and ideals.

The data collection in the case study was carried out using in-depth interviews, focus group interviews (FGI) and document analysis. As Seidman claims, an in-depth interview is a powerful way to gain insights into social issues through understanding the experiences of the individuals whose lives reflect those issues (Seidman 2006, pp. 7-10). The interviews used in this research were designed to obtain in-depth data and information from the selected subjects. The interviews were conducted in a semi-structured format, which allowed the informants to answer questions on their own terms, but it still provided a thematic guide (May 2001). The interviews were conducted individually for between one and one and a half hours, and they were recorded with the informants’ consent.

The technique used to select the informants was judgment sampling—sometimes called purposive sampling (Salton 2007, p. 105)—as I already knew who I wanted to interview. The selection of the informants was based on their knowledge, involvement and experience in the decision-making process, political process and the implementation of *Perda* Sharia. The selection of the community leaders and political representatives was based on either their support of, or opposition to, *Perda* Sharia, according to their statements in the local mass media.

It was planned that the research would involve interviews with 30 informants in the two districts. The 30 informants included four *Bupati*: the two former *Bupati* in the two districts and the two current *Bupati* in the two districts, to discuss the motivations for the implementation of *Perda* Sharia, the local religious and political dynamics associated with it, and how regional autonomy influenced the implementation of

Perda Sharia; four members of the *DPRD*, consisting of two members of the *DPRD* in the each district, who were supporters and opponents of *Perda* Sharia. These interviews facilitated an understanding of both the decision-making process of *Perda* Sharia and the political and religious objectives of those involved; two heads of the district police who were responsible for the enforcement of *Perda* Sharia; six community leaders: two from Islamic organisations that support *Perda* Sharia, two from Islamic organisations that oppose *Perda* Sharia, and two from non-Islamic organisations in order to identify the discourse surrounding *Perda* Sharia; two female activists who were involved in the decision-making processes: to determine how the implementation of *Perda* Sharia affected women and to investigate the extent to which women were involved in the implementation of *Perda* Sharia; two experts from the National Commission on Violence Against Women (*Komnas Perempuan*) and universities: to obtain information about women's security and rights in Islam, related to the implementation of *Perda* Sharia in Indonesia; ten women from different backgrounds, such as students, housewives and employers: to ascertain their understandings and opinions regarding *Perda* Sharia, the concept of women's security and the effect of implementing *Perda* Sharia on their lives.

However, during the fieldwork, I also employed the technique of snowball sampling (May 2001, p. 132; Salton 2007, p. 105) because some informants referred to other people who they considered to have relevant knowledge and expertise on aspects of the research. Therefore, during the fieldwork, the number of informants more than doubled from the original plan. In a few cases, I did not interview all the informants that I had planned for various reasons. For instance, I planned to interview 4 *Bupati*: the former and current *Bupati*, however, after several appointments during the field research I only succeeded to interview the former *Bupati* in both districts, who had the idea to implement *perda* sharia, although initially the current *Bupati* in Cianjur stated his willingness to be interviewed, but eventually he referred me to another person to interview as he thought this person was also an expert and was able to represent his ideas and opinions.

The next technique was the FGI, which allowed me to explore a group's norms and dynamics around issues and topics that I wished to investigate (May 2001). These groups involved five women in each district, six members of political parties, three

members of MUI and five young males. The last group was not part of my initial planning; it developed from discussions with an informant and his friends in Bulukumba, and they became the focus group of young males. I obtained much information in relation to the discourse of *Perda* Sharia in Bulukumba and the local political context, and about some additional informants, who were then interviewed.

The third method was document analysis for describing, interpreting and analysing the institutional documents. For this technique, I analysed the texts of the *Perda* Sharia, government documents, General Election Commission (KPU) documents and the DPRD's debates about *Perda* Sharia. In addition, many NGOs, political parties and religious organisations use print, electronic media and the Internet to disseminate their views on *Perda* Sharia. Therefore, information from newspapers, magazines and any other media related to the research topic was also considered. This material was analysed not only for its insights into the political process, but also as a discourse of *Perda* Sharia.

The data were analysed inductively, which allowed me to approach the transcripts with an open attitude and to seek what emerged as consistent and significant. There were two ways in which the interview data were approached. First, I developed profiles of the informants and grouped them into categories consistent with their backgrounds and roles. Second, I analysed the data thematically and then studied the categories for thematic connections within and among them (Seidman 2006).

1.4 The Fieldwork

I conducted the research in South Sulawesi and West Java for six months, from February to July 2008, and I revisited Cianjur in July 2009, March 2010 and August 2011. I have maintained a connection with the informants in order to update the information for my research. Although I conducted the research in my own country, the fieldwork was challenging for me because I had never been to either district and I did not have any contacts in Cianjur or Bulukumba. Thus, I used my network of friends who worked in NGOs in Jakarta and obtained valuable information, such as which contacts could access key persons in both districts, and which local NGOs were concerned with the *Perda* Sharia and knew more about what research had been done

in relation to this topic. Apart from that, during the field research, I faced some difficulties, as both districts have different local languages, customs and cultures to my own district in East Java. It was challenging for me as a researcher working in different regions of Indonesia. In addition, being a female researcher and researching a gender-sensitive topic also challenged me.

My research was mainly conducted in the Indonesian language; however, in many cases, some informants responded to my questions using their local language because they could not speak Indonesian fluently or they thought that there was not an appropriate term in the Indonesian language. To deal with this problem, I wrote down the local words and terms that I did not understand and later asked my colleagues who spoke the local language of the informants.

The research location represents different cultural, religious and ethnic environments. Cianjur was dominated by Sundanese, and Bulukumba was dominated by Makassar and Bugis people. Before I visited the location, I studied their customs and culture, and I contacted colleagues with research experience in both areas. During the research, I always attempted to be careful and to respect the local culture.

As a female researcher working on sensitive gender issues—that is, women's rights and women's security under the implementation of *Perda* Sharia—when I conducted interviews, I was sometimes accompanied by a female or male colleague. In some cases, I also declared my status as a married woman. I considered that the presence of a third person was appropriate when I interviewed a male Islamic scholar, as the Islamic norm is that it is not proper for an unrelated male and female to stay in a room without the presence of others. Given this Islamic norm, the presence of the third person did not affect the conduct of the interview; rather it made the interview possible and acceptable.

There were some issues that I needed to respect and consider, such as the possibility of women (especially single women) travelling alone far away from home, because some Muslim scholars believe that woman must be accompanied by a close male

relative (*muhrim*).¹⁶ Further, some interviews with male informants would not be possible with only the male informant and myself present, due to some Islamic scholars' opinions that a male and female non-*muhrim* are forbidden to be in a room together. This issue was resolved by having another person present.

As the interviews were conducted with informants from divergent backgrounds (e.g. education level, political party and organisation affiliation, status/position and different views on the topic), I tried to position myself to be accepted and trusted by starting with general conversation in order to find something in common between the informants and me. For instance, when I interviewed a *Kyai*¹⁷ (Islamic scholar/leader), I started by introducing myself and stating that I had graduated from a *pesantren* (Islamic boarding school). We discussed *pesantren* and I later asked the *Kyai* about the topic of my research. Therefore, the way I approached and interviewed the *Kyai* or *Ulama* was different compared to when I interviewed priests and other Christians.

The interviews were challenging, especially when I interviewed members of minority communities, as the issue of Sharia is very sensitive. For instance, the Christian population of Bulukumba is very small, comprising around 200¹⁸ members, which are spread throughout the district. Only 23 Christians live in the city of Bulukumba, and there is only one church, so it was easy to locate the Christian community. The priest, who is a woman, lives in the adjoining house. During the first visit, I received the impression that the priest did not want to talk to me about *Perda* Sharia, and she appeared suspicious of me perhaps because I wore *jilbab* and identified as Muslim. I explained that my research was part of my PhD, and I made it clear that it was independent research and had nothing to do with the Bulukumba government. I also explained my own position regarding the implementation of *Perda* Sharia. Finally, the priest agreed to talk to me and made another appointment. During the second visit, other Christians were present. I introduced myself and started chatting about the

¹⁶ *Muhrim* or *mahrom* is from Arabic language, literally means forbidden to be married. It includes close male relatives such as brother, father, grandfather, great-grandfather, and so on, brother, son, grandson, great-grandson, uncle, great-uncle, nephew, grandnephew, great-grandnephew, and so on.

¹⁷ *Kyai* is a Muslim leader, cleric; a title for Islamic scholars who generally lead a *pesantren*

¹⁸ The Rev Lena stated that the number of Christian was about 200 members (Bulukumba priest, Interviewed, Bulukumba, 17-07-2008). However, based on data in Central Bureau of Statistics 2011, the number of Christians has increased to include 452 Catholics and 153 Protestant (BPS 2012)

general conditions in Bulukumba to make the situation more relaxed. After about half an hour, I started asking about *Perda* Sharia, but I felt that they only told me the good story of *Perda* syiah; it appeared that they did not trust me yet. With the priest's help, I reassured them that I was conducting independent research. They then spoke more openly.

1.5 Scope and the Objective of the Research

The objective of the research is to explore the motivations for implementing *Perda* Sharia and the local religious and political dynamics associated with it, as well as how regional autonomy has influenced its implementation. Therefore, I planned to interview the former and recent Bupati of both districts, as they had proposed the idea of the *Perda* Sharia to the DPRD. In Cianjur, I succeeded in interviewing the former Bupati, Warsidi Swastomo, who had moved to the city of Bogor. I obtained a contact number for the former *Bupati* from the head of Partai Bulan Bintang (PBB; Crescent Star Party) in Cianjur. Later, I discovered that Wasidi had been nominated for the national parliament (caleg—calon Legislatif) by the PBB.

With the current Bupati, I tried to make an appointment through the '*orang dekat*' (private assistant) of the Bupati. One of my contacts that assisted me to *menembus* (have access/contact) with the *orang dekat* Bupati suggested that I offer '*uang pelicin*' (bribery) so that I would be prioritised. Nevertheless, after several delays to the agreed appointment, I still could not meet the Bupati. I decided to go to the private house of the Bupati with the help of my new friend, who was the friend of the Bupati's son. However, the Bupati was not willing to meet me; instead, he sent his son to talk to me and answer my questions. According to the Bupati's son, what he said would reflect the Bupati's opinion because the Bupati had already briefed him. These are common difficulties for researchers to meet elected politicians; in contrast, politicians seeking election often welcome researchers.

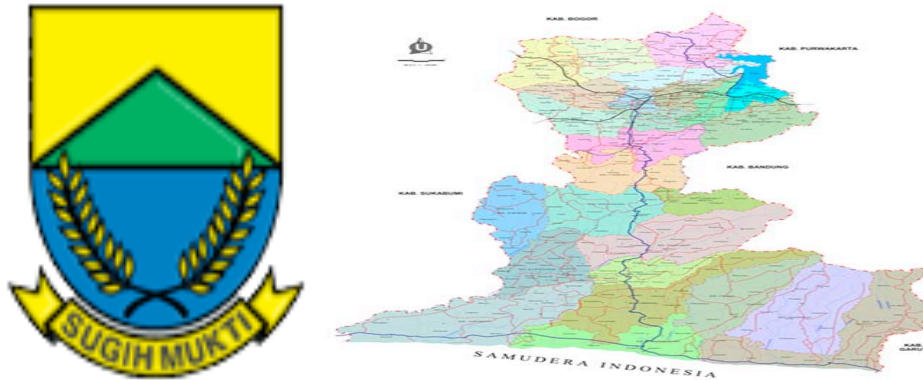
In Bulukumba, I could interview the former Bupati who, during my fieldwork, became the head of the Department of Education in Province, Makassar. He was the initiator of *Perda* Sharia in Bulukumba. However, I could not meet the Bupati of Bulukumba although the Bupati, and the vice of Bupati agreed to be interviewed.

To understand the decision-making process of *Perda* Sharia and the political and religious objectives of the decision maker, I also interviewed the members of DPRD—the members of the political parties who were supporters and opponents of *Perda* Sharia. In addition, I interviewed community leaders from Islamic and non-Islamic organisations to identify the discourse surrounding *Perda* Sharia. To investigate how the implementation of *Perda* Sharia affected women and the extent to which women were involved in the decision-making process of *Perda* Sharia, as well as the extent to which women's issues were used to advance social, political and religious agendas by politicians, I interviewed female activists from the local NGOs. In addition, I interviewed some activists from national NGOs and some experts from the National Commission on Violence Against Women (*Komnas Perempuan*) and universities to gather information about women's security and rights in Islam in relation to the implementation of *Perda* Sharia.

As the main concern of this thesis is women living under Sharia, I interviewed women from different backgrounds (e.g. students, housewives and employers), to ascertain their perspectives and opinions regarding *Perda* Sharia, the concept of women's security and the effects of the implementation of *Perda* Sharia. I have maintained contact by phone or email with some of the informants to ask new questions or to confirm data.

1.6 Two Case Studies: Understanding the Context

1.6.1 Cianjur



The Cianjur district is located in the centre of the West Java province, 65 km from the capital city of Bandung and 120 km from Jakarta. There are 30 sub-districts (*kecamatan*) and 342 villages and six wards (*kelurahan*) in the city. The population was 2,168,514 in 2010, with 1,120,550 males and 1,047,964 females (Salman 2012), and the majority population in this district is Sundanese, which is the majority ethnic group of West Java; however, other ethnic groups, such as Javanese, also live in this district. Based on the 2004 election, there were 45 members of the DPRD, including eight female members; in 2009, there were 50 members, including nine females. Golkar was the largest party in the legislative elections in Cianjur in the elections of 1999 and 2004; however, in 2009, the Democratic Party (*Partai Demokrat*) won the greatest number of seats, with 14 members in the DPRD, while Golkar only won eight seats compared with 17 in the 2004 election. There are three large and influential Islamic organisations in Cianjur: NU (the Awakening of Islamic scholars), Muhammadiyah and PERSIS (Persatuan Islam, Islamic Unity). The three organisations play a significant role in Cianjur. For instance, the chairman of NU is the head of the MUI. The NU, Muhammadiyah and PERSIS will be discussed further in Chapter 5.

The history of Islam in Cianjur has experienced fluctuations, starting from Islam's encounter with Hindu kingdoms under the Dutch colonial administration, and the political changes that followed Indonesian independence. Cianjur was part of the Hindu kingdom of Padjadjaran, which ruled much of West Java. However, in the

1480s, Islam was brought to West Java by Susuhunan Gunung Jati, the Sultan of Cirebon, located on the north coast of Java. Since then, the Islamic teaching has spread throughout West Java, and in Cianjur it has been spread by Aria Wiratanudatar (Yulia, Kurniawati & Azizi 2004).

Islam was disseminated to West Java in two ways: through the establishment of Islamic Sultanates in Cirebon and Banten (Tasman 2004), and through the establishment of educational institutions such as *pesantren* (Islamic boarding schools) and *madrasah* (Islamic schools) in rural areas. After the death of Sunan Gunung Jati, the process of Islamisation in West Java was continued by the Sultans of Cirebon and Banten, such as the prince of Pasarean and his son-in-law, Fadhilah Khan, commonly known as Falatehan or Fatahillah, who was Sultan of Demak. Many *Ulama* (Islamic scholars) played significant roles in the Sultanates of Cirebon and Banten promoting the dissemination of Islam. During the colonial period, the role of *pesantren* and Ulama changed from being the base for disseminating Islamic teaching to being the base for the struggle against colonial rule, and many Ulamas were involved and became leaders of the struggle for independence.

On 7 August 1949, just four years after Indonesia's proclamation of independence, Kartosuwiryo established the Darul Islam Indonesia (DII) movement, which sought to make Indonesia an Islamic State (Negara Islam Indonesia) that implemented Islamic law based on Kartosuwiryo's interpretation.¹⁹ The DII was centralised in Tasikmalaya (Soebardi 1983) and by 1956, the DII occupied nearly half of West Java, with strong support in Ciamis, Garut, Sukabumi, Cianjur, Bandung and Bogor (Van Dijk 1981, p. 93). The DII movement in West Java influenced the rebellions led by Daud Beureuh in Aceh and Kahar Muzakar in South Sulawesi.

¹⁹ Many Islamic scholars and politicians were opposed to the idea of *Negara Islam Indonesia*, as they argued that Islam had not determined a particular model of the nation-state. See Dijk, C 1981, *Rebellion under the banner of Islam: the Darul Islam in Indonesia*, Martinus Nijhoff; Al-Chaidar 1999, *Pengantar pemikiran politik proklamator negara Islam Indonesia SM Kartosoewirjo: mengungkap manipulasi sejarah Darul Islam/DI-TII semasa Orde Lama dan Orde Baru*, Darul Falah; Horikoshi (1975; Jackson & Moeliono 1980); Soebardi (1983); van Nieuwenhuijze (1950); Jackson (Jackson 1980; Jackson & Moeliono 1980)

1.6.1.1 Perda Sharia in Cianjur

The idea to implement Islamic Sharia in Cianjur was initiated in the early 1920s by the Islamic scholar (*Ulama*) Kyai Haji Raden Muhammad Nuh bin Adris. He was a fighter from the national movement (*pejuang pergerakan nasional*) who joined Syarekat Islam (Yulia, Kurniawati & Azizi 2004). However, afterwards, he was not actively involved in politics, but he also focused on the implementation of Sharia through education by establishing Islamic education institutions. He sought the implementation of the substance of Sharia Islam rather than the formalisation of Sharia Islam as the basis of Indonesian law. Afterwards, his children and family continued his struggle. One of his sons, Abdullah bin Nuh, became a national and international figure. He was famous because of his ideas on *ukhuwah Islamiyah* (fraternity within Islam/fraternity with fellow Muslims), *ukhuwah wathaniyah* (fraternity within state as a citizen/fraternity within fellow Indonesians) and *ukuwah insaniyah* (fraternity as a human). Although he was a key person in NU, he could unite all of the different groups in the Muslim community. In 1935, he organised a ‘Kongres Umat Islam’ (the congress of the Muslim community) in Cianjur (Yulia, Kurniawati & Azizi 2004). The activities and ideas of Kyai Haji Raden Muhammad Nuh bin Adris and Abdullah bin Nuh served to strengthen Cianjur’s identity as a centre of Islamic education (Yulia, Kurniawati & Azizi 2004).

The Cianjur community has three philosophical terms that are believed to be aspects of the perfection of life: ‘*Ngaos, Mamaos and Maen Po*’. *Ngaos* means the tradition of reading the Qur’an and learning Islamic teaching. This tradition strongly influences the life of Cianjur people; hence, Cianjur is well known as a religious district or *Tatar santri* (Yulia, Kurniawati & Azizi 2004). This is due to the fact that the district has many *pesantren* (Islamic boarding schools) and *Ulama* (Islamic scholars). Cianjur also has many old and respected *pesantren*, such as Pesantren Buntet, which was established in 1750. ‘*Mamaos*’ is the art of Sundanese song and music, which includes *kecapi indung* (Sundanese traditional music instruments) and *suling* (flutes). The music is mainly performed to express praise for almighty God (*mengungkapkan pujian akan kebesaran Tuhan*). ‘*Maen Po*’ is the martial art that expresses skill and strength (Yulia, Kurniawati & Azizi 2004).

In the reformation era, indications that Cianjur would implement Sharia Islam came from the initiative of Ir. H. Wasidi Swastomo when he was a regional secretary²⁰ and became a candidate for the position of Bupati in 2001. Wasidi promised to some NGOs, community organisations (*ormas*) and political parties that he would implement *Syariat Islam* if he was elected as Bupati. The issue of Sharia Islam was a crucial issue; hence, some organisations and Islamic NGOs had commitments to support any candidate who would implement Sharia Islam in Cianjur, and Wasidi was elected as Bupati. A further discussion on the elections for Bupati and the strategies to promote and implement *Perda* Sharia can be found in Chapter 6.

1.6.2 Bulukumba



The district of Bulukumba is located in the southern part of Sulawesi Island, about 153 km from Makassar, the capital city of South Sulawesi province. The district of Bulukumba consists of 10 sub-districts (*kecamatan*), namely: Ujung Bulu, Gangking, Kindang, Ujung Loe, Bontobahari, Bontotiro, Herlang, Kajang, Bulukumpa and Rilau Ale. It has 126 villages (*desa/kelurahan*). The district has the motto ‘Bulukumba Berlayar’ (‘Bulukumba sails’), but *Berlayar* is an acronym of ‘*Bersih Lingkungan, Alam yang Ramah*’ (clean environment, nature-friendly). The vision of the district government is ‘*mewujudkan Bulukumba sebagai Pusat Pelayanan di Bagian selatan Sulawesi Selatan yang bertumpu pada kekuatan lokal dan bernafaskan keagamaan*’ (‘develop Bulukumba as a Service Centre in the southern part of South Sulawesi, which is based on local strengths and religiosity’).

²⁰ Regional secretary (*sekertaris daerah*) is the highest administrative position in *kabupaten* after *Bupati*. However, the *Bupati* is the senior political position.

The population of Bulukumba in 2006 was 383,870, with 182,551 males and 201,319 females. The Bulukumba district population has a majority of Bugis and Makassar. Therefore, the languages used in everyday life are Bugis and Konjo with a Makassar dialect. Islam is the religion professed by nearly all of the population (99.75 per cent), whereas the Christian population is divided into Protestant (0.13 per cent) and Catholic (0.06 per cent), and Hindu (0.01 per cent) and Buddhism (0.05 per cent) comprise the other religions or beliefs (Kabupaten Bulukumba dalam angka 2007; (Kamil & Bamualim 2007a).

There have been an increasing number of places of worship for Muslims, from 534 mosques in 2000 to 591 in 2006; however, this district has only one worship place for other religions (a church for Christians) (Kabupaten Bulukumba dalam angka 2007). The DPRD had 35 members at the 2004 election, with only one female member from the Golkar Party, and there were 40 members after the 2009 election. The largest party in the DPRD was Golkar in all of the post-Suharto elections, with PAN and Partai Demokrat having four seats each in 2009 (Arum, the head of KPU in Bulukumba, interviewed 6 June 2008).

Although there are not many Islamic scholars and Islamic students (*Ulama' dan santri*) in Bulukumba, religious culture strongly influences the lives of the Bulukumba people. This is because, historically, Bulukumba is one of the regions where the expansion of Islamic teaching (*pengembangan syiar Islam*) in South Sulawesi occurred. In the seventeenth century, Syeh Maulana Khatib Bungsu, who had the title Dato' Tiro, arrived in South Sulawesi with his two friends, Khatib Makmur (commonly known as Dato ri Bandang) and Khatib Sulaiman (sometimes known as Dato Patimang), who were from Sumatra. They were students of Sunan Giri from Gresik, East Java. In the 1600s, Dato Tiro arrived in Bulukumba and disseminated Islamic teachings. He converted the king of Tiro Launru Daeng (known as Karaeng Ambibia), his family and his community. Since then, Islam has been widely practised in Bulukumba, so that Islamic teaching is deeply rooted among its people (Andis 2004).

In Bulukumba, there are two influential Islamic Organisations: NU and Muhammadiyah. These two organisations have large followings at the grass roots and

in the political elite. For instance, the chairman of MUI in Bulukumba is the chairman of NU. In the implementation of *Perda* Sharia in Bulukumba, in contrast with the central leadership of both organisations in Jakarta, the leaders of these two organisations in Bulukumba are actively involved in initiating and proclaiming the application of *Perda Syaiah* (Kamil & Bamualim 2007a).

These two organisations also have influential universities in Bulukumba. NU has the Sekolah Tinggi Agama Islam (STAI: Islamic College of Teachers) Al-Ghazali, which trains religious teachers and preachers in remote Bulukumba, while Muhammadiyah has the Sekolah Tinggi Keguruan dan Ilmu Pendidikan (STKIP: College of Teacher Training and Education), which trains teachers in the district. There will be a detailed discussion of NU and Muhammadiyah in Chapter 5, in the section ‘identifying the supporter of *Perda* Sharia’.

1.6.2.1 *Perda* Sharia in Bulukumba

The idea to implement Sharia Islam in Bulukumba was strongly supported by the *Komite Persiapan Penegakan Syariat Islam* (KPPSI: Preparatory Committee for the Implementation of Islamic Sharia), which was established in South Sulawesi on 21 October 2000. However, the KPPSI does not say that it supports the establishment of an Islamic State in Indonesia, which was the objective of Darul Islam (DI), led by the father of its own chairman, Azis Kahar Muzakkar. The KPPSI disassociates itself from DI’s military campaign, but identifies itself with the broader religious objective of the DI, which is to implement Sharia through regulations. There will be a further examination of KPPSI in Chapter 5.

Perda Sharia, which is commonly known as ‘*Perda* keagamaan’ in Bulukumba, was initiated by Andi Patabai Pabokori, who became the bupati for two periods: 1995–2000 and 2000–2005. The idea had its origins long before he became the Bupati (Andis 2004). In 1994, when he was the regional secretary (*sekertaris daerah*) of kabupaten Bulukumba, he was involved in the revitalisation²¹ of the program of *Badan Koordinasi Pemuda Remaja Masjid Indonesia* (BKPRMI: Coordinating Board for Indonesian MosqueYouth). He strongly supported any activities related to Islam

²¹ Andi Patabai Pabokori became the regional secretary for the period 1992–1995

and religiosity. Since then, there have been an increase in activities related to Islam, such as the of religious teaching, especially studies of Quran, for both children and adults such as in *Taman Kanak-kanak Quran* (TKA) and *Taman Pendidikan Quran* (TPA). In 1996, one year after he was elected as Bupati, Bulukumba held a *Porseni Remaja Masjid* (Sports and Arts Competition for the Mosque Youth) in South Sulawesi for the first time. Due to his achievement as The Best Coach and Advisor of The youth Mosque at the National Level (*Pengayom Terbaik Pembina Remaja Masjid Tingkat Nasional*), Patabai was awarded a *Peniti Emas* (golden pin) from the Indonesian president in 1997 (Kamil and Mualim 2007; Mahrus Andis 2005). Since then, he has become an enthusiastic supporter of Islamic activities. In 1995, several years before Bulukumba implemented *Perda* Sharia, the district implemented a *Crash Program Keagamaan*²² to enhance the religiosity of the community.

1.7 Thesis Outline

This thesis consists of nine chapters. Chapter 1 presents the background of the research. It provides a general introduction to the subject, establishes the research questions, discusses the complexity of the *Perda* Sharia issue, describes the context of the case study, reviews the research methodology, reports on fieldwork and offers a thesis outline. Chapter 2 discusses previous studies related to the research, including Sharia, *fiqh* and Islamic Law. It reviews previous studies on the implementation of Sharia in Indonesia, human rights and democracy within the Islamic framework, and it outlines women's issues in relation to Islam. The definitions of human security and women's security are also addressed in this chapter. Chapter 3 addresses the question of what has made *Perda* Sharia possible by exploring the history of the sacred word of Sharia in Indonesian politics, investigating the government policy towards Islam and examining the relationship between regional autonomy and the application of *Perda* Sharia. Chapter 4 investigates the dynamics of *Perda* Sharia by identifying its supporters. Chapter 5 discusses the ideology and the motives of the supporters of *Perda* Sharia. Chapter 6 explores the political process of *Perda* Sharia by investigating the use of Sharia issues during elections. The question of whether the issue of Sharia benefited the Bupati candidate is also addressed in this chapter. Chapter 7 examines the concepts of human security and women's security developed

²² The name 'crash program keagamaan', based on my interview with Patabai and Mahrus Andis, aims to give an understanding that this program has to be done quickly, as conveyed by the term 'crash'

by the Commission of Human Security, and it compares these with the understandings of the women involved in this research, who thought of their own security in terms of 'local wisdom'. Chapter 8 explores the conflicting interpretations of veiling that have been developed by some scholars, and it compares these with the understandings and experiences of women regarding veiling, as has been mandated by *Perda* Sharia. Chapter 9 presents the conclusions of the research.

Chapter 2: A Review on Previous Studies of *Perda* Sharia

2.1 Introduction

This chapter will discuss a range of literature that is relevant to this study. Four issues and some concepts will be examined. It commences by outlining the concept of Sharia and its differences with *fiqh* by exploring the discourse and the implementation of Sharia in some countries, including Indonesia. This section also explores the discourse of Sharia and how it has been debated and discussed within Indonesian politics. The second section will investigate and explore the concepts and discourse within the literature that is relevant to human rights, democracy and Islam. This part will examine how human rights and democracy have been discussed and debated within the Islamic framework. The question of whether human rights are compatible with Islam will also be raised. The next issue will shed light on women, Islam and women's security. This part will outline several issues relating to women and Islam, such as women's rights in Islam, women's security, women under *Perda* Sharia and how Islamic teaching situates women and women's rights. Finally, the issue of *jilbab* is discussed in this chapter, as this issue relates to politics, identity and religion.

2.2 Sharia: The Meaning and its Implementation

This part will introduce the concept of Sharia and the ambiguity between Sharia and *fiqh* (Islamic Jurisprudence). Many scholars have written about Sharia through various perspectives, such as Mayer (Mayer 1991, 1993), Hallaq (1997), Masud (1996), Naim (1990) and Guinn (1999). However, there is no single definition of what is meant by Sharia; it means different things to different people, depending on their interpretation. Marshal (2005) explained that Sharia is often described as Islamic law; however, the term 'law' is too restrictive to give a sense of its full scope. It certainly gives rules and guidelines for marriage, economics and criminal law, but it also gives guidance for spiritual and moral matters such as prayer and pilgrimage. Bustamam-Ahmad (2007) reviewed that many scholars have referred to Islamic law in various ways as *fiqh*, Sharia, *al-ahkam al-Islamiyah* and Islamic jurisprudence. He stated that the debate on this issue has serious implications for realising Islamic law as a tool in Muslims' daily lives. As A. Qodri Azizy (2001) argued, 'many people are confused in

understanding Islamic law, because they think that Islamic law is identical with the Sharia or even the *wahyu* (revelation) of God' (Azizy 2001, p. 264). Abdu Rahman I Doi (1992; 2007) and Hussain (2004) used the term 'Islamic Law' to explain Sharia, which literally means 'a way to a watering place' and thus a path to be followed. According to Muslim belief, it is the path ordained by God for the guidance of mankind. Therefore, Islamic law has a very important position in Islam, and its adherents are expected to learn how to apply Islamic law in daily life (Bustamam-Ahmad 2007, p. 140).

Minhaji (1999) argued that Islamic Law has become the most important subject for students of Islam. He compiled the argument of scholars about the importance of Islamic Law. First, Islam is a religion of law. Second, law is the core to the civilisation of a people in general, including in the world of Islam. Third, it is impossible to understand the Muslim mind, society, ideals, politics and reactions without some knowledge of the law that the Muslims embrace. Fourth, law is the heart of Islam. Fifth, for many devout Muslims, both traditionalist and modernist, Islam without the law is unimaginable. Sixth, for Muslims, the Sharia is a way of life and the core of Islam. Seventh, it is impossible to understand Islam without understanding Islamic Law. Eighth, Islamic Law will always be one of the most important subjects of study for students of Islam (Minhaji 1999, pp. 20-4)

From the discussion above, it can be concluded that Islamic Law covers the entire aspect of Islamic teaching. However, according to Bustamam-Ahmad (2007), 'when we explore what really constitutes Islamic law, we encounter many different perceptions. Some questions are to be posed; when is Islamic law considered as Sharia? When is Islamic law considered as *fiqh*?' (Bustamam-Ahmad 2007, p. 140). As Mashood A. Baderin noted, 'Islamic law, strictly speaking, is not monolithic. Its jurisprudence accommodates a pluralistic interpretation of its sources, thereby producing differences in juristic opinions that can be quite significant in a comparative legal analysis' (Baderin 2003, p. 33).

Further, Baderin (2001) stated that there is a general traditional misconception about Islamic Law being wholly divine and immutable due to the usual lack of distinction between the sources and the method. Hence, distinguishing between Sharia and *Fiqh*

is crucial for a proper understanding of Islamic Law. Although both terms are often referred to as Islamic Law, they are technically different. According to Doi (2007), Sharia means ‘path to be followed’ while *Fiqh* means ‘understanding’. The first refers to the sources while the second refers to the methods of understanding and deriving Islamic Law. Further, Baderin (2001) explained that the legal significance of this distinction is that, as a source of Islamic Law, Sharia is considered divine in nature and thus immutable, while *fiqh*, as the understanding, interpretation and application of Sharia, is a human product that may change according to time and circumstances. Thus, Islamic Law consists of two components: immutable divine revelation (Sharia) and the human interpretation of Sharia (*Fiqh*).

Further, Kabah (2004) argued that the definition of Sharia is often used as a synonym with *fiqh* and Islamic Law. The three terms have a similar meaning, as a ‘path’ from Allah. However, viewed from an Islamic historical perspective, they have different meanings. According to Kabah (2004), Salim and Azra (2003c), and Salim (Salim, Arskal 2008), Sharia is divine guidance as given by the *Qur’an* and *Sunnah*, and it includes all aspects of Islamic beliefs and practices. Kabah (2004) defined Islamic Law as an understanding of Sharia that has been formalised in the text of law, such as a constitution, regulations and rules that govern the citizen. According to Hussain (2004) and Bustamam-Ahmad (2007), *fiqh* is the finding of Islamic laws from the main sources, namely the *Qur’an* and *Sunnah* through *ijtihad*.

Bustaman-Ahmad (2007) argued that *Fiqh* and Sharia are very different:

... first, Sharia comes from Allah, but *fiqh* is the product of human interpretation; second, there is only one Sharia, while *fiqh* implies diversity. Third, Sharia is very authoritative while *fiqh* is very liberal since it is a human product. Fourth, Sharia is not subject to change, on the contrary, *fiqh* faces many changes through social-cultural dynamics. Fifth, Sharia is idealistic while *fiqh* is realistic (Bustamam-Ahmad 2007, pp. 142-3).

Nevertheless, it is worthy to note that when I write ‘Sharia’ or ‘Islamic Law’, I am referring to *fiqh*. It is in line with what Al-Asymawi (2003) stated, although there has been no clear definition for how the implementation of Sharia should be conducted. However, what people mostly mean by the implementation of Sharia is the formalisation of *fiqh*. Kabah (2004) argued that it is not possible to implement *fiqh* as a state law. In this context, as a human interpretation, *fiqh* has produced Islamic Law

or the Islamic legal system. However, some states that are considered Islamic states usually formalised *fiqh* or human interpretation to be state law.

2.3 Discourses on Sharia and its Implementation in Indonesia

The studies on the discourses of Sharia in Indonesian politics have been widely available in Indonesia. The most prominent research was conducted by Boland (Boland 1971), who elucidates the formation of Indonesia as a nation-state and the endeavours of the Muslim elite to have state constitution based on Sharia. Many other scholars have also conducted research on the issues of Sharia in Indonesia from various perspectives, including Effendy (Effendy 2003), Assyaukani (Assyaukanie 2009), Salim and Azra (2003c), Salim (2003), Hooker (2003) and van Bruinessen (Bruinessen 1996a).

Effendy (Effendy 2003) presented the tense and shifting political relationship between Islam and the state in Indonesia from the pre-independence period until the years following the fall of Suharto. He records the reasons for the division between Islam and the state. He observed two prominent theories in contemporary Islamic political thinking, both of which recognise Islam as a primary force that pervades all spheres of life. The first theory views the formation of a Muslim state with Sharia as the state constitution and the ultimate embodiment of its ideology, thus believing that the concept of a modern democratic nation-state inherently contradicts the fundamental principles of Islam. The second theory argues that Islam does not contradict the concept of a modern democratic nation-state because the Qur'an is flexible, open to multiple interpretations and does not stipulate a particular system of government. This theory believes that the fundamental ethical values found in the Qur'an—'justice, equality, brotherhood, and freedom' (Effendy 2003, p. 7)—are in line with the system of democracy. Effendy also provided a critical analysis of the relationship between Islam and the state after the fall of President Suharto in 1998, which opened the door for mass participation in political activities and the formation of 181 political parties, of which 42 were Islamic. Despite the recent increase in Islamic political parties that support Sharia as their ideological basis, Effendy (2003) argues that this is an expected part of the shift from authoritarian to democratic rule.

Other scholars, such as Fealy (2005), Riddell (2005), Salim and Azra (2003c) and Hosen (2007b), observed that Suharto's departure created opportunities for several Muslim groups and political parties to propose the introduction of Sharia into the constitution, and Indonesia, the largest Muslim country in the world, entered a new era of political, legal and economic reform, particularly when Habibie's government passed two laws to promote regional autonomy.

Drakeley (2005) observed that the elimination of the New Order's political constraints has not resulted in a transformation in the fortunes of political Islam that some expected. As Rumadi (2007) observed, Islam is the dominant religion in Indonesia; however, as a political power, Islamic parties have not been successful at the elections. The results of the general elections of 1999 and 2004 show that the proportion of Indonesian Muslims inclined to give their vote to clearly identifiable *santri*-based parties declined when compared with the pre- New Order period. In the 1955 elections, Islamic parties obtained 45.13 per cent of the vote, while in 2004, they attracted only 21 per cent (Rumadi 2007). These figures suggest a decline in Islam's political influence, despite the fact that Indonesian Muslims appear to have become more *santri*.²³ In addition, the 'secular' parties, such as *Golkar* and (*Partai Demokrasi Indonesia-Perjuangan* (PDI-P: the Indonesian Democratic Party of Struggle), have adjusted their stance to attract *santri* elements (Effendy 2003; Salim, Arskal 2003).

Nonetheless, it is clear that the establishment of an Indonesian Islamic state is not a priority for most Indonesian Muslims (Drakeley 2005; Salim, Arskal & Azra 2003c). The most recent general election—the parliamentary elections of 2009—provided further evidence that Indonesian Muslims are not automatically in favour of giving their votes to Islamic parties. From around 10 Islamic political parties participating in the general elections, only four parties were successful in passing the parliamentary thresholds of 2.5 per cent from the total national legitimate votes in order to have seats in the parliament. These parties were *Partai Amanat Nasional* (PAN: National Mandate Party) with 6.01 per cent, *Partai Kebangkitan Bangsa* (PKB: Nation Awakening Party) with 4.94 per cent, *Partai Keadilan Sejahtera* (PKS: Prosperous Justice Party) with 7.88 per cent and *Partai Persatuan Pembangunan* (PPP: United

²³ *Santri* is a term that is commonly used in Indonesian literature to refer to a Muslim who practices Islam doctrines devoutly, as opposed to an *abangan*, who is less devout. For detail, see Geertz (1960).

Development Party) with 5.32 per cent. Of these four parties that met the electoral threshold, only the PKS increased its support, and by less than one percentage point over its showing in 2004.

In contrast to the limited electoral success of *santri*-based parties in national politics, since the implementation of Regional Autonomy in January 2001, many districts—such as Enrekang, Gowa, Takalar, Maros, Sinjai and Bulukumba in South Sulawesi; Indramayu, Tasikmalaya, Garut, Cianjur, Kota Depok and Cianjur dan Kota Tangerang in West Java; Kota Padang, Solok and Bukittinggi in West Sumatra; and Pamekasan in East Java—have enacted *Perda* Sharia, despite the provision in article 7 of Law No. 22/1999,²⁴ which states that religious matters come under the authority of the central government rather than the district governments. Hence, according to Satriyo (2003), district governments avoid using the term ‘Sharia’. Instead, they frame the regulations in terms of upholding ‘morality and order’.

However, as Rumadi (2007) argued, it has become the strategy of Islamic groups to use regional autonomy to enact *Perda* Sharia, particularly since their failure to achieve electoral success at the national level. Abu Bakar Ba’ashir, the former leader of Majelis Mujahidin Indonesia, has argued that *Perda* Sharia is one way to formalise Islamic Sharia in the legal system if Muslims cannot establish an Islamic state (ICRP 2007). Turning to the debate about Sharia, it is clear that, before 1999, most of the debates about the nature of the Indonesian state were conducted at the national level. However, since regional autonomy in 1999, especially after many districts implemented *Perda* Sharia, the debate on Sharia has been focused on issues of human rights, especially women’s security.

2.3 Human Rights, Democracy and Islam

The relationship between Islam and human rights in the Muslim world has been discussed by many scholars, including An-Na’im (1990), Monshipouri (1998), Baderin (2003), Mayer (1991), Arzt (1990), Abu-Sahlieh (1990), Chase (2000), Akbarzadeh and MacQueen (2008), Hashemi (Hashemi 2008), Behdad (2008) and

²⁴ Law No. 22/1999 was revised with Law No. 32/2004 regarding Local Government. However, the structure of decentralisation is similar in both laws. The provision of Article 10 of Law No. 32/2004 also stated that religious matters are still under the authority of the central government.

Irene Oh (2007). The discourse is not only theoretically relevant to the universalisation of human rights generally, but it is also specifically relevant to the practical realisation of human rights in the Muslim world. This is due to the role that Islam has generally played, and continues to play, in the social, cultural, political and legal affairs of many predominantly Muslim states and societies, although some other scholars, such as Brumberg (2005) and Chase (2006), argue that Islam is essentially neither the solution nor the problem *per se* to political and social problems in the Muslim world.

2.4 Muslims' Responses to International Human Rights

As Hosen (2007b) noted, many Muslim scholars, including Maududi (Maududi 1983), Patwari (Patwari 1991), and Mahmood (Tahir 1993), are firm in their belief that Sharia addresses the fundamentals of human rights. Those scholars identify the most important human rights principles in Islam to be: dignity and brotherhood; equality among members of the community without distinction on the basis of race, colour or class; respect for the honor, reputation and family of each individual; the rights of each individual to be presumed innocent until and unless proven guilty; and individual freedom. These arguments suggest that Islamic Law protects human rights according to its own set of values. These values are fixed in divine law and are considered superior to any law created by humans and established by international institutions. Those Muslim scholars use the concept of cultural relativism²⁵ to legitimise their adherence to Sharia *vis à vis* human rights (Hosen 2007b).

Halliday (in Baderin 2001) identified at least four classes of Muslim responses to the international human rights debate. First, Islam is compatible with international human rights. Second, human rights can only be fully realised under Islamic Law. Third, the international human rights movement is an imperialist agenda that must be rejected. Fourth, Islam is incompatible with international human rights. Further, Baderin (Baderin 2001) added one more class as a fifth response of Muslims to international human rights: that the international human rights movement has an anti-religious agenda. This argument mainly refers to Ayatullah Khomeini, spiritual leader of Iran, who said: 'What they call human rights is nothing but a collection of corrupt rules

²⁵ Cultural relativism is the principle that an individual human's belief and activities should be understood in terms of his or her own culture (Hosen 2007b).

worked out by Zionists to destroy all true religions'(Mayer 1991, p. 28). According to Baderin (2001), these responses reflect the entrapment of human rights between international politics and humanitarianism rather than a disagreement of the concept of human rights in Islamic law.

In contrast, Bielefeldt (2000) argued that some scholars who claimed that human rights have always been recognised in Sharia simply deny that there are any problems such as gender equality and religious liberty. Although acknowledging women's legal personality, Bielefeldt (2000) argued that Sharia did not include the principle of equality in rights for men and women. In particular, matters of marriage, family life, divorce and inheritance that differentiate legal standing between the genders have persisted to the present day. Measured against the standard of modern human rights, they must be considered discriminatory towards women. Further, Bielefeldt (2000) argued that despite the Islamic tradition of religious tolerance, some forms of discrimination against religious minorities, such as restrictions on interreligious marriage, are still legally in force in most contemporary Islamic countries.

In relation to democracy in the Muslim world, Brumberg (2006) argued that naming Islam as the solution exaggerates the extent to which Islam shapes Muslims' political identity. Chase (2006) argued for a contextualised understanding of the relationship between Islam and human rights in the Arab world, noting that the political, social and economic context explains the status of human rights for better or worse. Hence, Islam is neither responsible for the violations of rights, nor is it the core basis for advancing rights.

Their arguments were mainly supported by the comprehensive understanding of current social, cultural, political and legal developments in Muslim states such as Saudi Arabia, Iran, Iraq, Egypt, Morocco, Sudan, Nigeria, Pakistan, Indonesia, Malaysia, Palestine and even secular Turkey (Baderin 2007). These developments reveal different degrees of Islamic influence in both the private and public spheres of those states that directly or indirectly affect human rights issues. For example, Bielefeldt (in Baderin 2007) observed that traditional Sharia norms continue to mark family structures all over the Islamic world, and that the Sharia criminal law is still applied in a few Islamic countries today. Buskens (in Baderin 2007) observed that in

most Muslim societies, Islam infuses family law by denoting the cultural and legal influence of Islam in that regard, but conversely having a significant effect on the application of human rights law, especially in relation to women's rights. Modirzadeh (Modirzadeh 2006) argued the need to involve Islamic Law in relation to the promotion and protection of human rights in the Muslim world. She observed that despite the increasing sophistication in the work of human rights organisations in the Muslim world, they remain unsure of how to address questions of Islamic Law when it conflicts with international human rights law. She argued that international NGOs need to take Islamic Law more seriously and engage with it in one way or another. Blitt (in Baderin 2007) observed that since the 1970s, Islam has become an increasingly important political factor, particularly in the Muslim world. This domestic influence of Islam is formally reflected in the constitutions of some Muslim states that declare Islam as the religion of the state, recognise Islamic Law as part of state law or provide for the establishment of state courts that apply Islamic Law (Baderin 2007).

Apart from the influence of Islam in each Muslim state, Baderin (Baderin 2007) and Hosen (Hosen 2007a) observed that Muslim states have also adopted regional instruments such as the Arab Charter on Human Rights, the Charter of the Organisation of Islamic Conference (OIC), the OIC Cairo Declaration on Human Rights in Islam and the OIC Covenant on the Rights of the Child in Islam, all of which make reference to Islam as a relevant factor in the human rights discourse in the Muslim world. In addition, at the United Nations (UN) level, the OIC has submitted on behalf of Muslim states regarding proposed reforms of the UN Security Council, stating that 'any reform proposal, which neglects the adequate representation of the Islamic *Ummah* in any category of members in an expanded Security Council will not be acceptable to the Islamic countries' (UN 2004, p. 56). With regard to international human rights, the OIC:

... expressed its determination to vigorously pursue the promotion and protection of human rights and fundamental freedoms and encouraged greater transparency, cooperation, mutual tolerance and respect for religious values and cultural diversity in the field of universal promotion and protection of human rights (UN document 2004, p 57).

Further, Baderin (Baderin 2007) noted that within international human rights forums, questions regarding the relationship and effect of Islam generally, and Islamic law specifically, on the application of human rights law in Muslim states have been raised before the Human Rights Committee under the UN human rights system, the European Court of Human Rights under the European regional human rights system, and the African Commission on Human and Peoples' Rights under the African regional human rights system. These undoubtedly reflect the relevance of Islam to international human rights discourse generally, but particularly its effect and role in relation to Muslim states (Baderin 2007). An-Na'im (2000) argued that the implementation of international human rights norms in any society requires thoughtful and well-informed engagement with religion because of its strong influence on human belief systems and behaviour. Hence, religious considerations are too important to the majority of people for human rights scholars and advocates to continue to dismiss them as irrelevant, insignificant or problematic.

2.5 Women, Islam and Women's Security

Women, gender and Islam will always be a contested issue because women's *locus* in relation to Islam is problematic when their status is manifested through the eyes of the practiced Islam. Various interpretations of Islam have managed to define, locate and perhaps entrap women under certain fixed categories. This section aims to shed light on the women's issues within Islam, including women's status and state identity, and their rights and security within the implementation of *Perda* Sharia.

2.5.1 Women's Status and State Identity

Yuval-Davis and Anthias (Yuval-Davis & Anthias 1989) argued that women's status and roles are built through various dimensions of state policy. Central elements of the roles of women are constituted with the relationship of collectivities to the state. In addition, the central element of the relationships between collectivities and the state are constituted around the roles of women (Yuval-Davis & Anthias 1989). Here, the prevailing nature of the state has obviously been important for the development of gender ideology among women.

There are many ways in which women participate in national processes in relation to the state, namely: as biological reproducers; reproducers of the boundaries of ethnic/national groups; reproducers of ideologies and transmitters of culture; signifiers of ethnic/national differences, which is a focus and symbol of ideological discourses in the construction of ethnic/national categories, 'ethnic/national markers'; and participants in national, economic, political and military struggles (Yuval-Davis & Anthias 1989). According to Blackburn (2004), state gender ideology refers to the assumptions about gender on which the state acts, and the way in which it makes an effort to influence the construction of gender in society. Sometimes these assumptions on the part of the state are obvious, contained in official statements about policies relating to women (Blackburn 2004). According to Migdal (1994, p. 11), the state is 'a set of organizations invested with the authority to make binding decisions for people and organizations, juridically located in a particular territory and to implement decisions using, if necessary, force'. The state consists not only of its formal-legal institutions, but also of informal institutions and non-office holders (Kohli & Shue 1994).

Abdurrahman (2001) observed in Islamic states such as Sudan and Pakistan that women are the first victims of policies implementing Sharia law. Mulia (2001) explained that, historically, every country that implements Sharia law began its political program by controlling women's rights. She sees this as a political shortcut to achieving legitimacy by making a symbol of Islam. Women have been easy targets because they were unorganised and still subservient to patriarchal values (Mulia 2001). According to Hassan (1990) and Shaheed (1994), in most Muslim societies, the cultural articulation of patriarchy through structures, social mores, laws and political powers has been justified by reference to Islam and Islamic doctrine. Mulia (2001) argued that Islam in general and Sharia law in particular have been deliberately misused to discriminate against women. In addition, the interlocking of religion with law and customs has profound repercussions for women, affecting them negatively and disproportionately in comparison to men (Shaheed 1994).

2.5.2 Women and Islam within Indonesia

Some studies have been conducted about Indonesian women and Islam in Indonesia. Smith and Woodward (2013) explores configurations of female leadership, power, feminisms and sexuality to reveal multiple Muslim selves in *pesantren* and Sufi orders. She found that *pesantren* are not only centres of learning, but also social spaces in which the interplay of gender, politics, status, power and piety shape the course of life. She also explained how Muslim women rise to positions of power and authority in this patriarchal domain, they challenge and negotiate "normative" Muslim patriarchy while establishing their own Muslim "authenticity." Blackburn (2004) tried to explore when and why the state in Indonesia became interested in women's issues. She argued that the autonomy law introduced by Habibie has been devolving more power to the district. While it offers women more spaces to be politically active, some women find themselves discriminated against in the current resurgence of local identities (Blackburn 2004). Blackburn (2004) and Suryakusuma (2007) observed that some local governments are using their power to place restrictions on women in the name of morality, such as in the case of *Perda* Sharia.

Further, Noerdin (2002) observed that many regions have been implementing *Perda* Sharia, which strictly regulates how women should dress and bans them from going out after 10 pm, unless accompanied by a *muhrim* (close male relative). The regulations specifically ban women from wearing a miniskirt, sleeveless shirt and tight clothing, which men might find sexually arousing. In West Java, a similar regulation gives power not only to the police, but also to community members to enforce the regulation.

2.5.3 Defining Human Security and Women's Security

The global discourse about human security has been developed since 1994, when the UN published its *Human Development Report*. In the report, human security as a concept emerged and began to attract academia and government officials' attention. Since then, its slogan 'freedom from fear and freedom from wants' has become popular. Human security refers to a kind of security that does not focus on traditional security, which is concerned first with the entity of the state. Instead, it focuses on the importance of protecting the well-being of the human race—not just the security of one's own people—cutting across distinctions and boundaries of nationality and

ethnicity, class and culture, gender and religion. The UN stated that human security covers seven dimensions of security and well-being that are necessary to ensure these freedoms: economic (threats include unemployment, jobs insecurity, income inequality, poverty and homelessness), food (including inadequacy of food availability and food entitlements), health (such as infectious diseases, new viruses, parasitic diseases and respiratory infections), environmental (degradation of air, water, soil and forest), personal (including discrimination, exploitation, crimes and terrorism), community (ethics and communal conflicts) and political (violation of human rights) (UNDP 1994).

In 1999, the Human Security Network (HSN) was formed. The aim of the HSN is ‘... to energize political process aimed at preventing or solving conflicts and promoting peace and development’. The shifting paradigm, from protecting the state to protecting the people, continues to invite a hot debate among scholars. By focusing on people, human security does not mean that it completely excludes the state, as many human security issues require state action and, in some cases inaction, as well as a serious commitment of the state to protect its people. However, the implementation of *Perda* Sharia might be an example of where state action endangers women’s security through regional government regulations that mostly restrict their freedom.

In 2000, at the UN Millennium Summit, the Commission of Human Security was established. Its aim is to address critical and pervasive threats to human security, among others. In 2003, the Commission of Human Security submitted its report, ‘Human Security Now’, which emphasised:

... protecting people from critical and pervasive threats and situations, building on their strengths and aspirations. It also means creating systems that give people the building blocks of survival, dignity and livelihood. Human security connects different types of freedoms: freedom from want, freedom from fear and freedom to take action on one's own behalf. To do this, it offers two general strategies: protection and empowerment (CHS 2003, p. 10).

However, this definition has been criticised by some scholars (Bunch 2004; Caprioli 2004; Chenoy 2005; Hoogensen & Rottem 2004; Hudson 2005)—particularly those concerned with women’s issues—in relation to whether this definition adequately covers women’s security.

Further, the concept of security has different meanings in different places and times, and it will have different implications for different people. Tadjbakhsh and Chenoy (2007) explained that the concepts of ‘security’ and ‘insecurity’ have relative connotations in different contexts. For some, insecurity comes from a sudden loss of a guarantee of access to jobs, health care, social welfare and education. For others, it stems from a violation of human rights, extremism, domestic violence, spread of conflicts and displacement. Therefore, to be meaningful, security needs to be redefined as a subjective experience at the micro level in terms of people’s experiences.

The Commission on Human Security (2003) defined human security as: ‘the protection of the vital core of all human lives in ways that improve human freedom and human fulfilment’. According to Truong, Wieringa and Chhachhi (2006), discourses on human security have brought together issues of human dignity, rights and well-being in a comprehensive way. Human security connects different types of freedom, such as freedom from want, freedom from fear and freedom to take action on one’s own behalf. To do this, it offers two general strategies: protection and empowerment. Protection shields people from dangers, which requires a concerted effort to develop norms, processes and institutions that systematically address insecurities. Empowerment enables people to develop their potential and become full participants in decision-making (CHS 2003). However, the discourse about human security is always followed by two questions: ‘Does the human security concept show equal concern for women? Is women’s security ensured under the human security concept?’ (Chenoy 2005, p. 167).

In many articles on human security, scholars (Caprioli 2004; Chenoy 2005; McKay 2004) have tried to relate women’s security to human security. Generally, human security can enhance gender justices because human security approaches attempt to overcome physical and structural violence, which creates the domination of men over women (Hara 2007). Further, different from the concept of traditional security, the concept of human security, according to Bunch (2004), will assist in discovering the multiple dimensions that influence women’s lives, in which the most prominent insecurities of women are the threat of violence in their daily lives and the lack of

control over reproduction. According to Chenoy (2005, p. 168), ‘women’s insecurity can come from within the family, from community conflict or from state or interstate sources. The insecurity is largely invisible in the private sphere and gendered in the public sphere’ (UNIFEM 2003 in Chenoy 2005, p. 168). Likewise, some researchers found that ‘women’s security is systematically violated in both the public and private sphere, and that legal equality in the public sphere cannot lead to women’s security without equality in the private sphere’ (Caprioli 2004, p. 412).

In addition, Tickner (1997, in Caprioli 2004), explained that feminist theory, in which security can only be fully understood by examining gendered structures of inequality, facilitates an analysis of security differences by sex. Further, Caprioli (2004) argued that discrimination causes the inequality and structural violence that weakens women’s security. Women’s inequality results from structural inequality and violence and, as such, is a measure of women’s security (Caprioli 2004). Women’s security is only assured when all individuals can live free of violence, exploitation and discrimination at home and in public (Broadbent 1993, in Caprioli 2004).

Further, based on research into women’s security, Dirlik (1987), Mayer (1995) and Wali (1995)²⁶ argued that culture can be an obstacle to women’s security. In line with this, in Indonesia, which is dominated by patriarchal cultural values, the position of women is subordinated to that of men. This condition is worsened by the fact that Islam, which is adhered to by the majority of the Indonesian population, as well as Islamic teaching, which is practised by Muslims, is greatly influenced by patriarchal interpretations of Islamic teaching. Thus, in a patriarchal society such as Indonesia, men define security. Many policies have been affected by masculinist-dominant discourses. The discourses create, reinforce and maintain the gendered condition of human insecurity (Hara 2007).

²⁶ All of these reference are quoted by Caprioli (2004).

2.5.4 Perda Sharia and Women's Security

Wagener (2006) observed the implementation of the *Qonun* in Aceh and found that the debates on the implementation of Sharia regulation (*Qonun*) in Aceh directly affect women's rights and the campaign to secure greater gender equality. She argued that the application of Sharia to women's rights is condemned as a one-sided interpretation of Sharia; for example, the compulsory wearing of a veil (*jilbab*) by women when it is enforced by the state. This happens because the formal interpretation of Sharia has shown that in a society characterised by patriarchal structures, Islamic Law is used to regulate and control the behavior and outward symbols of women. Wagener (2006) argued that experience with decentralisation in Aceh has shown that women have been marginalised through exclusion from the decision-making processes in political, social and economic spheres. This discrimination occurs because patriarchal influences dominate the interpretation of Islamic Law sources, the Qur'an and Hadith²⁷ (Wagener 2006).

In contrast, Widiastuti (2006), the leader of the Muslimah Brotherhood, argued that *Perda* Sharia, such as banning prostitution in Tangerang, will improve women's dignity and prestige. In addition, Nurwahid (2006), the Head of the MPR, stated that the implementation of regulations banning prostitution, gambling and immoral behaviour will not disrupt social life, but rather make it more secure and peaceful. Further, Juwaeni (2006), the member of the *Dewan Perwakilan Rakyat* (DPR: People's Representatives Council), argued that because of the implementation of *Perda* Sharia, the people will be happy and secure, and their social lives will be better.

From the above discussion, it seems that woman's issues have been used by supporters and opponents of *Perda* Sharia to support their arguments by using the term 'security'. However, none of them have defined what is meant by women's security. According to Bunch (Bunch 2004), defining the concept of human security will assist in discovering the multiple dimensions that influence women's lives. She added that in women's daily lives, the threat of violence and the lack of control over reproduction are perhaps their most prominent insecurities. However, there are few

²⁷ *Hadith* is the prophet's sayings, collected traditions, teachings and stories of the prophet Muhammad, which are accepted as a second source of Islamic doctrine and law after the Qur'an.

studies on women and the state that focus on women's security, especially in the context of the implementation of *Perda* Sharia in some districts in Indonesia.

By looking at the discussion above, it is apparent that the concept of human security, then women's security is very complex and varies from one to another. It depends on the socio cultural of women where they live. In this thesis, the definition of human security is only used as a guideline to explore the meaning of women's security. It is only as a comparison of what the women's experience and what is happening to women with no intention to limit their story and exploration of the women's experience on their security. This is very important to see their agency, to listen to their opinion and their voice.

2.5.5 The Veil²⁸ and its Discourses

The veil is probably the most discussed issue relating to concerns of gender and Islam, and many scholars have researched this issue. A number of scholars have discussed the issue of veiling from various perspectives and analysed the significance of the growing prevalence of veiling in Africa and Middle Eastern countries ((e.g. Ahmed (Ahmed 1992); Guindi (El Guindi 1999); (Hoodfar 1991); (Macleod 1992); (Mernissi 1991); (Abu-Lughod 1986)). These studies present useful findings for comparison with the Indonesian context, which has a different historical, political and cultural development with the Muslim world in the Middle East.

Fadwa El-Guindi (1999) conducted a comprehensive study of veiling in Egypt, attempting to synthesise an ethnographic approach with an historical approach, as well as an examination of Qur'anic texts, *Hadith* (the reported sayings of the Prophet) and *Tafsir* (Qur'anic exegesis). Her investigation included women who have made the decision to wear a veil, those who have refused, some who have always been veiled and others who have never veiled. Unlike most studies featuring 'veil' in their title, El-Guindi's work does not present yet another treatise on oppressed, victimised and

²⁸ The veil here means the Islamic veil. In a later discussion, the Islamic veil will be addressed as simply 'the veil'. As suggested by El Guindi (1999), the veil can appear in various forms, from *khimar* (a head cover), *jilbab* (a long, loose covering head to toe, with face and feet shown) to *burqa* (covering from head to toe, including the face). However, There are two terms that mean 'veil' or 'headscarf' in Indonesian: *kerudung* and *jilbab*. While the *kerudung* (loose veil) refers only to a cover for the hair or head, the *jilbab* (tight veil) not only covers the head, but frequently also covers the whole upper body (like a cloak or shawl). The garment that covers the entire body is usually called *busana muslim* (Islamic attire) (Smith-Hefner 2007). Sometimes *hijab* is used to express the meaning of *jilbab* in Indonesia. In this respect, the Islamic veil/veil, *jilbab* and *hijab* are used interchangeably. Veiling means to don the veil.

passive Muslim women. Indeed, she strongly rejects such simplistic and ethnocentric explanations of women's veiling and the cultural codes underlying it, which, she argues, have been mainly put forward within the discipline of Women's Studies. According to El-Guindi, the dress codes adopted by male and female activists entail a range of cultural codes that challenge the conventional idiom of 'modesty-shame-seclusion'. Rather, she suggests, the cultural codes underlying veiling relate to notions of privacy, sanctity, respect and restraint. Her analysis pointed out that the significance of 'the veil' is fluid and changing; it depends on diverse social and historical contexts (El Guindi 1999).

Bowen (Bowen 2007, 2011), an American anthropologist, explored the various disciplines of political philosophy, public policy and common sense in changing French daily life. Bowen (Bowen 2007) investigated how people think about an important social issue in context. He focused on historical and social aspects to understand why the French government was concerned about a piece of cloth. Through his research on media coverage, Bowen found that the emergence of the veiling controversy was closely linked with three crucial problems: communalism, Islamism and sexism. He pointed out how the media portrayed such aspects as limiting the freedom and autonomy of women, and how they are related to other illegal practices such as violence against women, excisions and polygamy.

Another French study was conducted by Scott (Scott 2007), who elucidated the political discourse regarding the ban on veiling. The law banning veiling was primarily aimed at Muslim girls wearing headscarves at public school, but in fact applied to everyone. Thus, rather than resolving the problem of integrating Muslims into French society, the law banning headscarves exacerbated it (Scott 2007). Scott portrayed that the proponents of the law insist that it upholds France's values of secular liberalism and regard the headscarf as symbolic of Islam's resistance to modernity (Scott 2007). Scott examined the long history of racism behind the law, as well as the ideological barriers thrown up against Muslim assimilation. She argued that the law represents France's failure to integrate its former colonial subjects as full citizens. She highlighted that the ban's supporters view sexual openness as the standard for normalcy, emancipation and individuality, and they believe that the sexual modesty implicit in the headscarf is proof that Muslims can never become fully

French. Scott showed that the insistence on homogeneity is no longer feasible for France and that it created the ‘clash of civilisations’ (Scott 2007).

In his thesis, Salton (Salton 2007) compared the French and American attitudes towards religious symbolism in general and the Islamic veil in particular. As in other matters, at first sight, these two countries seem to adopt very different approaches to religion and the Muslim veil—so much so, that their positions are often described as ‘irreconcilable’. Salton showed that, at least before the passage of Statute 228-2004, the French and American legal systems adopted a substantially similar approach that appeared respectful of a veiled student’s right to wear religious insignia. This study showed the fundamental value of a Franco-American comparison, which suggests that the French legal system is fiercely secular, while the American one is strongly ‘religious’ (Salton 2007).

In Indonesia, Brenner (Brenner 1996) explored the meaning of modern veiling among Muslims in Java by analysing young women’s experiences of conversion to veiling within the larger context of the Indonesian Islamic movement (Brenner 1996, p. 673). Brenner argued that the decision to wear Islamic-style clothing both influences and indicates a transformation of self for women in Java, and that this subjective transformation is informed by, and in turn contributes to, a larger process of social change in contemporary Indonesia. She conjectured that in Java, the growing trend for women to wear Islamic clothing (veiling) challenges local traditions as well as Western models of modernity. Her analysis of Javanese women’s narratives of ‘conversion’ to veiling against the background of the contemporary Islamic movement revealed that veiling represents both a new historical consciousness and a process of subjective transformation that is tied to a larger process of social change in Indonesia. In portraying themselves as modern Muslims, Brenner pointed out that veiled women simultaneously produce a vision of a society that is distancing itself from the past as it embarks upon a new modernity. While she believed that veiling indicates a new historical consciousness and a new way of life, she also believed that the practice of veiling should be seen as an active process of both self and social production (Brenner 1996).

Smith-Hefner (Smith-Hefner 2007) examined the practice and meanings of new veilings and of Islamisation more generally for young Muslim Javanese women in the new middle class. From her eight months of fieldwork in Yogyakarta, Smith-Hefner found that the new veiling is neither a traditionalist survival nor an anti-modernist reaction, but rather a complex and sometimes ambiguous effort by young Muslim women to reconcile the opportunities for autonomy and choice offered by modern education with a heightened commitment to the profession of Islam. By means of ethnographic and life-historical materials, she identified the pervasive practice of veiling among Javanese Muslim women as an unpredictable development and paradox of modernity. Instead of framing the veiling practice as a settled entity, Smith-Hefner argued that veiling is an ostensible model of unfinished transformation. She concluded that veiling does not only serve as a uniform for the wearer, but it also has political and sexual dimensions (Smith-Hefner 2007).

Washburn (Washburn 2001) conducted similar research among Javanese Muslims for one year in Yogyakarta, exploring women's personal experiences and *jilbab*-isation. She used a life history methodology, interviewing women with different experiences and backgrounds about their religious lives. In this research, Washburn focused on the 15 meanings of Islamic teachings in relation to personal perceptions and the inner meaning of religious teachings. Interviewees were selected from the middle class and among scholars and Javanese community members in order to reveal the complexity of religious interpretation, particularly in relation to wearing the *jilbab*. The question of whether wearing *jilbab* is a personal sign of modernity that is also an expression of a personal transformation is linked to the patterns of social transformation urged by the Islamic movement. Washburn found that the *jilbab* is a personal symbol that embodies meaning in cultural and psychological terms. It can be a symbol of modernity or of conservatism. It can also signal an acceptance of a gender role based on Islamic values. Similarly, donning a *jilbab* can represent a total personal transformation, from ignoring religious duties to living as a devout Muslim woman. According to Washburn, the perception of gender roles in Indonesia was influenced by the New Order regime's construction of gender; the role assigned to women by the state was coincidentally parallel to that encouraged by Islamic thinkers. This gender ideology dictated that women should be under men's control. She concluded that, in

any case, the *jilbab* is a complex symbol that cannot be understood outside its personal, cultural and state contexts (Washburn 2001, p. 137).

Based in Yogyakarta, Dwyer (Dwyer 2001) explored how Muslims were negotiating modernity in the contemporary world. Dwyer treated the practice of veiling as a central aspect of modern Indonesian Islam: the *jilbab* has become imbued with contested meanings, and it is important to understand how women remake its significance in their travels through social space. Dwyer (2001) examined gendered practices of piety and found that Muslim women have become both potent symbols and active agents of Islamic identity. Dwyer explored how the cultural spaces created by Muslim women in Yogyakarta exist in dynamic tension with the religious and political landscape of contemporary Indonesia. She found links between gender, religion, power and space at a time when boundaries—including those of bodies, the nation and religious communities—are being debated in the name of ‘modernity’ (*modernisasi*) and ‘progress’/‘development’ (*pembangunan*). According to Dwyer, the body is not a stable signifier that remains fixed in its meaning within the boundaries of a shared and homogenous culture; bodies move through cultural spaces, and these spaces invest them with differing and contradictory meanings. In their turn, Dwyer (Dwyer 2001) notes that these embodied trajectories create political and religious cartographies that may reshape existing national, ethnic and/or religious categories and boundaries (Dwyer 2001).

Warburton (Warburton 2006a) confirmed the strengthening of the religious regime in public institutions after the collapse of the New Order regime. Warburton examined the patterns of veiling that have been forged by changing social and political constellations. She believed that the changing meaning of veiling reflects broader social, cultural and political developments. By focusing on the experience of university students, she found a complicated interrelation between the socio-political realm and individual choices through a framework of ‘regimes’, emphasising how veiling is a multi-faceted social practice that draws upon a range of influences and motivations. As Brenner and Smith-Hefner found, Warburton argued that contemporary Muslim women’s choices to wear the veil respond to a complex system of social pressures and institutional structures that increasingly present the veil as being central to the cultivation of both a moral self and society.

While many scholars have explored the social and political aspects of veiling, Hamdani (2007) examined the complexity of veiling by focusing on contestation and consensus trends within the discourse of veiling. He conducted research in both Java and Sumatra by exploring the dynamic transformation of the complexity of veiling in a comprehensive way. The acceptance of veiling by many Muslims indicates that this increasingly pervasive practice is congruent with the intensifying Islamisation process currently taking place in Indonesia; nonetheless, veiling is continuously contested by other Indonesian Muslims. The veil has acquired changing meanings among those who wear it. The recent experience of Indonesia demonstrates that veiling, formerly found almost exclusively among *santri* (devout) Muslims, has been transformed into a popular practice among middle-class Muslims. This has occurred in the context of a decade-long conflict between Islam and the state. This trend has culminated in the formalisation of Islamic attire in local government regulations in certain parts of Indonesia.

Among the aims, this thesis will fill the gap in academic research concerning the complexity of veiling. This study explored the complexity of veiling in West Java and South Sulawesi by incorporating both social and political development variables and expounding the dynamic complex meanings of veiling in relation to the implementation of *Perda* Sharia and women's security.

Conclusion

Sharia has become a significant topic of discussion among scholars of Islam (Minhaji 1999). Scholars have developed various interpretations and perspectives about sharia (Mayer 1991, 1993; Hallaq 1997; Masud 1996; Naim 1990; Guinn 1999) and there is no single commonly accepted definition of what is meant by sharia. It includes divine law from God, revelation of God, Islamic law and Islamic jurisprudence – *fiqh* (Marshall 2005; Bustamam-Ahmad 2007; Azizy 2001; I Doi 1992, 2007). The divergent interpretations of sharia have implications for the application of sharia.

Perda sharia is one example of an interpretation of sharia. Although the term used is *perda* (regional regulation) sharia, however its implementation relates more to *fiqh* rather than sharia. *Fiqh* reflects the interpretation and application of sharia as a human

product that may change according to time and circumstances, while sharia is immutable divine revelation (Baderin 2001; Kabah 2005; Hussain 2004; Salim and Azra 2003).

The studies on the discourse of sharia in Indonesia have been conducted by many scholars from various perspectives. Most the studies related the issue of sharia to politics. Some of the foremost studies were conducted by van Bruinessen 1996; Boland 1971; Effendy 2003; Assyaukanie 2009; Salim and Azra 2003; Salim 2003; Hooker 2003; Drakeley 2005; Rumadi 2007.

The studies on sharia and Islam not only focus on politics, but also relate to human rights and democracy (An-Na'im 1990; Monshipouri 1998; Baderin 2003, 2007; Mayer 1991; Arzt 1990; Abu-Sahlieh 1990; Chase 2000; Akbarzadeh and MacQueen 2008; Hashemi 2008; Behdad 2008; Irene Oh 2007; Brumberg 2005; Chase 2006; Hosen 2007; Maududi 1983; Patwari 1991). Women's rights and women's security have been studied by Blackburn 2004; Abdurrahman 2001; Mulia 2001; Munir 2003; Hassan 1990; Shaheed 1994; Smith and Woodward 2013; Wagener 2006; Mernissi 1991; Abu-Lughod 1986; El Guindi 1999. There will be further discussion of the issues raised in the literature review in the following chapters.

Chapter 3: Opening the Door: How Regional Autonomy Has Made the Implementation of *Perda* Sharia Possible

The Euphoria of the Reformation era makes the people able to voice their opinion freely, including the idea to implement Sharia Islam (Choirul Anam, interviewed 2008).

3.1 Introduction

Choirul Anam is a religious leader in Cianjur who became the head of the *Komisi Pemilihan Umum* (KPU: Election Commission) in 2008. During the interview, he showed me proudly the picture of him with his two wives. His practice of polygamy has been known publicly and he was considered as a good model of polygamous marriage as his first and second wives live together harmoniously. He was recently elected as chairman of the *Nahdlatul Ulama* Cianjur Branch. His opinion regarding the reformation era reflects the opinion of many of my informants. His opinions on *perda* sharia also reflect the opinions of many male informants, who are mainly concerned about how women should behave and become the symbol of good morals. As a religious leader, his opinion and practice has become a model for others. This shows how the male-dominated practices are held and believed in, thus patriarchal values has been reproduced and reinforced.

Although Indonesia has the world's largest Muslim population (Porter 2002), it has never been led by someone who has supported the establishment of a state with an Islamic constitution. Since Indonesian Independence, all efforts to establish an Islamic state in Indonesia have failed. However, after the fall of Suharto in 1998, particularly after the Habibie government passed two laws on regional autonomy, many districts implemented Sharia-influenced regional regulations (*Perda* Sharia). By definition, Sharia-influenced regional regulations (*Perda* Sharia) are regulations that are created by district governments and use Islamic moral teachings as a reference point. In general, *Perda* Sharia seeks to manage three aspects of public life: to eradicate moral and social problems such as prostitution, drinking alcohol and

gambling;²⁹ to enforce ritual observances among Muslims such as reading the Qur'an, attending Friday prayers and fasting during Ramadan; and to govern the way people dress in the public sphere, especially in relation to head-veiling for women (Bush 2008b; Candraningrum 2006; Salim, Arskal & Azra 2003b).

This chapter addresses the following questions: What has made *Perda* Sharia possible? What is the relationship between *Perda* Sharia and regional autonomy? To what extent have regional autonomy laws made *Perda* Sharia possible? To answer these questions, the chapter begins by exploring the history of the issue of Sharia and how the issue has been debated in Indonesian politics. This explanation is followed by a discussion on the Soekarno and Suharto policies towards Islam, continuing with a discussion on the dual policies of Suharto towards Islam. The third section will discuss the reformation era, which started after the resignation of Suharto in 1998. It also explains the political changes as an effect of the resignation of Suharto, who was succeeded by Habibie as President. Then there will be a discussion on the relationship between regional autonomy and *Perda* Sharia, and how the regional autonomy law makes the implementation of *Perda* Sharia possible. The debate on the implementation of *Perda* Sharia will be discussed in the last section.

3.2 History of the Sacred Word of Sharia in Indonesian Politics

The issue of Sharia has become a sensitive issue in Indonesia, and the struggle to implement Sharia Islam has involved long and bitter debates, particularly because its aim is to establish a formal basis for state power. In the months before the proclamation of Indonesian Independence, Muslim leaders who became members of the Preparatory Committee for Indonesian Independence (Badan Penyelidik untuk Persiapan Kemerdekaan Indonesia: BPUPKI) had to struggle to introduce, in the preamble of the 1945 Constitution, a phrase that would obligate all Indonesian Muslims to perform their religious duties (Boland 1982). The preamble, later known as the Jakarta Charter, which includes the words '*dengan kewajiban melaksanakan Sharia Islam bagi pemeluknya*' (with the obligation to carry out Sharia for its adherents), would provide a constitutional basis for the enforcement of Sharia in

²⁹ Laws against prostitution, gambling and consumption of alcohol operate in many legal systems and are not particular to Islam. However, the implementation of these *Perda* is different because the regulations are made based on religious motivation and using religious justification to express the religiosity.

Indonesia. However, the inclusion of these seven words into the constitution was unsuccessful, mainly because it was strongly opposed by the minority non-Muslim politicians and the secular nationalists, who were mostly Muslims (Boland 1982; Halim 2005; Salim, Arskal & Azra 2003b).

Apart from the formal effort through political institutions such as MPR, another campaign to implement Sharia Islam was conducted through rebellions. In 1948, the leader of Darul Islam movement, S. M. Kartosuwiryo, declared an independent Islamic state in West Java, in which Islamic law would be strictly implemented. By the early 1950s, militant Muslims in other provinces, including Aceh, South Sulawesi and South Kalimantan, had joined the Darul Islam. However, these struggles never succeeded in achieving their goal (Asi 2007a).

In 1959, the debates on the implementation of Sharia were renewed in the Constituent Assembly during the debates about a new Constitution. Again, during the debates, Muslim political leaders demanded that the Sharia principles be clearly stipulated in the new constitution. The idea was again strongly rejected by the secular nationalists, most of whom were Muslim and non-Muslim nationalists. When the debate became irreconcilable, President Soekarno issued a decree on 5 July 1959, which declared that the Constituent Assembly (*Majelis Konstituante*) was dissolved, and he restored the 1945 Constitution. He argued that the Jakarta Charter was not necessary because of the way it had inspired the 1945 Constitution. However, the debate was unresolved. From 1959 onwards, the Jakarta Charter remained a divisive issue between secular nationalists and Islamic groups within Indonesian society (Boland 1982; Hooker, MB 2003; Mujani, S. 2007; Ricklefs 2008, pp. 301-3).

The debate on the Jakarta Charter persisted in the early years of the New Order government, particularly when the Islamic parties again demanded that the government insert the Jakarta Charter as an integral part of the preamble to the 1945 Constitution. Nevertheless, this endeavour failed because the army, which also functioned as a strong political base for President Suharto during the New Order government, could not tolerate such an issue being discussed in the MPR session of 1966–1967 (Boland 1982).

The New Order regime of President Suharto remained in power until 1998 and, during his administration, the Sharia issue had no chance to be raised in any session of the parliament, which was dominated by the military, the ruling party, Golkar and government officials. However, although the Jakarta Charter was not accepted by the Suharto government as part of the 1945 Constitution, a number of laws with a Sharia influence were enacted, such as the marriage law, *waqaf* (charitable foundation) regulation, the religious court law, the law that allows the operation of Islamic banks and the codification of Islamic law that includes the rules of inheritances. Further, President Habibie added two laws that covered the administration of *hajj* and *zakat*. However, all elements of Islamic law that have been integrated into national law are mainly the result of political interaction between the Indonesian Government and the Islamic communities, particularly the Muslim elite (Salim, Arskal & Azra 2003b). All of these laws that accommodate some elements of Islamic Sharia have been enacted without any reference to the Jakarta Charter.

3.3 Contrasting Soekarno and Suharto's Policies towards Islam

Political Islam has experienced many disadvantages during Suharto's government and when Soekarno was President. Soekarno promoted nationalism as a dominant political philosophy, and political Islam was subjected to various countervailing forces. Pringle (2010, pp. 68-9) noted that six key episodes of the Soekarno era shaped political Islam: the dispute over the Jakarta Charter in 1945; the communist-led Madiun affair in 1948; the Darul Islam uprisings from 1948 to 1962; the outer Island Rebellions from 1957 to 1962; the attempted coup and communal killings of PKI in 1965–1966; and the 1955 election, which was the first democratic polling in Indonesia's history and remains an important indicator of political Islam's strength in the early days of the Republic. In addition, in 1960, Soekarno banned *Partai Sosialis Indonesia* (PSI: Indonesian Socialist Party) and the Reformist Islam Party, Majelis Syuro Muslimin Indonesia (Masyumi: Indonesian Muslim Consultative Council),³⁰ as a consequence of their resistance to guided democracy and for complicity in the Outer Island Rebellions (Pringle 2010, p. 89). NU and Masyumi were more successful in the 1955 elections than Islamic parties have been in post-Suharto elections.

³⁰ Masyumi is an Islamic umbrella organisation created under Japanese auspices in 1943. It became a political party after Indonesian Independence.

Sukarno's abolition of parliamentary democracy and its replacement by his authoritarian Guided Democracy abolished a political system that was supportive of Islamic political aspirations. Sukarno's policies towards political Islam had much in common with Suharto's in that the objective of both was to contain the influence of political Islam. In addition, Sukarno promoted national unity through Nasakom, an acronym for the three major ideological streams in Indonesian politics: *Nasionalisme* (nationalism), *Agama* (religious) and *Komunis* (communism)—an effort to blend nationalism, communism and religion (including Islam) into the national ideology (Pringle 2010, pp. 68-9). Soekarno's ideology of Nasakom apparently meant that PNI for nationalism, NU for religion and PKI for communism should share a role in government at all levels, thus producing a system that would rest upon a coalition of predominantly Java-based political forces. The important aspect of Nasakom from the perspective of political Islam was that Islam, through *Agama*, was accommodated in this ideological formulation, but not given a special place.

Suharto realised the Sukarno's failure due to his focus on ideology and political affairs, which resulted in a neverending tension between religious groups and the state; thus, Suharto decided to focus on the strategy of development and modernisation (Hasan, Noorhaidi 2008, p. 25). In the early days of Suharto's presidency, he considered the communist party the main threat, followed by political Islam, especially the reformists (Pringle 2010, p. 85). However, Suharto adopted Snouck Hurgronje's³¹ ideas regarding Islam and the state, on the one hand, showing respect for Islam as private religious practice, but, on the other, determined that Islam should not become a powerful political force (Ricklefs 2008, p. 322). Suharto implemented 'dual policies' towards Islam: political Islam was marginalised and repressed, while what the government thought were religious, educational and cultural and activities were supported.³² Consequently, religious expressions were marginalised in the political process, despite the considerable role that was played by Muslims in bringing the New Order into existence. Towards the end of his rule, in order to maintain power, Suharto began to court radical reformist proponents of Islamic fundamentalism in order to divide and defeat a growing pro-democracy

³¹ Snouck's idea about Islam was that 'Islam as a religious doctrine should be free of interference, yet, as a political force it should be destroyed' (Ricklef 2008, p. 203).

³² However, the support towards education, culture and religious from Suharto's government has brought about significant religious change in the form of the emergence of a much stronger and better-educated Muslim elite.

movement, which included new politically liberal Muslim elements (Pringle 2010, p. 85).

For more than 30 years (1966–1998), the Suharto government ruled Indonesia through centralism and authoritarianism. As a result, there were many restrictions, including those placed on participation by local governments or citizens in public agendas, decision making or in the evaluation and implementation of government policies (Erawan 2007, p. 65). The government tightly controlled the society, ensuring that all decisions were made by, and served the interest of, the central government. During the Suharto government, regional aspirations were largely unexpressed and discouraged. Democratic institutions and practices were absent, while civil society was virtually non-existent (Turner et al. 2003b, p. 11).

3.4 Duality in Suharto's Policies towards Islam

Early in Suharto's rule, under the influence of two main advisers, Ali Murtopo and Sujono Humardani, Suharto resisted any revitalisation of political Islam and controlled political Islam. For instance, Masyumi, which was placed second in the 1955 general election, then banned by Soekarno in 1960, was not permitted to re-establish itself. Instead, a new party, Parmusi, without the leadership of former Masyumi leaders, was established to accommodate Muslim modernists. As a result of the intervention of the Suharto government in the internal affairs of the party, the new party failed to attract votes in the general election of 1971. Other Islamic parties also failed to counter the emergence of Suharto's Golkar party, which obtained 62.8 per cent of the total votes (Bruinessen 1996a; Hasan, Noorhaidi 2008, p. 25).

After Golkar's victory in the general election of 1971, Suharto intensified marginalisation towards political Islam by applying a policy of 'fusion of the party'. This policy requires all Islamic parties to coalesce into one, the Partai Persatuan Pembangunan (PPP: United Development Party), whereas nationalist and Christian parties were incorporated into the Partai Demokrasi Indonesia (PDI: Indonesian Democratic Party). To support his policy, Suharto popularised development jargon and imposed Pancasila as the state's governing doctrine (Ricklefs 2008, p. 355). Any aspirations to challenging Pancasila can be labelled either 'extreme left' or 'extreme right', and anti-subversive laws inherited from Sukarno were used by the state to

justify the method (Hasan, Noorhaidi 2008, p. 25). Through an indoctrination program called '*Pedoman, Penghayatan dan Pengamalan Pancasila*' (P4: Guide to the Understanding and Practice of Pancasila) and other instruments, Pancasila was systematically embedded in the minds of citizens in Indonesia (Hasan, Noorhaidi 2008, p. 26).

Moreover, the New Order tried to domesticate the social forces of *Ulama* (Islamic scholars) by proposing the establishment of a semi-governmental body called Majelis Ulama Indonesia (MUI: Indonesian *Ulama* Council) in order to strengthen its hegemony over society and to extend its power and control. This council was given the authority to issue religious legal opinions (*fatwa*) and advice on religion (*tausiyah*). This idea was made public during a national conference of Muslim preachers in 1970 held by *Pusat Dakwah Islam Indonesia* (Indonesian Islamic Propagation Centre), an institution established by the Ministry of Religious Affairs. However, MUI was not established immediately, partly because of criticism from some participants, particularly Hamka,³³ a leading modernist scholar. Hamka thought that the council of *Ulama* intended to mobilise the support of one Islamic party that dominated the Department of Religious Affairs in order to maintain its power³⁴ (Hamka in Hosen 2004, pp. 149-50). Thus, the council would only issue *fatwas* from the party that would only satisfy people from that party, but not all Muslims (Hosen 2004). In 1974, the *Pusat Dakwah Islam* once again held a conference for Islamic preachers, which concluded that it was necessary to establish a council of *Ulama*, which was strongly supported by President Suharto. Suharto insisted on the need for a national body of *Ulama* that could serve as, among other functions, a mediator between the government, the *Ulama* and the broader community. The government hoped that the MUI would explain and endorse its development policies (Ichwan 2005).

However, in 1973, Professor Mukti Ali, who had a close relationship with modernist Muslims and the Muhammadiyah to which Hamka belonged, was appointed as a

³³ Hamka is an initial of Haji Abdul Malik Karim Amrullah. He was awarded an honorary doctorate by al-Azhar University, Cairo in 1959, and given a title Professor from the University of Dr Moestopo, Jakarta in 1966 (Hosen 2004)

³⁴ In 1970, the Minister for Religious Affairs was KH Mohammad Dahlan, of the Nahdlatul Ulama Party, whereas Hamka was from Muhammadiyah. Further discussion on MUI see Hosen, (2004) 'Behind the Scenes: Fatwas of Majelis Ulama Indonesia (1975-1998)', *Journal of Islamic Studies*, vol. 15, no. 2, pp. 147-79.

minister of religious affairs (Hosen 2004; Kementrian Agama Republik Indonesia 2011). Therefore, in 1975, Hamka supported the establishment of the MUI (Hosen 2004). Finally, the MUI was officially established during a national conference of *Ulama* that was held on 21–27 July 1975. The first General Chairman of the MUI (1975–1981) was Professor Hamka, who had earlier rejected the idea of such a council (Hosen 2004, p. 150).

The MUI was also expected to be representative of Muslims in inter-religious dialogue, a project launched by Mukti Ali to build what was often referred to as the ‘harmony of religious life’, namely peaceful coexistence of religious groups (Mujiburrahman 2006). The nature of the MUI as a creation of the government was immediately visible. It was involved in polemics and issued a number of (controversial) *fatwas* legitimising government policies (Mudzhar 1993).

Further, Suharto’s efforts to obstruct access to power by the Islamic political forces triggered armed resistance in the name of Islam. The rebellion, including by groups called *Komando Jihad* (Jihad Commando), led by Ismail Pranoto, carried out bomb attacks in Java and Sumatra; another, led by Abdul Qadir Djaelani and calling itself ‘*Pola Perjuangan Revolusioner Islam*’ (Islamic Revolutionary Struggle Model), stormed the building of Majelis Permusyawaratan Rakyat (MPR: People’s Consultative Assembly) during the general assembly in March 1978. No less important is a series of murders and robberies committed by a group of radicals led by M. Warman, known as ‘Terror Warman’. Another group, led by Imran M. Zein, attacked a number of government facilities, which culminated in the hijacking of a Garuda Indonesia plane on March 28, 1981. The veterans of the West Java-based Darul Islam, which initially had been hired by Murtopo’s intelligence service to combat communism, led other attacks to revolt against Suharto and establish an Islamic state (Santosa 1996; van Bruinessen 1996, 2002). However, Suharto remained unaffected and was able to suppress and marginalise them.

After the Tanjung Priok incident on 12 September 1984, in which at least 20 people were killed and more than 50 demonstrators were injured, Suharto announced a Bill on the Mass Organizations and Political parties, which required all political parties and mass organisations to accept Pancasila as ‘*asas tunggal*’ (the sole ideological

basis of the state) (Ismail 1995). Thus, Islam was prohibited from being used as the ideology for any organisations. In reaction to this policy, NU, Indonesia's largest organisation of traditionalist Muslims, quickly declared its acceptance of Pancasila, but Muhammadiyah, a modernist-Muslim organisation, took some time to accept the inevitable. (Ismail 1995).

3.4.1 Suharto's Accommodation of Islam

In the late 1980s, Suharto began to introduce policies to accommodate Islam, focusing mainly on promoting Islamic symbols in public discourse. For example, the Directorate General of Primary and Secondary Education issued a new regulation on student uniforms and lifted the ban on female students wearing the *hijab* (headscarf) in schools. Suharto and his family went to Mecca to perform the *hajj* in 1991. Upon his return from Mecca, Mbak Tutut, Suharto's eldest daughter and a popular figure, began to show her piety in public by wearing a colourful, elegant veil. The model she presented and the way she wore her headscarf gave a prime example to the entire nation. Afterwards, members of the cabinet and senior officials no longer hesitated to use the Islamic greeting, *Assalamu'alaikum*, to open a speech, and the greeting has become increasingly popular. They also tried to show their concern with Islamic affairs as an example, participating in religious festivals and celebrations. In this context, Islam was systematically accommodated in the discourse of the state to offset the increasing number of challenges to the legitimacy of Suharto's political leadership (Hasan, Noorhaidi 2008).

Therefore, a number of organisations, institutions and activities that identified with Islam and utilised Islamic symbols began to appear, including the *Ikatan Cendekiawan Muslim Indonesia* (ICMI: Indonesian Muslim Intellectual Association), led by Habibie and established under the patronage of Suharto (Bruinessen 1996b; Hefner 1993). The ruling party, Golkar, started to be more accommodating of Islam and involved more Muslim intellectuals. In addition, thousands of mosques were built under the sponsorship of the state. Further, the Religious Court Bill was introduced, followed by a Presidential Decree on the Compilation of Islamic Law.³⁵ In the

³⁵ The Islamic court bill No. 1/1989 guarantees the equal position of the Islamic court vis à vis other court systems, including the public, military and administrative courts. The presidential decree on the compilation of Islamic law No. 1/1991 was issued to provide a unified reference for judges in the Islamic courts in dealing with the cases brought before them.

economic aspect, the Bank Muamalat Indonesia, which uses the slogan: '*pertama sesuai* Sharia' (the first [bank in Indonesia] in accordance with the Sharia), was established, and its establishment initiated the burgeoning of Islamic Sharia banks and insurance companies (Möller 2005). However, Suharto's accommodation of political Islam with the *Ikatan Cendekiawan Muslim Indonesia* (ICMI: Indonesian Muslim Intellectual Association) supported Islamic religion, culture and education, but did not support a greater political role. In this respect, Suharto had not departed from Dutch colonial policies. These policies were undoubtedly part of Suharto's political strategy to hold onto power (Liddle 1996). Apart from the changes in Suharto's attitudes and policies towards political Islam from the late 1980s, there was also a change in Islamic beliefs and practices. Islamic revivalism reflected the influence of the Iranian revolution, Saudi money and the emergence of the better-educated Muslim elite. Broader changes in society were occurring despite, and because of, government policies.

3.5 Reformasi and Changes in Indonesian Politics

The resignation of Suharto on 21 May 1998 provided an opportunity to change the political system and government. Many of those who demonstrated for Suharto's resignation demanded that the Constitution be amended. The amendments sought included the recognition of the Jakarta Charter. In addition, demands for democracy, characterised by free elections and freedom of the press, as well as a nation-wide call for '*reformasi*',³⁶ were unavoidable. This also provided an opportunity for the regional governments, especially regions rich in natural resources, to demand that the central government decentralise its authority and functions.

According to Aspinall and Fealy (2003), Habibie wanted to dissociate himself from the Suharto regime, although Habibie was Suharto's longest-serving minister and last Vice President. His government made some significant changes, such as revoking laws on restricting the numbers and activities of political parties, holding a relatively free parliamentary election in 1999 and enacting regional autonomy laws.

³⁶ The fall of Suharto was popularly referred to as the '*era reformasi*' (reformation era).

The decentralisation of governmental authority was one of the most important reform programs in Indonesia (Erawan 2007, p. 55). The decentralisation policy in Indonesia was based on the Regional Autonomy Law No. 22, concerning Regional Government, and Law No. 25, concerning the Financial Balance between the Central and Regional Government (Turner et al. 2003b, pp. 15-6). Both of these laws were based on five principles: democracy; community participation and empowerment; equity and justice; recognition of the potential and diversity within regions; and the need to strengthen local legislatures. These five principles were in line with the spirit of *reformasi* (Turner et al. 2003b, p. 23; Usman 2002) to ensure that regional autonomy in Indonesia is in line with the principle of democratisation, such that people in sub-national territories (provinces, districts and municipalities) are given significant decision-making powers. This requires the devolution of authority from central government to sub-national political institutions that are accountable, responsive and representative of their local communities.

The significant feature of these laws is that there is no clear hierarchy between district (*kabupaten*) and municipality (*kota*) governments and provincial governments. The regional government was made responsible to the DPRD rather than the authority of the central government in Jakarta. However, although the authority of the regional government became significantly stronger after the implementation of Regional Autonomy Laws, the central government still exercised considerable influence over regional governments in areas such as health and education. Nevertheless, the function and authority of the DPRD have become considerably more important (Turner et al. 2003a, pp. 24-64).

3.6 Regional Autonomy and *Perda* Sharia

The resignation of Suharto was followed by euphoria for democracy and political liberation, especially among many Muslim groups. As Liddle (1996) predicted, there were more demands for a more formalistic Islam (by the scripturalists) due to the open political climate, since 'they would have many more political resources, in mass acceptance of their ideas, organization, allies, media and access to politicians' (Liddle 1996 p. 13). First, this was reflected in the establishment of many Islamic political parties that mostly replaced Pancasila with Islam as the ideology of the organisation.

Second, there was a growing demand from many regions to formally implement Sharia. Third, there was an emergence of Muslim groups considered by many as Radical groups, such as the Laskar Jihad³⁷ (Holy War Fighters), the Front Pembela Islam (FPI: Islamic Defenders Front), Hizbu Tahrir Indonesia (HTI: Indonesian Liberation Party), Laskar Jundullah and Majelis Mujahidin Indonesia (MMI: Indonesian Mujahidin [the Jihad Fighter] Council). Finally, *Sabili*, an Islamic (radical) magazine, became very popular. According to a survey conducted by AC Nielsen, *Sabili* had the second-largest circulation for a magazine (Salim, Arskal & Azra 2003c). This weekly magazine was published underground during the Suharto era and used to be a *dakwah* (call for Islam) newsletter, but it now appears to promote political Islam, typically from the radicals' point of view. Some of their opinions were advocating support for the formal application of Sharia in Indonesia (Salim, Arskal & Azra 2003a, pp. 1-2).

Many scholars, such as Fealy (2005), Riddell (2005), and Salim and Azra (2003c), argued that the fall of Suharto in May 1998 created a greater opportunity and freedom for Muslim groups to incorporate more Sharia Islam elements into Indonesian legislation. There were greater demands for the implementation of Sharia in several regions in Indonesia, especially when Habibie's government passed two laws to introduce regional autonomy. However, the formal application of Sharia-influenced regulations in Indonesia was only possible because of several factors.

First, the *Majelis Permusyawaratan Rakyat* (MPR: People Consultative Assembly) amended several Articles of the Constitution in August 2000, including Article 18, which provided a constitutional basis for the regional autonomy laws through which districts and municipalities were given the authority to manage their own affairs (Ellis 2007, pp. 22-33). However, the Constitution outlines that regional autonomy must be implemented within the framework of Indonesia as a unitary state that recognises ethnic, cultural and religious diversity. Based on Regional Autonomy Law No. 22/1999 and Law No. 25/1999,³⁸ the central government must concede authority to the regional government in all fields excluding foreign policy, defence and security,

³⁷ Laskar Jihad is paramilitary force that was formed in 2000 by Ja'far Umar Thalib and disbanded in 2002.

³⁸ However, these two regional autonomy laws, effectively implemented in 2001 and later in 2004, were revised with Law No. 32/2004 regarding Local Government. However, there were many similarities between Laws 1999 and 2004.

monetary and fiscal policy, the legal system or judiciary, and religious affairs. In addition, the central government also maintains control of its specific functions such as national planning, setting and the supervision of technical standards. Therefore, the regional governments, whose power had previously been strictly limited, must now take full responsibility for many important areas such as education, health, the environment, labour, public work and natural resource management (Aspinall & Fealy 2003; Turner et al. 2003a, pp. 24-5).

Second, the central government granted special autonomy to Aceh. Although it is clearly stipulated in the Regional Autonomy Law that regional governments do not have authority on religious affairs, numerous regions insisted on implementing Sharia-influenced regional regulations. The situation became more complicated with the Special Autonomy Law for Nanggroe Aceh Darussalam (Law No. 18/2001), which gave jurisdiction to the province to implement Sharia law³⁹ (Halim 2005). Many other provinces and districts, including South Sulawesi, two districts in West Java (Cianjur and Tasikmalaya), Banten, West Sumatra and South Kalimantan, sought powers similar to those granted to Aceh so that Sharia Islam could be implemented. However, without the broader powers granted to Aceh, many districts issued regional regulations (*Perda*), decrees (*keputusan*), instructions (*instruksi*) and circulars (*surat edaran*) that reflected Islamic values, teachings and injunctions. These regulations were concerned with three aspects: public order and social problems such as prostitution, consumption of alcohol and gambling; religious skills and obligations such as reading the Qur'an, attending Friday prayers and paying zakat,⁴⁰ and religious symbolism, including Muslim dress (Salim, A. 2007).

³⁹ The special autonomy for Aceh was a precedent for other provinces to demand more extensive autonomy provided to Aceh (and Papua) under special autonomy. However, the Special Autonomy Law was a 'negotiated solution' to end the armed separatist conflict (Miller 2006, pp. 292-7). According to Miller, the Special Autonomy Law fails to take into account what Acehnese people really need, as it is only a shift of authority from the Minister of Home Affairs to the governor, but not of the power itself (Miller 2008).

⁴⁰ Zakat, one of Islam's Five Pillars, is a practice of giving a set amount of one's financial assets to those in need (Antara News 2007). There are two types of zakat: *zakat fitr* or *fitriah* (zakat on self), and *zakat mal* (zakat on wealth). *Zakat fitr* is compulsory for each Muslim and is paid during the month of Ramadan by the head of a family for himself and his dependents to the poor and needy. Per head, the payment is equivalent to 2.5 kg of main food such as date, rice and wheat. While *zakat mal* is obligatory for every Muslim who has an amount of wealth/money, called '*nisab*', in excess of his or her basic needs that have stayed in his or her possession for one year, *nisab* is either the equivalent of the price of 85 grams of pure gold, or the equivalent of the price of 595 grams of pure silver.

The South Sulawesi province probably had the most determined groups that desired to implement Sharia Islam. Abdul Azis Kahar Muzakkar, the leader of KPPSI, who was also the son of the leader of the Darul Islam rebellion in South Sulawesi, argued that the special autonomy granted to Aceh, including the implementation of Sharia, paved the way for other Indonesian provinces to demand the same status (Muzakkar 2010).

Third, there was a failure at the national level to implement Sharia Islam. For instance, the two Islamic parties: *Partai Persatuan Pembangunan* (PPP: United Development Party) and *Partai Bulan Bintang* (PBB: Crescent Star Party) campaigned for the inclusion of the Jakarta Charter in Article 29 clause 1 of the 1945 Constitution, which stipulates the theological foundation of the nation. By including the Jakarta Charter, they hoped that it would officially provide Sharia with the constitutional status within the Indonesian national legal system. This proposal was not adopted in three consecutive annual sessions of MPR in 2000, 2001 and 2002, despite the strong demands by formalist Islamic Parties such as PPP, PBB and PKS, formalist Islamic groups such as HTI, *Majelis Mujahidin Indonesia* and Kesatuan Aksi Mahasiswa Muslim Indonesia (KAMMI). However, the amendment was opposed by substantive Islamic parties such as the PKB, PAN and secular parties such as Golkar and PDI-P, as well as Christian parties and many NGOs. Subsequently, the formalist Islamic parties and some other Islamic groups continued to campaign for Sharia in provinces, districts and municipalities through regulations inspired by Islamic Sharia (Halim 2005; Salim, Arskal & Azra 2003c).

Thus, regional autonomy opened opportunities for the implementation of Sharia-influenced regulations after many failures to implement Sharia law since 1945 at the national level. A number of factors help explain this change; for example, the foundations of *Perda* Sharia are different from the idea of implementing Sharia at the national level. Supporters could use different reasons to implement *Perda* Sharia, such as appealing to local cultural values and the need to maintain social order and security, whereas the objective of the implementation of Sharia at the national level was to obtain formal status for Sharia as part of the national constitution, which many considered a threat to Indonesian unity. Apart from that, the regions that implement *Perda* Sharia are regions with majority Muslim populations, so they have the 'legitimacy' to implement Islamic-influenced regulations for reasons relating to local

aspirations and democratic support. At the national level, Sharia could be considered discrimination against the non-Muslim population. Although Muslims are the majority population in Indonesia, non-Muslim communities are often located in particular regions and islands, where they form substantial minorities or majorities. Implementing Sharia in these regions might be a trigger for disintegration. In addition, at the national level, any legislation needs the support of majorities in both houses of parliament, where many members are not Muslim. However, at the regional level, reflecting the local demography, Muslim members can dominate the DPRD's.

3.7 Pros and Cons of *Perda* Sharia

During the process of the implementation of *Perda* Sharia, there was intense debate among the proponents and the opposition groups. This research found that there are at least three arguments from the proponents of implementing *Perda* Sharia. First, the majority population of Indonesia is Muslim, and the pre-colonial Muslim Kingdoms in Indonesia implemented Sharia law;⁴¹ thus, they argued that it was legitimate to implement *Perda* Sharia, as it is claimed that they represented the opinion of the majority population (Nunding Ram, interview 3 June 2008). Second, *Perda* Sharia will not create problems due to the fact that its regulations are drafted openly and enacted by a democratically elected provincial or district legislature. Third, under Regional Autonomy Law, it is legitimate for a provincial and local government to implement regulations that try to resolve social problems and maintain public order. Thus, Indonesia's legal-political system indirectly allows the implementation of *Perda* Sharia, as its implementation in many districts in Indonesia was intentionally designed to avoid conflict with national laws. The provision in article 7 of Law No. 22/1999⁴² stipulated that religious affairs do not come under the authority of the district governments, but rather under the central government. To resolve this, the regulations emphasised methods and measures to establish public order within the society, rather than appealing to Islamic Sharia itself. District governments avoided using the term Sharia as the name of a regulation; instead, they framed the regulations in terms of upholding 'morality and order' (Satriyo 2003). This means that the

⁴¹ However, Salim and Azra (2003a) argued that the extent to which Sharia was implemented in these kingdoms was dependent largely on the piety of their individual rulers.

⁴² Law No. 22/1999 was revised with Law No. 32/2004 regarding Local Government. However, the laws have much in common. The provision of Article 7 of Law No. 22/1999 stipulated that religious matters do not come under the authority of the district governments. Article 10 of Law No. 32/2004 also stated that religious matters are still under the authority of the central government.

regulations, when framed in this manner, are more difficult for the central government to annul. Indeed, none of the *Perda* Sharia has been annulled.

In contrast, the opponents opposed the implementation of *Perda* Sharia for three reasons. First, it clashes with the constitutional guarantee of religious freedom for all citizens to practise their religion according to their own beliefs. Second, it clashed with the national law. Although the supporters argued that *Perda* Sharia does not regulate religious affairs, but rather morality and public order, the motivation and justification of the regulations were religious. The third reason related to the content of the regulations, many of which were already in the penal code, such as regulations on gambling, prostitution and alcohol consumption. Thus, additional regulations would be unnecessary. Fourth, although the regulations were introduced by democratically elected legislatures, they were not acceptable because the regulations violate minority rights by discriminating against non-Muslim citizens (Kamil & Bamualim 2007b).

Further, this research found that the *Perda* Sharia legislation was not enacted democratically. Although it followed the formal procedures, such as in meetings and hearings, not all of the meetings and hearings involved broader groups in the community. Rather, they only invited supportive groups and excluded groups that opposed the proposed regulations (interview with Susan, female activist in Cianjur, and Yudi, LBH activist in Cianjur, 1998). In addition, the objections of the opposing groups and political parties were not considered. For instance, in Cianjur, the PDI-P walked out of the meeting, as their objections were not considered. Later, the party sent a letter of objection to the Minister of Home Affairs; however, this did not result in any action. Iwan, the PDI-P member who was also actively involved in the process of legalising *Perda* Sharia in Cianjur, related that his party tried to lobby the provincial DPRD and DPR in Jakarta, as well as the Ministry of Home Affairs, arguing that the proposed *Perda* Sharia was in conflict with the Constitution. However, according to Iwan, the minister did not respond to their objection because the minister did not have a vision and was not loyal to *Negara Kesatuan Republik Indonesia* (NKRI: the Indonesian state) and UUD 45. In addition, there was strong pressure from the proponents for not annulling such regulations (Iwan, interview 28 February 2008)

However, the debate about the implementation of *Perda* Sharia is not only among the Islamic groups, NGOs and Islamic organisations, but also among the members of parliament (DPR). On 13 June 2006, 56 members of DPR signed a petition, which was initiated by *Partai Damai Sejahtera*⁴³ (PDS: Prosperous Peace Party) and the *Partai Demokrasi Indonesia Perjuangan* (PDI-P: Indonesian Democratic Party). According to Constan Ponggawa (Suara Pembaruan 2006), the member of DPR from the PDS, the objective of the petition was to ensure that the regulations were in accordance with the principle of good governance in terms of the decision-making process, that they did not contravene Law No. 10/2004 on the Formulation of Legislation (UU No. 10 Tahun 2004 tentang pembentukan peraturan perundang-undangan) and Law No. 32/2004 on Regional Autonomy, and to demand that the Minister of Home Affairs evaluate whether the regulations were in accordance with the Constitution. If they were not, the minister was to revoke the regulations.

A day after the petition by 56 DPR members, several members of DPR opposed the petition by proposing a 'Contra Memorandum'. The memorandum was initiated by Patrialis Akbar from *Partai Amanat National* (PAN: National Mandatory Party), Lukman Hakim Saefuddin from *Partai Persatuan Pembangunan* (PPP: Development Unity Party) and Mutammimul Ula from *Partai Keadilan Sejahtera* (PKS: Prosperous Justice Party) (Suara Pembaruan 2006). The aim of this memorandum was to support the implementation of *Perda* Sharia and the regulation on *Anti Maksiat* (anti-immoral acts). It was claimed that the memorandum was signed by 134 members of DPR (Alim 2010). Some parliament members who previously signed the petition withdrew their support, including some members from Golkar, due to some 'pressure' among other Muslim parliamentary members by labelling the supporters of the petition as supporters of pornography and not devout Muslims (Suara Pembaruan 2006).

It seems that there is a paradox in political Islam in Indonesia where, despite the strong demand to implement Sharia, any endeavours to implement it at the national level have always failed due to strong objections from opposing groups, which included many Muslims. However, the opponents have never succeeded with a

⁴³ PDS is a Christian-democratic political party in Indonesia. It portrays itself as the reincarnation of Parkindo, the Indonesian Christian Party, which contested the 1955 and 1971 elections.

judicial review to revoke any Islamic-influenced regulations (*Perda* Sharia).⁴⁴ There are some explanations for this paradox. First, the implementation of *Perda* Sharia is still debatable, whether it is categorised as an Islamic regulation or not,⁴⁵ as there are many regulations relating to gambling and prostitution that are not considered merely Islamic due to many other [non-Islamic] countries also regulating these matters. Thus, the opponents did not have very strong arguments to revoke those regulations.

Second, the process of the implementation of *Perda* Sharia in many districts was a strongly contested, drawn-out, energy-sapping process; hence, any efforts to annul or revoke the regulations would consume more time and energy. Some of the opponents were prepared to see the regulations formally and symbolically implemented, but not fully enforced.

Third, many groups and political parties did not have a clearly articulated policy on the implementation of *Perda* Sharia. Political leaders often make public statements that either support or oppose the regulations in order to attract public attention (Bush 2008a, p. 175). Further, some of the largest political parties, such as Golkar and PKB, as well as the most influential Muslim organisations, NU and Muhammadiyah, were opposed to the formalisation of Sharia at the national level. However, at the regional level, the branches of the NU and Muhammadiyah supported the implementation of *Perda* Sharia and to some extent initiated it, as will be further discussed in Chapter 4.

Fourth, the introduction of *Perda* Sharia at the national level was different from the regional level. At the regional level, in most cases, the implementation of (*Perda*) Sharia was usually one of a number of issues debated during the *Pilkada* campaign for Bupati and was used by the candidates to mobilise support. The supporters of *Perda* Sharia utilised the *pilkada* as a political platform to advance the issue at the national level. Thus, Sharia at the national level was mainly motivated by religious piety,

⁴⁴ District regulations must be based on Law No. 10/2004 on the Formation of Legislation Law. Based on this law, the regulation must not conflict with the Indonesian Constitution 1945 (UUD 1945). Based on the Regional Autonomy Law, religion does not serve as a source of reference. There are at least three ways to revoke the regulation: through a judicial review of the *Mahkamah Agung* (however, the judicial review is only effective within 180 days of the regulation being implemented); the *Bupati* or *Gubernur* can revoke or annul the regulation; a higher authority such as a ministerial regulation or presidential regulation can revoke or annul the regulation (Ardiansyah, Syafi'i & Anthony 2006).

⁴⁵ If the regulations are considered Islamic regulation, it will contravene Law No. 32/2004 on Regional Autonomy.

while at regional level, there was a more short-term political agenda (McLeod & MacIntyre 2007, p. 127; Salim, A. 2007).

Fifth, the political dynamics at the national level were different compared with the regional level. The political constellation in a region might support the implementation of *Perda* Sharia; hence, if their parties or groups did not support it, their organisation would be left behind. Therefore, the political parties and Islamic groups that oppose Sharia at the national level do not automatically oppose *Perda* Sharia at the regional level in order to further their political interests. In addition, change at the national level involved the constitutional change of the ideology of the state, whereas on the surface, *Perda* Sharia sought to regulate specific aspects of local societies, such as preventing prostitution, gambling and alcohol consumption.

Therefore, many saw that regional autonomy was the only chance to implement *Perda* Sharia, as several attempts to implement Sharia at the national level had failed. This is because, after the implementation of the Regional Autonomy Law, the central government had less control of the regional government, especially with a growing number of provinces and districts that made it more difficult for the central government to supervise and review the development of new regulations that might clash with higher law. Since then, regional governments have had greater power and authority to manage and govern their regions. To some extent, the regional governments manipulate the Regional Autonomy Law for their own political advantage. In addition, political pressure from Islamic groups and political parties means that the central government has never revoked the *Perda* Sharia through successful judicial review, although there has been lobbying from opponent groups for this process to be used.

Nevertheless, regional autonomy and the political reforms of the post-Suharto period have encouraged the emergence of local Islamic groups that have been able to use this political space to advance the *Perda* Sharia agenda. These groups have campaigned for local governments and legislatures (DPRDs) to implement *Perda* Sharia. For example, in Cianjur, pro-Sharia organisations have organised raids on cafes and restaurants in a campaign to combat immorality. *Gerakan Reformis Islam* (GARIS: Movement of Islamic Reform) sought to pressure the Cianjur local parliament and the

election candidates to support *Perda* Sharia. Likewise, in Bulukumba, the KPPSI promoted and fully supported the implementation of *Perda* Sharia.

In the elections for both local legislatures and heads of local governments (PIKADA), the implementation of *Perda* Sharia has been one of the campaign issues that candidates have used to mobilise support among the predominantly Muslim populations. According to Ahmad Suaedy (2006), some *Perda* Sharia were implemented merely to further the short-term political agendas of the incumbent governors or heads of districts (Bupati) to improve their chances for re-election. This research also found that the issue of Sharia was often utilised to enhance the good image of the government and increase public trust in the government and the legislature, and that the introduction of *Perda* Sharia was often an investment by the Bupati and political parties in achieving success in the next local elections. A discussion on how the issue of Sharia was used in the campaign can be found in Chapter 6.

Conclusion

Law No. 22, 1999 of the Regional Autonomy aims to devolve central government authorities to local governments in all government administrative sectors except for security and defense, foreign policy, monetary and fiscal matters, justice and religious affairs (Usman 2002). This law not only gives more authority for the local government to manage their resources, but it also creates an opportunity for Islamic groups and proponents of Sharia to propose and implement Sharia, for which they have struggled since the early days of Indonesian Independence, but have always failed. Although it is stipulated in the Law that religious affairs are not the authority of the local government, since the central government passed this law, many districts have implemented *syariah*-influenced regional regulations (*Perda* Sharia). Therefore, the implementation of *Perda* Sharia is one of the unintended consequences of the Regional Autonomy Law, and it is worth noting that the implementation of *Perda* Sharia has only been possible since the government passed the Regional Autonomy Laws.

The term ‘Sharia’, which has been used in the regulations, is not accurate to explain that the districts implement a regulation based on Sharia, because the districts implement a *fiqh*, which is a human interpretation (see further discussion on the difference between Sharia and *fiqh* in Chapter 2).

Although many districts have been implementing *Perda* Sharia, none of the regulations have been annulled by the central government. This chapter argues that the issue of Sharia has shifted from demanding the incorporation of Sharia into the national Constitution to proposing the implementation of Sharia in the regions. With the fall of Suharto, democratisation and regional autonomy, the issue of Sharia has changed from being a national political issue to a matter of regional regulation. However, the Sharia-influenced regional regulations have become so extensive that *Perda* Sharia has become a national phenomenon. This is happening due to the wide support of the proponents of sharia, both the pragmatists and idealists. The discussion of the proponents of sharia will be further developed in chapter 4.

Chapter 4: The Dynamics of *Perda* Sharia

4.1 Introduction

The issue of Sharia has been widely discussed in Indonesian politics since independence in 1945. In the early years of independence, the Sharia discourse was mainly about how to incorporate Sharia into the state constitution. This idea was supported by most of the Muslim elite and Muslim communities. Since the implementation of the Regional Autonomy Laws, which had the unintended consequence of facilitating the enactment of *Perda* Sharia in many districts, the dynamics of the Sharia discourse has changed with more debate within the Muslim elite and communities.

This chapter will discuss the dynamics of *Perda* Sharia by investigating and identifying the supporters of *Perda* Sharia, including their background, ideological basis, organisational networks, motivations and the politics of the nomenclature of *Perda* Sharia.

4.2 Identifying the Supporters of *Perda* Sharia

This section will divide the supporters of Sharia into two groups: idealists and pragmatists. Idealists are people who have a genuine idea of Sharia and are eager to implement Sharia and Islamic principles. They are motivated by religious commitment and conviction that it is their obligation as Muslims to implement Sharia. However, their agenda is a longer-term goal: to implement Islamic Sharia comprehensively in Indonesia. Idealists are usually members of Islamic organisations. They prefer the term '*Perda* Sharia' because they believe that if more people use the term 'Sharia', it will be more popular and accepted more easily. Idealists include members of MUI, NU and Muhammadiyah.

Conversely, pragmatists are those who have political or other motives. Thus, supporting the implementation of *Perda* Sharia is a way to advance their political or economic agendas, such as to be elected as a Bupati or DPRD member. Pragmatists have a short-term goal, such as to win an election or to obtain a position and have influence in the district government or legislature. Most of them are insiders who

have position or authority in the government or DPRD. They are very concerned and careful about the name of *Perda* Sharia, and they are reluctant to use it, as this controversial policy has been opposed by many organisations, NGOs and members of parliament. The issue has been taken to the Constitutional Court, as many pragmatists believe that *Perda* Sharia is contrary to the national Constitution and that its implementation will jeopardise their position in the government.

4.2.1 Idealists: Formalist and Substantive

I have divided the idealists into two groups: idealist formalists and idealist substantives. Idealist formalists are those who have a main objective to formalise Sharia into regulation, law or constitution, and to promote a more formal and textual Islam. Some of this group have the long-term objective to establish an Islamic state or state with a Sharia-based constitution. These groups include the KPPSI in Bulukumba, South Sulawesi, and GARIS in Cianjur, West Java.⁴⁶

Idealist substantives are those who want to implement the substance of Islamic teachings, values and principles. Their objective is to disseminate Islamic teaching and values into daily life. The formalisation of Sharia into regulation or law is not their main goal. These groups include NU, MUI and *Muhammadiyah*.

4.2.2 Pragmatists

Pragmatists are those who want to implement Sharia because they have short-term objectives and political interests, such as to be elected as a Bupati or DPRD member. Most pragmatists are people who have authority to propose, recommend, process and implement *Perda* Sharia. This group comprises people who have positions in the government, legislature and the political parties.

Idealists and pragmatists have different motivations. Idealists believe that by supporting the Islamic Sharia, they will be rewarded by God; it does not matter if they will derive advantages or disadvantages in this world. Conversely, pragmatists have short-term considerations of practical day-to-day politics and always take into

⁴⁶ Many other groups in South Sulawesi and Cianjur can be categorised as formalist idealists, such as Wahdah Islamiyah, Aliansi Muslim Bulukumba and Hizbu Tahrir Indonesia. However, this research focuses on the KPPSI in South Sulawesi and on GARIS in Cianjur.

consideration the advantages or disadvantages of supporting the Islamic Sharia. This is why pragmatists are very concerned and careful about the name of *Perda* Sharia and are reluctant to use it, because it is against the national Constitution and it will jeopardise their position in the government. However, to some extent, the boundaries between idealists and pragmatists are blurred and sometimes overlap.

4.2.3 Formalist Idealists

4.2.3.1 KPPSI

Komite Persiapan Penegakan Syariat Islam (KPPSI: the Preparatory Committee for the Implementation of Islamic Sharia) has its main base in South Sulawesi and is an umbrella organisation for Islamic organisations supporting the implementation of Sharia in South Sulawesi. KPPSI was formed after the first Islamic Congress in Makassar that authorised KPPSI to campaign for implementing Sharia Islam in South Sulawesi. Initially, KPPSI was formed after a series of meetings and conferences starting in 2000. The first meeting was held in Yogyakarta in August 2000 in the first *Mujahidin* (Arabic for ‘fighter of Jihad’) congress. The congress aimed to integrate the objectives and actions of all *Mujahidin* to implement Sharia Islam. Hundreds of activists from Islamic organisations and parties attended, along with scholars from all over Indonesia. Participants also came from South Sulawesi, including Abdurrahman A. Basalamah, former rector of the Indonesian Muslim University (UMI) in Makassar, and Agus Dwikarna, who were elected to positions on the Mujahidin Council (Pradadimara & Junedding 2002a). These meetings were followed by discussions in hotel Berlian in Makassar on the implementation of Sharia law. From this meeting, a recommendation was made to hold a *Kongres Umat Islam* (Islamic Congress), and KPPSI was formally established during the *Forum Ukuwah Islamiyah* (FUI) in 2000 in Makassar (Asi 2007b; Putra 2005).

The main objective of the establishment of KPPSI was to obtain Special Autonomy Law for South Sulawesi, similar to that in Aceh (Asi 2007b, p. 3). Abdul Azis Kahhar Muzakkar leads the KPPSI, and he has been a member of Dewan Perwakilan Daerah (DPD: Regional Representative Council) for South Sulawesi since the 2004 election. Due to his leadership, many saw KPPSI as a continuation of DI’s struggle, which was led by Kahhar Muzakkar (Asi 2007b). However, unlike DI, the KPPSI conducted its struggle through constitutional and peaceful means. KPPSI’s long-term objective is

the attainment of special autonomy for South Sulawesi and the holistic implementation of Sharia in the region. The organisation believes that the Sharia-based Regional Regulation that has been implemented in some districts would be a stepping stone to the attainment of its goal (Asi 2007b, p. 3)

4.2.3.1.1 First Kongress Umat Islam (Islamic Congress)

As a follow-up to several meetings, the first Kongres Umat Islam (KUI: Islamic Community Congress) was held in October 2000 in Makassar. The congress was organised to discuss special autonomy⁴⁷ for the implementation of Sharia Islam in South Sulawesi (Pradadimara & Junedding 2002a). The congress committee claimed that the participants in the congress represented all major Muslim groups, organisations and institutions all over the province of South Sulawesi (Halim 2005). Jakarta politicians, including A.M. Fatwa, attended the congress, which was opened by the Deputy Governor of South Sulawesi. Various groups attended, including student activists and quasi-paramilitary groups from all over South Sulawesi, along with active participants from the Yogyakarta congress, like Habib Husain Al-Habsy and Abu Bakar Ba'ashir. Abdul Hadi Awang, a charismatic figure from the Malaysian opposition Islamic Party PAS, also attended (Pradadimara & Junedding 2002a).

The congress was tightly guarded—not by the police or the army, but by the paramilitary security group known as the *Laskar Jundullah* (the army of God)—allegedly to prevent ‘infiltration’. The *Laskar* not only guarded the toilets, but they also limited access to the *Musholla* (small mosque/praying space/chapel) during the supposedly open and public Friday noon prayers (*shalat Jum'at*). Some participants later acknowledged that the tight security made them feel awkward and controlled

⁴⁷ Special Autonomy is a form of decentralised authority granted by the central government to the province to manage its own affairs. For instance, Aceh Province has been granted Special Autonomy by the central government based on Law No. 18/2001 as Nanggroe Aceh Darussalam Province. The law grants Aceh the authority to implement Sharia, whereas under the Regional Autonomy Laws of 1999, religious affairs remain under the central government's authority. Regional autonomy devolves authority to the district or municipality governments to manage the region based on their local resources. Based on Law No. 22/1999 on Regional Government and Law No. 25/1999 on Balancing Finance between the Central and Regional Governments, the law delegates at least 11 areas of authority to the district government. These include land matters, agriculture, education and culture, employment (manpower), health, environment, public works, transportation, trade and industry, capital investment and co-operative enterprise (*koperasi*). However, foreign affairs, defence, security, justice, monetary and fiscal policy, and religious affairs still remain under central government authority. Under the Regional Autonomy Laws of 1999, there is no significant devolution of authority from the central government to the provinces (Salim and Azra 2003). It is important to note that West Papua was also granted Special Autonomy based on Law No. 21/2001. Unlike the Aceh case, special autonomy in Papua does not have any provision for Sharia.

(Pradadimara & Junedding 2002a). However, *Lasykar Jundullah* was established not only for this purpose, but also, more importantly, to support KPPSI's political movement.

According to the Deputy Leader of *Laskar Jundullah*, Iswari Al Farisy (in Jupriadi 2002), the group has three main duties: assist the KPPSI to reach its goals; enforce Islamic Sharia to provide guidelines for the mental and religious development of local youths, and undertake social welfare activities. In contrast to its social activities, its leader, Agus Dwikarna, who was elected after the second congress, is currently serving a 10-year jail sentence in the Philippines because he was accused of carrying explosives in his suitcase during his visit to the country in 2002 (Halim 2009).

The first Islamic Congress in Makassar had several outcomes, including the establishment of the KPPSI, which was authorised to pursue the final goal of implementing Sharia Islam in South Sulawesi. The *Lasykar Jundullah* (not yet led by Agus Dwikarna) was to become an integrated part of KPPSI. The KPPSI itself comprised two bodies: the *Majelis Syuro* (a largely advisory council) and *Majelis Lajnah* (the Executive Council). Members of *Majelis Syuro* were mostly university intellectuals and *Ulama* (Islamic scholars/religious teachers) and included not only Achmad Ali and Abdurrahman Bassalamah, but also Sanusi Baco, the chair of the local branch of the MUI. Abdul Azis Kahar Muzakkar, the son of Kahar Muzakkar, the former DI commander in South Sulawesi in the 1950s, became the head of executive council, which has the authority to direct and organise the KPPSI. Hence, it is difficult to disassociate the KPPSI with the movement of DI, and it was called a form of 'nostalgia' (Pradadimara & Junedding 2002a). Due to the leadership, many saw the KPPSI as a continuation of DI's struggle, which was undertaken by Kahar Muzakkar (Asi 2007b). However, according to Nunding Ram, the General secretary of KPPSI, KPPSI is different from DI. It can be seen from the method of the struggle as well as the objectives. Unlike DI, KPPSI conducts its struggle through constitutional means, such as advocating the government to implement Sharia Islam through hearings with DPRD, public seminars, lobbying and, as reflected in its long-term goals, achieving Special Autonomy for South Sulawesi and the comprehensive implementation of Sharia in the province (Nunding Ram, General Secretary of KPPSI, interview 3 June 2008).

4.2.3.1.2 Second KUI of KPPSI

In December 2001, the second Islamic Congress was held in Makassar. The organising committee of the congress claimed that the congress, and then the struggle, had received broader support. Almost all notable social, political and religious figures of South Sulawesi were listed as members of the various committees for the congress. For example, the Advisory Committee consisted of the governor of South Sulawesi, the chair of the house of people's representatives of South Sulawesi (DPRD province) and the Mayor of Makassar Municipality, and it included one of the most respected figures in South Sulawesi, Muhammad Jusuf Kalla.⁴⁸ Tamsil Linrung,⁴⁹ a DPR RI member from PKS, who was later arrested with Agus Dwikarna in the Philippines on March 2002, also attended. All of the rectors of Makassar's major universities, as well as the chairpersons of the two largest Islamic organisations in Indonesia—the local NU and Muhammadiyah branches—became the steering committee of the congress (Halim 2009). However, the extent to which these prominent figures supported KPPSI's ideology or political agendas is unclear (Halim 2009). At most public events in South Sulawesi, many of these personages attended the congress only to deliver their speeches. Nonetheless, this list of personages portrayed a conservative image of the movement, as the congress attracted the political establishment of South Sulawesi (Pradadimara & Junedding 2002a).

It seemed that the political elite was ready to allow its name to be associated with the KPPSI. In the second congress, it is apparent that KPPSI was able to involve many mainstream figures in the congress for a number of reasons. First, the KPPSI was the first organisation in South Sulawesi that promoted itself as an advocate of Islamic Sharia. Second, the members of KPPSI were highly educated urban people, who often have high positions and influence in the community. Third, the issue of Islamic Sharia was very popular and widely supported at that time. Hence, many people wanted to be

⁴⁸ He was appointed as a coordinating minister for social welfare during president Megawati's government, and from 2004 to 2009, he was the Vice President of Indonesia.

⁴⁹ Tamsil Linrung, a Makassar-born Jakarta politician, was arrested with his brother-in-law, Agus Dwikarna, who was a Muslim group activist, and a businessman, Abdul Jamal Balfas, by Philippines police at Manila airport in 2002 for the attempted smuggling of a small amount of C4 explosives, detonating cords and blasting caps. In the past, they have been accused of being members of Islamic terror groups such as Jemaah Islamiyah (JI), and of militant groups such as *Laskar Jundullah*. All three men claimed that the bomb-making materials had been planted on them. Agus Dwikarna was charged with the crime and was sentenced to 10–17 years. Charges against Jamal Balfas and Tamsil Linrung (sometimes called Hamsid Lin Rung in Philippino court documents) were dropped after president Megawati made a personal plea to Philippines president Arroyo, and the two were released a month after the arrests (Siboro & Yogita Tahirramani 2002; *The Jakarta Post* 2002).

affiliated with the idea and the group of Islamic Sharia. Fourth, some public figures wanted to be affiliated with KPPSI because they wanted political support from KPPSI, reflecting the KPPSI's popularity at the time, as Jupriadi (2002) claimed that *Laskar Jundullah* had more than 20,000 members throughout Sulawesi Selatan.

However, Kamil and Bamualim (2007b) observed that KPPSI often pressured the media, press and journalists to promote its activities, as well as the implementation of Islamic Sharia, and at the same time discourage coverage of those opposed to the implementation of Islamic Sharia. Some members of the legislature and the executive were also pressured by KPPSI to support the idea of the implementation of Islamic Sharia; therefore, the province assembly (*DPRD Provinsi*) in South Sulawesi agreed to submit a draft of Islamic Sharia that was proposed by KPPSI to the central government (Kamil & Bamualim 2007b).

The congress commenced on the same day that Hamzah Haz, the Indonesian Vice President, visited Makassar for an official visit. Thus, the organiser claimed on many occasions that Hamzah Haz, who was known to be sympathetic to Islamic militant groups, would personally open the congress. The date for the congress itself was repeatedly changed to adjust to the tight schedule of the Vice President (Halim 2009). Although the opening session was delayed for several hours, Haz did not come and instead M. Jusuf Kalla opened the congress. A disappointed crowd booed him. However, Hamzah Haz briefly visited the congress several hours later, but took a moderate stance towards the political agenda of the KPPSI. Hamzah Haz remained non-committal about the inclusion of Islamic law in the Constitution. Meanwhile, Jusuf Kalla emphasised the need to start from oneself and one's family in implementing Sharia Islam, rather than asking the state to adopt it. This approach is popularly known as the 'cultural' as opposed to the 'legal' approach to implement Sharia Islam (Pradadimara & Junedding 2002a).

Even though many groups in South Sulawesi can be viewed as taking a moderate stand with regard to the formalisation of Sharia Islam in their region, KPPSI persisted in announcing a draft law that would grant special status to South Sulawesi and allow the local government to impose comprehensive Sharia Islam (Halim 2005). The draft law was clearly inspired by similar legislation implemented in Aceh. Therefore,

KPPSI was making all necessary efforts to obtain special autonomy for the province of South Sulawesi, similar to that granted to Aceh, so that South Sulawesi could enforce Sharia Islam under the same legal status.

Basalamah (2000), the secretary general of KPPSI, argued that the struggle for the implementation of Islamic Sharia in South Sulawesi should learn from Aceh because the implementation of Islamic Sharia in Aceh was applicable to South Sulawesi. Further, as A. M. Fatwa⁵⁰ stated at the second Islamic Congress in Makassar 2001, Aceh and South Sulawesi have three similarities in regard to their Islamic identity and history. First, in the past, Aceh and South Sulawesi had similar inheritances of Islamic kingdoms, which had a significant influence on the archipelago in their own times. Second, both regions became the centre of the struggle for the establishment of an Indonesian Islamic state during the national revolution to defend Indonesian independence during the second half of the 1940s. Lastly, Aceh was recognised as the ‘veranda of Mecca’ due to its strong influence of Islam. It was also acceptable that South Sulawesi would be called ‘the veranda of Medina’ for the same reason (Fatwa 2001). Abdul Aziz Qahhar Mudzakkar (2000), chair of KPPSI’s executive council, insisted that the minimum objective of the second congress would be special autonomy for South Sulawesi to be granted by the central government.

However, the announcement was overshadowed by a bomb blast on the third day of the congress. The organisers blamed a third party for trying to disrupt the congress, but police suspected that the incident was a cheap self-publicity act. Now, the second congress is remembered primarily because of this incident (Muannas 2001).

Further, KPPSI also maintains a close connection with several ‘*anti-maksiat* or *anti kejahatan*’ (anti-immorality or anti-crime) groups, or vigilante groups. The groups have often held raids on nightspots and amusement centres, and fomented anti-American sentiment among locals (Jupriadi 2002). These groups have mushroomed in various regions in the interior areas of South Sulawesi since 1999 (Halim 2005). *Lasykar Jundullah*, at that time not yet led by Agus Dwikarna, appears to have

⁵⁰ He is a South Sulawesi-born Jakarta politician who supports KPPSI’s aim. He was a Vice Chairman of DPR-RI during 1999–2004 and Vice Chairman of MPR-RI during 2004–2009.

become an umbrella organisation for these bands. This civilian militia was also expected to become a Sharia police force if Sharia Islam was implemented.

However, Aswar Hassan (in Tantan, Dalle & Bakri 2002), the former secretary general of KPPSI, denied the rumours that *Laskar Jundullah* (Army of Allah) was prepared to be a 'military' wing of KPPSI. The *Laskar* aimed to monitor the implementation of Islamic Sharia if South Sulawesi received special autonomy. Further, he added that the activity of *Laskar Jundullah* was operating only in South Sulawesi and that it was not involved in the conflicts in Poso or Ambon. However, if they were in the conflict area, it was not for fighting but for aiding humanity. However, Fealy (2005) observed that *Laskar Jundullah* had acted as a semi-criminal and vigilante group, usually armed with sticks and machetes. Many of its members have backgrounds in local gangs and it is a feared presence in South Sulawesi, where it regularly intimidates parliamentarians, officials and the media into supporting its moves to implement Sharia Islam in the province. In Bulukumba, the members of *Lasykar Jundullah* are mainly recruited from local gangs (Arum, the Head of KPU Bulukumba, former leader of AMB in Bulukumba, interviewed 6 June 2008; Yusuf, former member of *Lasykar Jundullah* Bulukumba, interviewed 16 June 2008).

4.2.3.1.3 Third KUI

In March 2005, the third Islamic congress was held in Bulukumba. Bulukumba hosted the congress because of the close relationship between Patabai Pabokori, the Bupati at that time, and Azis Kahhar Muzakkar and the KPPSI. Patabai has become a member of KPPSI, and Bulukumba was considered a pioneer of the districts in South Sulawesi that implemented *Perda* Sharia due to implementing the most *Syrahiah*-inspired regional regulation. Hence, KPPSI began to herald him as an example of a 'good Muslim leader'. The chair of the MPR, Hidayat Nur Wahid, opened the congress. At least 500 participants attended the event, of which none were women. The former general secretary of KPPSI, Aswar Hasan (in Media Indonesia 2005) was disappointed because of the absence of women from the congress. He argued that it could be because women worry that they would be suspected of involvement in terrorist action, as America accused, if they joined an Islamic organisation such as KPPSI. Second, the women might feel uncomfortable and awkward because they

knew that female participation was minimal, so they decided not to attend (Media Indonesia 2005).

The recommendation of the third congress not only focused on demands for special autonomy, but also on broader issues such as struggling to enforce Islamic Sharia in all levels, including individual, family, community, nation and state, and prioritising the struggle to implement Sharia Islam above all personal and group interests (Tribun-Timur 2008).

4.2.3.1.4 Fourth KUI: The Change of KPPSI's Strategy

The fourth congress was due to be held on December 2008 in the Pangkep district, South Sulawesi. The congress planned to discuss a new, mainly political agenda in response to the next general election in 2009, due to many KPPSI activists joining and becoming active in the political parties. However, the fourth congress was postponed for unclear reasons until 6 February 2010. During 2007–2009, KPPSI experienced a 'vacuum': it did not undertake many activities and did not promote Islamic Sharia extensively. This was related to Azis Kahhar Muzakkar, the leader of KPPSI, also becoming a *Dewan Perwakilan Daerah* (DPD: Council of Regional Representatives) member in Jakarta. This made it difficult for him to manage the KPPSI, which was based in Makassar, South Sulawesi. The failure of Azis Kahar Muzakar to become governor in the 2007 election was another reason why KPPSI activities declined.

During the election, Azis received the smallest vote among the candidates, which suggests that the KPPSI as an organisation, and its campaign to implement Islamic Sharia, was not supported by the majority population of South Sulawesi. During Azis' campaign for the governorship, there was debate among KPPSI members, with some members supporting the idea of Azis running in the Governor election to promote the idea of implementing Sharia. However, other members considered that Azis politicised the KPPSI and used KPPSI and Sharia issues as a vehicle to further his personal political interests. This can be understood because KPPSI members are from various political parties and Islamic organisations that supported other candidates during the election. Azis' political career in the *pilkada* and the 2004 and 2009 DPD elections seem to suggest that his support base was insufficient to make him a credible candidate for governor, but sufficient to have him elected to the DPD twice.

DPD membership is much less important than being governor, but it indicates a basis of support in South Sulawesi society.

As a result of the fourth congress, KPPSI changed its strategy and the name and structure of the organisation. According to Azis (Media Indonesia 2005), KPPSI changed from '*persiapan*' (preparatory committee) to '*perjuangan*' (struggle committee), to emphasise the struggle of the organisation to implement Sharia in South Sulawesi. Azis was also appointed as an 'Amir' (highest leader), who has authority like a president and has the authority to appoint someone to the post in KPPSI. The position of *Amir* reminds us of the leadership of the DI/TII movement in West Java, where Kartosuwiryo appointed himself as an 'Amir' of the movement and had ultimate and dominant power.

Azis (Muzakkar 2010) explained that the strategy to implement Sharia has changed to focus on the cultural movement, although the mission to realise special autonomy is maintained. This is due to the fact that several efforts to obtain special autonomy have not succeeded and are very difficult, especially since the elected governor, Syahrul Yasin Limpo, was not as supportive as Amin Syam, the former governor, to the idea of implementing Islamic Sharia. To date, the governors in south Sulawesi have not attempted to negotiate special autonomy from the central government in Jakarta (Muzakkar 2010).

The KPPSI's cultural approach was prioritised, as it had implications for the progress of Sharia implementation, such as establishing at least two Muslim villages in every district, educating preachers to promote the implementation of Sharia, and advocating and encouraging the Bupati and DPRD to produce *Perda* Sharia (Muzakkar 2010).

Further, the recommendation of the congress has also changed from focusing only on special autonomy to using the event of local-head direct elections (*Pilkada*) as a vehicle to promote and enforce Sharia. KPPSI urged Muslims to only vote for a Bupati candidate who is willing, and has a commitment to, implementing Sharia Islam. Further, according to Hassan, the former Secretary General of KPPSI, KPPSI only supported the candidates for district leader and for local parliament who wanted to implement *Perda* Sharia and, if necessary, the KPPSI would make a political

contract as a commitment to the candidate it supported. This strategy was a response to the upcoming Bupati election in some districts in South Sulawesi (Muzakkar 2010). The KPPSI used the strategy to only support Bupati candidates who wanted to implement Sharia-based *Perda* since KPPSI was established. However, this recommendation seems to emphasise its strategy, especially since the former Bupati of Bulukumba, Patabai, who had close connections with the KPPSI, succeeded in implementing some Sharia-based *Perda* in the Bulukumba district. This strategy is considered the most effective way with less resistance.

Apart from that, similar to recommendations from the previous congresses, KPPSI also demanded that the President, Minister of Law and Human Rights, and Foreign Minister ask the Philippines government to free Dwi Karna, the ex-leader of *Laskar Jundullah*, who is currently serving a 10-year jail sentence in the Philippines.⁵¹ Another recommendation was to encourage educational institutions to oblige all female Muslim students to wear the *jilbab* (Ade 2010; Alvian 2010; mappanganro 2010).

4.2.3.2 Motivation: KPPSI and Special Autonomy

The long-term goals of the KPPSI are the achievement of special autonomy for South Sulawesi and the comprehensive implementation of Sharia in the region. Through special autonomy, the South Sulawesi government has greater authority to manage the province and implement Sharia, as happened in Aceh.⁵² However, their goal to obtain special autonomy has not been a success since the first congress in 2000. Their ‘structural’ approach, such as advocating the governor and DPRD province to demand the central government to grant South Sulawesi special autonomy, has always failed. According to Azis (Ade 2010), the three governors of South Sulawesi have never supported the idea of special autonomy (Muzakkar 2010). Despite his position as a DPD member, Azis said he could not do anything to demand special autonomy at the

⁵¹ According to Sirajuddin (the secretary of Dewan Syuro KPPSI), Hassan Wirajuda (the former Foreign Minister) and Yusril Ihza Mahendra (the Cabinet Secretary) have promised in the front of Commission I DPRRI to approach the Philippines (Fajar Online 2010).

⁵² Apart from the issue of special autonomy, there is a related issue of *pemekaran* (establishment of new provinces and districts). South Sulawesi has been divided into West Sulawesi, and there are campaigns for at least one more province in South Sulawesi. *Pemekaran* might undermine the campaign for Special Autonomy by reducing the territory.

national level due to the fact that there was no recommendation from the governor⁵³ (Muannas 2002).

The KPPSI has been using both structural and cultural approaches. However, since the fourth congress, KPPSI has prioritised the cultural approach by supporting the implementation of *Perda* Sharia in the districts, as this strategy was considered more effective. If there were more districts implementing *Perda* Sharia, it could be claimed that it was the community's will and demand to implement Sharia Islam; hence, the KPPSI had more evidence to demand that the central government grant South Sulawesi special autonomy. The meaning of the cultural approach in this strategy is not literally 'culture', but rather to explain that the KPPSI struggle is not only about the attainment of Special Autonomy Law as a '*payung hukum*' (legal umbrella) to give South Sulawesi authority to implement Sharia law legally (this is considered a structural approach), but also about advocacy with the district governments and DPRD to implement Sharia-based *Perda*, although there is no '*payung hukum*' (this is considered a cultural approach). Reflecting the success of the KPPSI's campaign, until early 2013, 22 of the 24 districts and municipalities in South Sulawesi, including Bulukumba, have implemented at least one form of *Perda* Sharia such as a *Perda* on *zakat*, consuming alcohol, Muslim clothes, reading and learning Qur'an and Islamic morals. (Desantara 2008; Fajar Online 2013; Makassar TV 2011; Setiawan & Susila 2013). It is important to note that the two districts that have not implemented *Perda* Sharia—Tana Toraja and North Toraja—have Christian majority populations. Nevertheless, on the recommendation of the district police, these two districts intend to implement regulations on alcohol consumption, with the objective of reducing the high rate of crime (Lembang 2012; Palopo Pos 2012).

The change of the KPPSI's strategy is a way to adapt the political change in South Sulawesi. The failure of Azis Kahar Muzakkar's campaign for the governorship was a lesson for KPPSI to recalculate the strategy to obtain sympathy and support from society, regardless of whether they promote the organisation as a motor of *Perda* Sharia openly. In addition, KPPSI has changed its strategy to not only focus on promoting Islamic Sharia openly, but also to shift and pick up other issues as well to

⁵³ In the case of Aceh and Papua, Special Autonomy had strong support from the Governor and Province Government during negotiations with the central government in 2000–2001.

fit with the political circumstances and community's basic needs. As Suaedy (Muzakkar 2010) argued, supporters of the formalisation of Sharia have shifted their strategy to not only focusing on how to make Sharia a national Constitution, but also preferring to use strategy '*desa mengepung kota*' (villages encircling the towns) by creating as many Islamic-inspired regulations in as many regions as possible. This suggests that Sharia supporters think that they have a stronger basis of support in rural areas.

4.2.3.3 Ideological Basis and the Network

The role of KPPSI in Bulukumba was significant. The KPPSI supported the idea of the implementation of *Perda* Sharia. Some top figures in Bulukumba also have significant positions in KPPSI. For instance, the former Bupati of Bulukumba, Patabai Pabokori, who became the Head of Education in South Sulawesi, established KPPSI in Bulukumba and is a *Mustasyar* (adviser) of KPPSI in the province. Patabai is also in the presidium of '*Forum Umat Islam*' (FUI: the Muslim Forum) in South Sulawesi. His position as the Head of the Department of Education could attract others to join KPPSI. Further, the Head of Muhammadiyah in Bulukumba became '*dewan syuro*' (the advisor) of KPPSI (Pradadimara & Junedding 2002a)

KPPSI's support mostly comes from urban-based university-educated males. They are graduates from *pesantren* (Islamic schools) and regular schools from all over South Sulawesi who have congregated in Makassar for higher education. They attend universities in the city and join Islamic student associations, mostly HMI (Surur 2008). Most students enrol at either the state-owned Hasanuddin University or the private Muslim University of Indonesia (UMI). These institutions of higher education have created a social class that is religious in character, yet without a group consciousness oriented around an *ulama* (in contrast to East Java) (Noor 2010).

Although KPPSI's leaders are mainly 'urban-based university-educated males' (Pradadimara & Junedding 2002, p. 25), KPPSI acted quickly to establish its presence in many rural districts of South Sulawesi. The future aim is to lobby the political elites in these rural regions in order to obtain their support for the implementation of Syariat Islam (Pradadimara & Junedding 2002b). The strategy of '*desa mengepung kota*' is considered more affective than only struggling for the attainment of special

autonomy for South Sulawesi and implementing Sharia-based *Perda* in urban areas, as the high profile of KPPSI figures can be seen as ‘pressure’ on the Bupati or DPRD at the district level. Further, some close relationships between KPPSI members with some Bupatis and DPRD members have made the lobbying process easier at the district level.

There are some high-profile leading figures in KPPSI in Makassar. For example, Aswar Hasan, the general secretary, is a senior academic at Hasanuddin University and the Head of the *Komisi Penyiaran Indonesia* (KPI: Indonesian Broadcasting Commission) in South Sulawesi, and Azis Kahar Muzakkar (‘Amir’) of KPPSI, who was previously the Head of the Executive Committee of KPPSI and who has been a member of DPD since 2004, with the highest support (Tomsa 2008, p. 102). Later, his position as a DPD member played a significant role in attracting other people to join KPPSI. In addition, he is a son of Kahar Muzakkar, the leader of *Tentara Islam Indonesia* (TII: Indonesian Muslim Army), who is considered by most South Sulawesi people a ‘hero’ and a charismatic fighter. It is important to note that Azis is not the only son of Kahar Muzakkar to be involved in politics; there are at least two other sons: Andi Mudzakkar (commonly known as Andi Cakka), who is the Bupati of the Luwu district, and Buhari Kahar, who is the member of DPRD in the South Sulawesi province (Irmawati 2009). By having high profiles in politics, Azis and his family are highly respected in South Sulawesi.

The KPPSI has gained broad support from many organisations and senior figures—not only from Sulawesi, but also at the national level—such as Abu Bakar Ba’ashir, the founder of *Majelis Mujahidin Indonesia*, who attended the first Congress of KPPSI in Makassar and visited Bulukumba for the opening of FUI. KPPSI and its ally organisations such as FUI are also supported by PKS, such as Tamsil Linrung and Hidayat Nur Wahid (Amal 2010).

Most KPPSI activists and hardliners come from UMI, where Abdurrahman Basalamah was once Rector. Agus Dwikarna attended UMI, but never graduated. KPPSI ideologues, who generally have more moderate stands, are mostly lecturers at the State Institute of Islam (IAIN) in Makassar. The chairs of KPPSI branches in the

regions are mostly university graduates with engineering, medical or social science degrees.

Although KPPSI uses an image of intellectualism, there has been very little open and intellectual debate on the definition and implications of Islamic Law. Most statements in local newspapers regarding Islamic Law have been dogmatic. The same phenomenon is evident at the national level. While there is wide support for the implementation of Islamic Law in general, there is sharp disagreement over what it means. The implicit statement in this lack of debate is that every good Muslim should know what *Syariat* Islam means and implies, and thus, like KPPSI, they should support its implementation whole-heartedly. Hence, there is little need for them to explain what they mean by it, or for others, they assume, to ask them what it means (Zeena 2009).

KPPSI also has a close connection with various *anti-maksiat* (anti-immorality/anti-vice) or *anti-kejahatan* (anti-crime) groups. These are all-male vigilante paramilitary bands that are usually armed with sticks and machetes. These groups have mushroomed in various regions in South Sulawesi since 1999, and the KPPSI's *Lasykar Jundullah* seems to have become an umbrella organisation for these bands. Pradadimara and Junedding (Pradadimara & Junedding 2002b) observed that the KPPSI and its activism shows a picture of the male, urban-based elite playing with the image of religious intellectualism to mobilise support from youthful males in both the cities and rural areas of South Sulawesi. The former Bupati Bulukumba, Patabai Pabokori, who became the Head of Education (Kepala Dinas Pendidikan) in the South Sulawesi provincial government, was also the advisor of the KPPSI. The *Komisi Pemilihan Umum* (KPU: Head of the Election Commission) was also a member of KPPSI and one of the leaders of *Laskar Jundullah* in Bulukumba.

4.2.3.4 GARIS

Another formalist idealist group is Gerakan Reformis Islam (GARIS: Islamic Reformist movement), which is based in Cianjur. GARIS was founded as a response to the reformation era. The motivation to establish GARIS, according to its founder, Cep Hermawan, in 1998, was that, in his opinion, many Muslim activists, who were involved in the anti-Suharto movement in 1997-8, had been influenced by former

members of the Indonesian Communist Party (*Partai Komunis Indonesia*) and joined the 'leftist' organisations with socialist–communist ideologies (Cep Hermawan, interview, 13 May 2008). This trend was a concern to Cep Hermawan. In the early reformation era, Anwar Haryono, the leader of *Dewan Dakwah Islamiyah Indonesia* (DDII: Indonesian Islamic Propagation Council) invited Cep Hermawan to his house, along with Yusri Ihza Mahendra, who became the leader of *Partai Bulan Bintang* (PBB: the Crescent Star Party) in 1999 and a minister under presidents Abdurrahman Wahid, Megawati and Susilo Bambang Yudoyono. The meeting discussed forming an institution and political party based on Islam. Later, Cep Hermawan established GARIS and Yusri became the leader of PBB (Cep Hermawan, interview 13 May 2008).

Cep Hermawan is a Persatuan Sarikat Islam (PERSIS: Syarikat Islamic Unity) activist from Cianjur who idolised Mohammad Natsir, the former Prime Minister of Indonesia and Chairman of the Indonesian Muslim Advisory Council (*Masyumi*), which is a major Muslim party that rivalled NU in the 1950s. Hermawan saw the need to establish an organisation with an Islamic ideology that could accommodate Muslim activists (Cep Hermawan, interview 13 May 2008).

The activities of this organisation were mainly to conduct demonstrations related to Islamic issues such as banning Ahmadiyah; opposing the Carmelite Prayer Centre on Cikanyere Hill (*Lembah Karmel Cikanyere*) in Cianjur, West Java; protesting government policy that, according to them, was contrary to Islamic teachings; and abolishing nightclubs, prostitution in hotels, *warung* (small restaurants) that open during Ramadan; severely censoring women who did not wear *jilbab*; conducting social and charity activities such as selling cheap rice (*raskin*), helping the poor and producing leaflets, banners and billboards with Islamic themes, such as encouraging women to wear *jilbab*. The activities of GARIS have not only taken place in Cianjur, but also in other regions, such as joint demonstrations in Jakarta with other hardliners, namely FPI (the front of Islamic Defender) and FUI (Muslim Community Forum), against the invasion of the US army in Afghanistan.

The role of GARIS in the implementation of *Perda* Sharia ‘Gerbang Marhamah’⁵⁴ in Cianjur was very significant. The organisation supported the Bupati Wasidi to win the Bupati election in 2001 (by the DPRD members) by making a political contract with Wasidi to implement *Perda* Sharia (a further explanation on the involvement of GARIS in the local election in Cianjur is provided in Chapter 6). However, as Wasidi was defeated in the 2006 direct election for Bupati, the activities of GARIS have become less influential, despite still advocating Sharia/Islamic-related issues such as demanding the DPRD to close cafes during Ramadan (2002b), campaigning against corruption (Suryatna 2010) and burning down the cafes that it claimed no longer had permits (Den 2010). Recently, GARIS, together with the MUI, demanded that the DPRD close the cafes, restaurants and nightclubs that operated during Ramadan. Similar with other formalist idealist groups, the activities of GARIS always involve mobilising supporters for demonstrations and conducting sweeping raids.

4.2.3.5 LPPI

Another formalist idealist group is *Lembaga Pengkajian dan Pengembangan Islam* (LPPI: Institute for Islamic Studies and Development). LPPI was established by the Bupati of the Cianjur district, Wasidi Swastomo, by issuing decree No. 36/2001 after the first meeting in 2001 of the *Silaturahmi Ummat Islam* (SILMUI: Muslim Gathering) in Cianjur. The meeting demanded that Wasidi Swastomo fulfil his election promise to implement Islamic Sharia if he was elected. Although LPPI is categorised as a formalist idealist group, LPPI differs with GARIS and KPPSI in that LPPI was established by the local government, while the others were not. However, both GARIS and KPPSI had strong government and political networks.

The aim of establishing LPPI was to prepare and study the implementation of Sharia Islam in Cianjur. The activities of LPPI in Cianjur, which were fully funded by the district government, included publishing books and brochures related to Islamic Sharia, conducting seminars and training workshops for government staff members in relation to the implementation of Sharia Islam and creating a ‘think tank’ group

⁵⁴ *Gerbang Marhamah* stands for *Gerakan Pembangunan Masyarakat Berahlakul Karimah* and literally means ‘The Development Movement of the Good Moral Community’. *Gerbang Marhamah* is an umbrella term for several programs to implement Sharia in Cianjur. There are three primary programs of *Gerbang Marhamah*: develop good moral behaviour for the government administration and individuals; develop harmonious family (*Keluarga Sakinah*), and develop good moral behaviour for the community.

within the government to discuss, formulate and promote the implementation of Islamic Sharia in Cianjur. I categorise this group as formalist idealist because the members of LPPI were mainly Muslim activists and Islamic leaders—most of whom wanted to formalise Islamic Sharia. However, as the Bupati Warsidi, who supported the implementation of *Perda* Sharia, was not re-elected for a second period, LPPI was merged into MUI under the Department of *Penelitian dan Pengembangan* (*Litbang*: research and development). Since then, LPPI has not been as active. In 2009, Tjetjep, the newly elected Bupati, issued Decree No. 61/2009 on the Revocation of Decree No. 36/2001 on the Establishment of Institute for Islamic Studies and Development (LPPI).

The role of LPPI was significant in supporting the implementation of Islamic Sharia. LPPI even submitted a draft of Regional Regulation (*RaPerda*) of the implementation of Sharia in Cianjur, but the draft law was rejected in the DPRD meeting. Some members of parliament who rejected this draft were labelled anti-Islamic. Nevertheless, LPPI continued to promote political consolidation and conduct various activities to support the formalisation of Islamic Sharia.

Further, LPPI was a ‘think tank’ for the formalisation of Islamic Law in Cianjur by formulating guidelines for its implementation in Cianjur, including formulating a book, ‘Basic Format Implementation of Islamic Sharia’ (*Format Dasar Pelaksanaan Syariat Islam*) in 2001 and producing books as guidelines for the preachers and teachers in the Cianjur district to implement Sharia (Man 2010). In an effort to strengthen support from the grassroots/community, LPPI and the supporters of the formalisation of Sharia, with the support from the district government Cianjur and together with the MUI, successfully held the first SILMUI on 16 March 2002 in Building Da’wah by inviting *Ulama* (Islamic scholars), *umaro* (government officers), community leaders, political organisations, community organisations, student organisations, educational institutions and Islamic NGOs in the Cianjur district.

4.2.4 Substantive Idealists

The substantive idealist group comprises NU, Muhammadiyah and MUI. These organisations take a more moderate stance towards the issue of the implementation of Islamic Sharia. Muhammadiyah and NU are the oldest and largest Islamic organisations, with branches spread throughout Indonesia, whereas MUI has always been associated with the government. They support the presence of Islamic Sharia in everyday life and believe that its implementation should be done gradually and in accordance with the local context (Asi 2007b).

4.2.4.1 Muhammadiyah

Muhammadiyah is the second-largest Islamic organisation in Indonesia. It plays a significant role in Indonesian politics and community development. The organisation focuses on education, *dakwah*, social activities and the economy. As an Islamic social movement, Muhammadiyah has many roles that are not only related to religious activities, but also to education, welfare, social, economic and political endeavours (Jurdi 2010). Like NU, the political role of Muhammadiyah is dependent on the regime. According to Jurdi et al. (Jurdi et al. 2010), its position as a dominant Islamic movement on cultural activities affects political relations between Muhammadiyah and political authorities. Muhammadiyah political activity can be divided into three perspectives. First, the strength of religious doctrine is embodied in the daily lives of members of Muhammadiyah, bringing about an intertwining of politics and religion. Second, many Muhammadiyah cadres have been involved in the government since it was established in 1912, 33 years before Indonesia's independence. The Muhammadiyah has prepared its cadres to become bureaucrats. Third, the political involvement of the cadres has benefited Muhammadiyah in developing the institution (Jurdi 2010).

The strong connection between Muhammadiyah, the bureaucracy and politics has made Muhammadiyah one of the most influential organisations in the decision-making processes at the national and regional levels, including in the debates about *Perda* Sharia. In the two districts of this research—Cianjur and Bulukumba—Muhammadiyah has also made a significant contribution in discussions regarding the issues and implementation of *Perda* Sharia. This organisation supports the implementation of *Perda* Sharia. In Bulukumba, some members of Muhammadiyah

are also members of KPPSI, such as Siradjuddin, the Chairman of Muhammadiyah, who became the Deputy Head of the Advisory Board of KPPSI (*wakil Dewan Syuro KPPSI*). Thus, among its members, there are some who share the same aspirations as the KPPSI to obtain special autonomy for South Sulawesi (Halim 2005). Nevertheless, a few Muhammadiyah figures oppose the implementation of *Perda* Sharia in Bulukumba, but mostly they did not hold formal positions in the organisation, such as Mardianto, the Chair of *Badan Koordinasi Mubaligh Se-Indonesia* (BAKOMUBIN: Preachers Coordination Agency of Indonesia) (Surur 2008). The Central Board of Muhammadiyah (PP Muhammadiyah) has not determined whether it supports or rejects the application of *Perda* Sharia (Kustiani & Tempo-interaktif 2006). On several occasions, for instance, Din Syamsudin, the Chairman of PP Muhammadiyah, stated that the PP Muhammadiyah has not discussed the issue of the proliferation of *Perda* Sharia (Kustiani & Tempo-interaktif 2006).

4.2.4.2 NU

In NU, the relationship between the *Kyai* and their society has always been extremely close; the society's affiliation with NU is taken for granted (Turmudi 1996). It is therefore not surprising that the *Kyais'* desires will be followed by the community. However, regarding the implementation of *Perda* Sharia, there has been a difference in policy between the Central Board of NU (PBNU) and its branches in Cianjur and Bulukumba. The PBNU in Jakarta clearly opposes the implementation of *Perda* Sharia in several districts. According to the former chairman of PBNU, Hasyim Muzadi, Islamic Sharia should exist in the context of civil society, not a nation state; therefore, the formalisation of Sharia in the form of *Perda* is not necessary. He also fears that the formalisation of Islamic Sharia into *Perda* will only lead to divisions in the nation (NU-Online 2006). Paradoxically, in districts such as Cianjur and Bulukumba, NU is one of the prominent supporters of *Perda* Sharia, although the key figures of NU in these two districts emphasise that Islamic Sharia should be implemented comprehensively and gradually.

In Bulukumba and Cianjur, the key figures of NU have important positions. In Bulukumba, Tjamiruddin, the Head of NU, was also the Head of the Department of Religious Affairs (*Kepala Depag*) and then became the Chairman of the MUI in

Bulukumba District. Tjamiruddin was actively involved in promoting and producing the *Perda* Sharia. He claimed that he drafted the Regulation *Perda* No. 6/2003 on Reading the Alqur'an. He was very proud and claimed that the idea to implement *Perda* Sharia came from him (Asi 2007a). This is in contrast to Cianjur, where the former Bupati, who initiated the implementation of *Perda* Sharia, said that the idea to implement *Perda* Sharia came from the community. Nevertheless, in Cianjur, the Chairman of NU and its key figures also actively promoted the implementation of *Perda* syaria and become notable supporting figures. *Kyai* Abdul Halim, the Head of MUI Cianjur district, who is commonly known as *Ajengan* Lim and was close to former Bupati Wasidi, who initiated *Gerbang Marhamah* in Cianjur, was a prominent supporter of *Perda* Sharia and become the Head of MUI. The current Chairman of NU, *Kyai* Chirul Anam, was a Head of KPU (Dinie & Agus 2012). Differing from the older generation, the younger generations of NU members, some of whom had joined the PMII,⁵⁵ opposed the implementation of *Perda* Sharia and criticised the 'pro' policy of the older generation of NU (Focus Group Discussion, Bulukumba, 17 July 2008).

Historically, NU and Muhammadiyah were rivals to developing an influence in the community. Particularly in the grassroots, there have been conflicts and competitions among the two organisations. However, in terms of *Perda* Sharia, the two organisations have 'different policies' in central leadership. NU clearly opposes the idea of the formalisation of Sharia, while Muhammadiyah has no clearly stated policy, whereas in Cianjur and Bulukumba, NU and Muhammadiyah have worked together to support the formalisation of Sharia. This occurred because, as religious organisations, they do not want to be labelled as less religious. In addition, as the idea to implement *Perda* Sharia in these two districts came from the government, these two organisations did not want to 'lose the moment', as it was also considered a way to accommodate the local government initiative.

⁵⁵ PMII stands for *Pergerakan Mahasiswa Islam Indonesia* (the Indonesian Islamic Students Movement). In the early years of its establishment, PMII was a organisation wing of NU consisting of NU university students. However, in its development, PMII members not only have a NU background, but many also have a Muhammadiyah background.

4.2.4.3 MUI

MUI acts as an umbrella organisation and embraces the various Islamic movements. It claims to be an advisor on the implementation of Islamic Sharia. In Cianjur and Bulukumba, the Head of MUI is the Chairperson of NU. During the implementation of *Gerbang Marhamah* in Cianjur, MUI was actively involved as an advisor and made recommendations. Moreover, MUI initiated the establishment of an institution to study and develop the implementation of Sharia, named LPPI. Through the LPPI, MUI conducted research and held discussions, seminars, promotions and activities to accelerate the implementation of *Perda* Sharia. In addition, MUI, whose membership is mostly preachers and which has a network in every sub-district to the village level, mobilised its members to promote the implementation of *Perda* Sharia through *pengajian* (Islamic learning) in mosques, *Musholla* (little mosques) and *Majlis taklim* (Ajengan Lim, the Chairman of MUI Cianjur, interview, 29 February 2008). In Bulukumba, the role of MUI was also significant in promoting and initiating the implementation of *Perda* Sharia. Tjamiruddin, the Chairman of Department of Religious affair (Kepala Depag), who then became the chairman of MUI, claimed that he was the one who initiated the idea of the implementation of *Perda* Sharia. He advised Bupati Patabai Pabokori to formalise Sharia into regulations (Kyai Tjamiruddin, Head of MUI Bulukumba, interviewed 7 June 2008).

Although the Bupati in the two districts, who promoted the implementation of *Perda* Sharia, were not re-elected, MUI has continued to promote and support the implementation of *Perda* Sharia, although there have been fewer activities and programs compared to the early stages of its implementation. Recently in Ciajur, MUI joined with GARIS to demand that the DPRD close restaurants, nightclubs and cafes during Ramadan (Harnish & Rasmussen 2011)

MUI has its central office in Jakarta and other branches at the province, regency and district levels. As it has offices in every district in Indonesia and it derives from the representatives of Islamic organisations and *ulama*, MUI has considerable influence on the decision-making process, especially in Muslim majority districts. For example, in Bulukumba, the idea of *Perda* Sharia was discussed in MUI, and the regulations have been supported by MUI. In Cianjur, MUI has a significant influence in the implementation of *Perda* Sharia.

It is important to note that in regard to the implementation of Islamic Sharia, NU and Muhammadiyah agree that its implementation should be done holistically and gradually in accordance with local culture. However, with regard to the implementation of Sharia-inspired regional regulations (*Perda* Sharia) in Cianjur and Bulukumba, NU and Muhammadiyah agreed with, and supported the idea of, the formalisation of Islamic Sharia, which was contrary to the decision of the central boards of NU and Muhammadiyah in Jakarta. This is due to the local politics in these two districts, which tend to support the formalisation of Islamic Sharia. The role of the substantive idealists, such as the NU and Muhammadiyah in Cianjur, was to sign the Muslim declaration in SILMUI, along with 35 Islamic organisations in Cianjur. In addition, these organisations made supportive recommendations to the government and the LPPI in Cianjur, but their roles in the formalisation of Sharia were more passive.

4.3 Islam for Politics or Politics for Islam

By supporting the implementation of Islamic Sharia, pragmatists expect to gain more electoral support and legitimacy from the Muslim community. This might be referred to as ‘Islam for politics’ in contrast to ‘politics for Islam’. Pragmatists usually use the issue of Islamic Sharia to advance their own political interests. Bupati Wasidi is an example of a pragmatist—an ‘Islam for politics’ figure. However, some pragmatists are also idealists in that they support Islamic Sharia as an ideal—‘politics for Islam’. These pragmatists/idealists use politics and their position in the government or the legislature to advance their long-term objective to implement Sharia and establish an Islamic state. The former Bupati of Bulukumba, Patabai Pabokori, is an example of a ‘politics for Islam’ figure.

The Pilkada election in Cianjur in 2000 was an example of ‘Islam for politics’, when Warsidi ran for Bupati in Cianjur. He used the issue of Islamic Sharia in the campaign and signed a political contract with GARIS, which stated that if he won the election, he would implement Islamic Sharia in Cianjur. The strategy succeeded in getting him elected as Bupati. However, in the second election, in 2006, he was defeated by Tjetjep Mochtar Sholeh, who also used Islamic issues during the election campaign.

Despite *Perda* Sharia having been implemented in Cianjur and Bulukumba, it does not mean that the supporters' objectives and missions have been accomplished. For many supporters, the implementation of *Perda* Sharia in these two districts was only a stepping-stone towards the ultimate objective of an Islamic state. For instance, the KPPSI, with its ideological and historical association with DI/TII, sought to implement special autonomy for South Sulawesi. As KPPSI was established and has branches in almost all districts in South Sulawesi, KPPSI has kept campaigning for district governments to implement Islamic-inspired regional regulations.

4.4 Politics of Nomenclature

According to the former chairman of NU, Hasyim Muzadi (2006), some regulations on *anti maksiat* (anti-immoral) behaviour, such as banning gambling and prostitution, were implemented simply to complement the *Kitab Undang-Undang Hukum Pidana* (KUHP: Book of Penal Law). However, by giving the name as *Perda* Sharia, there was a risk that such regulations might encourage anti-Islamic sentiment (Hasyim Muzadi 2006). Similarly, Jusuf Kalla (in Antara News 2007), the former Vice President and the former chair of Golkar, argued that regulations banning prostitution, gambling and alcohol consumption could not be categorised as *Perda* Sharia. Hidayat Nurwahid, former Vice Chairman of the People's Representative Assembly (MPR) from PKS, stated that the demand to implement Sharia should not refer to Islamic Law; instead, it should focus on moral enhancement (Bush 2008b).

Hasyim Muzadi and Jusuf Kalla's opinions illustrate the sensitivity of the issue of *Perda* Sharia. It is considered a 'sacred' word that evokes memories of the controversies surrounding the failed attempts to change the Constitution. Given the division of powers between the central government and district governments, the district governments that have implemented Sharia-influenced regional regulations often prefer not to use the word 'Sharia' so as not to attract the attention of the central government.

Slamet Effendi Yusuf, a former Golkar Party politician who is currently a Vice Chairman of NU, argued that regional regulations should not be regarded as Sharia

regulations if the regulations do not use *Quran* or *hadith* as a source of reference.⁵⁶ However, there are at least four indications that some regulations could be categorised as Sharia influenced-regional regulations. First, the regulations are made based on moral or religious motivation, such as the regulations on prostitution, alcohol consumption and gambling. Although these types of regulations are common in non-Muslim countries such as Australia, these regulations in Australia were not made based on religious or moral motivation, but rather to address health and social problems. Second, regulations are adapted from part of an Islamic ritual, such as regulation '*jum'at khusuk*'⁵⁷ (Friday solemn). '*Sholat jum'at berjamaah*' (conduct Friday congregation) is compulsory for all male Muslim adults; however, regulations banning people to do any activities other than *jum'at* prayer on Friday has never been regulated in Islamic jurisprudence. In addition, fasting during Ramadan is compulsory for all Muslim adults; however, closing cafes and restaurants during the month of Ramadan has never been regulated in Islamic teaching. Third, regulations enhance Islamic skills, such as an obligation to read the Qur'an for couples wanting to marry. In Islam, all Muslims are obligated to study, but not only the Qur'an. Fourth, a regulation expresses the Islamic symbol, such as a regulation on *jilbab* or Muslim clothes for staff government uniforms. However, from these regulations, the most significant relates to the *jilbab*, because the *jilbab* is the most visible symbol of Islam and has become a core issue in political Islam. This will be discussed further in Chapter 8.

Some researchers have identified three variants of *Perda* Sharia: those that seek to eradicate moral and social problems such as prostitution, drinking alcohol and gambling;⁵⁸ those that enforce ritual observances among Muslims, such as reading the Qur'an, attending Friday prayers and fasting during Ramadan; and those that seek to govern the way people dress in the public sphere, especially in relation to head-veiling for women (Bush 2008b; Candraningrum 2006; Salim, Arskal & Azra 2003b).

⁵⁶ This statement was delivered during a religious speech (*pengajian*) on his visit to Melbourne as part of the 'Safari Ramadan' program in 2011, which was held by the Special Branch (*Cabang Istimewa*) of NU Australia–New Zealand.

⁵⁷ The regulations on *jumat khusuk* (Friday solemn) generally prohibit any activities other than Friday prayers or activities that do not support the solemn atmosphere of the Friday prayer. An example of this regulation is regional regulation Banjar district No. 08/2005, regional regulation Bima district No. 2/2002 and regional regulation Tasikmalaya district No. 12/2009.

⁵⁸ Laws against prostitution, gambling and alcohol consumption operate in many legal systems and are not particular to Islam. However, the implementation of these *Perda* is different because the regulations are made based on religious motivation and using religious justification to express religiosity.

However, there are still problems related to appropriate terminology due to its politics of nomenclature. In districts, governments use a variety of nomenclature for three types of *Perda* Sharia. In general, the residents (insiders) of these districts are reluctant to use the term *Perda* Sharia, especially government officials, because they are aware that the term ‘Sharia’ is too sensitive, and they understand that religious matters are not under the authority of district governments. Non-residents (outsiders) tend to be more flexible. Below, I have categorised the way in which people refer to *Perda* Sharia into two groups: *orang dalam* (insiders) and *orang luar* (outsiders):⁵⁹

1. The outsiders who support *Perda* are usually prepared to use the nomenclature *Perda* Sharia and are often in favour of implementation in other districts. These outsiders include radicals such as Majelis Mujahidin Indonesia and Hizbu Tahrir Indonesia. However, other outsiders who support *Perda* Sharia also reluctantly call it this because they do not want to be seen supporting unconstitutional regulations. These outsiders include members of Islamic political parties such as PKS, PBB and PPP. Opponents of these regulations will use *Perda* Sharia to emphasise their view that the regulations are in contravention of the Constitution. These outsiders are usually members of secular organisations and NGOs. Some refer to the regulations as ‘unconstitutional *Perda*’ so as to avoid politicisation of Sharia and Islam. This group is Islamic NGOs.
2. Insiders opposed to the regulations tend to use the term *Perda* Sharia. Insiders who support the regulations prefer to avoid ‘Sharia’; instead, they use other names, such as *Perda keagamaan* and *Perda bernuansa Islam*. They do not call it *Perda* Sharia because they are aware of the Constitution question.

The distinction between insiders and outsiders is very important because, during the research, the terms ‘*orang luar*’ (outsider) and ‘*orang sini/orang dalam*’ (insider/resident) were often mentioned by the informants when they discussed *Perda* Sharia. In addition, the research found that insiders who have made contact with outsiders, including organisations and NGOs, tend to be more open and critical of

⁵⁹ Insiders refer to people who reside in the district, whereas outsiders are people who live outside the district, but who are involved in the politics of Cianjur or Bulukumba.⁶⁰ There are many terminologies that refer to these organisations, such as radical groups, fundamentalists or Islamists. For all the difficulties and differences in terminology, the interesting thing about these organisations is that they are both conservative in their interpretation of Islam and radical in their methods. For further discussion, see Fealy and Borgu (2005) and Bubalo and Fealy (2005).

Sharia and its implementation in *Perda* Sharia. The outsiders from formalist Islamic groups are more open to use *Perda* Sharia.

The way in which supporters use the term '*Perda* Sharia' is also different. Those who support *Perda* Sharia for idealistic reasons—many of whom are members of Islamic organisations—prefer *Perda* Sharia because they believe that if more people use the term 'Sharia', it will be more popular and accepted more easily. There are also political pragmatists, who often hold positions in the government or legislature, who are aware of the political and constitutional complexities and sensitivities and will avoid using the term '*Perda* Sharia' so as not to jeopardise their position in the government.

Conclusion

The implementation of *perda* sharia is only possible because the wide support for the proponents of sharia, both the pragmatists and ideologists. Pragmatists are those who have political or economical motives. They have short-term goals. Thus, supporting the implementation of *Perda* Sharia is a way to advance their political or economic agendas, such as to be elected as a *Bupati* or a member of the *DPRD*. Conversely, idealists are people who are motivated by religious commitments and convictions that it is their obligation as Muslims to implement Sharia. Thus, they are eager to implement Sharia and Islamic principles. Their agenda is a longer-term goal: to implement Islamic Sharia comprehensively in Indonesia. The idealists can be divided into two groups: idealist formalists and idealist substantives. Idealist formalists are those who have a principle objective to formalise Sharia into regulations, laws and the constitution, and to promote a more formal and textual Islam. Some of this group have the long-term objective to establish an Islamic state or a state with a Sharia-based constitution. These groups include the KPPSI in Bulukumba, South Sulawesi, and GARIS in Cianjur, West Java

Idealist substantives are those who want to implement the substance of Islamic teachings, values and principles. Their objective is to disseminate Islamic teachings and values as well as to promote their adoption into daily life. The formalisation of

Sharia into regulation or law is not their main goal. These groups include NU, *Muhammadiyah* and MUI.

Although the supporters have various motives and strategies to implement sharia, they have broadly similar objectives: to promote and implement sharia comprehensively. Chapter 5 examines the motives and strategies of the supporters in greater detail.

Chapter 5: The Utopia Sharia: Ideology, Motives and Methods

... *'Ideology is not a stagnant or dormant point of reference, but rather it is constantly developing and evolving'* (Salman 2012, p. 2).

5.1 Introduction

The political changes after the fall of the Suharto regime in May 1998 were not only marked by the more democratic political atmosphere, but also by the awakening of the idea of applying Sharia in Indonesia. The idea is mostly based on the aspiration of some Islamic groups to implement Sharia as a state constitution by inserting the Jakarta Charter into the Constitution. As discussed in Chapters 1 and 2, the Sharia debate started in the early days of Indonesian independence. The debate was mainly about whether to insert the Jakarta Charter into the preamble of the 1945 Constitution. It was believed that the Jakarta Charter would give a constitutional basis for upholding Sharia in Indonesia.

Since the fall of Suharto, the idea to implement Sharia has varied from the extreme and formal to the moderate and substantive. Proponents believe that Indonesia will be safe and prosperous if it implements Sharia. It is believed that upholding Sharia is an obligation for all Muslims. The extreme ideal was supported mainly by conservative and radical Islamic groups.⁶⁰ These groups include the FPI, HTI and the MMI. These groups have different forms, but to some extent, they have a similar goal in the formalisation of Sharia, which led them to the idea of realising an Islamic state, such as the implementation of Islamic law (*Sharia Islamiyyah*), the establishment of an Islamic state (*dawlah Islamiyyah*) and even of Islamic Caliphate (*khalifah Islamiyyah*) in Indonesia.

The moderate and substantive groups sought to have Islamic values and teaching embedded in everyday life, and the formalisation of Sharia is not their main concern.

⁶⁰ There are many terminologies that refer to these organisations, such as radical groups, fundamentalists or Islamists. For all the difficulties and differences in terminology, the interesting thing about these organisations is that they are both conservative in their interpretation of Islam and radical in their methods. For further discussion, see Fealy and Borgu (2005) and Bubalo and Fealy (2005).

The mainstream and moderate Islamic groups, including the NU, Muhammadiyah and MUI, mainly support this idea, while other groups are located between the radicals and the mainstream, including KPPSI, GARIS and LPPI. Their main objective is to formalise Sharia in the form of regional regulations (*peraturan daerah*) and to obtain special autonomy, but they are not necessarily seeking the creation of an Islamic state.

This chapter aims to shed light on the ideology, motives and understanding of the proponents of the application of Sharia, particularly in relation to their involvement in, and support of, the implementation of *Perda* Sharia in Cianjur and Bulukumba. This chapter also discusses proponents' ideas regarding democracy, pluralism and human rights. The discussion is not limited to interviews with members of the proponent groups in Cianjur and Bulukumba; it also examines the opinions of some proponent groups outside of Cianjur and Bulukumba.

5.2 Proponents' Understanding of Sharia

There are various understandings and interpretations of proponents for Sharia. Each proponent organisation has its own guidelines on the struggle for Sharia, and each member has a different background with a different understanding of Sharia. For instance, KPPSI in Makassar, South Sulawesi, which is the main proponent of the implementation of Sharia in Bulukumba, explained in its guidance book called the '*Strategi Perjuangan*' (the Strategy of Struggle) that *syariat* Islam regulates two things: *ibadah mahdlah* and *muamalah*. *Ibadah mahdlah* are acts of Muslims to bring them closer to Allah. The acts are *sholat*, fasting, *zakat* and *haji* (pilgrim). *Muamalah* are the acts of Muslims to maintain goodness (*kemaslahatan*) and prevent badness (*kemudharatan*) in order to create security and peace in their lives. It includes laws to regulate the relationships of people in all aspects of life in the community and the state. It includes family, wealth and commerce, as well as punishment, justice and Islamic morals (*akhlak Islami*) (KPPSI 2004). In conclusion, *Muamalah* mainly relates to relations among humans, whereas *ibadah mahdlah* is about the relations between humans and God. Although KPPSI has a clear concept of Sharia, it does not have a vision of the means to implement it.

Further, KPPSI explained that Sharia Islam involves three spheres of life: individual, family and society-state. KPPSI proposes to implement Sharia Islam in the society-state sphere, which is characterised by three requirements. First, the government must be led by someone who is committed to implementing Sharia Islam. Second, the state policy must refer to Islamic values. Third, human civilisation is established on Islamic morality (*Akhlak Islam*). KPPSI in South Sulawesi campaigned for special autonomy in the expectation that there would be greater authority to implement Sharia Islam more comprehensively by having an Islamic leader, Islamic constitution, law and policy. Referring to what KPPSI means by spheres of life, it is clear that it implicitly aspires to establish an Islamic region, but at this stage, it chooses not to specify an Islamic state, in part because KPPSI is only based in South Sulawesi.

Different from the KPPSI, which interprets Sharia as regulating these two matters, the LPPI, the local government-established think-tank group of Sharia in Cianjur, explained in its reference book 'Basic Format of the Islamic Sharia implementation' (*Format Dasar Pelaksanaan Syari'at Islam di Kabupaten Cianjur*) that Sharia Islam is Islamic teaching in all aspects of life. The ways to implement Sharia Islam follow four steps: first, Ubudiyah (total submission to Allah), which consists of *Aqidah* (Islamic theology), *akhlaq* (Islamic morals) and *ibadah* (worship); second, *Muamalah* (human interaction), which includes education, *da'wah* (Islamic missionary), economy and *Amar ma'ruf Nahiyy munkar* (encourage goodness, forbid badness); third, *Ahwalusyahsiah* (Family Law), which regulates *Mabarrot* (philanthropy/charities), *Munakahat* (marriage) and *mawarits* (inheritance); fourth, *Siasah* Sharia (Politics Law), which is about community, *jinayat*⁶¹ (Islamic criminal Law) and *siasah* (Politics) (LPPI 2001). However, the book also states that it is impossible to implement Islamic criminal Law (*Jinayat*) in the Indonesian legal system, which does not accommodate Islamic law; hence, the implementation of Islamic criminal Law in the districts is not possible. Therefore, to enable district governments to implement Sharia Islam, they must propose Islamic criminal laws to the national legislature (DPR-RI) (LPPI 2001).

⁶¹ *Jinayat* is criminal law based on Islamic tradition, and it includes *hudud* (e.g. stealing one time, the right hand will be cut off).

5.2.1 *Perda* Sharia and Human Rights

In this part, I will discuss how the proponents of Sharia think about human rights. The issue of human rights and Islam is much debated. Some proponents of Sharia argue that human rights are a part of Western values. As Nadirsyah Hosen (2005) observed, there are two groups of Muslims—substantives and formalists—in relation to human rights. Substantives argue that all Islamic values and teachings are compatible with universal human rights. Conversely, formalists argue that many human rights values are not compatible with Islamic teachings. As Muslims, they believe that they should accept human rights only as far as they are in accordance with God's teachings. Further, they argue that not all human rights values are automatically applicable to Muslims because many human rights values are not compatible with Islamic principles. For example, as discussed in the literature review, in Sharia, sovereignty belongs to God, while in democracy, it rests with the people. Nunding Ram, the General Secretary of KPPSI, explains:

We have a different perspective about human rights. Yesterday a friend came and questioned why should we have to be able to read Qur'an if we want to be promoted, it is against human rights. However, from an Islamic perspective, where in this region Muslims are the majority, it will be seen differently. Islam has high education values. From the human rights' perspective, it will not be understood that reading such and such a verse of Qur'an will be valued. They could not see the responsibility of the leader in Islam. In Islam the leader will be asked by God 'where did you lead your people', therefore a leader in Islam must be responsible to the people and lead them to become good Muslims, physically and mentally. Human rights teachings never discuss that; they think that living is only in the world not in the here after, if their life ends then the problems finish (Nunding Ram, General Secretary of KPPSI Makassar, interviewed 3 June 2008).

In Islam, human rights are not simply seen as the rights of each individual, but also how humans recognise and fulfil the rights of God. This is because in Islam, humans are considered *hamba Allah* (Abdullah: servant of God), where they have to fulfil responsibilities to God before they obtain their rights. The responsibility is not only to themselves, but also to others. For instance, in terms of education, it is not only the responsibility of each person to educate him or herself, but also to educate other people. Some verses of the Qur'an state that Muslims are family and should thus help each other and be responsible for each other. If one is wrong, other Muslims should remind and advise them. This is clearly stated in *surah* 103 verse 2–3: 'Indeed mankind is in loss. Except for those who have believed and done righteous deeds and

advised each other to the truth and advised each other to be patience' (Dar Qiraat 2010).

Again, Nunding Ram, the General Secretary of KPPSI, explains something of the complexity of Islam:

Islam provides us with rules from the time we wake up until we sleep again. It regulates from the individual to the state level. Is there any system in the world that provides the same? Others do not see this. We could not bring ourselves to let our brother not be able to read Qur'an, especially not to pray. If they do not pray, they will go to hell. Could we let our brother go to hell, our child, our family? Most certainly not! This would be selfish and this is not seen from the human rights perspective, it is not understood that this life will continue (Nunding Ram, General Secretary of KPPSI, Makassar, interview 3 June 2012).

Different to the concept of international human rights—that all human beings have rights—in Islam, the rights mainly belong to God. Humans mainly have responsibilities to themselves and others. It is not surprising if a Muslim leader like Nunding Ram feels a responsibility to both himself and to his followers—not only in this world, but also in the hereafter.

5.2.3 (Religious) Pluralism

We object to pluralism, we do not recognise pluralism, but we recognise plurality, because we live in it. Many people understand pluralism in the wrong way. If we implement Islamic Sharia, the minority will be secure and protected (Nunding Ram, Sekjen KPPSI Makassar).

In July 2005, MUI issued a *fatwa* on religious pluralism, religious liberalism and religious secularism. MUI define religious pluralism as a notion that teaches that all religions are equal; hence, the truth of each religion is relative and every religion should not claim that it is the only religion that is right while other religions are wrong. Religious pluralism also teaches that all religions will live side by side in heaven (Mashadi 2005). Religious liberalism is a way to understand the religious texts (Qur'an and Sunnah) using a free mind, and to only accept religious doctrines that are rational and in accordance with the mind alone. In MUI's view, religious secularism is to separate religion from the affairs of the world. Religion is only used to set up a personal relationship with God, while human relationships are governed only by

virtue of the social agreement (Mashadi 2005), while religious plurality is the fact that different religions live side by side in certain countries or regions. Based on these definitions, MUI stated that religious pluralism, secularism and liberalism are contrary to the teachings of Islam. Thus, Muslims are forbidden to follow religious pluralism, secularism and liberalism. On the issue of *aqidah* (belief in the unity of God) and worship, Muslims will be exclusive, and it is unlawful and forbidden to mix the *aqidah* and worship of Muslims with other religious faiths (MUI 2005). This *fatwa*, which is commonly known as a *fatwa* on '*sipilis*' (sekularisme islam, pluralisme islam, liberalisme islam), caused much debate among Indonesian Muslims. Syphilis is the name of an insidious disease that is considered by the people of Indonesia to be caused by dirty and deviant sexual behaviour. Syphilis is used as an acronym for Islamic secularism, Islamic pluralism, Islamic liberalism. The proponents of the *fatwa* use it as an attempt to give a negative connotation to the three schools mentioned above and to associate them as something that is deviant and dangerous.

5.3 Ideology: Utopia Sharia

The explanations of Sharia by LPPI and KPPI were adapted from *fiqh* (Islamic jurisprudence), which applies to all Muslims and should be applied personally. However, the implementation of Sharia regulations indicates that there is uniformity in implementation, which requires the teaching of Islam to be applied in accordance with each district government's regulations, thus ignoring differences in interpretation by *ulama*. Given the plurality of Islam in Indonesia, the risk with a single interpretation by the government is that it will result in increasing violence in the name of religion by groups that take refuge under the government's authority as a consequence of a single interpretation of Islamic teachings made by the government. In addition, it will result in coercion in carrying out the Islamic teaching, which is not recommended in Islam, because practicing the religion depends on each individual's capability, although all Muslims are obligated to study it. It could also result in the proliferation of false *fatwas* (*Fatwa sesat*) against groups or individuals who implement Islamic teachings that are not consistent with the government's interpretation. Lastly, differences in the application of Islamic teachings by district governments in the form of *Perda* Sharia could lead to the emergence of regional fanaticism.

From the above explanation, it is obvious that there are numerous understandings among proponents of Sharia. However, even if their understanding of Sharia Islam is different, they share a broad agenda to implement Sharia Islam. The implementation of *Perda* Sharia in the districts is a stepping-stone to implementing Sharia at the provincial and national levels. Like other proponents, the goal of KPPSI⁶² is to implement Sharia Islam comprehensively in all regions of Indonesia, including establishing an Islamic state. Discourse about an Islamic state is a sensitive matter among proponents, especially since campaigns for Sharia Islam have not been successful at the national level. Proponent groups realise that advocacy of an Islamic state will create great controversy and endanger their agenda. As Hasan (2007) observed, the current strategy for the comprehensive implementation of Islamic Sharia has gradually shifted towards campaigning for Sharia from below. The objective of an Islamic state is not mentioned; instead, they propose to implement Islamic values in all aspects of life in order to make their goal easier to reach and not readily recognisable as an effort to implement Sharia as the basis of the Constitution. Some interviews with the proponents of Sharia indicate that they are committed to implementing Sharia as the basis of the Constitution if there is a chance, although they are reluctant to say so openly. For example, Nunding Ram, the Secretary General of KPPSI, expressed ambivalence to establishing an Islamic state as KPPSI's objective:

We never want to establish an Islamic state in our country. The most important thing are the rules, Islam comprehensively (Islam secara kaffah).⁶³ As an individual, I am a good Muslim and I implement Islamic Sharia in my family. Islam is very broad, for example, economic prosperity is good because there is no excessive interest (riba), the environment is free from wickedness (kemaksiatan) and sexual acts outside of marriage (perzinahan). The populace are prosperous and there are no beggars. However, let's say, in order that there are no beggars, for instance, the government must guarantee that (we) implement zakat.⁶⁴ Zakat is not only for Muslims but for all the populace, besides (we) must have good education (Nunding Ram, General Secretary of KPPSI, Makassar, interviewed 3 June 2012).

⁶² According to Mempi and Abduh (2007), the goal of KPPSI explicitly is to prepare for establishing Sharia Islam by exploiting the Regional Autonomy Laws. Implicitly, the goal is to continue the struggle for DI through democratic constitutional means.

⁶³ *Islam secara kaffah* means implementing Islamic values and teachings in all the aspects of life, including establishing an Islamic constitution and then an Islamic state.

⁶⁴ *Zakat* is the obligation on every Muslim to give away a portion of his or her wealth to the poor and the needy each year; there are two kinds of *zakat*: *zakat fitrah* and *zakat maal*.

Most proponents were reluctant to say explicitly that their aim is to establish an Islamic state because the Indonesian constitution does not allow it. However, in the organisations' vision and mission statements, and during our interviews, they stated that they wanted to have Islamic Law, Islamic policy and Islamic government. Establishing an Islamic state remains their long-term objective and it has become their hidden agenda. Proponents always try to find an opportunity and a possibility to implement Sharia as a step towards an Islamic state in Indonesia. The fact that a growing number of districts have implemented Sharia-inspired regulation and none of the regulations have been annulled by the central government suggests that this strategy has been successful and *Perda* Sharia has advanced the cause of an Islamic state in Indonesia. In addition, the mushrooming of organisations using the name of Islam and engaging in violent activities in the name of Islam indicates that the agenda of an Islamic state is becoming more popular and widely supported. The confidence of the proponents of Sharia has grown.

5.4 Strategies and Methods

As discussed in Chapters 3 and 4, the proponents of Sharia have endeavoured to adapt strategies to fit with evolving political and cultural conditions. The strategies include lobbying, advocacy and the politics of nomenclature. For instance, the implementation of Regional Autonomy Laws has provided an opportunity for district governments to enact regulations. This opportunity has been utilised by proponent groups to advance their agenda to implement Sharia. That is, regional autonomy has enabled the supporting groups to implement *Perda* Sharia through advocacy and lobbying district governments. Moreover, if the political situation benefits them, they will advance their objective to implement Sharia at the provincial and national levels. One of the informants explained that:

In order to establish Islamic Sharia in Cianjur district under the Unitary State of the Republic of Indonesia, (we) implement Gerbang Marhamah (Gerakan Pembangunan Masyarakat Berakhlakul Karimah: the Development Movement for a Good Moral society) ... however, in the future, it might not be beyond the realm of the possibility that Sharia Islam is implemented in Indonesia, because Sharia Islam is the most perfect moral code made by Allah for all humans (Mustofa, Secretary of MUI, Cianjur, interviewed 21 March 2008).

Given that Indonesia does not have an Islamic constitution, and considering that the political conditions only enable proponents of *Perda* Sharia to implement a small part

of Sharia as regional regulations, they used this opportunity to implement regulations; for instance, *Gerbang Marhamah* in Cianjur focuses only on moral issues. Although they are only able to implement a small part of Sharia, they used the opportunity to socialise and promote Sharia Islam, so the community became familiar with Sharia practices. By implementing *Perda* Sharia in the district, they introduced and educated the community with part of Islamic Sharia's values and teaching. For instance, the implementation of *Gerbang Marhamah*, according to Mustofa, the Secretary of MUI, is part of the educational process for the community to understand more about Sharia. Hence, in the regulation, there is no legal punishment or sanction. However, after the educational process has been conducted and the community understands about Sharia, then Sharia will be implemented comprehensively, and at this stage, sanction and punishment will be incorporated into the regulation (Mustofa, Secretary of MUI, Cianjur, interviewed 21 March 2008).

Abubakar Ba'ashir (Ba'asyir 2007a), former leader of Majelis Mujahidin Indonesia, argued that *Perda* Sharia is one of the ways to formalise Sharia Islam in Indonesia if establishing an Islamic state is not possible. Other proponents believe that if more regions implement *Perda* Sharia, then the possibility of implementing Sharia Islam on a provincial or national level and then establishing an Islamic state will be easier. However, other proponents consider that under the national constitution, it is not easy to implement Sharia; therefore, they are using strategies such as using terms other than 'Sharia Islam' for district regulations (Ambo Tang, Department of Religious Affairs, Bulukumba, interviewed 16 June 2008). For instance, Cianjur used 'Gerbang Marhamah' as the name for Sharia-inspired regulations, and Bulukumba called the regulation an 'Islamic-nuanced regulation' (*Perda bernuansa keagamaan*) to give the impression that the regulation is not based on Sharia. However, the meaning they want to convey with this expression is that they desire to create a more religious environment. Mustofa, one of the leaders of the MUI in Cianjur, explained that:

This is the Unitary State of the Republic of Indonesia (NKRI), thus all of the regulations and laws must not separate us from the unitary state. Actually, some regulations may be under regional autonomy; however, religion affairs are still regulated by national laws. Cianjur wants to establish Islamic Sharia under the nomenclature 'Gerbang Marhamah' (because) in fact, we are not able to implement Islamic Sharia legally (Mustofa, MUI Cianjur, interviewed 21 March 2008).

As discussed in Chapter 3, Mustofa considers that NKRI is the final form of Indonesian state. Thus, *Gerbang Marhamah* is a way to accommodate Sharia regulations within the Indonesian state as it is presently constituted. In addition, proponents are aware that they have to abide by the national constitution, which implies that there will be little possibility to implement Sharia. However, as Muslims, proponents believe that Islam is the most perfect and complete religion with its laws. They also believe that it is their obligation to disseminate Islam and uphold Sharia, which makes them always eager to have Islam implemented in daily life and accommodated by the state. They are optimistic that there will be a chance to implement Islamic Sharia, particularly after the central government issued laws related to Islam:

Personally, I want the implementation of (Islamic) laws to be comprehensive, not partial. I am sure that it will be possible that all Islamic regulations and law will be accommodated in national laws, especially since the government already has legislated for religious courts, Zakat and the hajj (Mustofa, MUI Cianjur, interviewed 21 March 2008).

Proponents' aspirations to have Islam imbued in daily life and accommodated by the government in regulations, laws and even in the Constitution are often contrary to their arguments regarding the implementation of *Perda* Sharia in the districts. Although they are optimistic that the government will eventually accommodate Islam in the Constitution, they are always reluctant to acknowledge that their district has already been implementing Sharia-influenced regulation, *Perda* Sharia, particularly as many of the proponents are government staff members. Andi Mahrus, the assistant Bupati in Bulukumba, expressed it thus:

We never made regional regulations about Islamic Sharia in Bulukumba and no one is able to do so. What we implemented were Islamic-nuanced regional regulations relating to Muslim clothes, Muslim attitudes and behaviour that needed to be done first. Is there a district foolhardy enough to implement Islamic Sharia? What would be the significance of a regulation compared with the Quran and Hadits (Andi Mahrus, Bupati Assistant Bulukumba, interviewed 10 June 2008).

This argument is common among proponents. They are reluctant to acknowledge that their district has implemented *Perda* Sharia and endeavour to argue that their district government has been implementing regulations under another nomenclature such as *Perda bernuansa agama* (religiously nuanced regulation). However, they cannot

explain clearly what they mean by *Perda bernuansa agama* and *Perda Sharia*. Andi Mahrus explains the approach:

Actually, Islamic-nuanced regional regulation also incorporates Sharia values. However, (when we made the regulation) we did not emphasize the Sharia inspiration, but rather we prefer to focus on Islamic values such as hospitality to guests, dressing so that the 'aurat' is appropriately covered in accordance with Islamic teaching and Islamic values. Socialising with good manners without getting drunk, not disturbing other Muslims or other people also involves Islamic behaviour as it is taught in Islam, and Islamic Sharia teaches about that, does it not? ... so, our primary aim is to create a situation and an Islamic mode of behaviour so that everyone feels safe (Andi Mahrus, Bupati Assistant Bulukumba, interview 10 June 2008).

It is obviously difficult to distinguish between Islamic Sharia-based, Sharia-influenced and Islamic-nuanced regional regulations because the understanding of proponents about Sharia is not clear, as Andi Mahrus recounted:

The difference between Islamic Sharia-based Regional regulation (Perda Sharia) and the Islamic-nuanced regional regulation (Perda bernuansa Sharia) is that Perda Sharia relates to the laws of fiqh,⁶⁵ which means that we do not need to regulate those matters that have been regulated by Al Quran and hadits. What we need to do is to make regulations with Islamic nuances in order to make the community aware that they are Muslims and behaves as Muslims (Andi Mahrus, Bupati Assistant Bulukumba, interview 10 June 2008).

This suggests that the debate about the meaning and content of Sharia Islam has not yet finished. As Hooker and Lindsey (Hooker, M & Lindsey 2002) argue, the definition and content of Sharia are very diverse, depending on the interests and agendas of those involved. Moreover, the result is usually an unbalanced and incomplete definition motivated by established ideological or political positions. Proponents then take advantage of this condition as a strategy to avoid using the term 'Sharia' in the regional regulation (*Perda*), even when its content relates to Sharia. This could be because they consider it against the state Constitution (UUD 45 & Pancasila) and Laws No. 22 and 25/1999 about regional autonomy; that is, the central government retains responsibility for religious matters. In addition, it is very risky for their struggle because it will attract a response from the opponents of Sharia and the government. I would argue that their strategy (not using Sharia as a name of *Perda*) is successful, as there have been no cases where the Minister of Internal Affairs has annulled Sharia-influenced *Perda*. First, the issue of Sharia Islam is a very sensitive

⁶⁵ Originally, understanding, knowledge, comprehension; technically, it refers to the science of Islamic jurisprudence.

issue; hence, the government would take into consideration every decision related to Sharia Islam. Second, the districts that implement *Perda* Sharia are not working alone, but have developed networks with districts and Islamic groups. Third, the implementation of *Perda* Sharia is the result of a long political process, where proponents always take into consideration the local culture, the number of proponents and the resistance of opponents. Further, during the political process of *Perda* Sharia, proponents always follow the rules of the decision-making process in the local government. That is, proponents have followed the democratic processes of district governments.

5.5 Methods

As explained above, the government is always very careful and takes into consideration every decision related to Sharia Islam because the struggle to implement Sharia Islam in modern Indonesia has involved long and bitter debates, as explained in Chapters 1 and 2, particularly because it would involve legislation and constitutional change. Further, the districts that want to implement *Perda* Sharia usually do a comparative study to other districts that have implemented it to learn the process of doing so, to understand the content and to obtain support from those districts. Indeed, some districts copy the regulations from other districts (Patabai, former Bupati of Bulukumba, interviewed 16 July 2008).

Implementation of Sharia can either be through political and constitutional means in parliament, or culturally through *dakwah* (Islamic Propagation). As Ahmad, a member of KPPSI, related:

The application of Sharia in Indonesia can be done in two ways: constitutional and traditional: Constitutional change through the government and parliament, or traditionally through dakwah—educating people (Ahmad, member of KPPSI, interview 9 June 2008).

As discussed in Chapter 4, KPPSI, as the prominent proponent of Sharia in South Sulawesi, including Bulukumba, has campaigned for Special Autonomy like in Aceh to enable the implementation of Sharia throughout South Sulawesi. However, after several efforts, KPPSI did not receive strong support from the province. KPPSI shifted its strategy to not only urge for formal ways such as Special Autonomy, but also for cultural ways, such as education, *dakwah* (Islamic propagation/missionary)

and advocacy by approaching and persuading the district government to implement Sharia.

5.6 Reasons and the Motives

Perda Sharia is a contemporary phenomenon that not only reflects the changing strategies of proponents of Sharia Islam in Indonesia, given that the struggle at the national level has always failed, but more importantly, it is also a response of proponents of Sharia to three macro factors. The first is how proponents have understood the monetary crisis (*krismon*) in 1997 and the seemingly endless natural disasters that have occurred. The second is the resignation of President Suharto and the ushering in of the reformation era that has opened a new opportunity for proponents of Sharia to campaign for the implementation of Sharia Islam, particularly after the central government passed the Regional Autonomy Laws. The third factor is proponents' dissatisfaction with the Indonesian legal system, which, according to them, is secular and inappropriate for Indonesian social and cultural norms.

Economic crisis in Indonesia, particularly in Cianjur district could have been resolved quickly if all sorts of measures related to community development reflected Islamic norms ... this crisis happened because we abandoned Islam (Mustofa, MUI Cianjur, interviewed, 21 March 2008).

Monetary Crisis

The Indonesian monetary crisis of 1997–1998 was one of several triggers that made proponents very eager to implement *Perda* Sharia. The economic crisis crippled Indonesia's economy and led to political instability and chaos, which eventually led to the fall of Suharto in 1998. According to proponents of *Perda* Sharia, the monetary crisis, which was a snowball effect of the economic crisis in Asia, could hit Indonesia because Indonesia did not use an Islamic economic system. They believed that if Indonesia had implemented an Islamic economy system, the global monetary crisis would not have affected Indonesia. The main characteristic of the Islamic financial system is an absolute prohibition of paying and receiving interest. Islamic Law rejects the concept of a predetermined interest rate but permits an uncertain rate of return based on trade and profits. Thus, banks in an Islamic economy can strictly operate

only on some type of profit and loss sharing basis, but not on the payment of interest⁶⁶ (Khan, MS & Mirakhor 1989). However, the finance system in Indonesia is not Islamic, which some *Ulama* considered *riba* (usury) and forbidden in Islam. Thus, many proponents of Sharia believe that Indonesia was ‘punished’ with a monetary crisis. Proponents argued that problems, disasters and crises in Indonesia were caused by Indonesia not having implemented Sharia Islam. They believe that implementing [Perda] Sharia is the Muslim duty; if not, God will punish them in the form of neverending crises and problems.

Natural Dissaster

The ways in which natural disasters have been understood are very important factors to motivate proponents to implement *Perda* Sharia. They believe that the natural disasters that often occur in Indonesia are a warning from God because Indonesia, with a Muslim majority, is not implementing Sharia Islam. They believe that if Indonesia implements Sharia Islam, it will be safer and more secure. Their belief is based on the Qur’an and Islamic teachings. The Qur’an states that Allah will punish people and countries that deny Allah and Islam, such as stated in Qur’an surah 2 verse 61: ‘and they were covered with humiliation and poverty and returned with anger from Allah. That was because they [repeatedly] disbelieved in the sign of Allah ... that was because they disobeyed and were [habitually] transgressing’ (Dar Qiraat 2010). This verse of the Qur’an is understood by Cep Hemawan, the Head of GARIS in Cianjur:

The solution to overcome disaster is only iman (faith/belief) and taqwa (devotion). If the (Indonesian) population believe and is devout to Allah, Allah will give them Rahmah (mercy) and Barakah (blessing). If not, Allah will punish them. When Allah gives punishment, He will not choose whether they are devout or not devout Muslim people. And I do not want punishment come to us. Actually Allah only wants small things from Indonesians, only faith and devotion, and implementing Sharia Islam is the only solution (Cep Hemawan, Head of GARIS Cianjur, interviewed 13 May 2008).

Proponents blamed the secular political and economic system in Indonesia for causing the crisis. Thus, they campaigned for the alternative system of Islam, which they believed would save the country from disasters. The financial crisis and natural

⁶⁶ For a further explanation of the Islamic economy/financial system, read Lindsay (Lindsey, Tim 2012), Khan (Khan, F 2010), (Beng Soon & Ming-Hua 2009), Kamla (Kamla 2009), Karim (Karim 2010) and Rudnyckyj (Rudnyckyj 2009).

disasters became the justification for a campaign for the formalisation of Sharia. In addition, the prevalence of corruption and the emergence of social and moral problems during the Suharto era created a desire to maintain Islamic culture and identity and to revive the achievements of Islamic kingdoms in Indonesia.

Corruption

Corruption is an issue for the advocates of Sharia. As Indonesia is not implementing Sharia Islam, which is God's law, the people and especially the government are not afraid of punishment, because it is human punishment rather than God's punishment; even those who wield the punishment are human. There are at least two reasons why punishment based on Sharia is more powerful than punishment based on secular law, as implemented in Indonesia. The first reason is that the majority of the Indonesian population is Muslim; if they are Muslim, they must believe in God and God's rule. Corruption is an act that is against God's rule and is considered a sin; thus, those involved in it will be punished in the hereafter. The second reason is that punishment based on Sharia law, if compared with secular law, will be more coercive. For instance, the punishment for criminal acts is known as '*jinayat*'⁶⁷—'*hudud*'⁶⁸, or cutting off the hand,⁶⁹ which will have a greater deterrence (Nunding Ram, General Secretary of KPPSI, Makassar, interviewed 3 June 2008).

Disadvantage of being Muslim

The bitter experience of Muslims in Indonesia also motivates proponents to implement Sharia Islam. As Suryadinata (Suryadinata 1998) argued, Indonesian politics has been characterised by the struggle between two political cultures: *abangan* and *santri*. The *abangan* culture is reflected in the form of the Pancasila ideology, while *santri* culture has been manifested in the form of political Islam. The *abangan* group has mostly won the struggle to dominate the government and the policy-making process. However, Suryadinata's argument is not fully relevant to the current political situation because the struggle is not only between *abangan* and

⁶⁷ *Jinayat* is criminal law based on Islamic tradition, it includes *hudud*.

⁶⁸ *Hudud* is a term that is often used in Islamic literature for the specific punishment for certain major crimes mentioned in the Quran such as adultery or fornication, theft, consumption of alcohol and apostacy. See An-Na'im (1992) and Goodale (2009).

⁶⁹ This punishment has been broadly implemented in Islamic states such as Saudi Arabia and Afghanistan, which have implemented Sharia law. However, the punishment of hand cutting generally applies for theft rather than corruption.

santri, but also between radical and conservative Muslims versus moderate Muslims and nationalists. (Fealy 2005). According to proponents of Sharia, many government policies are discriminatory and do not treat Muslims properly as the majority population. Their claim is based on the fact that the economy in Indonesia is controlled by Indonesian Chinese rather than the Muslim Indonesian majority (Cep Hemawan, Head of GARIS Cianjur, interviewed 13 May 2008).

Degradation of Islamic Character

Proponents of *Perda* Sharia presume that the Islamic character and identity of Indonesia is being threatened by its exposure to outside influences, especially as Indonesia has adopted secular and western law rather than Islamic law, which is not in accordance with the local culture. However, according to Hooker and Lindsey (Hooker, M & Lindsey 2002), proponents prefer to adopt a treaty *madina*, which is also from outside local law, such as ‘*Undang-undang Malaka*’, which was established in the era of Islamic kingdoms. The motivation of proponents is discussed below.

Romanticising the Achievements of Islam

The experience of having Islamic kingdoms before colonial domination is a source of inspiration for proponents of Sharia. The implementation of Sharia is a form of reviving the romanticism of the achievements of Islam. Proponents wish to implement Sharia Islam because Indonesia once had large Islamic kingdoms and Islamic Law had been abolished when these kingdoms were absorbed into the Netherlands Indies.

In the book ‘Journey of *Gerbang Marhamah* stage I’, 2001–2005, (*Perjalanan Gerbang Marhamah tahap I periode 2001–2005*) published by LPPI, it was explained that Islam was brought to Cianjur by a preacher (*juru da’wah*) from the Sultanate of Banten (*Kesultanan Banten*) and by the first Bupati; hence, Cianjur became an Islamic community and has the spirit to implement Sharia Islam (LPPI 2005). This spirit was demonstrated by the 1810 rebellion against the Netherlands Indies government, which was led by Alit Prawitasari (LPPI 2005). There was also a Sultante established in Bulukumba. The General Secretary of KPSSI and the head of MUI Bulukumba believe that the historical roots of Islamic Sharia were to be found in the three great Islamic kingdoms of South Sulawesi, namely: Bulu, Bone and Gowa. The belief that Sharia law had been implemented in these Islamic kingdoms

was used to support the KPPSI campaign for sharia. The implementation of *Perda* Sharia is a way for proponents to ‘revisit’ the glorious days of these three kingdoms. In addition, as mentioned in Chapter 4, proponents observed that Aceh, commonly known as *serambi mekkah* (the Veranda of Mecca) with a similar pre-colonial history of great Islamic kingdoms as South Sulawesi, which itself is also known as *serambi madinah* (Veranda of Medina), has been granted Special Autonomy, which enables Aceh to implement Sharia (*qonun*).

Maintaining the Islamic Culture and Identity in their Region

As explained in the book ‘Basic Format of the Implementation of Islamic Sharia in Cianjur (*Format Dasar Pelaksanaan Syari’at Islam di Kabupaten Cianjur*) published by LPPI, the Cianjur people are very religious, devoted to Islamic principles and have established many Islamic Boarding Schools (*pesantren*). Cianjur has become well known as a city of devout Muslim students (*kota/tatar santri*) (LPPI 2001). However, it has also become a transit region between Jakarta and Bandung. One region in Cianjur, Cipanas, is famous as a place for illegal contract marriages (*nikah Mut’ah*) and prostitution (Astro & Trisna 2003; Rahima 2009). Proponents of *Perda* Sharia assert that the Islamic character and identity of Cianjur is being threatened by its exposure to outside influences. *Perda* Sharia, according to its proponents, will maintain and strengthen the Islamic culture and identity. Similar views are also evident in Bulukumba. As explained by Pabokori (Andis 2004), the religious environment and Islamic character of Bulukumba is very strong, especially when Waliullah Al Mukarram Khatib Bungsu, well known as Dato’ Tiro, arrived in Bulukumba. Nunding Ram, the General Secretary of KPPSI, explains:

One of the basic principles in the South Sulawesi culture is: ‘Patuppu iri ade’e, pasanrae iri Sara’e’ meaning that everything must be based on customary law, which is culture and legitimised by Islamic law. Islamic law here is Sharia-based regional regulation (Perda Sharia) ... historically and culturally it is Islam (Nunding Ram, General Secretary of KPPSI, Makassar, interviewed 3 June 2012).

However, according to some informants, since information technology and TV came to Bulukumba, the Islamic culture and traditions, such as reading the Qur’an have become less common. The implementation of *Perda* Sharia is a way to uphold the culture, which is genuinely Islamic.

Muslims are the Majority

Being the majority population in Indonesia also becomes the justification for Muslims to argue for the implementation of Sharia. Proponents consider that it is their right to implement *Perda* Sharia, particularly since the demand does not only come from one region, but many districts spread throughout Indonesia with Muslim majority populations. Thus, the argument and justification of proponents is that Sharia is a demand from below, and thus the implementation of *Perda* Sharia is democratic.

National Legal System is Out of Date

Proponents argue that the Indonesian national legal system is no longer relevant to the social and cultural context, so that the law is not working effectively. Since the Indonesian national legal system was inherited from the Dutch Napoleonic legal system developed in the early nineteenth century, Sharia proponents argue that it is not relevant in the contemporary context. Nunding Ram, the General Secretary of KPPSI, asserts that because the law was adopted from the Dutch more than 350 years ago, while the social conditions have changed, the values of the Islamic community have developed, so a disjuncture has emerged [between the national legal system and Muslim society] (Nunding Ram, General Secretary of KPPSI, Makassar, interviewed 3 June 2012). Given that the national legal system has become out-dated and is contrary to local cultures and values, it is not working effectively. Thus, according to proponents, it is hardly surprising if corruption and criminal acts often occur, as the penal code conflicts with social conditions. The penal code was adapted from Western values, while Indonesia is an Eastern society with a majority Muslim population. To make it effective, the penal code must refer to Islam, because it is the guidance for the majority of Indonesians. Moreover, if the penal code refers to Islam, it means that the law maker is God, so it will have more coercive power. Nunding Ram provides an example:

According to the Criminal Code (KUHP), if someone commits adultery, on the basis of consent, there will be no penalty. According to local indigenous culture, if someone commits adultery, they will be killed, why? Because, if left unchecked, this will cause natural disasters, crop failures and destroy the environment. Whereas, in Islam, the adulterer will be stoned. They are differences (between local culture and Islam) but at least they have a similar harsh sanction for those who violate moral principles. The Criminal Code (KUHP) is based on Western Law and is very loose. This has created a legal

dualism between the Criminal Code (KUHP) and local culture. I mean that if someone commits adultery or a woman is abducted, if apprehended, the person would be killed, according to local culture, but this would be offence under the KUHP. There has to be consistency between anthropological justice and the law (Nunding Ram, General Secretary of KPPSI, Makassar, interviewed 3 June 2012).

As elaborated previously, the essence of proponents' argument is that Indonesia's secular economic, legal and political system is responsible for crises, economic and political failures as well as natural disasters. Thus, proponents advocate the alternative Islamic system.

Conclusion

The proponents, although they have broadly similar objectives: to promote and implement sharia comprehensively, they have various understandings and interpretations of Sharia. Each proponent organisation has its own guidelines on the struggle for Sharia, and each member has a different background with a different understanding of Sharia. Despite the differences in approach and understandings among the proponents of Sharia, they share a broad agenda to implement Sharia Islam.

The proponents believe that the implementation of *Perda* Sharia in the districts is a stepping-stone to implementing Sharia at the provincial and national levels. The current strategy for the comprehensive implementation of Islamic Sharia has gradually shifted towards campaigning for Sharia from below. Some proponents of Sharia indicate that they are committed to implementing Sharia as the basis of the Constitution if there is a chance, although they are reluctant to say so openly.

The struggle of proponents to implement Sharia is also a response to three macro factors. The first is how the proponents have understood the monetary crisis (*krismon*) in 1997 and the seemingly endless natural disasters that have occurred as a punishment from God because, as a Muslim majority country, Indonesia is not governed in an Islamic way. The second is the resignation of President Suharto and the ushering in of the reformation era that has created a new opportunity for proponents of Sharia to campaign for the implementation of Sharia Islam, particularly

after the central government passed the Regional Autonomy Laws. The third factor is proponents' dissatisfaction with the Indonesian legal system, which, according to them, is secular and inappropriate for Indonesian social and cultural norms.

The proponents of Sharia have endeavoured to adapt strategies to fit with evolving political and cultural conditions. The strategies include lobbying, advocacy and the politics of nomenclature. Given that Indonesia does not have an Islamic constitution, and considering that the political conditions only enable proponents of *Perda* Sharia to implement a small part of Sharia as regional regulations, they used this opportunity to implement regulations. *Perda* Sharia is one of the ways to formalise Sharia Islam in Indonesia if establishing an Islamic state is not possible. However, other proponents consider that under the national constitution, it is not easy to implement Sharia; therefore, they are using strategies such as using terms other than 'Sharia Islam' for district regulations. Chapter 6 examines the strategies of proponents to implement sharia in greater depth.

Chapter 6: Behind the Scenes: The Election and the Strategy to Implement Sharia

6.1 Introduction

This chapter will deal with the question of how the issues of Sharia have been used in the district-head (*Bupati*) elections and whether the strategies of the candidates to promote and implement Sharia have benefited the candidates. To address these questions, the chapter will begin with an explanation of the district-head elections, the changes to the election system and its consequences. The third part will examine the use of Sharia as a campaign issue during the district-head elections. In this part, the two elections for the district-head in Cianjur and Bulukumba will be analysed, including the strategies that have been used by the candidates and proponents of Sharia, and whether the elected *Bupati* implemented Sharia. The last section will analyse whether the issues of Sharia have benefited the candidates during the election campaign.

6.2 Changes in the Electoral System

The district-head elections⁷⁰ have been one aspect of Indonesia's transformation from an authoritarian system to a more democratic one. There are at least three phases in the evolution of the district-head elections. The first phase was under the authoritarian and centralised Suharto government, when the *Bupati* was elected by the DPRD, in which there were also representatives of the army (ABRI). Based on Law No. 5/1974, the eligible candidates for *Bupati* needed experience in the government at echelon II, such as *sekwilda* (secretary of district government) or as lieutenant colonel in the army (Eko 2004, p. 281). However, the elected candidate would not automatically become the *Bupati* until gaining a '*restu*' (approval) from the military, the Ministry of Home Affairs and President Suharto. Further, in some cases, during the Suharto era, the central government had the authority to appoint someone to become a *Bupati* (Eko

⁷⁰ In Indonesia, the election for the district-head (*Bupati*) is commonly known as '*pemilihan Bupati*', the acronym of '*Pilbup*' or *pemilihan kepala Daerah* (Pilkada). However, the term '*Pilkada*' does not only refer to the election of *Bupati*, but also to elections for any regional head (*kepala daerah*), including *Gubernur* (Governor: the province head) and *walikota* (Mayor: the municipality head). More importantly, the Pilkada commonly refers more to the direct elections for regional heads of government, which were introduced by Law No. 32/2004 and which replaced the election of regional heads of government by regional parliaments (DPRDs).

2004). It is clear that during the Suharto era, despite the *Bupatis* having been elected and appointed by the DPRD, in reality, they had been chosen by the Ministry of Home Affairs, and the DPRD merely approved the choices that had been made by the central government (Erb & Sulistiyanto 2009b, p. 19)

The second phase was in the reformation era, after Suharto's resignation as president in 1998, when Indonesia was able to hold the first 'free and fair' election in 1999 to elect new members of the local and national legislatures and to install a new president and new regional heads (Erb & Sulistiyanto 2009b, p. 3). Following the 1999 elections, the local legislatures (DPRD) had the real power to choose the district-head. This was meant to be a positive development; however, in reality it gave the DPRD tremendous power and authority, which, to some extent, could endanger the development of democracy through the influence of 'money politics'. In many cases, the candidates for the district-heads (*Bupati*) paid members of DPRD to 'outbid' other candidates so they would be chosen as *Bupati* (Erb & Sulistiyanto 2009b, p. 18)

The third phase was when the parliament amended the 1945 Constitution to enable direct elections for the President and Vice President, as well the heads of regional governments, the *Gubernur* and *Bupati*. Law No. 32/2004 on Regional Government provided for the *Bupati* to be elected directly by the people rather than the DPRD (Erb & Sulistiyanto 2009, p. 17). The direct election of heads of regional governments is regarded as one of the key components of democratisation after the fall of the Suharto regime (Matsui 2007).

6.3 Change of the Election System and its Consequences

Direct elections have enhanced the authority and role of the *Bupati*, who are sometimes called '*raja kecil*' (small kings). Thus, *Bupati* have become dominant central figures in local governments, empowered with much greater authority under regional autonomy, in what Matsui called 'local centralisation' (Matsui 2007, p. 25). However, according to Buehler (2008), the direct elections have given real power to the population and thus changed the logic of power accumulation in district governments. The *Bupati* and the local political elite must work with the electorate more closely and regularly than before to gain access to, or remain in, power (Buehler

2008, p. 256). Hence, the candidates in district election campaigns mostly use local issues to mobilise support and interest from local voters. According to Bush (2008b, pp. 187-8), since the implementation of regional autonomy, 'almost everything in Indonesia is about local politics', particularly since 2005, when the direct elections for district heads, mayors and governors were held. Bush's argument might be exaggerated; nevertheless, since the introduction of Regional Autonomy Law, local politics have become much more significant.

Since then, *Bupati* elections have become opportunities for mass organisations and Islamic groups to mobilise the masses, which had previously been the preserve of the members of the district parliament and political parties. A number of factors help explain the growing importance of local politics, such as less interference from the central government, and the issue of '*putra daerah*'⁷¹ (local person) emerged approaching the election time. In addition, the local people's aspirations and interests have a greater influence. As Bush (2008b, p. 188) suggests, the *Bupati* direct election provides an opportunity for citizens and communities to hold their representatives accountable for their campaign promises, their policies and good governance.⁷² In addition, an indicator of how voters have held *Bupati* more accountable is that in the first phase of direct election, some 40 per cent of incumbent *Bupati* were defeated, suggesting that *Bupati* had to govern effectively or risk removal from office (Bush 2008b, p. 188). Lastly, local issues are more widely used during election campaigns.

6.4 Sharia in *Bupati* Elections

This section will examine the use of Sharia as a campaign issue during the district-head elections. First, I will explain the strategy of using Sharia during the district-head election. Then I will analyse the elections for the district-head in Cianjur and Bulukumba, in particular the strategies that have been used by the candidates for *Bupati* and proponents of Sharia and how the elected *Bupati* implemented Sharia.

⁷¹ The issue of '*putra daerah*' became sensitive during the election. Some regions seemed to require that candidates for the *Bupati* are *putra daerah*. However, the interpretation of *putra daerah* varied. '*Putra Daerah*' literally is 'son of the region' or 'native son'. However, the meaning of this term can be significantly different in each region: it can be interpreted as people who once lived in the region, people born in the area or native/indigenous people. In this thesis, I will translate the term '*Putra daerah*' as 'local person' to cover the various meanings of this term. A further explanation of the complex meaning and discussion of '*putra daerah*' can be found in Rachael Diprose (2007).

⁷² However, there are some consequences of *Pilkada*, such as mushrooming vote buying (money politics) during *pilkada*, the dominance of political parties and local conflicts (Suroso 2010 p. 3).

6.5 Strategy to use Sharia during the Election

Since Indonesia first held direct elections for heads of regional governments in 2005, the candidates for *Bupati* and the local political elites have to work with the electorate more closely and consistently to mobilise support from them. The candidates in a district with a majority Muslim population have to use popular issues such as Sharia to attract the interest of voters. For supporters of Sharia, whether they are ideologists or pragmatists,⁷³ the *Bupati* election is an occasion to campaign for Islamic Sharia.

This research found that two strategies are usually used by supporters to promote (*Perda*) Sharia during the election. First, supporters, often-Islamic groups, announced that they would support any candidate who would implement Sharia in the region. In this case, usually the candidates would proactively approach the Islamic groups and make a deal with them, which occurred in Cianjur. Second, supporters would lobby or pressure candidates to use Sharia in their campaigns, which happened in Bulukumba, where Azis Kahar Muzakkar, the Chairman of KPPSI, announced that the members of KPPSI would be directly involved in the Pilkada and would only support a candidate who was ready to implement Islamic Sharia (Nisa, Rumadi & Ferdhi 2006). Further, Tamsil Linrung, a DPR member from PKS, said that the candidates had to sign a political contract with the community regarding the commitment of the candidate to implement Islamic Sharia (Asi 2007b). The next section explains how the candidates used Sharia as a campaign strategy in the districts of Cianjur and Bulukumba.

6.6 Sharia as a Campaign Strategy in Cianjur

The idea to implement Islamic Sharia in Cianjur emerged shortly before the district head (*Bupati*) election in 2001. However, according to Tasman (2004) and Yulia, Kurniawati and Azizi (2004), the idea to implement Islamic Sharia in Cianjur emerged long before the district-head election in 2001. They suggest that it happened when Wasidi, who became the regional secretary (*sekda*) of Cianjur district in 1999, approached some Islamic leaders and Islamic organisations to support him to become the next *Bupati*. During the 2001 election, Wasidi was the only candidate who used

⁷³ The ideologist is someone who promotes, supports and wants to implement *Perda* Sharia and is motivated by religious piety, while a pragmatist is someone who promotes, supports and wants to implement *Perda* Sharia due to political considerations. A further explanation on the supporters of *Perda* Sharia can be found in Chapter 5.

the issue of Sharia for the campaign. He promised to implement Islamic Sharia if he would be elected as *Bupati*. According to Yudi Junaidi, the Head of *Lembaga Bantuan Hukum* (LBH: Legal Aid), who was the Head of KPU (General Election Commission) in 2004–2007, during the presentation of the vision and mission statements of the *Bupati* candidates Wasidi did not mention Islamic Sharia (Yudi, LBH Cianjur, interviewed 29 February 2012). Some of my other informants confirmed Yudi's recollection (Yuli & Aru, activist Cianjur, interviewed 28 February 2008).

At the meeting of DPRD, when the candidates read their vision and mission statements of their campaigns as part of the election process,⁷⁴ the door of the plenary room burst open and dozens of people forcibly entered, demanding that the hearing be cancelled and the district-head election postponed. The protesters broke up the meeting and occupied the building of DPRD, which was in the same location as the district government building, for several days. The protesters burnt tyres in front of the door of the plenary room, and others carried banners and posters insisting that the meeting be stopped (Antara News 2001). The demonstrators were mainly from GARIS, an organisation that supports and promotes the application of Sharia. The protesters were disappointed that Haji Endang Syafei (also known as Haji Dapet), an Islamic activist and successful businessman, as well as the father of the leader of GARIS, was not included in the list of candidates because his nomination papers were allegedly incomplete and, accordingly, his candidature was not accepted by DPRD. Haji Dapet had promised to implement Islamic Sharia in Cianjur if he was elected. The demonstration organised by GARIS was not supported by many other Islamic groups, which did not agree with GARIS resorting to violence. They preferred to use persuasive methods such as education, advocacy and lobbying. Although the idea of implementing Sharia was supported by the majority of Islamic groups in Cianjur, their methods were different compared to GARIS (Kyai Anam, interviewed 9 March 2008).

During the demonstration, one of the *Bupati* candidates, Wasidi Swastomo, visited the house of Haji Dapet, which was also the base camp of GARIS (Cep Hermawan,

⁷⁴ During this period, the *Bupati* was elected by members of the DPRD rather than the people.

Leader of GARIS, Cianjur, interviewed 30 April 2008). Wasidi Swastomo agreed to sign the political contract stating that he would implement Islamic Sharia if he was elected as a *Bupati* of Cianjur. In the political contract, Wasidi Swastomo also committed himself to treat all developers and entrepreneurs equally, especially those who supported Islamic Sharia (letter of statement/political contract, 10 and 18 February 2001). In return, Haji Dapet would support Wasidi Swastomo by sending a letter to members of the DPRD in Cianjur who had made commitments to vote for him in order to shift their vote to Wasidi Swastomo (Haji Endang Syaife'i's letter to DPRD, 17 February 2001).

According to Erb and Sulistiyanto (2009a), in many cases, the candidates for the district-heads (*Bupati*) paid money to the members of the DPRD so they would be chosen as a *Bupati* (Erb & Sulistiyanto 2009, p. 18). Haji Cep Hermawan, the son of Haji Dapet, who was the leader of GARIS, claimed that Haji Dapet had been promised the support of 27 of 46 DPRD members, which would have enabled Haji Dapet to be chosen as the *Bupati*. However, in Haji Cep Hermawan's opinion, there was a betrayal by DPRD members, who did not accept his father's candidature. As a consequence of DPRD's rejection of Haji Dapet's candidature, Haji Dapet's support was given to Wasidi Swastomo. After the agreement between Haji Dapet and Wasidi Swastomo, the leader of GARIS ordered the end of the demonstration and the occupation of the DPRD building (Cep Hermawan, Cianjur, interviewed 23 March 2008).

In addition, Wasidi signed a statement supporting Sharia in Cianjur with the *Majelis Muslim Bersatu* (MIMBAR: the United Muslim Council) and PBB (Toha 2007). Wasidi campaigned for the implementation of Sharia Islam, and his campaign was widely supported by *ulama* (Islamic scholars), Islamic community leaders and the Cianjur district population. As a result, Wasidi was elected as a *Bupati* of Cianjur during 2001–2006.

6.6.2 *Gerbang Marhamah* and the Strategy to Implement Sharia



A poster in the front yard of the district office of Cianjur from *hadits* says ‘the most perfect faith is the one who have the best *akhlak*’. Such posters were easily found in the government offices and on the roads in Cianjur as a strategy to promote the program of *Gerbang Marhamah*.

After Wasidi Swastomo was elected as *Bupati* in 2001, some Islamic leaders and Islamic groups expected him to fulfil his promise to implement Islamic Sharia. Then, some Islamic leaders initiated a gathering to celebrate the Islamic New Year on 1 Muharram 1422 H (26 March 2001) and agreed to make an Islamic Sharia declaration. The event was claimed to be attended by almost 100,000 people, including a representation of 35 Islamic and social organisations that signed the declaration, including NU, Muhammadiyah and PERSIS⁷⁵ (Tasman 2004). However, this research found that the support from the 35 organisations did not necessarily

⁷⁵ The representation of 35 Islamic and social organisations who signed the declaration, included NU, Muhammadiyah, PERSIS, PUI (*Persatuan Ummat Islam*), SI (*Syarikat Islam*), DDII (*Dewan Da'wah Islam Indonesia*), IPHI (*Ikatan Persaudaraan Haji Indonesia*), ICMI (*Ikatan Cendekiawan Muslim Indonesia*), BKS WI (*Badan Kerjasama Wanita islam*), MDI (*Majelis Dkawah Islamiyah*), DMI (*Dewan Masjid Indonesia*), BKPRMI (*Badan Koordinasi Pemuda Remaja Masjid Indonesia*), Gerakan Pemuda Ansor, Pemuda Muhammadiyah, Pemuda PERSIS, GPI (*Gerakan Pemuda Islam*), IPNU (*Ikatan Putra Nahdlatul Ulama*) PMII (*Pergerakan Mahasiswa Islam Indonesia*), GUPPI (*Gabungan Usaha Pembaharuan Pendidikan Islam*), FKPP (*Forum komunikasi Pondok Pesantren*), SARASI (*Santri Raksa Reformasi*), IMAM (*Ikatan Muslim Anti Maksiat*), MIMBAR (*Majelis Muslim Bersatu*), GERAM (*Gerakan Anti Madat*), HIZBULLOH (*Front Hizbulloh*), GARIS (*Gerakan Reformis Islam*), Resimen Santri, HAMIDA (*Himpunan Alumni Miftahul Huda*), BKPI (*Badan Koordinasi Perguruan Islam*), DKM MA (*Dewan Keluarga Masjid Masjid Agung*), IPMC (*Ikatan Pelajar Muslim Cianjur*), PD PII (*Pengurus Daerah Pelajar Islam Indonesia*), Yayasan PSDM *Islahul Ummah*, BANSER, ISNU (*Ikatan Sarjana Nahdlatul Ulama*) and MUI, who initiated and organised the declaration (Tasman 2004).

represent the opinions of the members, because it was only signed by the head and the secretary of each organisation, without the agreement of the members of the organisations (Suhendi, Youth Leader, Cianjur, interviewed 29 April 2008).

The enormous number of people who attended the event, according to Choirul Anam, Head of the Steering Committee, was a response to the euphoria of the reformation era (Choirul Anam, interviewed 10 March 2008). This was because the economic crisis in 1997 and the failure of the political system, which was followed by the fall of Suharto in 1998, made the idea of implementing Sharia very popular due to people feeling frustrated with Indonesia's condition and seeking an alternative ideology. However, the involvement of those organisations might express the fact that the issue of Sharia was very popular and widely supported by the Cianjur community, although the support was not merely motivated by ideological or religious reasons, but also political interest.

The Islamic declaration was the first large ceremony held by Muslim groups. The declaration to implement Sharia in Cianjur read:

1. Belief that Islamic Sharia provides guidance for people that will guide them to greater prosperity, happiness, security, peace, equality in the world and hereafter and can manifested in Cianjur: *Baldatun Thoyyibatun Wa Rabbun Ghofur*⁷⁶ (*Cianjur sugih mukti tur Islami*).
2. Determination to implement Islamic Sharia in daily life gradually, in accordance with prophet Muhammad's deeds, to support Cianjur's development and not in contradiction with the Indonesian constitution.
3. Insistence that the policy-makers, particularly the *Bupati* and DPRD approve, and implement Islamic norms in the development and government, hence Cianjur district would be wealthy, prosperous and Islamic (*Sugih Mukti Tur Islami*) (Kusoy 2005, p. 2).

According to Choirul Anam, the ceremony and the declaration was simply a moral movement, and there were no ideas to formalise Sharia Islam into a regulation or

⁷⁶ The phrase 'Baldatun Thoyyibatun wa Rabbun Ghofur' literally means '[and your land] is a good country and [Lord] God is Oft-Forgiving'. This phrase refers to Qur'an surah Saba verse 15, which describes the prosperity of the country of Saba (Dar Qiraat 2010).

anything to do with the Constitution. It was merely motivated by the fact that many Muslims did not individually practice Islamic teaching well. The declaration was made to build a commitment among the Muslim community to be more committed to practicing and implementing Sharia in their lives. This means that Sharia was supposed to be implemented in a cultural way. However, some other groups wanted to formalise Sharia into regulations.

The debates about whether it was necessary to formalise Sharia into regulations and follow up the declaration by making regulations were intense between proponents and critics. The critics did not want to politicise religion and did not want the *Bupati* to politicise Islam. However, the supporter groups urged the *Bupati* to follow up the declaration and formalise the Sharia to fulfil his promises. Following the declaration, there would be many Sharia-related projects that would benefit the supporters of Sharia through programs and facilities financed from the local government budget.

The *Bupati* responded to the declaration by issuing two policies that represented a compromise between the opponents and the supporters of the formalisation of Sharia.⁷⁷ The policies were the launching of ‘Gerakan Aparatur Berakhlakul Karimah’ dan ‘Masyarakat Marhamah’, which was the embryo of *Gerbang Marhamah*, as stated in the *Bupati* Circular of Cianjur Number: 451 / 277/Assda-1 6 September 2001. The policy of ‘Gerakan Aparatur Berakhlakul Karimah’ calls for the government apparatus to uphold good moral standards, while the policy of ‘Masyarakat Marhamah’ calls for the community to behave according to good moral standards. These two policies were followed by a *maklumat* (edict) from *Bupati* about ‘*Ajakan Berperilaku Akhlakul Karimah*’ (calling for good moral behavior), announcing the implementation of Sharia Islam, including *sholat berjamaah* (congregation prayer), wearing muslim clothes, *pengajian* (Islamic education) and *amar ma’ruf nahiyy munkar* (commanding right and forbidding wrong) (LPPI 2001). However, in these policies, the *Bupati* emphasised moral values rather than the political and constitutional aspects of Sharia, as a form of the compromise approach that accommodated the demands of the two contending groups. Nevertheless, some of

⁷⁷ The *Bupati*’s decision to use ‘*akhlak*’ (good moral) as a policy was to accommodate the demands of both opponents and supporters of the formalisation of Sharia. For the supporters, ‘*akhlak*’ is the answer for their demand because it is a core of Sharia, while for the opponents, as long as there is no term of Sharia and no obligation, they conform to the policy.

this policy was criticised because it obligated women to wear the *hijab* although it was only a recommendation. The obligation to perform the *jamaah* Friday prayer meant that government offices were closed during the prayer time, although it was during the working hours and there were also female staff who could work as they were not obligated to perform the Friday prayer.

As a strategy to facilitate the implementation of Sharia in Cianjur, the *Bupati* issued another policy: Cianjur decree No. 34 and No. 36 of 2001 on the establishment of LPPI (Kusoy 2005; Yulia, Kurniawati & Azizi 2004). The establishment of LPPI resulted from a workshop in Cianjur conducted by MUI and the government of the Cianjur district. The workshop recommended that Muslims in Cianjur should be obliged to implement Islamic Sharia. To do so, they needed an institution to study Islamic Sharia; hence, *Bupati* issued a decree to establish LPPI, which would function as a ‘think-tank’ to formulate guidelines for the implementation of Islamic Law in Cianjur and to produce a book, ‘Basic Format Implementation of Islamic Sharia’ (*Format Dasar Pelaksanaan Syariat Islam*) in 2001. In addition, LPPI produced a guidance book for preachers and teachers in the Cianjur district to implement Sharia (LPPI 2005).

A year later, in an effort to strengthen support from the community, LPPI and the supporters of the formalisation of Sharia, along with support from the district government of Cianjur and the MUI, successfully held the first *Silaturahmi dan Musyawarah Ummat Islam* (SILMUI: Conference of Islamic Ummah) on 16 March 2002 in Building Da’wah, which was attended by *Ulama* (Islamic scholars), umaro (government), community leaders, political organisations, community organisations, student organisations, educational institutions and Islamic NGOs in the Cianjur district. The first SILMUI formulated materials for the application of Sharia in Cianjur, and it resulted in a decision to establish an umbrella organisation for Muslims in Cianjur—*Majelis Ukhuwah Ummat Islam* (MUUI: Islamic Ummah Brotherhood Council)—as a tool to legitimise the implementation of Sharia (Majelis Ukhuwah Ummat Islam 2006). It was claimed that the first SILMUI was attended by 100,000 people, and many considered that this event was organised to mobilise people to legitimise the political agenda of Islamic Sharia (Choirul anam, interviewed

10 March 2008). With these strategies, Wasidi sought to mobilise support and legitimacy for his position and the implementation of Sharia.

In addition, LPPI issued a *Rencana Strategy Gerbang Marhamah (Renstra Gerbang Marhamah: Strategic Planning of Gerbang Marhamah)*, which contains an implementation plan for the next five years of *Gerbang Marhamah* as a guideline to implementing Islamic Sharia comprehensively (*Kaffah*), and the explanation of Sharia Islam, which was mentioned in the 'Basic format Implementation of Islamic Sharia'. This *Renstra* was approved by some Muslims and Islamic groups during the first SILMUI.⁷⁸

In order to socialise the three primary agendas of 'Gerbang Marhamah', the Cianjur government organised 1,000 *Penyuluh Ahklakul Karimah* (PAK: good moral extension officers) out of 6,000 targeted *Ulama* (Islamic scholars), 2,000 *Guru Pembimbing Akhlakul Karimah* (GPAK: good moral supervising teacher) out of 15,000 targeted teachers, *Tim Penggerak Aparatur Berahlaqul Karimah* (TP-GAB: enforcement team of good moral staff), who were recruited from district government staff, and 1,000 volunteers (Abidin 2006; Kusoy 2005, p. 49). In addition, the government officials, particularly from the education office, received training about *Gerbang Marhamah*. Some informants explained that the training was held in a hotel, which was uncommon, and they were paid for their participation, where usually the attendees pay to participate in the training (Pipih, Staff of Education Office Cianjur, interviewed 3 March 2008).

⁷⁸ Since then, the SILMUI has been held annually following the celebration of the Islamic New Year, but has attracted smaller numbers of attendees. The eighth SILMUI produced nine recommendations, one of which wanted the government to issue a regulation concerning the implementation of economic Sharia principles to limit the practices of moneylenders. This recommendation was a follow-up with *Perda* No. 3/2006 about *Gerbang Marhamah Gerbang Marhamah* (Subur S 2009). Another recommendation was that MUI urge the government to immediately revoke the *Bupati* decree (SK) of Cianjur No. 36/2001 regarding the LPPI and issue a new decree for the legality of LPPI as an institution that has a duty to facilitate the task of the government in formulating the concepts of *Gerbang Marhamah*. In addition, MUI urged the government to evaluate the permits for the owners of nightclubs, cafes and hotels in Cipanas, Cianjur, due to the fact that many of the permits were not valid or had expired. In addition, the SILMUI demanded that the *Bupati* implement decree No. 12 Tahun 2006, about religious education (*Pemberdayaan Pendidikan Diniyah*) (Subur 2009). However, some of these recommendations have not been implemented, such as issuing a new decree for the legality of LPPI. Moreover, the government issued decree No. 61/2009, which abolished LPPI. The ninth SILMUI was held on 19 December 2009. This SILMUI produced further recommendations, including that the government supervise and tighten liquor trading, and that it reactivate PAK and supervise and restrict cults, especially the Ahmadiyah cult (Fikri 2009). The most recent SILMUI was held in December 2011.

The *Gerbang Marhamah* program, initiated by Warsidi, contains general and very normative regulations that tried to accommodate the demand from formalist and substantive Islamic groups. Wasidi's government fully supported the program of *Gerbang Marhamah*, for which the support increased from year to year (Kusoy 2005). The budget that Wasidi's government provided in 2001 was 2 billion Indonesian Rupiah (IDR), increasing to 4.5 billion in 2002, 8 billion in 2003, 10 billion in 2004 and 15 billion in 2005, which was about 3 per cent of Anggaran Pendapatan dan Belanja Daerah (APBD: Budget Revenues and Regional Expenditures). In addition, *Gerbang Marhamah* was funded by *Badan Amil Zakat* (BAZ: institution for collecting *Zakat*/Islamic tax) for which the amount increased from year to year. In 2001, BAZ provided support of 2 billion IDR, and in 2005, this increased to 4 billion IDR (LPPI 2005). The support from the government also included facilities for religious-related activities, programs and organisations. For instance, the establishment of LPPI and any activities conducted by LPPI were fully funded by the district government. LPPI activities included research on Islamic-related topics, training for teachers and preachers on Islamic topics, and conducting seminars and workshops. Further, financial support was given to *pesantren* (Islamic boarding schools) and *pengajian* (Islamic education groups). However, these policies were criticised by opponent groups, who argued that this was squandering of resources and funds for something that was not really important, and only to one aspect: religiosity, with the consequence that the development of infrastructure was ignored (Yudi, LBH Cianjur, interviewed 29 February 2008; Dian & Aru, activist Cianjur, interviewed 28 February 2008; (Abidin 2006).

The role of LPPI was significant in supporting the implementation of Islamic Sharia. LPPI even submitted a draft of the Regional Regulation (RaPerda: Rancangan Peraturan Daerah) for the implementation of Sharia in Cianjur, but the draft regulation was rejected by the DPRD (Rina, Parliament member from PPP, Cianjur, interviewed 28 February 2008). According to Toha, a parliament member from PBB, when the draft was initially proposed, almost all parties refused, except PBB. However, after lobbying, PPP supported the draft and was then followed by the other parties (Toha, Parliament member from PBB Cianjur, interviewed 28 March 2008). Nevertheless, according to members of parliament from PD, who initially rejected the draft, as well as PDI, who walked out during the approval meeting, any DPRD members who

rejected this draft were labelled anti-Islamic by advocates of Sharia such as LPPI members (Iwan, Parliament member from PDI, Cianjur, interviewed 26 February 2008; Gatot, Parliament member from PD, Cianjur, interviewed 3 March 2008). Nevertheless, LPPI continued its promotion of the formalisation of Islamic Sharia. Finally, *Gerbang Marhamah* was approved as a regulation by DPRD in July 2006, soon after Tjetjep was inaugurated as *Bupati*, having defeated Wasidi during the 2006 *Bupati* election (Rina, Parliament member from PPP, Cianjur, interviewed 28 February 2008).

6.6.3 *Gerbang Marhamah* or *Perda* Sharia: The Politics of Nomenclature in Cianjur

Gerbang Marhamah is refining the language. Enforcement of Islamic Sharia contradicts the 1945 Constitution and contrary to national laws. So the Gerbang Marhamah is to accommodate the Islamic Sharia in the context of the Republic of Indonesia (Aru, Cianjur, Interviewed 28 February 2008).

Wasidi's commitment to implement Islamic Sharia was fulfilled by issuing the decree on the establishment of LPPI (decree No. 36/2001), the circular letter about *Gerbang Marhamah* (Circular Letter No. 451/2717/ASSDA.I/9/2001) and the strategic plan for the development of Cianjur (Perda No. 08/2002). Apart from these regulations, Wasidi also issued a Circular Letter (Surat Edaran No. 025/3643/org) to encourage government staff to wear Muslim clothing, such as the *jilbab* and a long skirt for female staff during work hours. Regulation No. 7/2004 regulated *Zakat* management and Regulation No. 21/2000 banned prostitution.

Although all of these initiatives were Sharia-influenced policies or regulations, Wasidi did not use Islamic Sharia terminology in the titles of the regulations, preferring to present them as part of a moral movement (*Gerbang Marhamah*—Gerakan Pembangunan masyarakat Berakhlakul Karimah: development movement for a good moral community). The strategy was to disassociate these policies and programs from the controversy surrounding Sharia since Indonesian Independence. According to some informants, during the campaign for the *Bupati* election in 2001, which saw Wasidi elected, many *Badan Intelejen Negara* (BIN: State Intelligence Agency) visited Cianjur to investigate the relationship between Wasidi and GARIS

concerning his commitment to implementing Islamic Sharia in Cianjur (Dian & Aru, Cianjur, interviewed 28 February 2008). It was thought that BIN was concerned that implementing Islamic Sharia in Cianjur had implications for the basis of the state. Thus, to avoid the suspicion of the central government, Wasidi named the Sharia-based regional regulations ‘Gerbang Marhamah’, with an emphasis on the improvement of morals.

6.6.4 Contesting *Gerbang Marhamah* as (*Perda*) Sharia



A billboard gate: ‘Welcome to Cianjur, *Gerbang Marhamah* Area’ located in the *puncak* area in Cianjur. The billboard was dismantled by the government. The people who lived in the surrounding area thought that the government was embarrassed because many of the dimly lit stalls (*warung remang-remang*) were used by prostitutes (Radar Cianjur 2010).

An examination of regulation No. 3/2006 on *Gerbang Marhamah* suggests that *Perda* Sharia is not the appropriate nomenclature. First, the preamble of the regulation did not refer to Sharia law; rather, it referred to the Indonesian Constitution (Undang-Undang Dasar 1945), laws (*Undang-undang*) and instructions of the President (*instruksi presiden-inpres*). Second, the content of the regulation mainly cites moral values that Islam shares with many other religions. However, if the motivation and the historical context of *Gerbang Marhamah*, as well as the association with Islamic

groups who support the implementation of Sharia, are examined, identification with Sharia is evident.

The Basic Format Implementation of Islamic Sharia (*Format Dasar Pelaksanaan Syariat Islam*), which was formulated by LPPI in 2001 and which became the first guideline and explanation of the Sharia implementation in Cianjur, as well as the forerunner of the *Gerbang Marhamah* regulation, discusses four aspects of Sharia Islam: first, *ubudiyah* focuses on *aqidah* (belief), *akhlak* (good morals) and *ibadah* (worship); second, *Muamalah* (human relationship) focuses on education, *da'wah* (religious proselytising), economy and 'commanding right and forbidding wrong' (*amar ma'ruf nahi munkar*); third, *Ahwalu syahsiyah* focuses on the development of social justice; fourth, *Siyasah* Sharia concerns social relationships, *jinayah* (criminal law) and *siyasah* (politics). Muslims have practiced all of the aspects of the Basic Format in their daily lives long before the document was issued, except for *hudud*, which required legalisation from the government.

However, according to Turmudi (2003), the issue of *hudud*, which is mainly raised by radical groups, has been mired in controversy. In Cianjur, Islamic leaders realise that *hudud* still cannot be applied considering the diversity of society in Cianjur and the fact that the legal system now in force is not Islamic Law (Turmudi 2003). It was mentioned in the Basic Format that Sharia would be implemented gradually within 10 years. The first five years, during 2001–2006, will focus on achieving an independent and prosperous Cianjur by preparing the Cianjur community to not only understand what Sharia is, but also to be ready to implement Sharia in their daily lives. During 2006–2011, it is expected that Islamic Law will be applied comprehensively (*kaffah/seutuhnya*) (Turmudi 2003, p. 32). However, the proposed duration of 10 years for implementing Sharia suggests that it was Warsidi's strategy to obtain support from Islamic groups for the next election so that he would be in power for a sufficient period to implement Sharia.

The book of 'the Basic Format Implementation of Islamic Sharia' (LPPI 2001) mentions that the aim of the implementation of Sharia in Cianjur was to create the wealthy, prosperous and Islamic (*Sugih Mukti Tur Islami*) society in Cianjur with six missions including: Improvement of human resources with good moral attitude;

Excavation of natural resources as a form of gratitude for the favours of Allah SWT; Enhancement of missionary activity through education, counselling and cadres; economic empowerment of people through the concept of a mosque-based economy; Structuring of the government management to become clean, with authority; review and development of the Islamic concepts gradually and sustainably (LPPI 2001).

Viewed from the purpose of the implementation of Sharia—that is, to create a ‘*sugih, mukti tur islami*’ (prosperous, peace and religious) society—Turmudi (2003) suggested that the application of Sharia in Cianjur was simply a moral movement of people to implement Sharia as part of their duty as Muslims, and not an attempt to make Sharia the basis of the regulations. Thus, while there was no political decision to impose Sharia as a source of law in Cianjur (Turmudi, Marzuki & Anwar 2003, p. 26), the regulations, such as that requiring female employees to wear Islamic clothing, sought to impose Sharia values on society in Cianjur.

However, ‘The Basic Format Implementation of Islamic Sharia’ stated that Cianjur would implement full Sharia. There are several reasons why Cianjur finally applied only limited provisions contained in the *Gerbang Marhamah*. First, proponents of Sharia feared that they would be accused of treason against the state. Second, supporters realised that if Islamic Sharia was fully applied, it would provoke extensive opposition. Third, some supporters saw the limited provisions of *Gerbang Marhamah* as being the first stage of a longer-term strategy to implement Sharia as a whole. Advocates of this approach recognise that there needs to be a process of education in the community to foster understanding about what is meant by Islamic Sharia before it is applied thoroughly (Musthofa, MUI Cianjur, interviewed 21 March 2008). Fourth, the elected *Bupati* who promised to apply Sharia did not in fact wholeheartedly want to apply Sharia because he was mainly motivated by political interests (Heri, member of District Parliament, interviewed 26 April 2008). However, the term ‘Gerbang Marhamah’ was used as a reflection of the core of Islamic Sharia and Islamic values, which, according to Wasidi, support good morals (*akhlakul Karimah*) (Warsidi, interviewed 14 March 2008). In addition, it is considered a strategy to avoid a clash with the Indonesian Constitution (Choirul Anam, the Head of KPU, interviewed 09 March 2008).

6.6.5 *Gerbang Marhamah*: Substantive or Symbolic Sharia?



This signpost, which states: 'Uphold *Shalat* (pray five times a day), pay *zakat* (alm) if [you] want to be safe' on a road in Cianjur, was the target of vandalism (this photo was taken in 2010).

Many informants, such as Gatot and Heri (the members of district parliament), Susi (a female activist and Sutardi (an enterpreneur), suggested that the implementation of *Gerbang Marhamah* was more symbolic than substantive Sharia (Cianjur, interviews between 20 February 2008 and 26 April 2008). They argued that the implementation of *Gerbang Marhamah* was mainly to regulate symbols of Sharia Islam, such as to obligate women to wear a head veil (*jilbab*), obligate government staff to wear a Muslim uniform (with long sleeve, skirt and head veil), and to create banners that urged people to worship (many billboards stated 'welcome to *Gerbang Marhamah* area' or 'welcome to the anti-maksiat area'), rather than substantive Sharia, such as combating corruption, reducing poverty and having good governance.⁷⁹

Further, during the Wasidi era, religious symbols were highly visible. There were also frequent raids on cafes and restaurants that opened during the day during Ramadan. Muslim women who did not wear the *jilbab* were intimidated by the Satpol PP (civil-

⁷⁹ For a further explanation on substantive Sharia, see Hooker (Hooker, MB 2008, p. 250).

based district police) and some paramilitary Islamic groups (Aziz 2005). Although *Gerbang Marhamah* had not become *Perda* during Wasidi's government, according to some informants, the implementation of *Gerbang Marhamah* was stricter (Dian, Yuli, Yeni, interviewed between 28 February 2008 and 14 March 2008).

The implementation of *Gerbang Marhamah* was not fully and widely enforced, as it was only popular in the urban areas but not in the rural districts. It was also evident that the knowledge and understanding of *Gerbang Marhamah* among some informants was very limited. What they knew about *Gerbang Marhamah* mainly related to the obligation for women to wear the *jilbab*, which they thought was more of a distraction from the actual state of Cianjur society and to camouflage the government's failure to develop Cianjur. Some activists criticised the *Gerbang Marhamah* for not encouraging people to become better Muslims. They argued that it was a waste of money, especially given that the development of the infrastructure was stagnant because the budget of the district government was allocated mainly for the *Gerbang Marhamah* program (Susi, activist Cianjur, interviewed 21 March 2008; Aru, activist Cianjur, interviewed 9 March 2008).

Sutardi, an Indonesian–Chinese businessman, complained about the implementation of *Gerbang Marhamah* (interview, 8 June 2009). According to him, the program of *Gerbang Marhamah* was not consistently implemented; for example, billiards was not mentioned or prohibited in the *Gerbang Marhamah*. However, when he applied to open a billiards centre in Cianjur, the government rejected the application because it was against the *Gerbang Marhamah*, although he considered that billiards was a sport (Sutardi, interviewed 28 February 2008).

Since the launch of *Gerbang Marhamah* by Wasidi, the Cianjur *Bupati*, the Department of Transportation and Tourism (DISHUBPAR) built gates with signposts on the main roads that invited residents to behave in accordance with Islamic Sharia. These signposts displayed Arabic script containing *Asmaul Husna*—quotes from the verses of the Qur'an and the *Hadith*. In addition, many groups emerged to enforce the implementation of *Gerbang Marhamah*, such as *Ikatan Muslim Anti Maksiat* (IMAM: Muslim Association of Anti-Maksiat), *Santri Raksa Reformasi* (SARASI: Student Maintains Reformation) and *dan Resimen Santri* (RESAN: Student Brigade), which

conducted sweeping operations to eradicate activities they considered immoral. In some places, there were many physical clashes between these groups and residents, who felt that their interests were harmed. One such incident occurred at the Joglo and Muka bus stations, where activists destroyed food stalls that opened during Ramadan (fasting month) (Suhendi, Youth leader Cianjur, interviewed 25 April 2008).

The *Gerbang Marhamah* was also criticised by cultural circles/artists in Cianjur because Cianjur *Bupati*, Ir. Wasidi Swastomo, prohibited the '*kuda kosong*' (Empty Horses)⁸⁰ that usually performed during the celebration of Indonesian Independence Day and the Cianjur anniversary. However, some *ulama* (Islamic scholars) persuaded the *Bupati* to ban the performances, as they considered that this traditional ritual procession was a form of idolatry.

6.6.1 The Issue of Sharia in The Cianjur Election: Who Benefited?

Cianjur is popularly known as a *kota santri* (Devout City) due to the presence of many Islamic boarding schools (*pesantren*), many *ulama* (Islamic scholars) and its majority Muslim population. In the 2001 election for *Bupati* all the candidates were Muslims and all the DPRD (district parliament) members, who elected the *Bupati*, were Muslims. Wasidi's success in the 2001 *Bupati* election can be variously explained. Firstly, at the time of Wasidi's candidacy, Sharia was widely supported. Many saw Sharia as a way of addressing the effects of 1997-78's economic and political crisis. Secondly, members of the DPRD elected the *Bupati*, not the people; this enabled easier lobbying and mobilisation of support among DPRD members. This was especially evident when Wasidi inherited the support previously promised to Haji Dapet.

By the 2006 election, the *Bupati* was elected directly by the people. During this election, all four candidates were Muslims and used the issue of Sharia (Islam and

⁸⁰ The '*kuda kosong*' (empty horse) parade is held to mark state ceremonies in Cianjur to commemorate the historical struggle of R. A. Wira Tanu, a Dalem Pamoyanan R. A. A. Wiratanudatar II, regent of Cianjur. The practice was that the regent was required to give a tribute of harvest crops to the Sunan of Mataram in Central Java. When the Regent, Dalem Pamoyanan R. A. A. Wiratanudatar II, who was considered sacred and powerful, presented the tribute, he always stated that the people of Cianjur were poor in agricultural products but demonstrated great courage in their struggle for the nation, just like the spicy flavours of chili and pepper. Due to his clever diplomacy, the Sunan of Mataram gave a gift of a horse to the Dalem Pamoyanan, and this gift was a matter of pride for the Cianjur people. Thus, the '*kuda kosong*' parade celebrates the occasion (Gunawan 2009 ; Lukman 2005; Maruli 2010).

moral/*akhlak*). However, Wasidi was most identified with the issue of Sharia. Candidates and proponents of Sharia used the issue to advance their agendas. Candidates identified themselves as being ‘more Muslim’ than their rivals; supporting Sharia ensured this distinction. No candidate could risk opposing Sharia and being labelled ‘un-Islamic’.

Although Wasidi was the candidate most associated with Sharia and, as *Bupati*, had supported the *Gerbang Marhamah* programme, he was defeated by Tjetjep Muchtar. Tjetjep had been Head of *Bappeda* (*Badan Perencana Pembangunan Daerah*/Regional Body for Planning and Development) during Wasidi’s 2001-2006 government.

During the 2006 election, Wasidi was supported by the three biggest parties in the district parliament: Golkar, PKB, and PPP. Despite this, he won only 309, 000 votes. Tjetjep, who enjoyed PKS’s support⁸¹, which had only three seats in DPRD, along with the Demokrat Party, with four seats in DPRD, won 311, 000 votes. Although the 2006 election was the first direct election in Cianjur district, the political parties still played a significant role. Candidates, unless they were independent, had to be nominated by a party⁸². Wasidi was fully supported by PBB during the *Pilkada*. After Wasidi’s loss in the *Pilkada*, the PBB nominated him as a candidate for the national legislature election in 2009.

Wasidi’s loss in the 2006 election is partly related to the change in the system of election from selection by the parliament to direct elections. This complicated campaigning and lobbying. Wasidi had the support of the largest political parties in the Cianjur district parliament and would have most likely won under the old system. In addition, Wasidi’s commitment to implementing Islamic Sharia was in doubt. He had lost some support from Islamic groups and leaders, who had previously supported him. Some of these groups and leaders considered Wasidi had betrayed his commitment to implement Islamic Sharia when he permitted the Catholic Church to

⁸¹ One might expect that the PKS supported *Perda Sharia*, but Golkar and the PKB are not normally supportive of *Sharia*. However, in this case, *Perda Sharia* was become an issue in the *pilkada* campaign. Parties were more concerned with winning the *Pilkada* rather than ideological purity. However, the political calculations of the PKS regarding the issue of *Sharia* were also pragmatic. Further discussion on the PKS see (Machmudi 2006)

⁸² Independent candidates have to obtain support from at least three per cent of enrolled voters.

build religious facilities in Karmel Valley (Singgih 2005). Tjetjep was able to identify himself as ‘more Muslim’ than Wasidi, despite Wasidi’s initiation of the *Gerbang Marhamah*. However, many voters considered that Tjetjep also supported *Gerbang Marhamah* and the implementation of Sharia. Moreover, Tjetjep personally was believed by voters to be a more devout Muslim compared with Wasidi, as he often served as *imam* (leader) during Friday prayers (*shalat Jum’at*) at the mosque (Adek, interviewed 26 February 2008; Dedek, interviewed 22 February 2008; Hofisah & Pipih, interviewed 03 March 2008; Choirul Anam, interviewed 08 March 2008; focus group discussion, 21 April 2008). Thus, Warsidi was considered have failed to implement Islamic Sharia in Cianjur, particularly as there were allegations of incidents of fornication among the students in local high schools (Anton, Campaign team of Tjetjep, interviewed 13 April 2008).

Tjetjep Muchtar’s campaign exploited the issues of free sex/fornication and *lembah karmel*⁸³ (Singgih 2005). Tjetjep Muchtar had been a candidate in the 2001 election, when Wasidi was elected. During Wasidi’s term as *Bupati*, Tjetjep, as head of *Bappeda* (Badan Perencana Pembangunan Daerah), the regional body for planning and development, was responsible for development policies. Tjetjep issued a letter No. 503/3428/PPSA December 19, 200. This was a permit for the development of a youth boarding house (*pondok remaja*) as a Catholic religious facility in the Sukaresmi District in the Karmel Valley (Cianjur) (Cep Hermawan, interviewed, 27 May 2008; Anton, interviewed 30 March 2008). Anton, a member of Tjetjep’s campaign team (*tim sukses*), asserted that Tjetjep deliberately issued this development permit, with the aim of destroying Wasidi’s credibility as the initiator of the *Gerbang Marhamah* (Anton, interviewed 30 March 2008).

In addition, during the lead up to the 2006 Pilkada, there was also a free sex/fornication scandal that involved one of the best senior high schools⁸⁴, which had become a model school for the implementation of *Gerbang Marhamah*. This school

⁸³ The Development in the Karmal Valley was criticised because it did not meet licensing and construction standards, such as environmental impact assessment (EIA). Furthermore, the development disturbed some residents, who believed that it was contrary to Islamic law and there were fears of Christianisation in the neighbourhood (Singgih 2005), (Cep Hermawan, interview 2008)

⁸⁴ This issue arose when a video tape of ‘free sex’ (fornication) circulated in Cianjur. Chirul Anam, the Head of KPU stated that those alleged to be involved were not students of a local senior high school (SMA I), but someone who was paid to discredit Wasidi and the *Gerbang Marhamah* (Chirul Anam, interview 09/03/2008). That there were no prosecutions suggests that this may have been the case (Aru, Dian, interview 28/02/2008).

was the only school in Cianjur that insisted its female students and teachers wear *jilbab* and Muslim clothes. The scandal raised questions about the effectiveness of Wasidi's *Gerbang Marhamah*. However, according to the campaign team of Tjetjep, they deliberately used this issue to discredit Wasidi (Anton, Dian, interview 2008). The strategy may well have contributed to Wasidi's election loss.

Thirdly, Tjetjep's *tim sukses* (campaign team) was more dynamic, proactive and willing to use 'smear campaign' tactics. It was also more effective in rural areas. The team worked effectively to undermine the support Wasidi enjoyed among influential *kyai* and *ajengan* (Islamic leaders and scholars), despite many of these figures recognising the importance of Wasidi's *Gerbang Marhamah* programme. A calendar featuring a photo of Tjetjep was distributed at prayer meetings (*pengajian*). At these meetings, *kyai* and *ajengan* would ask their often elderly and illiterate supporters to vote for Wasidi (Anton and Dian, interviewed 2008). Anton, a campaign team member, recalled:

Sometimes I attended the pengajian held by Ajengan Lim. The pengajian held every Thursday and was very crowded with a thousand people in attendance. During the pengajian, usually Ajengan Lim asked his followers to vote for Pak Wasidi because he is the supporter and creator of the Gerbang Marhamah. However, during the speech, I usually distributed the calendar with Pak Tjetjep's photo and I said to the people, who are mostly old and had never met Pak Wasidi nor Pak Tjetjep, "this calendar from the Ajengan, please coblos (vote for) this person". I think my strategy was successful (Anton, campaign team of Tjetjep, interview 2008).

Fourthly, Tjetjep won the sympathy of the supporters of Sharia by showing he was also committed to the implementation of Sharia, which shared elements of Wasidi's *Gerbang Marhamah* (Detikcom 2006). However, he also used strategic issues which differed from other candidates such as improve education access, improve health service, improve the economic development (KPU Cianjur 2006). Hafsah, a retired Cianjur education official, stated that she voted for Tjetjep because her family mainly worked in the education sector. Tjetjep promised to improve access to education and the conditions of education staff and teachers (Hafsah, Cianjur, interviewed 03 March 2008). Moreover, Tjetjep also used the issue of *putra daerah* (local person). He was born in Cianjur whereas Wasidi originally came from Sukabumi. Other informants also mentioned that they preferred to vote for *putra daerah* as they considered the

putra daerah would be more loyal to their region, thus will manage their region better than non-*putra daerah* (Pipih, Cianjur, interviewed 3 March 2008; Tatik, retired nurse Cianjur, interviewed 12 April 2008).

An analysis of the Pilkada results shows that Wasidi enjoyed support in the city, but lost votes in rural areas (Chirul Anam, the Head of KPU, interviewed 09 March 2008). It seems that Wasidi retained strong support from the elite and organisations that were city-based, while Tjetjep's campaign and non-government organisation (NGO) support was most effective in rural areas.

Tjetjep's campaign team consisted mainly of NGO activists who disagreed with the *Gerbang Marhamah* programme, possibly because programme funding was allocated to religious activities in *pesantren* and Islamic organisations. The NGOs, as non-religious bodies, received little government funding. Following Tjetjep's 2006 election win, many NGO activists who had given him their support were recruited as district government staff. For instance Yudi, an activist from *Lembaga Bantuan Hukum* LBH, or Legal aid, who the Head of KPU (*Komisi Pemilihan Umum*- General Election Commission) during 2006 election, was appointed as a Director of PDAM, *Perusahaan Daerah Air Minum* (Regional Water Supply Company)⁸⁵ after Tjetjep won the election (Bataviase 2010).

Based on a *Lembaga Survey Pilkada* (LESIPA- Election Survey Institute) survey in Cianjur, only 13 per cent of 1, 200 respondents agreed that the next *Bupati* should have a commitment to Islamic Sharia (Seno 2005). About 61 per cent of 1, 200 respondents, from various backgrounds such as farmers, civil servants and entrepreneurs wanted the next *Bupati* to be non-sectarian and refrain from exploiting religious issues. According to the director of LESIPA, Ikhwan Syarifudin, the Cianjur people were now more educated and more discriminating about their leaders. The people preferred to elect a leader who could solve problems rather than one who only offered words. (Seno 2005).

⁸⁵ The elected *Bupati* of Cianjur 2006-2011 periods, Tjetjep Muhtar Soleh, appointed Yudi Junadi, as the Director of PDAM Mukti based on the Bupati Decree No. 824.2Kep Cianjur. 68/BKD/2007 dated 8 October 2007. The appointment of Yudi Junadi provoked protests because it was considered legally flawed (*cacat hukum*) and not implemented according to the proper procedure (Bataviase 2010).

6.7 Sharia as a Campaign Strategy in Bulukumba

Perda Sharia, commonly known as ‘Perda keagamaan’ in Bulukumba,⁸⁶ was first initiated by Andi Patabai Pabokori, who was *Bupati* for two periods: 1995–2000 and 2000–2005. The idea came a long time before he became the Bulukumba *Bupati* (Andis 2004). In the 1992–1995 period, when he was the Regional Secretary (*Sekertaris Daerah*: Sekda) under *Bupati* Andi Thamrin, Patabai was often given the task to represent the *Bupati* in rural areas. During his visits, he observed that Bulukumba had a strong religious culture dating from the seventeenth century, when three Islamic scholars from Sumatra—Dato’ Tiro, Dato Ribandang and Dato Patimang—who are believed by Bulukumba people to be saints, arrived. Dato Tiro had a significant affect on the Bulukumba community by emphasising the Islamic teaching of *Tasawuf/sufi* (mysticism/Sufism).

However, Patabai considered that Bulukumba’s Islamic culture had declined into decadence. In response, he initiated programmes aimed at revitalising Islamic culture (Andis 2004). In the early years of his appointment as a *sekda*, Patabai established religious organisations based in mosques. These included *Remaja Masjid* (Youth Mosque) and AlQur’an Education Centre for kindergarten and junior years, such as *Taman Kanak-kanak AlQur’an* (AlQur’an Kindergarten) or TKA, and *Taman Pendidikan Alqur’an* (AlQur’an Education for Junior) or TPA, although they were not run optimally.

In 1994, Patabai revitalised a Muslim Youth Program (BKPRMI), which had been established in 1989 (Andis 2004, p. 21). He strongly supported any activities related to Islam and religiosity, such as the TKA and TPA (AlQur’an education centre for kids) activities. As a result of his involvement and support for Islamic activities in the Bulukumba community, Patabai was both well-known and popular. In 1995 he was appointed *Bupati* of Bulukumba. Patabai considered this appointment as his destiny and a blessing from God (Patabai, the former *Bupati* of Bulukumba, interviewed 13

⁸⁶ The issue of (*Perda*) Sharia was more sensitive in Bulukumba than in Cianjur. When I conducted an interview with *Asda III* (*asisten Daerah: the Regional Assistant*) and asked about *Perda* Sharia, the *Asda* answered that Bulukumba was upset that it was not implementing *Perda* Sharia, but implementing religious-nuanced regulations (*Perda bernuansa keagamaan*). A further discussion of the term ‘*Perda* Sharia’ can be found in Chapter 3, which discusses the politics of nomenclature.

June 2008). During his time as *sekda*, Patabai had done much to elicit community support.

Since becoming *Bupati* in 1995, Patabai promoted Islamic-related activities, including the *Porseni Remaja Masjid* (Sport and Arts Competition for Mosque Youth activists) (Kamil & Bamualim 2007a, p. 280). He also became more active in the BKPRMI, with his contribution as the Best Coach and Advisor of the Mosque Youth recognised at the national level (*Pengayom Terbaik Pembina Remaja Masjid Tingkat nasional*). He was also awarded the prestigious *Peniti Emas* (golden pin) from the Indonesian president in 1997 (Andis 2004, p. 41; Kamil & Bamualim 2007a). Since then, Patabai's enthusiasm for promoting and supporting Islamic activities only increased.

During 1997 to 1998, all mosques and *surau*⁸⁷ established AlQur'an learning centres for children and adults (TKA and TPA). During this period, Patabai also established many *Majlis Taklims*⁸⁸ (Islamic Religious Learning Groups) for women. In 1998 Patabai established *Forum Komunikasi Majlis Taklim* (FKMT), the Communication Forum of *Majlis Taklim*, as an umbrella organisation and mediator for the *Majlis Taklim* groups. The FKMT was later renamed *Badan Kerjasama Majlis Taklim* (BKMT), the Cooperation Council of Majlis Taklim (Andis 2004, p. 57). Apart from that, he also established *Taman Pendidikan Orang tua* (TPO-AlQur'an Learning centres for adults). When students finished their Qur'anic studies, the *Bupati* signed their graduation certificates. Patabai would often attend graduation ceremonies, adding to the occasion's prestige (Andis 2004).

Bupati Patabai was both popular and a populist, often avoiding official protocols. Patabai almost always accepted invitations to graduation ceremonies and Koranic recitations. He often gave food or money to people he visited (Kamil & Bamualim 2007a, p. 281). After he implemented regulations about Muslim clothes, Patabai would carry *jilbab* in his official car; and distribute these to any women who were not wearing *jilbab*. During *Ramadhan* (the fasting month), Patabai often brought people to the Masjid al-Markaz in Makassar (Patabai, Makassar, interviewed 13 June 2008).

⁸⁷ *Surau*, also called *musholla*, is a little mosque, mainly for *shalat jamaah* (congregational prayers). Separate to mosques, *surau* are not used for *shalat jum'at* (Friday prayers)

⁸⁸ Further discussion on Majlis Taklim, read Andi Faisal Bakti, *Majelis Azzikra: New Approach to Dakwah for Civil Society in Indonesia* (Bakti 2006).

This gesture emerged from the *Bupati*'s endeavours to resolve a village conflict, when he took two groups involved in a conflict to Makassar for breaking the fast (*berbuka puasa*), *shalat Tarawih*, during *Ramadhan* and visit Makassar's most famous Mosque, Almarkaz Al-Islamy (Patabai, Makassar, interview 13 June 2008; (Kamil & Bamualim 2007a). Visits to the Mosque have become a tradition, when, for 10 to 15 days of Ramadhan, Patabai took religious and community leaders to visit Mosque Al-Markaz Al-Islamy (Kamil & Bamualim 2007a).

In Bulukumba, *Bupati* Patabai used the issue of Islamic Sharia to promote himself as a populist leader and supporter of religious activities, which assisted his re-election for a second period (2000-2005). During this second period, he implemented *Perda keagamaan* (religious regulation). The implementation of this regulation did not only obtain support from organisations in Bulukumba, but also from outside the district such as the KPPSI. However, Patabai argued that it was his activities and programmes in Bulukumba that supported the KPPSI rather than the other way around, Bulukumba had pioneered the implementation of *Perda* Sharia in South Sulawesi (Patabai, Makassar, interviewed 13 June 2008). Bulukumba was the model for the implementation of *Perda* Sharia. Nevertheless, the support from outside Bulukumba was very important to further his career as he could not be elected for a third period as *Bupati*. Many members of the KPPSI held senior positions in Makassar. When Patabai finished his term as *Bupati*, he was appointed Head of the Education Department in South Sulawesi (*Kepala Dinas Pendidikan Sulawesi Selatan*). He also became the leader of *Forum Umat Islam* (FUI), the Muslim Forum South Sulawesi (Patabai, interviewed 13 June 2008). Patabai's promotion of Islamic values and support of Muslim organisations broadened his networks outside Bulukumba and advanced his political career.

6.7.1 The Crash Programme: One Step Towards *Perda* Sharia

In 1998, several years before Patabai implemented *Perda* Sharia, called *Perda keagamaan* (religious regulation), Bulukumba implemented a 'Crash Programme Keagamaan'⁸⁹ (The Crash Programme of Religiosity). Andi Mahrus, one of the *Bupati*'s assistants, explained that the purpose and motivation of programme was to

⁸⁹ The name of 'crash program keagamaan' based on my interview with Patabai and Mahrus Andis, aims to give an understanding that this program has to be implemented quickly, as the word 'crash' conveys.

promote community religiosity and piety (Andis 2004). The ‘Crash Programme Keagamaan’ was Patabai Pabokori’s⁹⁰ initiative and won support in the community and Islamic organisation,s including the NU and Muhammadiyah. The programme was launched by the Governor of South Sulawesi, HZB Palaguna, and funded generously with a budget of more one billion IDR (Andi Mahrus, the *Bupati* Assistance on Law Division, interviewed 10 June 2008).

The programme consisted of: Coaching and Development of Youth Mosque (Pembinaan dan Pengembangan Remaja Masjid)⁹¹; Coaching and Development of Alqur’an Learning Centre for Children and Juniors (Pembinaan dan Pengembangan Tempat Pendidikan Alquran Anak dan Remaja); Coaching and Development of *Majelis Taklim* (Pembinaan dan Pengembangan *Majlis Taklim*); establishment and development of libraries in mosques; establishment of programmes for memorising Alqur’an; establishment and development of Islamic arts; empowerment and management of *zakat* (alms), *infaq dan shodaqah*; preservation of the happy, harmonious and prosperous family (Andis 2004).

The eight points of the Crash Programme reflected the district government’s approach to the promotion of religious values and activities. Following the Crash Programme, in the second period as *Bupati*, Patabai implemented the *Perda keagamaan* or *Perda bernuansa Islam* (Islamic-nuanced regulation). These regulations included: *Perda* No. 3/2002 on banning, supervising, and selling alcoholic beverages; *Perda* No. 2/2003 on the management of *zakat*, *infaq* and *sadaqah*; *Perda* no 4/2003 regulating Muslim dress; *Perda* no. 6/2003 on promoting reading Qur’an for students, and brides and grooms (Andis 2004).

⁹⁰ However when I interviewed the chairman of NU who also the chairman of MUI, he said that he is the person who had the idea of the implementation of ‘Crash program keagamaan’ and ‘*Perda Keagamaan*’, however, he said that he did not bother even though the *bupati* who got an award instead of him, and the *Bupati* became popular instead of him as the initiator of the program, as long as the objective for having religious community was realised.

⁹¹ Coaching and Development of Youth Mosque (Pembinaan dan Pengembangan Remaja Masjid) is part of the *perda* sharia program in Cianjur, which is called Gerbang Marhamah. This program mainly focuses on Islamic education for youth engaged in activities based in mosques

6.7.2 *Perda keagamaan* or *Perda Sharia*: the politics of nomenclature in Bulukumba

In this section I will discuss the politics of nomenclature of *Perda keagamaan* in Bulukumba. Before I came to Bulukumba for this research, I visited Makassar. I was informed that I had to be careful to use proper term for the Sharia-influenced regulation in Bulukumba. Some informants in Bulukumba were not happy when I mentioned *Perda Sharia* and I was told that Bulukumba had no *Perda Sharia*. I was shocked because this upset my research plans. However finally I found out that the term *Perda keagamaan* was used instead of *Perda Sharia*. Andi Mahrus, Regional Assistant, explained:

Bulukumba has never enacted Sharia regulations, and there was no one capable of regulating Sharia... what we enacted were Islamic-nuanced regulations (Perda bernuansa Islam), including [regulations on] Muslim dress, attitude and behaviour of Muslims (Andi Mahrus, Bulukumba, interviewed 10 June 2008)

However, the informants' explanation of the difference between *Perda Sharia* and *Perda keagamaan* was rather confusing. According to some informants, *Perda keagamaan* was not related to the *fiqh* or Sharia law, but rather regulated matters in order to promote Islamic values in the community. Andi Mahrus explained the difference between *Perda Sharia* and *Perda keagamaan* in these terms:

Perda Sharia is related to fiqh (jurisprudence) and Sharia which mean we have to obey all regulations determined by religion. In fact, what we enacted were Islamic-nuanced regulations [not Perda Sharia] aimed to make Muslims aware that they are Muslims and should behave in an Islamic manner (Andi Mahrus, Asda 3 Bulukumba, interviewed 10 June 2008)

Further, according to Patabai, the aim of the regulations was simply to Islamise Muslims and to neither implement Sharia, not establish an Islamic state, nor create a Sharia-based constitution.

If the substance of regulation No 3/2002 on Prohibition, Supervision, Control and Alcoholic beverage sales is examined, it is not *Perda Sharia* (Kamil & Bamualim 2007a, p. 283); the preamble does not refer to Sharia law but rather to the Indonesian constitution (*Undang-Undang Dasar*), Laws (*Undang-undang*) and instructions of the president (*instruksi presiden-inpres*). This regulation was motivated by high levels of

criminal activity associated with the consumption of alcoholic beverages. Tjamiruddin, chairman of the MUI, explained that in the early 1990s Bulukumba was considered to be unsafe. The level of criminality associated with drunkenness, drugs, gambling and theft was high. Especially at night, inter-gang violence led to fatalities (Tjamiruddin, the Head of MUI, interviewed 06 June 2008). Since the implementation of this regulation, it was claimed that crime rates declined significantly, as reflected in the table below. The *Bupati* promoted his programme as successfully dealing with crime (Patabai, interviewed 13 June 2008). He was invited to deliver a presentation on the success of *Perda keagamaan*. Bulukumba district also pioneered the implementation of Sharia-influenced regional regulation. Therefore, it was not surprising that Bulukumba became a reference point for other districts planning to implement *Perda* Sharia.

Table 1: Criminal activity in Bulukumba District 2002–2005

No	Crime	2002	2003	2004	2005
1.	Murder (<i>pembunuhan</i>)	10	8	6	2
2.	Physical Assault (<i>penganiayaan berat</i>)	8	11	5	-
3.	Theft (<i>pencurian</i>)	78	75	27	3
4.	Rape (<i>pemeriksaan</i>)	41	3	3	-
5.	Narcotics	3	1	3	-
6.	Animal Theft (<i>pencurian hewan</i>)	32	13	1	-
7.	Gambling	9	17	9	-
8.	Selling/Consuming alcohol	25	17	14	6

Source: Bulukumba District Police 2006

However, according to residents in that area, and some informants, the decline of criminal activity and associated increase in security was not merely due to the new regulations: a gang leader thought responsible for many of the crimes was killed during a police raid (Rina, Hajar, Abu, Bulukumba, interviewed 12 May 2008).

6.7.3 The ‘Crash program’ and electoral success

Reflecting his popularity and community support, Patabai was re-elected as *Bupati* for a second term, 2000-2005. His implementation of *Perda keagamaan* was supported

by the community, NU and Muhammadiyah. Patabai acknowledged that *Perda keagamaan* was supported by KPPSI (Komite Persiapan Penegakan Syariat Islam, the Preparatory Committee for the implementation of Islamic Sharia). He was a member of the advisory board (*Majelis Syuro*) of KPPSI⁹². However, Patabai argued that his objective was to promote Islamic values in the Muslim community, rather than impose strict Sharia or establish an Islamic state (Patabai, interviewed 13 June 2008).

There were indications that introducing *Perda* Sharia in Bulukumba was a way of hiding the real problems such as corruption and poverty. (Rustam, Saiful, Hayya, Bulukumba, interviewed 05/06/2008). Research conducted by the Centre for Study of Religion and Culture (CSRC), UIN Jakarta concluded that the implementation of Sharia diverted attention from the government's failure to develop Bulukumba's infrastructure: compared with neighbouring districts, Janeponto and Bantaeng, Bulukumba's infrastructure was lacking. (Kamil & Bamualim 2007a, p. 291). Buehler's research revealed that *Perda* Sharia enabled the elected *Bupati* to implement *Perda* on *zakat* by collecting *zakat*. The *Bupati* controlled the income from *zakat* which increased the revenues of the district government. Buehler observed that in Barru district in South Sulawesi, the incumbent *Bupati* distributed *zakat* before and after his election to consolidate power (Buehler 2008). Nevertheless, this research found that *zakat* collection was not merely for the *Bupati's* support, but was mainly to help poor by distributing funds to them. In *desa* Padang, Bulukumba, some *zakat* funds were allocated to a school for the poor and orphans (Irma, interviewed 08 June 2008).

6.8 The Advantages of Using Sharia as an Election Issue

In both Cianjur and Bulukumba *Perda* Sharia, in its various manifestations, was central to the political discourse and the election campaigns. However, the Sharia issue is anomalous. According to Bush (2008b), *Perda* Sharia's peak implementation time was during 2003, having grown stronger since 1999. After 2003, support for *Perda* Sharia experienced a dramatic downturn. According to Hosen Muhammad (2010), a Commissioner of *Komnas Perempuan* (National Commission on Violence Against Women), despite this decline in a number of the districts that had

⁹² KPPSI was discussed in chapter 5.

implemented *Perda* Sharia since 2003, campaigns to implement *Perda* Sharia in other districts continued. Approximately eight other regions proposed to implement *Perda* Sharia during 2005-2008. Already existing *Perda* Sharia were neither annulled nor revoked.

This research suggests that candidates used Sharia successfully to win election until 2005. However, since then, supporting Sharia has not guaranteed electoral success. Sharia was one among several factors that determined electoral outcomes. One possible explanation may be that in the first years after Soeharto's resignation and the monetary crisis, many people considered the established economic and political system had failed. Islam was considered to be an alternative to the failed system and a solution to the crisis. Thus, Sharia's popularity increased, especially among groups seeking reform. The early years of reform were characterised by freedom of expression and organisation; many Islamic organisations repressed by Soeharto now had the opportunity to campaign for Sharia Islam. Although most of these organisations and parties were established before *Perda* sharia became an issue, they supported implementation of Sharia, including formalist Islamic Parties such as PPP, PBB and PKS⁹³, and formalist Islamic groups such as HTI (*Hizbu Tahrir Indonesia*-Indonesian Liberation Party). I would argue that Sharia was more important as an election issue when the *Bupati* was elected through the DPRD, prior to the introduction of direct elections in 2005.

According to Bush (2008), since 2005 the importance of *Perda* Sharia as a political issue had declined, and most of the candidates who used the issue of Sharia lost the election. By 2005, *Perda* Sharia had been implemented in many districts; however, communities had not always experienced the anticipated positive changes. In addition, substantial problems regarding corruption, free education, poverty and free health services remained unsolved. After 2005, the candidates who promised to solve these sorts of problems enjoyed more success. Some NGOs had campaigned against pro-Sharia candidates. Although it is difficult to quantify the impact of these campaigns, some of my informants, mostly from outside the district, came to oppose Sharia as a result of the NGO campaigns (focus group discussion, 21 April 2008).

⁹³ In 2002 the PK (Prosperous Party) was re-named the PKS (*Partai Keadilan Sejahtera*, Justice and Prosperity Party).

However, in the case of the 2006 Cianjur election, the candidates, including the successful one, continued to use Sharia and Islamic morality as campaign issues.

Islamic Sharia is not the only factor that determines a candidate's success. However, the issue did attract voter attention, and created both positive and negative controversy for candidates. In some cases, the Islamic Sharia issue was used successfully. Traditional and conservative Muslims tend to follow what their religious leaders say. Candidates were more successful if they were supported by religious leaders. The *ulama* are influential figures in districts like Cianjur and Bulukumba, where their knowledge and piety is respected by their many followers and students (*santri*). The relationship between *kyai* and their followers is that of patron-client. However, recent research shows that the influence of the *ulama* and *kyai* has decreased since they have become more politically involved (Molasy 2009). The candidates who supported Sharia also enjoyed support from hardline Islamist groups. In Cianjur and Bulukumba, GARIS and KPPSI, Islamist groups based outside the district, influenced electoral outcomes in elections held before 2005. The role of these groups is discussed in chapter four.

Conclusion

From the research in Cianjur and Bulukumba it can be concluded that Sharia was an influential issue in *Bupati* elections in both the old and new election systems. However, the Sharia issue was more influential and effective in Bulukumba and Cianjur when the *Bupati* was elected by the district parliament, partly because lobbying could be focused solely on the DPRD members and on a single issue. It also enabled organisations like GARIS and KPPSI to pressure, if not intimidate, DPRD members. Further, this research also found that Sharia was used during campaigns in the *Bupati* elections most successfully in the early years of reform. This was a time when many Islamic groups, restricted in their political activities during the Soeharto era, used the reformation era's greater freedoms to advance their agendas.

Implementing Sharia during 1999–2005 was very popular. Many people thought that the political system had failed and were frustrated with Indonesia's circumstances. They sought an alternative ideology and considered Sharia to be perfect.

The move from DPRD-based to direct election of the *Bupati* influenced the politics of *Perda* Sharia. I argue that this change significantly contributed to the use of Sharia in campaigns. During the 2005 direct election, Sharia had to compete with a range of other issues, including free education, health and corruption. Apart from that, candidates needed to mobilise support from broader sections of society and not just members of the DPRD and activist groups.

There was a difference between Cianjur and Bulukumba. Ideas about implementing Sharia in Bulukumba had a long history and pre-dated regional autonomy. In Cianjur, the issue of Sharia arose immediately prior to the first post-Soeharto election for *Bupati*. This contrast suggests an ideological motivation for Sharia in Bulukumba, rather than political interest. Patabai, the former *Bupati* in Bulukumba, had mounted a protracted and consistent campaign in support of Sharia.

However, this analysis of the *Bupati* elections in Bulukumba and Cianjur suggests that the use of sharia issues not always benefited the candidate unless Islamic groups gave their support, and when it reflected broader community aspirations. The successful implementation of *Perda* Sharia resulted from good cooperation between idealist and pragmatist groups. The idealists developed and articulated the idea of Sharia, and the pragmatists used their authority to implement it. Nevertheless, the implementation of sharia, whether it has been in a campaign for direct or indirect election, has become a contested issue for women's security. Chapter 7 examines women's security in greater depth.

Chapter 7: Contesting Women's Security and *Perda* Sharia

7.1 Introduction

do they (the political elites) know what security is... do they know, to whom security belongs?... they were arguing about our security because they do not know that women's security belongs to each woman (Yuli, 26yo, female government staff member, Cianjur, interviewed 13 March 2008)

This comment was made during interviews conducted in two districts: Bulukumba in South Sulawesi and Cianjur in West Java. During the interviews, the informant asked me why I was researching this topic. After I explained my reasons, she complained that many members of the political elite claimed that their policies protected women and yet they never asked women's opinions prior to making those policies. In this chapter I intentionally use many direct quotes from my interviews, particularly the female informants. This gives them an opportunity to share their voices; their opinions and experiences regarding women's security are very significant and tend to remain unheard.

Debate about human and women's security is relatively new to Indonesia. The issue has become sensitive after many districts implemented *Perda* Sharia that regulated women's dress and behaviour. During the introduction of *Perda* Sharia, women's attire and security has been prominently debated. Debates and discourse about women's security has mainly taken place between the supporters and opponents of *Perda* Sharia. Some supporters argue that *Perda* Sharia enhances women's security, whereas their opponents argue that *Perda* Sharia creates discrimination against women, restricting their freedom and threatening their security.

This chapter will explore definitions of human security and women's security, and examine the security of women under the implementation of *Perda* Sharia in the districts of Cianjur in West Java and Bulukumba in South Sulawesi. This chapter argues that the concerns and motivations of the mostly male decision makers regarding the implementation of *Perda* Sharia is not for enhancing women's security, but is rather about their own political 'security'. Understandings of women's security among male

decision makers are gender biased. Many women become targets, or even victims, and are merely the object of the regulation.

This chapter is divided into four parts. The first explores the impact of *Perda* Sharia on women, particularly on women's security. The second explains and elaborates women's security issues in the Indonesian political context. The third part explores women's own experiences and perceptions on security, based on interviews conducted in 2008. The final part offers a summary and conclusion.

7.2 *Perda* Sharia and Women's Security

One objective of *Perda* Sharia was the enhancement of community morals; this had implications for perceptions of women regarding their security. Some women believed that wearing the *jilbab* ensured greater adherence to religious teachings: a woman who wears the *jilbab* is a better Muslim than one who doesn't. Therefore, it is not surprising that many women also agreed they felt more secure and respected when wearing *jilbab*. They believe they are religiously obliged to wear *jilbab*. One female informant said:

If we want to be secure, we have to refer to Islam and respect the local culture/custom... we are bound by our belief. We have customs, have ethics, a norm, so we are very grateful living in Islamic country, unlike others. (Yayuk, female, Cianjur interviewed 21 June 2008)

The women feel secure because they fulfil community expectations and religious obligations, and conform to gain security. However, they disagreed that the regulations forced women to wear *jilbab*. According to them, the woman decides whether or not she wants to wear *jilbab*. In this respect, women have authority and autonomy in decision-making, and so experience security.

Surprisingly, the majority of female informants accepted the implementation of *Perda* Sharia, despite the regulation obliging them to wear *jilbab*, and restricting them to some extent. They believe that wearing *jilbab* is a religious obligation, and the government regulation on veiling (*Perda* Sharia) is in accordance with religious teaching. People support the regulation because they believe the government has the authority and the right to improve their people by these means. In addition, for Cianjur, acceptance was also motivated by the fact that *Gerbang Marhamah* only

obliged government staff to wear *jilbab* during work hours. Thus, it was like a uniform. For women in general, the regulation was merely a suggestion. Bulukumba's *Perda Keagamaan*, in contrast, not only required government staff but also all of women in the district to wear *jilbab*. Some female informants reported carrying scarves in case of raids, and to wear in public.

Nevertheless, these female informants in general accepted the regulation, they accepted the state's role in supporting Islamic values. During the interviews, most female informants said that they felt more secure since the implementation of *Perda* Sharia, for several reasons. First, more people are wearing *jilbab* and acting more religiously. Greater religious feeling is ensuring greater comfort and security. Second, the regulation relating to women's dress does not involve punishment, particularly in Cianjur. Third, at the time of my research, the regulation had been in place for more than three years. Enforcement of the regulation had decreased, and greater flexibility in choosing to wear the *jilbab* was apparent. As one female informant related:

The regulation was fully enforced immediately after it was implemented, but now is not anymore. Thus I feel more secure (Suryani, Bulukumba, interviewed 29 July 2008).

This decrease in regulation-related raids and pressure several years after *Perda* Sharia was first implemented led to feelings of greater security among the female informants. They were less likely to experience embarrassment from not wearing *jilbab*.

7.3 Women's and Minority's Security

Perda Sharia was introduced in Muslim-majority areas that had Christians and other minority populations. However, the right to religious freedom and practice was guaranteed and respected. Community members were very tolerant of existing differences. Although not many informants mentioned freedom of religious practice, some non-Muslim informants stated that the implementation of *Perda* Sharia did not affect their religious freedom. However, the implementation of *Perda* Sharia has increased the number of women wearing *jilbab* and this made their non-Muslim appearance more apparent.

Most of the informants agreed that *Perda* Sharia would give women greater security. However, some informants argued that *Perda* Sharia could jeopardise their security

and their freedom; these were mainly activists were involved in human rights advocacy, and were a minority in both districts. Other informants agreed with *Perda* Sharia, with some reservations. This group included both non-Muslims and Muslims, who didn't wear *jilbab*, but were willing to conform with the regulations in order to achieve greater security

Christians accepted the implementation of *Perda* Sharia's implementation as it only applied to Muslims. Some complaints and objections arose regarding the ineffectiveness of *Perda* Sharia; alcohol consumption was still common, although it was restricted under the regulation. The obligation to wear *jilbab* was greater than expected. As one informant noted:

During the celebration of Indonesian Independence there was marching and the people who joined the marching had to wear jilbab, no matter they were Chinese or Christian, including my daughter she had to wear jilbab (although she is Christian)...for Toraja women, veiling (covering their head) is a sign for condolence⁹⁴...it was a bit silly as the marching [by wearing head-veil] was not religious activity but rather sport (Lewi, Christian Bulukumba, interviewed 16 June 2008).

During the interviews, Christians did not mention discrimination overtly, and did not admit to experiencing it. However, I got the impression that they had been subject to intimidation, harassment and discrimination. As one of the informants said:

We have never experienced intimidation... [however] many people did not know the regulation [that there are exceptions for non-Muslim], thus government staff who were Christian and Chinese, including my daughter have always been reprimanded for not wearing jilbab. However, after they know that she is my daughter, she has never been reprimanded anymore (Lewis, Christian, government staff, Bulukumba, interviewed 19 June 2008).

Bulukumba Christians are a minority, with about 50 households, and 200 members. Although Christians are subjected to unpleasant treatment, they relent and conform because of their minority status. They want to maintain social tolerance and harmony. Therefore, they accept *Perda* Sharia to gain security as a minority group.

Some female government staff who are Muslim but do not regularly wear *jilbab*, comply with the regulation by wearing *jilbab* during work hours. They remove *jilbab* after work, and accept the *Perda* Sharia simply to maintain job security.

⁹⁴ The Toraja women usually wear head cover called *passapu* during funeral ceremonies.

7.4 Defining Women's security: the Indonesian Context

The implementation of Perda Sharia is good. It regulates the women how to behave and to be a good woman... thus women feel more secure and respected (Yayuk, a homemaker,⁹⁵ Bulukumba, interview 21 July 2008)

There is no improvement (since the implementation of Perda Sharia) for the women's security... in fact that, it could jeopardise women's security, especially for women who are not wearing jilbab (Diana, female government staff, Cianjur, interview 8 April 2008)

The two quotes above illustrate the broad spectrum of women's opinions regarding their security. Among the women themselves, opinion differed from support to refusal, regarding the implication of *Perda* Sharia on their security. This section will examine women's security within the context of *Perda* Sharia in two districts of Indonesia: Cianjur in West Java Province and Bulukumba in South Sulawesi. I will analyse the interviews, and use the Commission of Human Security's definition of human security. This chapter will also explore how the opinion and understanding of informants regarding human/women's security discourse during the the implementation of *Perda* Sharia, and how the women interviewed conceptualise human security.

Women's differing experiences affect their perceptions of security. In the districts where I conducted research, most of the informants did not have a concept of human security. Informants had not experienced conflict in their districts, and were not familiar with the concept of human security. Their understanding mainly reflected notions of traditional security: freedom from conflict and violence, where 'peace means the absence of war' and 'security means absence of threats or communal conflict'. A member of a women's organisation referred to the implications of *Perda* Sharia for the human security:

So far, safe, not that much problems here, no conflict, not that much criminal acts, and no war,.. so I think there is no problem with [women's] security" (Yani, Political Party activist, Cianjur, interviewed, 12 March 2008).

I needed to explain in more detail to the informants about the meaning of human and women's security. I did this by explaining to them the definition of human security

⁹⁵ I intentionally use term homemaker, a gender-neutral term preferred to housewife

from the Commission of Human Security (CHS) which is ‘freedom from fear and freedom from wants’ (CHS 2003). However, the term of ‘freedom’ (*kebebasan*) and free (*bebas*) have negative connotations in these two regions. Thus, most of the informants argued that freedom would not guarantee women’s security. Instead, as a woman, they have to limit their freedom and restrain themselves from wants. They must obey community norms by following religious and social rules, and respect the local culture. As one female informant from Cianjur said:

We cannot refer to the Western culture that has freedom, a freedom to do everything... So they are free to express but too far, so, I think it is not even safe...[we live in] this Islamic country with its rules, well we feel protected, that our community as it is... although other people [from other country] said that it is monotonous, but in terms of security, I think so secure (Yani, interviewed 14 03 2008).

Women feel secure as long as they conform to community expectations of their behaviour and attire. In Cianjur and Bulukumba, the term ‘freedom’ has negative connotations, which according to some informants are associated with western culture. These freedoms are incompatible with local culture and local wisdom. Some Indonesian terminology that uses the word ‘free’ or ‘freedom’ (*bebas/kebebasan*) has negative connotations such as *sex bebas* (free sex), *budaya bebas* (free culture), *pergaulan bebas* (promiscuity). During the interviews, some informants used terms that refer to independence, self-determination, and autonomy, which have more positive connotations than ‘freedom’. These terms express a freedom with limitations. These terms also allow women greater agency.

Notions about women’s agency have a strong correlation with ‘choice’, in the sense that the individual is free to choose to act or not to act, and in doing so, to select whatever action she desires or may discriminate between different available options and pick the most suitable (Hughes 2002:83). Furthermore, Gammeltoft (2001, 1999:6) also broadly defined agency as ‘an individual making active choices’. However, agency is always conditioned by either the local or wider sociocultural, economic and political context - such as cultural perceptions (Gammeltoft 2001). Most agency is taken to mean that individuals make decisions based on their available choices within the limits of their constraints.

Sherry Ortner (2006) explained agency as a form of power including the empowerment of the subject, the dominance of others, the resistance to domination and so forth. Agency is a form of intention and desire, as the pursuit of goals and the enactment of projects. However, there is always a possibility of exercising agency. Defined in this way, every culture, every subculture constructs its own forms of agency (Ortner 2006).

With regard to women's security, agency is related to autonomy, that is how women understand and deal with (security) situations, by selecting the most suitable choices among the available possibilities within the constraints of local sociocultural, economic, or even political context, which can be thought of as local wisdom. In exercising agency women are using their local wisdom. Thus, women understand human security not as a freedom but more as an authority to act or to choose within the constraints of local wisdom.

With regard to women's security, I see agency is related to autonomy, that is how women understand and deal with (security) situation, by selecting the most suitable choice among the available possibilities within the constraints of local sociocultural, economic, or even political context, which I call it local wisdom. Thus, the women understand the human security concept is not as a freedom but more as an authority to act or to choose by always considering the local wisdom.

Therefore, each time informants use the term freedom, they always emphasise an associated 'limit' (*kebebasan yang terbatas*). Apart from that, women think that if they are given freedom, to some extent they are being abandoned (*di biarkan, tidak dipedulikan*).

As questions about security were considered rather awkward in no-conflict areas like Cianjur and Bulukumba, I used more familiar terms that the informants associated with security, such as, *rasa aman* or *keamanan*. These terms suggest safety, protection, peace, comfort and security, and I used these alternative terms to question informants about human and women's security.

The CHS definition of human security emphasises freedom and is not fully applicable in the two districts, where women prefer to practice ‘restraint’, ‘self-control’ and ‘autonomy’ as well as ‘refrain’ from certain behaviours to gain security. Discourse on human security is not familiar to the Indonesian public; even the government has failed to promote discourse on the subject, and lacks a good understanding of it. Thus, many regulations are implemented that jeopardise both human and women’s security. These regulations are confirmed by the community. The western cultural context was the background of the definition on human security developed by the Commission on Human Security (CHS 2003), contrasts with local wisdom and local cultural values regarding women’s experience in the districts where the research was conducted. It is not surprising, therefore, that most informants disagreed with the concept of human and women’s security as stated by CHS. Standards cannot be generalised, and local wisdom must be respected. Therefore, understanding local wisdom and culture is vital to conceptualise human and women’s security so that local communities will gain familiarity and acceptance.

Differing perceptions regarding the definition of security obviously depend upon who has the political resources and power to control their circumstances. In a patriarchal society such as Indonesia, men have a much stronger position and more power than women. In addition, the men who have the authority to impose definitions of security very often ignore the women’s concerns. As Hara (2007) has stated, many policies have been based on ‘masculinist-dominant’ discourses. These discourses produce, strengthen and uphold gendered conditions of human insecurity. In the districts, where the men dominate the district parliament, regional regulations are based on male perceptions about women. For example, security is defined as security from immoral activities. In turn, these immoral activities are defined as being caused and initiated by women’s behaviours and fashions (Hara 2007). Therefore, according to this masculinist perspective, moral regulations should control women’s behaviour and how a women should perform in order to be a ‘good woman’ (*sholehah*). Accordingly, male-dominated parliaments in some districts produce regulations that oblige women to wear *jilbab*, or impose night-time curfews. There is also an implied threat. Women who do not conform to the regulations will lack security and will be considered to have a bad moral standing. These assumptions mainly refer to Hadith or

a section in Alqur'an, which were interpreted under the strong influence of patriarchal values. As one Islamic scholar and the head of MUI⁹⁶ in Cianjur, Kyai Halim, states:

In the Hadith, it is clearly stated, 'The most devout people are the people who respect the women'. And the regulation about jilbab is aimed to respect women...veiled women is a good sign and it means good women [sholehah] (Kyai Halim, the Head of MUI Cianjur, interviewed 02 February 2008).

Most informants, including the women, understood that by having good morals they would be respected. They would be safe from assault or harassment, and would thus feel more secure. Good moral standards are based on 'masculinist-dominant' discourses. This understanding, which reflects local culture and religious teaching, and was interpreted from a patriarchal perspective, has been taught from generation to generation and is now common-practice. Below a male religious leader, Kyai Choirul, explains the need for patriarchal moral standards:

Do not blame men if women were insulted or harassed, yeah... it is because women who invite those acts by not covering her whole body (pakaianya buka-bukaan)... it attracts the sexual arousal of men (Kyai Choirul, 13 02 2008).

Women were not considered to be the victim, rather they were blamed for causing immoral and criminal acts. This attitude derives from moral standards based on a patriarchal perspective. Moreover, the patriarchal moral standards were believed by both men and women. Yayuk, a member of the Democratic Party (Partai Demokrat-PD) in Cianjur related:

Being secure is when we can protect ourselves by dressing modestly; cover our body properly, so it will not invite other people to act impolitely to us (Yayuk, Cianjur, interview 09 May 2008).

This shows how a regulation related to women is formed and based on patriarchal perceptions. These perceptions assume that women will experience sexual harassment or even rape if they show certain parts of their bodies. Regulations are enacted that define women's bodies and their sexuality as dangerous, and need to be secured (covered). In fact, women's bodies belong to the women themselves and they should have rights to their own bodies (Women Research Institute 2007).

Women's morals thus become core to both community and state security; security depends upon women's moral attitude. Women have a responsibility to maintain

⁹⁶ MUI is acronym of *Majelis Ulama Indonesia* (Indonesian Council of Ulama)

morality by watching her own attitude, because a woman's attitude reflects the community's and the state's identity and morality. As Kyai Tjamiruddin, the Head of MUI in Bulukumba states:

The pillar of the state is women who have good morals (perempuan shalehah) who are able to teach their kids in a good way. If the kids have good morals, it means the next generation of our state will be good, hence, our country and state will be good, strong and secure (Kyai Tjamiruddin, interviewed 07 June 2008).

A woman with good morals is a woman who wears *jilbab* and *Muslimah* clothes, stays at home to serve her husband and children, and is able to educate the children and manage the home. Some female informants also stated that a good woman should not abandon her responsibilities at home even if she worked and had a prominent career outside the house (Yayuk, a homemaker, Bulukumba, interviewed 21 July 2008; Diana, female government staff, Cianjur, interviewed 08 April 2008; Yani, Political Party activist, Cianjur, interviewed, 12 March 2008). This moral standard is common to both Cianjur and Bulukumba districts, and is practiced in the community.

Regarding community identity, Bulukumba and Cianjur districts made an Islamic vision integral to their cultural identity. An Islamic cultural identity lends a good image to the district. Some informants thought the government implemented *Perda* Sharia to hide what really happens in the districts. Implementing *Perda* Sharia was symbolic, and represented the district's good moral health and religiosity. Instead of addressing urgent issues like corruption and poverty, the government strategy was to 'sweep them under the carpet'. As Yudi, the Head of LBH (*Lembaga Bantuan Hukum*- Legal aid institute) in Cianjur states:

There is no improvement [in community prosperity] since Perda Sharia was implemented... the aim of the government to implement Perda Sharia was to hide their scandals and failure to develop this district, besides shifting [aside] the issues such as corruption and poverty as actual problem that government faces (Yudi, interviewed 02 April 2008).

A female university student in Cianjur states:

The Gerbang Marhamah regulation was simply a symbol. Someone outside Cianjur would say "wow...there is Gerbang Marhamah in Cianjur", but we who live in Cianjur already know that there is no difference before and after the implementation of the regulation, it's just a symbol, in order to make sure Cianjur was still regarded as 'a city of devout muslims' (kota santri) (Ulfa, interviewed 02 March 2008).

Since the regulations were only symbolic, the people experienced no significant change. Moreover, the government proved that such regulations were only effective by enforcing regulations that targeted women, such as those concerning *jilbab* and *Muslimah* clothes. These regulations directly affected women and made women symbols of identity. For instance, Bulukumba district enacted regulations which obliged all female civil servants to wear a veil (*jilbab*). The regulation also forced all female staff to wear *jilbab* during working hours, as well as female students and teachers in schools, and all female citizens who needed services from the district's institutions. Other regulations, such as those regarding *zakat*, on reading Qur'an, were not fully enforced. As Mulia (2001) has explained, historically, every country that implements Sharia law began its political programme by controlling women's rights. She sees this as a political shortcut to legitimacy by making Islam symbolic. Women were easy targets because they were disorganised and subservient to patriarchal values (Mulia 2001).

Research conducted by the Women's Research Institute (Women Research Institute 2007) revealed that the parliament in Banda Aceh municipality proposed regulations to elect village leaders based on selected religious teachings. This closed any opportunity for women to become leaders. One article of the regulation states that leaders must be capable of leading Islamic prayers. In Islamic teaching, this generally means only an adult male⁹⁷. The above interpretations illustrate how Islamic culture reinforces local patriarchal values. Consequently, public space is closed to women (Women Research Institute 2007). Patriarchal social structure has been strengthened by sacrificing women's rights and freedom. Mulia (2001) has also argued that Islam in general, and Sharia law in particular, has been deliberately misused to discriminate against women.

⁹⁷ The Islamic teaching that determined it is only the man, who can lead prayers, has been debated by Muslim activists, especially since Amina Wadud led Friday prayers in America and UK (BBC News 2005, 2008)

7.5 Women Define Women's Security

The definition of security expressed by women is varied and mainly related to their experiences, daily problems and needs. Yayuk, a homemaker from Bulukumba stated:

Being secure to me is when I have a harmonious family in which there is no conflict between a husband and a wife nor [between parents and] the kids as well as [between the family] and the community (Yayuk, interviewed 09 May 2008).

Most women considered the family as the core of their security concerns. It was commonly believed that criminals came from disharmonious families. Security within a family influenced security for the whole community (Yani, interviewed 27 July 2008). Therefore, women would often maintain family harmony by sacrificing themselves as the victims of domestic violence. Bearing this in mind, the enforcement of regulations protecting women from domestic violence, such as Against Domestic Violence Law (*UU KDRT-Undang-Undang Kekerasan Dalam Rumah Tangga*), is of paramount importance to ensure women's security inside families.

Some informants also considered security as freedom, as narrated by a homemaker in, Cianjur:

I feel secure when my husband gives me autonomy freedom and does not easily suspect me, because if we get more freedom, we will be more responsible (Anita, interviewed 07 April 2008).

Trust is vital to women's security. When women are trusted they will feel secure. The freedom to express feelings and their fashion sense by referring to local norms is considered to be part of security. Some informants explained that although they did not wear *jilbab*, they knew how to behave in eastern cultures. Although not wearing *jilbab* does not preclude polite behaviour, they are aware that this will result in more insults and teasing.. A female university student said:

I feel secure when I could walk and no one [boy] whistles or stares at me, even when I am wearing a skirt or tight pants and a short T-shirt (Ayu, interviewed, 7 04 2008).

Economic security is also important. Insufficient finances could lead to family conflict, or could trigger criminal activity in the community, which would eventually affect women's security. Yayuk, a homemaker who is also active in a women's

organisation explained, 'I feel secure when I have sufficient money to feed my family'.

Remaining safe from criminal activity and conflicts have become the main factors in security. Thus, law enforcement by the police to reduce criminal actions and to guarantee security within the community is extremely important. One informant explained: 'I feel secure when there is no conflict within the community. In the last few years, there were so many conflicts among the members of community in different villages in this district' (Nanik, a homemaker, Bulukumba, interviewed 26 July 2008).

7.6 The Politics of Human Security

Political security is one of seven dimensions of human security. According to Hoogensen and Stuvøy (2006) a feminist approach would identify dominant and non-dominant relations based on race, ethnicity and class, which are ignored by the dominant paradigms, and integrate these with human security. Feminist perspectives enrich approaches to human security by uncovering fundamental power relations and inequalities created by gender discourses that place women in weaker positions than men (Hoogensen & Stuvøy 2006). McKay (2004) listed some problems that women should address, including: women's lack of decision-making authority within political and economic systems, the inability to participate in elections and public life, the phenomenon of religious-based oppression. These are the sources of structural violence experienced by women (McKay 2004, p. 161).

In Cianjur and Bulukumba, the implementation of *Perda* Sharia did not improve unequal power relations between men and women. Most policies were made by men, and ignored women's opinions and interests. This was admitted by a compiler of the strategic plan (*Renstra*) of *Perda* Sharia in Cianjur:

There are many women in high positions as government staff [and eligible to be involved in the regulation making process], but we simply forget to involve them in the decision making process of Perda Sharia (Guguh, the compilers of *Perda* Sharia, Cianjur, interviewed 07 March 2008).

It is clear that women are invisible, particularly in political contexts. They are not considered to be active agents with aspirations or concerns about their situation, and

are not actively involved in overcoming their marginal condition in society. Further, women have always been ignored and their accessibility has been unrecognised. Consequently, policies have been made by men. Policies that were supposed to protect women have instead undermined their security. I have included women's accounts of their own experiences in this analysis to give them a 'voice'. Women's experience and opinion regarding *Perda* Sharia is critical to any assessment of whether these district government regulations serve to 'secure and protect' or in fact jeopardise women's security.

A female member of the DPRD in Cianjur mentioned that the participation of women in the decision-making process is urgently required, to define their wants, concerns, interests and needs. She related:

Women have so many problems. In order to protect women, the government tried to enact regulations... however women have never been involved in the decision making process, consequently the regulation became ineffective and failed to solve the intended problem (Titin, interviewed 15 March 2008).

Excluding women from the political and decision-making processes has the potential to threaten their security. In Indonesia, however, women's representation in political institutions is still minimal, as indicated in the following table.

Table 2: Women in Formal Political Institutions in Indonesia 2009-2011

Institution	Women	Total %	Men	Total %
DPD (Regional Representatives Council)	34	25.75%	98	74.25%
DPR (The House of Representatives)	101	18%	459	82%
Minister	3	7.7%	36	92.3%
State Audit Board	0	0%	7	100%
National Election Commission	2	28.6%	5	71.4%
Governor (provincial level)	1	3%	33	97
Mayor/Head of District (municipality/regency)	18	4%	440	96
Civil servant echelon I, II, III, IV	1.807.472	44.50%	2.254.382	45.50%

Source: Data compiled from various resources (Cattleya 2010; Parawansa 2005; UNDP 2010).

The data clearly shows that, in Indonesia, female representation in the political arena in executive, judicial, or legislative branches is far less than men's. At the provincial and district level, female representation is even lower compared to men's. It seems that patriarchal values, which are widely shared by most cultures and ethnic groups in Indonesia, significantly contribute to this situation. The difference between the DPD and the DPR-RI (higher percentage of DPD members than of DPR RI) suggests that part of the problem rests with the political parties and who they nominate for parliament. The DPD 2004-2009 was a non-party institution, as its members were not nominated by political parties (Solopos.com 2010). Whereas low female representation among *Bupati*, *Walikota* and governors might suggest that the more local the political process is, the more patriarchal it becomes.

According to Yudi (KPU Cianjur, interview 29 March 2008), the former head of KPU Cianjur, the 2004 election resulted in 17 seats for Golkar, eight each for PDIP, eight seats for PPP, four seats for PD, three seats each for PKB and PKS, and two seats for PBB. From 45 seats, the female Members of Parliament numbered only eight, or 17.8 per cent. In 2009, the members of female DPRD in Cianjur were nine out of 50 members or 18 per cent (Badan Pusat Statistik 2010a). Bulukumba has only one female parliament member or only 2.8 per cent of 35 members (Badan Pusat Statistik 2010b). The number of women representatives in Parliament is still minimal despite the support of election law No. 12/2003, nominating 30 per cent minimum for female candidates for parliament. This situation has been aggravated by the lack of gender sensitivity among some female members of the legislature. They neither encourage nor empower other women, and failed to make policies in line with women's perspectives. It is common practice in Indonesia where women do not support female candidate. Titien, a former female member of DPRD in Cianjur, describes her experience as the only female candidate for vice-*Bupati* in the 2006 election:

Sometimes even though a woman, does not always vote for woman... my candidature as a vice-Bupati was as a test case of whether women would support a woman... in fact, they did not [women did not vote for the female candidate], because the hegemony of the political party [which was mainly dominated by men] (Titien, interviewed 14 March 2008).

It is vital that women vote for women, to ensure more female representatives in politics. However, women have so far voted for men. A female government staffer in Bulukumba stated:

I prefer to vote for a male rather than a female if there are two candidates. Because a male is tougher and more disciplined in implementing regulations (Irma, interview 09 May 2008).

Patriarchal values have been internalised and embedded in women's minds. I call this 'patriarchalisation'. 'Patriarchalisation' is a male-dominated process in all aspects of life which are socialised systematically and incessantly. Thus, if an idea or act is not in line with patriarchal values, the community, and particularly women, will refuse to adopt or accept the idea or act, as patriarchal ideology has been embedded in the community.

Women's position is underestimated by the opinions of some Islamic scholars. They have banned women from leadership positions by referring to a *Hadith* whose validity is in question. Such opinions, no doubt, have threatened women who seek more active political roles. In a few cases, some Islamic scholars intentionally used the *Hadith* to justify their arguments to support male candidates. During Pilkada 2004, Titien, a member of parliament in Cianjur from PPP and a female, stood as a candidate. However, she was not fully supported by her political party. Rumours also spread against her candidature. The MUI distributed a letter to mosques and Islamic boarding schools (*pesantren*) asking people not to vote for female candidates. The letter cited some *Hadith* to discredit female leadership (Yani, Political Party activist, Cianjur, interviewed, 12 March 2008; Titien, female member of parliament, Cianjur, interviewed 14 March 2008). Religious texts must be reinterpreted urgently to guarantee equal access to political power for women.

Women's representation in political institutions is necessary to ensure that their needs and concerns are discussed, and their problems are solved. Tinker (2004) argued that the participation of women in the legislature would make a difference because women tend to address issues of daily concern to voters and attempt to make women-friendly policy. Recent studies have shown a correlation between significant participation rates of women in government and lower levels of corruption in both the national and local governments (Tinker 2004).

In order to increase women's representation in the parliament, in 2003 the Indonesian government passed the Law on General Election No. 12/2003. Article 65 section (1) of the Law stated that the political party shall include at least 30 per cent of women in the party's list of legislative candidates. However, some female informants complained that, during the general election 2004, the political parties usually complied with the Law in a manipulative way. The parties indeed fulfilled the 30 per cent quota for female candidates as required by the Law, but they placed the women in lower ranks in the candidate list (very often below rank three). As the constituents voted for the political parties, and the appointment of the legislative candidate was determined by the political parties based on the rank of preference, most women who were in the lower rank were not selected. However, this Law was revoked and substituted by the Law No. 10/2008 which no longer used rank preference in appointing legislators. Instead, the General Election Commission determines and appoints the members of parliament based on popular votes.

Some female informants also explained that they were not involved in the political process in the government and parliament despite those processes relating to their interests, concerns and their expertise, and despite it being their right to participate in the political process, including parliamentary hearings. (Susi, NGO activist, Cianjur, interviewed 05 March 2008).

7.7 Enhancing Security

Different informants use different strategies to gain security. Conforming to and compromising with the regulation to gain security are common strategies. In this respect, women tried to conform to the regulations by not only wearing *jilbab* even when they didn't want to, but also by restricting themselves from going out from their homes. This avoided public shame because they were considered breaking the law, as explained by Wiwn, a homemaker from Cianjur:

I preferred to stay at home because the former Bupati often went to the streets and distributed jilbab to the unveiled women while speaking through a loud speaker to encourage women to wear veils, it made me ashamed (Wiwin, interview 14 March 2008).

Moreover, the influence of broader social pressures along with *Perda* Sharia ensured women always tried to conform to the regulation. Although there was no legal punishment for women who rejected the regulation, social pressure and community control were more powerful restraints.

Most of the female informants accepted the implementation of *Perda* Sharia, as men did. Nevertheless, the above discussions show that the perception of the male-dominated policy makers about security differs greatly from that of women, who are directly affected by the policy. However, the similar perceptions among woman and the male policy makers concerning security, ensures the effectiveness of the regulation. Policy makers should listen to the aspirations of the population, particularly women, as they are the primary target group of the policy. Women should be considered as active agents, concerned with their own problems and knowing their own needs. Women should be the subjects, not the objects of the policy. A participatory approach should be used to understand what women want in relation to their security. Policy makers should understand that gender equality is a core component of human rights. Gender-based abuses are also human rights abuses, and affect security. We must acknowledge the difficulty of gaining recognition for gender equality and human rights in the two districts studied. Such issues can threaten decision-makers' political positions, along with cultural and religious values.

Women's capabilities must be acknowledged to ensure security and respect. Such acknowledgment could come from the family members, such as the husband, or from workplace colleagues. An acknowledgment could include recognition of skills and capabilities. Giving women freedom and accountability would be a powerful form of acknowledgment, so that women can take responsibility and be accountable for their own actions. A female member of DPRD explained that some of her colleagues, who are mainly male, underestimated her simply because she is a woman:

I feel secure when I am respected based on my capability, so far, women are always underestimated... As a member of parliament, sometimes, I feel threatened, especially because I am active and critical... You know, most leaders of the political parties are men, and they are worried if female (politicians) have strong influences in the community. They are worried if they will be defeated (in the election) by female candidates because women have the advantage of being closer to the community more easily (Titin, Member of Parliament Cianjur, interviewed 15 March 2008))

Some women suggested the government should only enact regulations aimed at ensuring women's security, such as the regulations on domestic violence, based on the women's perspective. To do this, the involvement of women in the political process is inevitable and urgently required. As explained earlier, human security, particularly women's security, offers two general strategies: protection and empowerment. Protection shields people from dangers and this requires concerted efforts to develop norms, processes and institutions that systematically address insecurities. Empowerment enables people to develop their potential and become full participants in decision-making (CHS 2003).

7.8 The Effect of *Perda* Sharia on Women's Security

In this section I will discuss how the implementation of *Perda* Sharia has affected women and how women have dealt with these effects. First I will explain the regulations that directly affected women, and their impact, and then I will explore how women have dealt with these effects.

Some of the *Perda* Sharia negatively affected women because of regulations restricting public dress. For instance, in Cianjur district, the district government issued *Surat Edaran Bupati* No. 025/3643/Org, concerning government staff wearing Islamic dress, particularly on Friday. Further, the district government issued another letter on 29 August 2003, *Surat Edaran* No. 061/2896/Org, about working hours, and Islamic uniform that must be worn during working hours. The uniform for male staff was the usual long pants and shirt, however female staff were obliged to wear long skirts and long-sleeved shirt and head veil (*jilbab*). The regulation has not only affected government staff but also school children who studied in the public senior high school, as well as female teachers and staff in the school. One school that has strictly implemented the regulation about wearing *jilbab* is SMU I, the most popular school in Cianjur, while other schools have just encouraged female students and teachers to wear it.

To enforce these regulations, the government, district police and militant groups often raided public places. The raids often occurred during campaigns for *Perda* Sharia, or

when the government was in the process of legislating the *Perda*. At this time, some militant groups who claimed to be supporters of Sharia often held raids in public spaces, such as around street food stalls (*warung*) and medical clinics, to ensure that women wore the *jilbab*. However, the raids were for political effect, and were not ongoing. In some cases, a raid ended with violence. A homemaker from Bulukumba stated:

One day there was a raid in the medical clinic, the women ran away, and some of them fell down into the gutter and then were hit by the militants (Ani, interviewed 23 May 2008).

It seems that government, police or militant actions to enforce the regulations, in fact threatened human security, and particularly women's security. Although the regulations did not punish women for not wearing *jilbab*, some community members supposed the regulation gave them authority to 'punish' women. This 'punishment' was not only meted out by community members, but the regulation itself was considered a punishment for women who were not used to wearing *jilbab*. As Yuli, a government official in Cianjur explains:

Actually I am not veiled except at work. I felt uncomfortable because I am not used to it, and some people see me negatively because I suddenly wore jilbab, but I can do nothing, I must follow the regulation, it is compulsory...(Yuli, 03 March 2008)

It seems that Yuli received two 'punishments': first, from the community and second from the regulation. Yuli explained that, since she wore *jilbab*, some people were supercilious towards her. They considered that as her attitude towards wearing *jilbab* had not changed, it was not 'appropriate' for her to wear it now. Most of community members in her area believe that women who wear *jilbab* are the only devout or pious women. They need to have changed their attitude to become a better Muslim woman. However, Yuli did not change her attitude; and behaved as she did prior to wearing *jilbab*. In addition, the regulation punished her by 'forcing' her to wear *jilbab*, and ignoring whether or not she felt comfortable. Even though she was not comfortable wearing *jilbab*, she tried to conform to the regulation by wearing it, as she feared losing her job.

The regulation restricted women's work hours by asking them to go home earlier than men. However, some informants did not feel disadvantaged by this, as they still got a

similar wage. In Indonesia, particularly for unskilled jobs, wages are not calculated per-hour, but per day.

The regulations also built awareness and created community justification to enforce the regulations by reminding others of the requirements. The *Perda* Sharia also become a means of control and a reference point for moral standards. A government staff member related:

By implementing Gerbang Marhamah, we have to become better [person], especially the leaders. For instance, last time [before the implementation of GM] every Friday the government staff such as Pak Camat [the head of sub district] went fishing, but now they will do it reluctantly (sungkan) and [prefer to] do Friday prayer (jumatan), because of fear of being reminded by his staff and the community (Pipih, government staff pensioner, Cianjur 2008)

In addition, *Perda* Sharia made women policy objects and targets. For instance, in the book of ‘the Guidelines Material for the [good moral] Islamic teachings (*Garis-Garis Besar Materi Penyuluhan-GBMP*⁹⁸)’ about such issues as supporting harmonious families (*Keluarga Sakinah*) (LPPI 2003). *Keluarga sakinah*, as explained in the book, reflects government intervention in creating a meaning of family, which is gender biased. This is particularly pertinent to the definition of ‘good women’ (*perempuan shalihah*). The book explains that the husband is the leader of the family and the wife must be obedient and submissive to her husband, as she is submissive to God. In the book, explanation of the wife’s obligations was twice the length of the husband’s. The guidelines reflect how the government sought to control women’s behaviour and family role.

The government’s role in controlling women in Indonesia has occurred over a long time. For instance, Suharto’s New Order exercised gendered power through policies such as family planning and the state control of women’s organisations in a familial model that registered male authority (Robinson 2008). This gendered power denoted Indonesian women as subordinate to men within the family and state. Women’s, primary civic duties were performed as wives and mothers (Robinson 2008). In addition, Siahaan (2003) argued that the New Order regime extended and politicised

⁹⁸ GBMP is a guideline book for Islamic preachers for promoting the implementation of *perda* sharia in Cianjur. The book consists of material on Islamic teachings including how to develop an harmonious Islamic family, which is gender biased

gender by intensively reproducing the image of ‘good women’ merely as mothers and wives in its development policies and strategies. Women’s citizenship was maternal citizenship, and second-class citizenship. Difference from men was located in their *kodrat* (biologically specific nature), assumed to be God-given and sanctioned by Islam (Robinson 2008). This ideology was central to the New Order: the *Azas kekeluargaan*, the family foundation of the state (Robinson 2008).

The family foundation concept originated in Javanese nationalism, and was based in the revitalisation of Javanese culture. It is an inherently hierarchical idea of family, based on the parent-child relationship in the *kawula-gusti* (slave-master) model: a family state with the ‘wise father’, the caring mother, and their children who know their places, duties and responsibilities (Shiraishi 1997).

Suharto’s regime further aimed to adopt policies restricting possibilities for women’s social participation and political agency through state-sponsored practices organised around the dominant female role as wife and mother. The notion of women’s social roles being based on their biological nature was expressed by the concept of *kodrat wanita* (Robinson 2008). According to *kodrat wanita*, women’s social role was based on their biological capacity, particularly their reproductive capability (Robinson 2008). In addition, New Order gender ideology rendered the family as a cornerstone of the nation and valorised the wife as the *pendamping suami* –the companion at the husband’s side. This idea has been linked to the expression of gender ideology in elite Javanese circles: the wife as the *konco wingking* or background companion (Robinson 2008).

Male hegemony and domination was not limited to the public world of politics, administration and the formal economy, but was also formally extended into the family and household (Robinson 2008). Based on the 1974 Marriage Law, men were officially designated the heads of household, while women were the housekeepers, which is paradoxical given that women have been contributing to the economic sector significantly to sustain the household (Robinson 2008). Suharto’s policies, based on patriarchal ideology, have been internalised socially. This is particularly in relation to

women and their behaviour and attitude in response to policy, and to their critical capacity.

It seems that Suharto's gender ideology developed in a framework of secular and somewhat militarised authoritarianism. It had a quasi-Javanese feudal dimension, but it did not seek legitimacy in Islam. Further, Suharto's ideology included elements of Animism, which reflected the cultures of Central Java and East Java. However, *Perda* Sharia was mainly been implemented outside both these provinces. Suharto's imposition of an authoritarian gender ideology was a top-down enforcement of central government policy, whereas *Perda* Sharia was implemented at district government level. Suharto's ideology was more of a rationalisation of the development ideology which located women as companions (*konco wingking*) and as second class.

The division of labour between husband and wife used an economic and more secular approach. However, *Perda* Sharia was not *javanisation* but more *arabisation* and did not become national policy. *Perda* Sharia was implemented because of the political dynamics at local levels, and it was created from the aspirations and ideas of local elites. The rationalisation of *Perda* Sharia ideology, in terms of controlling women, differs from Suharto's. *Perda* Sharia positions women as moral models, responsible for instilling good morals in children. The nation's crisis was caused by a moral crisis. In this sense Suharto's ideology differed from *Perda* Sharia. However, Suharto's approach and *Perda* Sharia are both examples of how the state attempted to control women's behaviour even though their ideological frameworks were different. Despite their differences in ideology, *Perda* Sharia aims to maintain the morality of the nation whereas Suharto supported development and the economy. However, the consequences for women seem to be the same: domestication. Some female informants also argued that their security depended on male protection. Anisa, a member of a women's organisation, related:

I feel safe if there is a man, so I feel there is someone who guards and protects me (Anisa, a member of a women's organisation, Cianjur, interviewed 23 April 2008)

In terms of the implementation of *Perda* Sharia in Cianjur and Bulukumba, many women believe that restrictions on dress are rules from God, and should be followed and obeyed. Some also believe that government activity and policy are good, as the

role of government is to manage its people so that they are good. As a female teacher stated:

I think Gerbang Marhamah is good, because it regulates people to have good morals, especially women, to make them wear jilbab. I simply trust the government, it is government's role to make its populace [have] good [moral] (Unik, interview 24 April 2008)

These opinions could result from a lack of understanding and awareness about women's rights, along with a lack of critical capacity (*daya kritis*) regarding the situation. The culture, government policy and the interpretation of religious teaching each play an important role in shaping women's attitudes. These three elements play a significant role, overlapping, 'hand in hand', supporting patriarchal ideology and jeopardising women's position.

Even though Suharto's gender policies were implemented from the 1970s, and *Perda* Sharia was implemented in the early 2000s, both of the policies were similar in their regulation and control of women's behavior, according to patriarchal ideology, and to their neglect of women's interests and perspectives. However, *Perda* Sharia seems to be more religious than Suharto's policy, which was more secular and used a Javanese culture approach. The New Order regime, to some extent, also used Javanese religious ideas in its ideology. For instance, women's difference from men was located in their *kodrat* (biologically specific nature), which is assumed to be God-given and sanctioned by Islam. However, based on anthropological research, Robinson (2008, p 125) argued:

It is difficult to distinguish adat (custom, tradition) as an autonomous or origin domain of social practice due to the impact of world religious traditions—in particular Islam but also Christianity, and to lesser extent, Hinduism—and other historical influences including colonialism and global capitalism. Such 'cultural flows' have profoundly influenced the conceptualization of gender differences (Robinson, 2008, p 125).

I would argue that Suharto's policy, which expressed male hegemony, and *Perda* Sharia, which restricted and controlled women's behaviour were similar regarding the imposition of male hegemony and patriarchal ideology on women. Both positioned

women as policy targets, even though those policies differed in their implementation. However, the supporters of *Perda* Sharia believe that the implementation of *Perda* Sharia was to protect women's dignity and to improve women's security.

District governments tended to restrict and control women's behaviour, particularly how they dressed in public. Mulia (2001) has observed that, historically, every country that implemented Sharia law began its political programme by controlling women's rights. She sees this as a political shortcut to achieve legitimacy by making women a symbol of Islam. In most Muslim societies the cultural articulation of patriarchy through the structures, social mores, laws, and political powers has been justified by reference to Islam and Islamic doctrine (Hassan, 1990; Shaheed, 1994). In addition, the interlocking of religion with law and customs has profound repercussions for women, affecting them negatively and disproportionately in comparison to men (Shaheed 1994). Women have been easy targets because they were disorganised and still subservient to patriarchal values (Mulia 2001). In relation to the implementation of *Perda* Sharia, it seems that *Perda* Sharia regulations tend to impose symbolic conformity on the behaviour of women, but abuse women's rights.

Hosen (2007) explained that many Muslim scholars believe that Sharia addresses the fundamentals of human rights such as dignity and brotherhood; equality among members of the community (without distinction on the basis of race, colour or class), respect for the honour, reputation and family of each individual, the right of each individual to be presumed innocent until proven guilty, and individual freedom. This position suggests that Islamic law protects human rights including women's rights.

7.9 Women's Security-Related Issues

The above discussion shows that regional autonomy, which is supposed to give more opportunity for political participation to people in the district, does not guarantee women's involvement in either politics or decision-making. Yet, regional autonomy empowers conservative cultural and religious groups and their patriarchal values. Consequently, district governments produce regulations, such as *Perda* Sharia, that were insensitive to, and not supportive of, women. Hence, regulations made in

patriarchal society, have produced direct and indirect violence against women. This, then, threatens women's security.

Some problems that are faced by women and related to Islamic Sharia are not regulated under *Perda* Sharia. These include *nikah sirri*⁹⁹ (illegal marriage), *nikah mut'ah*¹⁰⁰ (contract marriage), female migrant workers and human trafficking. The case of female migrant workers in Cianjur is an important issue because Cianjur was the third biggest female worker supplier in West Java province. These women mainly worked in the Middle East. I would argue that this issue is related to Islamic Sharia because Islam teaches respect for human beings, men and women, equally as well as respect for human rights. Apart from that, most female migrant workers are Muslim and working in Muslim countries in the Middle East and in Malaysia. In the case of female migrant workers, their rights are often violated. This happens because most of the workers do not have sufficient education and skills. Many of them face problems such as sexual harassment and assault, being paid below standard rates, exploitation and trafficking. The government does not regulate to properly protect workers' rights.

A female member of parliament recalled:

Actually, we have had a regional regulation on migrant workers, but it is out of date. When we made it, we only involved the stakeholders such as PJTKI (migrant workers agency), but excluded migrant workers... may be it is the weakness because we did not involve migrant workers so we did not know their problems and complaints (Titien, female parliament member Cianjur, interviewed 14 March 2008)

Presumably, the supporters of *Perda* Sharia believe that the regulations do improve women's security. However, in fact, the district governments have introduced *Perda* that seek to control women's behaviour, but have not done anything to protect women's rights. None of the regulations improve women's condition, or protect women's rights. Instead, they restrict and discriminate against women.

⁹⁹ *Nikah sirri* is a marriage, which is not registered in the Religious affair (Kantor Urusan Agama), but legal according to Islamic teaching.

¹⁰⁰ *Nikah Mut'ah* is a contract marriage between a male and female based on specific agreement, such as the duration of marriage and payment on certain amount of money. Usually, *nikah mutah* involves a local female who usually from poor family, or sexual worker with foreigner, most of them from Middle East, who visit Indonesia. The *nikah Mutah* could be for one day to years depend on the agreement. As the marriage was not registered with the religious authorities, hence this marriage categorized as illegal marriage. Usually after the duration of the marriage finished, the male leaves the female, even though, in some cases, the woman has become pregnant. *Nikah Mut'ah* in Indonesia stills a matter of debate whether it is legal under Islam or not. The majority Muslim scholars (Ulama') in Indonesia argued that *nikah Mut'ah* is illegal (haram) in Islam because being considered to give disadvantage (mudharat), particularly for women and her kids and is not accordance with the aim of marriage. And some consider it as a prostitution

The practice of *nikah sirri* (illegal marriage) prevailed, particularly in villages, because of the high cost of weddings. Consequently, women have no legal evidence if there is a problem in their marriage. They could not obtain birth certificates for their children. For instance, in the village of Maleber-Baros, Cianjur, about 80 per cent of couples undertook *nikah sirri*, and did not have marriage certificate (Rahima 2005). In Bulukumba, where regulation No. 6/2003 said that students, brides and grooms must be able to read AlQur'an (*Pandai Baca Qur'an bagi Siswa dan Calon Pengantin*), people were reluctant to marry legally. In some cases, some couples had to pay additional fees if they want to get married but were unable to read AlQur'an (Sarina, homemaker Desa Padang, Bulukumba, interviewed 17 July 2008).

Another form of marriage is known as *nikah mut'ah* (contract marriage). *Nikah Mut'ah* was mainly undertaken for economic reasons. Most participants were single parents with children, and most grooms were from the Middle East. *Nikah mut'ah*'s occurrence in Cianjur was high, and some female informants argued that the government should address this issue as a way of protecting women's rights, especially given *nikah mut'ah* is religious-based

In Cianjur and Bulukumba, brothels were closed and prostitution banned in the name of *Perda* Sharia. When brothels were closed in Gadod village (Cianjur) near *Ramadan* (the fasting month), many of the prostitutes moved to other places (Rahima 2005). NGOs, such as Rahima Foundation, Indonesian Women Coalition (KPI) who advocated for women's rights and HIV/AIDS, believed that by closing the brothels, where some of the prostitutes were HIV/AIDS positive, HIV/AIDS would become more prevalent if they were unable to monitor, educate and advocate for prostitutes (Rahima 2005).

Many policies were insensitive to women and gender-based issues. Women were minimally involved in policy making compared to men. For instance, there were only six female members of parliament out of 45 in Cianjur from 1999 to 2004. Although this later increased to eight out of 50 (Cianjur dalam Angka 2007) and many women become leaders and heads of NGOs and other organisations, but they were not involved in government decision-making processes, even with policies that regulated

women. Some decision makers argued they thought that it was unnecessary to involve women in decision making process. Others said that the regulations did not regulate women specifically and would not disadvantage women, and some said they forgot to involve women. One senior district government official observed:

I was involved as a consultant concerning Perda Sharia when it was developed and which has now become Gerbang Marhamah... we simply forgot to involve women...I do not know why... we did not think about that... we simply forget that there are women (The Head Department of Information and Communication, Cianjur, interviewed 03 February 2008)

During the Declaration of Muslim Community (*deklarasi bersama umat Islam*) to implement sharia in Cianjur, of the 35 organisations that supported the implementation of Islamic Sharia, many of them, especially the women's organisations were not involved in the decision-making process. They were only required to sign the petition to support the declaration (Rahimah 2005, interview with Abah Suhendi 2008).

Gadis Arivia in a discussion forum held by Yayasan Jurnal Perempuan (2008) mentioned that during her attendance in the parliamentary hearing, when meetings discussed draft laws, male members of parliament would often interrupt or dispute such minor topics as the use of colons, semi colons or full stops in the draft law, instead of focusing on more substantial arguments. In comparison, female members usually argued about matters of greater substance and urgency.

NGOs did not play a significant role in strengthening women's awareness of their rights. Even though there have been many NGOs focused on women, most worked on a project-basis, and did not coordinate with other NGOs. Some NGOs from outside the district, such as KPI, had been established, but their role was minimal (Rahima 2005).

Women considered that they needed to behave and dress properly to maintain their security. They believed that every action had a reaction. In other words, everything had consequences. Women were told that if they behaved nicely to other people, then others would do likewise. Anita, a homemaker from Bulukumba, said: 'I have never

encountered problems so far. I think, as long as we are nice to others, other people also would be nice to us’.

Conclusion

Knowing how women understand security is vital, because women’s experiences, needs and socialisation are different from men’s (Hara 2007). Consequently, men’s assumption about and understanding of security will differ from women’s. In politics, this difference can lead to different priorities in both political activities and decision-making (Hara 2007). Therefore, it is important to give women a ‘voice’ to express their experiences, concerns and opinions regarding the issue of their security. By doing so, the government and parliament would produce women-friendly policies that can truly ensure women’s security. It is difficult for women to be critical of *Perda* Sharia in public for fear of being labelled ‘non-Islamic’. However, by encouraging women to express their opinions regarding the implications of *Perda* Sharia their security may well be enhanced.

As noted in the previous discussion, we cannot impose the Commission of Human Security’s definition upon the Indonesian context without considering women’s experience, along with local wisdom. In addition, we cannot simply apply western standards to assess and examine female security in Indonesia, as most women support the implementation of *Perda* Sharia, and do not consider it to jeopardise their security. However, we cannot ignore the voices of minority group and women who felt their security was being threatened. The complex meanings of security relate to women’s experience, and the ability of the state to instil patriarchal ideology and policy in women’s minds. Although *Perda* Sharia clearly restricts women, many see it as something that the government imposes to foster better citizens. Therefore, advocacy and education on gender equity is necessary. Nevertheless, I argue that the implementation of *Perda* Sharia does not enhance women’s security, and to some extent, even jeopardises women’s security. Male decision-maker understandings of women’s security are gender biased and do not accord with United Nations policies on human security. However, women’s understanding and experience regarding security also is not in accord with the Commission of Human Security’s definition.

There is a large gap between policy makers' and women's experience and opinion regarding women's security. First, the representation of women in politics, in this case in the parliament, is still very limited. This is then exacerbated by the fact that most male-dominated parliaments are not gender-sensitive, hence, they tend to produce gender-biased policies. In addition, many male politicians do not consider women's aspirations as important, therefore, women's experiences and views do not often count for very much. Second, the decision making process, including the parliamentary hearing, often does not involve women, NGOs or women's groups which have knowledge, interests and concerns about women's issues, therefore, many policies intended to promote women's security are not effective and instead jeopardise women's security. Third, the assumptions and understandings of policy makers about women's security mainly refer to cultural norms and values, and religious teachings interpreted by scholars who are strongly influenced by patriarchal values, so that the policy makers produce policies which seek to control women's behaviour.

The definition of security used by women varies widely and covers a very broad area, including personal security, the community's security and the political security. Women defined security in relation to the fulfilment of their needs, such as the need to be respected and to feel comfortable, a sufficient household economy, the recognition of capability, the provision of freedom with limitations, the ability to be responsible and accountable for their own actions. They also wanted self-determination.

Family disharmony was a major threat to women's security. Equal relations between wife and husband in particular, are a core component of women's security. However, legal equality in the public sphere, the involvement of women in the political and decision-making processes, freedom to express opinions and interests and participation in the public arena become an urgent issues for the government and parliament, as well as women. Women should have a chance to be active agents who understand, are aware and concerned with their own problems, needs and security. A bottom-up participatory approach to decision-making should be promoted by policy makers in understanding the concept of women's security. Policy makers should understand that gender equality is a core component of human rights, and that gender-

based abuse is human rights abuse. Only then, can a policy that truly offers security to women, and is not gender biased, can be produced. *Jilbab*/head-veil also has become the contested issue for women's security, especially since the implementation of *perda* sharia and this issue will be discussed further in the next chapter.

Chapter 8: The Quest of *Jilbab*¹⁰¹-Head Veil

For some, the headscarf has no unitary meaning. Rather, '[i]t reflects the diversity of women's experience and aspirations around the world' (Giddens 2004)

8.1 Introduction

The phenomenon of the head-veil in Indonesia has a long history and has evolved over time. The dynamic has been complex and the influences diverse. This is evident in the styles of veil, the age and educational background of the wearers, as well as regional and cultural differences. These variations could affect research perspectives in analysing the motivations of the women who wear the veil. Thus, the meaning of veil is highly contested. According to Mernissi (1987), the section in the Quran usually cited as stipulating that Muslim women must wear the veil is Sura 24 (Al-Ahzab), 'And tell the believing women to lower their gaze and be modest, and to display of their adornments only that which is apparent and to draw their veil over their bosoms'. However, there is diverse interpretation of this verse among Islamic scholars, and the issue of veiling remains contested.

In popular Western thought, veiling is often recognised as traditional and an anti-Western rejection of modernity. However, contextual studies of women and Islamisation suggest that the meanings of, and motives for, veiling are complex, varied and highly contested (Smith-Hefner 2007). In this chapter, I will discuss the phenomenon of the head veil, commonly known as *jilbab* in Indonesia. I will include the history, politics, and meaning of *jilbab*, and the connection of women's security to *jilbab*.

¹⁰¹ The term *jilbab* is an Arabic word, which is the plural of the word *jilaabah* and refers to any long and loose-fit coat or garment worn by some *Muslim* women. They believe that this definition of *jilbab* fulfils the *Qur'anic* demand for a *hijab*. In Indonesia, the word *jilbab* is used for a headscarf rather than a long baggy garment (Brenner 1996, p. 674).

8.2 History of *Jilbab*-Head Veil in Indonesia

Brenner (1996) found that since the late 1970s a phenomenon existed, called ‘the Islamic resurgence’ (the Islamic resurgence will be discussed in the next section of this chapter). This has had a great impact on religion, politics and society all over the Islamic world and beyond, including the practice of veiling. One of the most obvious symbols of this movement is the style of women’s clothing commonly called ‘the veil’ (Brenner 1996). In Indonesia, particularly in Java where Brenner (1996) conducted her research, veiling was limited until the late 1990s, although most Javanese are Muslims (Brenner 1996, p. 674). At that time, *kerudung*, a transparent scarf or woven cap, was generally worn by a small number of older women. These women were devout Muslims, particularly those who had already made the pilgrimage to Mecca, and the *kerudung* was dropped over their head, but did not necessarily completely cover the hair (Brenner 1996, Smith-Hefner 2007). Overall, this style of dress tended to emphasise rather than hide the shape of woman’s body. This differed from the *jilbab*, a large square piece of opaque fabric, folded to cover a woman’s neck, ear and hair completely. The *jilbab* was considered as a ‘new veil’, and was mainly wore by young educated women, in contrast with the *kerudung* (Smith-Hefner 2007).

In Java¹⁰², according to Brenner (1996), *jilbab* symbolized a new historical awareness that intentionally distanced itself from the local past. Javanese women who decided to wear *jilbab* often invoked the idiom of ‘becoming aware’ to distance themselves from their own past and conceptualise their new-found knowledge and practice of Islam and to make a personal change to become a better person (Brenner 1996).

Furthermore, Brenner’s 1996 research found that the trend of wearing the *jilbab* was a consequence of both the Indonesian and the global Islamic movements¹⁰³. In 1998,

¹⁰² There was little research before 1996 about *jilbab* in other areas in Indonesia than Java except in Aceh where *Sharia* law has been implemented.

¹⁰³ Islamic movement was stimulated by the Iranian Revolution in 1979, which has influenced Islamic activists throughout the world. In November 1979 Muslims all over the world commemorated the beginning of the 15th century of Islamic Calender (*hijriah*), which was expected as ‘the century of Islamic Resurgence’ (Abad Kebangkitan Islam). According to Rosyad (1995), by entering the new century, it was expected that “Muslims would return to Islam, a religion and a way of life which is believed would increase Muslims’ prestige and humanity” (Rosyad 1995, p. 3). In the 1970s several social and political events take placed in Muslim countries all over the world including the application of Islamic law in Pakistan and Libya, the Islamic opposition movements in Egypt and Turkey, Muslim rebellions against the Marxist government and Soviet invasion in Afghanistan, and the Islamic separatist movement in Mindanao in the Philippines. Similar phenomena also occurred in many other

there were many veiled young female activists on the front line of the demonstrations against President Soeharto. Smith-Hefner (2007) stated, 'Veiling offered female activists symbolic protection from threats of violence during pro-democracy rallies'. Some researchers argued that the students' movement was a moral one, not merely a matter of power politics (Madrid 1999; Rahmat and Nadjib 2001 in Smith-Hefner 2007). Veiling, for young women activists, became a vehicle for intensified mobility and public political activism, and was not a symbol of Islamic traditionalism or domestic confinement (Smith-Hefner 2007). However, in the 1990s, Javanese women who dressed in this style remained a noticeable minority of the population. Most were seen around university campuses and at Islamic schools (Brenner 1996).

Until the middle of 1991, the Soeharto regime prohibited veiling in government offices and in non-Islamic state schools. Permission for high school students to wear *jilbab* in the school was finally issued by the Department of Education and Culture in February 1991, based on SK No. 100/C/Kep/D/1991. This law was became effective in the 1991-1992 school year (Hefner-Smith 2007). However, based on my experience, in 1996, during the photograph session for graduation certificates in the Islamic Senior High School of an Islamic Boarding School (*Pondok Pesantren*), all of the female students were compelled to remove their *jilbab*. Further, in 2002, when I graduated from the bachelor degree, some of my friends, and me, who wore *jilbab*, also had to take off our *jilbab* during the photograph session. Nevertheless, a few of my friends decided to wear *jilbab*. They signed a letter, acknowledged by the Rector of the University, which stated that the University would bear no responsibility to those students who wore the *jilbab* in their graduation certificate if they faced any difficulty in finding a job, because some offices were still reluctant to employ veiled women. Thus, in the 1990s, veiling served not as a means of protection for women entering public space, but as a marker of their marginality and distinctiveness, as well as being a reason for harassment (Brenner 1996).

Smith-Hefner's (2007) research in Yogyakarta revealed that during the late 1970s, less than three per cent of the Muslim female student population wore the *jilbab* on campus. Further research in 1999, 2001 and 2002, found that Muslim women on

countries where Muslims were the majority of the population, such as Algeria, Tunisia, Sudan, Morocco and Malaysia (Rosyad 1995)

campus who wore *jilbab* had risen to more than 60 per cent. Currently, the phenomenon of *jilbab* has become a trend, where the women who wear *jilbab* are more visible, not only in larger cities but also in some rural areas, and not only among young educated women, but also the older generation. To some extent, this phenomenon, can be considered an influence of the Islamic movement and Islamic resurgence.

8.3 Islamic Resurgence

Islamic resurgence refers to a revival of the Islamic religion throughout the Islamic world, which began in the 1970s and manifested in greater religious piety and community feeling, as well as in a growing adoption of Islamic culture, dress, terminology, separation of the sexes, and values by Muslims (Lapidus 2002). One pertinent example is the increase in attendance at the Hajj pilgrimage to Mecca, which grew from 90,000 in 1926 to 2 million in 1979 (Kepel 2002). Two of the most important events that inspired the resurgence were the Arab oil embargo and the subsequent quadrupling of the oil price in the mid-1970s, along with the 1979 Iranian Revolution that established an Islamic Republic in Iran under Ayatollah Khomeini. The oil embargo created a flow of many billions of dollars from Saudi Arabia to fund Islamic books, scholarships, fellowships, and mosques around the world; the Iranian Revolution undermined the assumption that Westernisation strengthened Muslim countries and was an irreversible trend. The Iranian Revolution, led by Khomeini, inspired Indonesian Muslims to make changes by wearing *jilbab* and motivated Muslim students to protest against banning *jilbab* in their schools. Further, at that time, the ideology of *Ikhwanul Muslimin* was disseminated in Indonesia through books and training held by mosques on some big campuses (Alatas 1991; Alatas & Desliyanti 2002).

Many scholars referred to this new phenomenon as an Islamic revival, described by words such as revitalisation, upsurge, renewal, awakening, and renaissance. All of these terms describe the new wave of the Islamic movement; but they address certain aspects and neglect others (Rosyad 1995). Other researchers, such as Chandra Muzaffar and Hillal Dessouki, use the term the 'Islamic resurgence'. Muzaffar (1987, p. 2) defines Islamic resurgence as follows:

Islamic resurgence is a description of the endeavor to re-establish Islamic values, Islamic practices, Islamic institutions, Islamic laws, indeed Islam in its entirety, in the lives of Muslims everywhere. It is an attempt to re-create an Islamic ethos, an Islamic social order, at the vortex of which is the Islamic human being, guided by the Qur'an and the Sunnah (Muzaffar, 1987, p. 2).

Muzaffar (1987) uses the term resurgence to represent the idea of challenge and threat. Many Muslims believe that Islam, as an alternative way of life, challenges dominant social systems. Dominant groups, and those being challenged, view these Islamic movements as a threat. (Muzaffar 1987, p. 2). Another definition offered by Dessouki (1982, p. 4) refers to:

An increasing political activism in the name of Islam by governments and opposition groups alike. It designates a politicized, activist form of Islam and the growing use of Islamic symbolism and legitimating at the level of political action... We are not dealing with calls for or attempts to provide a new interpretation of the Qur'an but, rather, with social and political movements that are engaged in mobilization, organization and possibly the seizure of political authority. Thus [it] refers to the increasing prominence and politicization of Islamic ideologies and symbols in Muslim societies and in the public life of Muslim individuals

Chandra Muzaffar (1986) and Hillal Dessouki (1982) have offered two good definitions of Islamic resurgence. A combination of these definitions, according to Rosyad (1995), is representative enough to explain current Islamic developments throughout the world. Further, Khursid Ahmad defines Islamic resurgence as a

future-oriented movement concerned with the problems of modernity and the challenges of technology, and offers solutions based on the original sources of Islam, the Qur'an and *Sunnah*, a movement that on the bases of these sources tries flexibly and capably to innovate what has been neglected by conservatives who stick to a particular school of *fiqh* (law)(Ahmad 1987, p. 226).

The term resurgence, as used by these scholars, means 'reappearance and growth of a particular attitude or activity among a group of people, especially one which has been forgotten for some time' (Collin Cobuild Dictionary 1992). This definition properly explains the current development of the Islamic movement. This definition, according to Rosyad (1995), also explains the Muslim view that Islamic identity has long been neglected. Awareness is now increasing progressively. Furthermore, Rosyad (1995) argues:

Through their attachment to Islam, Muslims regain their self-esteem and dignity, and this indicates clearly that Islam has become important again in

Muslims' lives, and the word 'reappearance' explains the relation between the recent development of Islamic movements and the past glory of Islam and the ideal society in the era of Prophet and his companions (Rosyad 1995, p. 9).

When these definitions are attached to the term 'movement' they refer to a 'worldwide, open and diffuse system in which individual Muslims or Muslims organized in groups are consciously working towards the reconsolidation of the *Ummah* into a behavioral, operational and goal seeking system' (Siddiqui, 1980, p. 9). The implementation of *Perda* Sharia through many regions can, to some extent, be considered a result of the Islamic resurgence, particularly given the trend of district governments to regulate religious matters and the growing number of Indonesian women wearing the *jilbab*.

8.4 Jilbab and Perda Sharia

Well... I agree with the regulation of wearing the jilbab, however it is hard [to follow the regulation] because of the hot weather. So, I wear jilbab only if I go far from the house or go to a region where wearing jilbab is a mandatory. And I also wear jilbab if I pass in front of the house of village Head [kepala desa] (Irma, homemaker, from Padang village, Bulukumba, interviewed 29 June 2008).

Patterns of *jilbab* wearing, and the role of government have changed remarkably since the early 1990s. As explained in the previous section, before the 1990s, *jilbab* was banned in certain circumstances by the national government. In the early 1990s government issued letters allowing students to wear *jilbab*. Thus, the prevalence of wearing *jilbab* has changed remarkably with some district governments implementing *Perda* Sharia to regulate women's use of *jilbab*. In Cianjur, for instance, the district government initially encouraged only female staff to wear *jilbab*, but the government imposed obligations for all female workers to wear *jilbab*, long sleeves and long skirts, creating a uniform.



A billboard states: 'wearing *Jilbab* is an identity of female devout Muslim', located on the road, has become a place for dumping rubbish.

Moreover, in Bulukumba, the compulsory wearing of *jilbab* is imposed in hospitals, some schools and for citizens who want to access government services. A billboard in government offices stated that the government only served women wearing *jilbab* and *Muslimah* clothes. Women accommodated this regulation by wearing *jilbab* if they went to a government office, or they asked someone else, usually a man, to attend to government-related matters such as ID cards. Alisa, a female official of Bulukumba district government explained:

All the [female] officials in this district government must wear the jilbab and the clients too. We are not allowed to serve clients who are not wearing the jilbab (Alisa, government official, Bulukumba interviewed 23 June 2008)

Macleod, who undertook research in Middle East, argued that wearing the veil could be understood as a kind of 'symbolic shelter' that allowed women to enter public spaces (Macleod 1992). However, Brenner (Brenner 1996)(1996:674) claimed this is not the case in Java, where there is no clear delineation between 'male' and 'female' space. However, this distinction has become problematic since the two districts, Bulukumba and Cianjur, implemented *Perda* Sharia. Although there is no clear

demarcation between male and female space, the regulation limited women's freedom of movement. Regulations have imposed the obligation that women wear *jilbab*, and discriminate against any woman who does not wear it.

The regulations relating to the *jilbab* also affected non-Muslim women. Some non-Muslim women were discriminated against because they were not wearing *jilbab*. A Christian nurse from Bulukumba related:

I am a nurse, working in the hospital, in ICU department... one day, when I was in my shift, a patient who wore a long jilbab and covered her face came with her family. When I was nursing her, her family asked me why I was not wearing jilbab, and I answered that I am not a Muslim. And then the patient and her family refused to be treated by me and asked another nurse who was Muslim to treat her... I was very offended (Monica, interviewed 24 June 2008).

This example of discrimination from community members is not a direct consequence of government or hospital regulations. The family's reaction reflected community expectations about the implementation of *Perda* Sharia. I argue that *Perda* about dress codes established a particular body of opinion and expectation about wearing the *jilbab*. Further, *Perda* Sharia has created peer pressure which gives the community the legitimacy to judge, admonish or discriminate against someone by referring to the *Perda* Sharia. The *Perda* Sharia, and the community's interpretation of them, have become a moral benchmark and the basis of community expectation and peer pressure.

For instance, the implementation of *Perda* Sharia in Cianjur, also called *Gerbang Marhamah* by the Cianjur government, gave broader interpretative scope to the community, especially women, because the community had their own expectations. In the regulation, no article states it is compulsory to wear *jilbab*, however all female government officials wear *jilbab* during office hours. Only one statute relates to *jilbab*: a letter of instruction (Surat Edaran) No. 025/3643/Org, which states that government staff should wear Muslim clothing¹⁰⁴ on Friday. To strengthen the previous letter, the government issued another letter, No. 061/2896/Org, about working hours and uniform on 29 August 2003, *Gerbang Marhamah*, which encouraged the community to embrace good moral attitudes. However, the

¹⁰⁴ Muslim clothing means, in this letter a shirt with long sleeve, and national black hat (pakaian koko dan peci hitam) for male staff and long dress with long sleeve plus veil for female staff.

community interpreted the regulation as obliging women to wear *jilbab*. The community then felt they possessed the authority and legitimacy to remind community members to follow the regulations. There seems to be a difference between enforcement of *Perda* Sharia, after the reformation era, and the regulations enacted in the Soeharto era. In the Soeharto era, the community felt that the regulations were created by the government (top down), and they had little sense of ownership. They did not feel responsible for reminding other community members to comply with the regulations. Conversely, with *Perda* Sharia, the community feels that they are involved, and have ownership of the regulations. This entitles them to punish, judge, enforce and remind others.

Further, the regulations have had a psychological impact in the community, particularly women. A female from Cianjur says:

most of the women here wear a jilbab, so if I do not wear jilbab, I will feel ashamed [malu]... it is more psychological pressures... like it or not, I have to follow the regulation, because regulation means compulsion... Before the implementation of Gerbang Marhamah [a name of the Sharia-Influenced Regional Regulation in Cianjur] most of the women did not wear a jilbab. (Yani, interviewed 15 April 2008)

Brenner's study of university-educated women who had chosen to begin veiling in Java at a time when it was a 'marginal practice,' cited 'becoming aware' as a reason for wearing the veil (Brenner 1996). Among these women, Brenner argues, the fear of 'sin' was a greater motivation for veiling than the fear of 'shame' (Brenner 1996, pp. 683-4). However, from research in Cianjur and Bulukumba, women wear the veil primarily through fear of *malu* (shame). Women feel uncomfortable if they are different from other Muslim women. As in Brenner's research (1996), veiling in these two districts cannot be reduced to a new form of disciplining of women. The veil is 'flexible,' giving many women the possibility of moving through space feeling both greater security and also conforming to an official identity or uniform.

It is clear that *Perda* about dress codes established a particular body of opinion and expectation about wearing the *jilbab*. It also reflected changes in religious values evident since the early 1990s when *jilbab* became more common. This reflected the influence of the Islamic resurgence as well as a change in political circumstances since 1998 and the consequent democratisation process. In turn, this relates to the

political process through which *Perda* Sharia has been enacted, and especially the groups that have supported *Perda* Sharia.

Changes have occurred in the regulatory context relating to wearing the *jilbab*. Women started wearing *jilbab* in the 1990s, despite government discouragement. Since the implementation of *Perda* Sharia, regulations have encouraged or enforced women to wear *jilbab*, regardless of their own wishes. Paradoxically, *Perda* Sharia has devalued the meaning of wearing *jilbab*. Previously, *jilbab* had complex meanings. Some Muslims believed that wearing a *jilbab* was compulsory for all female Muslims. While, other Muslims believed that *jilbab* is a part of Middle Eastern culture and identity and, hence, the *jilbab* was not compulsory. However, both groups agreed that the decision to wear *jilbab* was optional, despite the fact that others considered that *jilbab* was compulsory (discussion about the meanings of *jilbab* will be developed further in the next section). Nevertheless, since the implementation of *Perda* Sharia, the decision to wear or not to wear *jilbab* has been devalued, and does not reflect the willingness of the wearer. The regulation of *jilbab* has also been criticised by Islamic NGOs, who consider it has degraded Islamic values and teachings. They argue that *jilbab* is not Islamic teaching, but rather is a uniform. Regulations about *jilbab* are a method of controlling women's bodies. This control is symbolic of morality in patriarchal Muslim society. Further, since the implementation of *Perda* Sharia, many women reluctantly wear *jilbab* even they do not want to. A female informant explains:

Some people teased me because I suddenly wear a jilbab, it happened because they know that I was not used to wear jilbab, however (later) they know that Cianjur district implemented Gerbang Marhamah, which has obliged all women to wear jilbab This is not a problem. It's a uniform just like a school uniform. If you did not wear a jilbab, its not a problem (Laili, Government staff, Cianjur, interviewed 09 April 2008).

This woman's view suggests that government regulation has taken some of the religious meaning out of wearing a *jilbab*. Nevertheless, most of the informants believed that wearing *jilbab* was compulsory for all female Muslims. However, the decision to wear it depends on whether a woman was ready or not. A middle-aged female informant explained:

Wearing jilbab is compulsory for all female Muslim to cover their aurat¹⁰⁵. However not all female Muslims are aware about that, and previously the women who wore jilbab were only these who had already gone on pilgrimage to Mecca (Fitri, Widow, Bulukumba, interviewed 29 May 2008)

These views can be explained by the dominance of patriarchal values in Islamic teaching, which give a one-sided interpretation. However, recently progressive Muslim groups have tried to re-interpret Islamic teaching by considering the position of women in Islam. They consider that when Islam developed in the Middle East, communities were patriarchal and ideology male-centred, influencing the interpretation of Islamic teaching. These interpretations dominated Islamic teachings and practices.

8.5 *Jilbab* for Women's Security?

The regulation about *jilbab* has different implications for different people. Regarding security, some veiled women consider that the regulation about *jilbab* did not change their feelings about either their own, or the community's security. The informants argued that security was instead related to how the government enforced laws to decrease criminal activity. The *jilbab* regulation did not have any implications for reducing criminal activity. However, wearing *jilbab*, whether it is regulated by the *Perda* Sharia or not, will ensure the wearer feels more secure. A young female informant argued:

When I went to shopping and wearing jeans and t-shirt, sometimes some males embarrassed me, calling me and whistle at me, but it would never happened when I wore jilbab. It might be that they (the males) were reluctant to do it (Yuli, interviewed 13 April 2008)

Practical reasons also made wearing *jilbab* desirable:

Wearing a jilbab makes me more secure because it could protect me from the wind, since I go to work by motorcycle... jilbab makes me more comfortable (Dewi, interviewed 15 March 2008).

There is a distinction to be made between wearing *jilbab* because of *Perda* and wearing a *jilbab* out of personal preference. According to some female informants, including Yani, *Perda* did not change their feelings regarding either their own, or community, security. To some extent, *Perda* threatened female security because it

¹⁰⁵ *Aurat* is the part of the body that must be kept covered in public according to Islamic teaching. However the delineation of the *aurat* for women is still contested.

was enforced by coercion, and restricted women's freedom (Yani, interviewed 19 May 2008). This contrasts with women who wear the *jilbab* as a matter of choice, without any coercion. In these cases, women felt more comfortable, as wearing *jilbab* was a matter of honour and dignity. Since the implementation of *Perda* Sharia, more women have been wearing *jilbab*, not as a matter of personal preference, but because of the regulations. Thus, to some extent, *jilbab* no longer functions as a religious identity-marker, nor as an expression of the wearer's devotion.

The *jilbab* itself mostly helps the wearer to feel more secure and comfortable. However, as the regulation implies a threat to women, they experience discrimination and pressure, particularly if they remain unveiled. In contrast, for women who live in areas where *jilbab* is not common, if veiled, they become the focus of attention, and an easy target for harassment.

The implementation of *Perda* has led to an increase in the number of women who wear the *jilbab*. It seems to denote a more distinctive religious identity, which is related to the symbolic meaning of *jilbab*; it represents good morals and is a religious marker. However, *jilbab* does not necessarily signify the wearer's devoutness. The decision to wear a *jilbab* can be made by choice or coercion. A decision based on choice means the woman decided to wear a *jilbab* without any coercion. This reflects self-awareness about the Islamic obligation to wear *jilbab*. Such a decision usually reflects the wearer's devoutness, and her readiness to behave in the expected manner, thus protecting the Islam's image. By wearing a *jilbab*, a woman 'represents' Islam and becomes a better Muslim than when not wearing *jilbab*. This is consistent with Smith-Hefner's research in Yogyakarta, where she interviewed young female students of Gajah Mada University. According to Smith-Hefner 'becoming aware' of their religious responsibility is the main motivation for the students to wear the *jilbab* (Smith-Hefner 2007).

When coercion, peer pressure or regulation is involved, the decision to wear *jilbab* does not reflect self-awareness. In these situations, a woman decides to wear *jilbab* because the majority of women wear it, or because she feels the need to obey regulations. The decision to wear *jilbab* does not usually reflect the wearer's devoutness. The wearer's attitude and behaviour is no different from when she did not

wear a *jilbab*. In some cases, however, women deepen their religious understanding, study Islam and behave accordingly.

Regulations about *jilbab* did not improve the security of un-veiled Muslim women, but rather threatened it. It also discriminated against them. In wearing a *jilbab*, women gained both advantages and disadvantages. The advantages include not experiencing insults from men on the street, and protection from wind, sun and rain. A female informant explained the disadvantage of wearing *jilbab*:

Something that makes me not happy wearing a jilbab because I am often treated as an older lady, although I am still single (Yuli, interviewed 13 April 2008)

For un-veiled non-Muslim women, the regulation threatened their security and discriminated against them, especially in the workplace. In the districts that implemented *Perda* Sharia, the majority of the population is Muslim. Minorities were disadvantaged by the implementation of *Perda* Sharia. Regulations regarding *jilbab* particularly exacerbate feelings about minority status, and becoming more visible. A female informant from Bulukumba explains:

I was born here and grew up in a Muslim environment and have never had problem, however since the implementation of the regulation about jilbab, all Muslim staff have to wear jilbab, so it is readily apparent who is Muslim and who is non-Muslim (Agnes, interviewed 18 June 2008).

This situation makes non-Muslim women feel uncomfortable, as they become susceptible to harassment. Their non-Muslim identity is also more apparent.

8.6 The Meaning of the *Jilbab*-Head Veil

There are various opinions about veiling ranging from the positive to those opposed to the practice. Some consider veiling as merely reflecting the way Muslim women dress, while Mernissi (1991) considers that veiling is more than a dress code; it is also functions as a sign of protection and differentiation between Muslim women and slaves (Mernissi 1991).

According to El Guindi (1999, p. 157), for many Western scholars veiling signifies 'seclusion', political inferiority and subordination. Further, according to El Guindi, some feminists consider that even women who wear the as an individual choice are in

fact expressing submission, which equates to oppression (El Guindi 1999). Others see veiling as a symbol of conservative Islam. ,Therefore, within a western framework, the veil becomes the most prominent symbol of both the oppression of women (or, in the language of the day, Islam's degradation of women) and the backwardness of Islam (El Guindi 1999, p. 3)

Leila Ahmed (1992) observed that from the late eighteenth to the mid-twentieth century, the majority of Muslim countries were colonised by Western powers. From the Western colonial narrative, veiling is a symbol of oppression. Thus, unveiling is associated with the women's liberation movement against patriarchal domination, and unveiling becomes a means to improve women's status. However, because unveiling is proposed by the colonial West, the act of veiling is then used as a symbol of anti-colonial and anti-Western feeling. It becomes a 'symbol of resistance' against colonial domination (Ahmed 1992).

However, Leila Ahmed's study of veiling in the Middle East is not entirely applicable to the Indonesian context. Veiling was uncommon in Indonesia when the Dutch first established administrative control. Contemporary veiling is sometimes a symbol of resistance against western and secular influences, rather than a legacy of resistance to colonial control or regulations. The western view that veiling is a sign of Islam's degradation of women is relatively recent, except with respect to Saudi society, and has become a more common stereotype since the Islamic resurgence and the Iranian revolution.

El Guindi (1999) draws an example of such resistance from Algerian women who use Islamic veiling in the struggle for independence against French colonisation. Nevertheless, as a symbol of anti-colonialism, the veil only applies to women. The politics of the body appears to relate only to women's bodies and (head to toe) covering or uncovering. The female body is no longer a private matter. It has become public, and symbolises individual and communal resistance. For men, to oppose Western colonialism does not necessarily mean rejecting Western modes of dress. Muslim men opposing colonialism often wear Western dress without being seen as advocates of colonialism. However, because the male body is not public property as female bodies are, what men wear is rarely discussed as a symbol of resistance.

During the 1980s in Indonesia, when Soeharto's government banned women office workers wearing *jilbab*, men were still allowed to wear turbans and prayer caps.

Within the context of resistance, the veil encompasses a broad range of meanings from anti-colonial narratives to women's struggle for emancipation. Assigning a single meaning to veiling, such as a symbol of oppression, is inappropriate, particularly where veiling is a matter of personal choice in countries such as Indonesia. However, since the implementation of *Perda* Sharia in many districts in Indonesia, the meaning of veiling has changed.

In the Middle East and South Asia, the veil can serve as a form of symbolic shelter, a portable extension of the secluded space of the home. This enables women to enter public, male space without being subject to criticism or harassment (Papanek 1973 in Brenner 1996, Brenner 1996, Feilard 1996, Van Dijk 1997, Warburton 2006). While this may be true in a society where there is relatively clear demarcation of male and female space, the distinct delineation of a public 'male' sphere from the private 'female' sphere is not a normative feature of Indonesian society. The notion that the veil has the practical effect of allowing women to move easily through public space therefore cannot be transposed to Indonesia. However, since the implementation of *Perda* Sharia in some Indonesian districts, wearing the *jilbab* has broadened women's freedom. For instance, veiled women could access public services that only serve women wearing *jilbab*. By wearing *jilbab*, female students can go to school, and female staff can work in government offices. Nevertheless, to some extent in Indonesia, veiling may actually hinder a woman's freedom of movement. She may feel that certain places or certain actions are inappropriate for veiled women, leading her to restrict her own activities accordingly. Women are expected to behave in this way. Choirul Anam, a religious teacher, explained his expectations of veiled women:

Wearing a veil is a sign that she is a good woman (sholehah). She will always consider when she wants to do something and she will be more careful, because she is wearing jilbab (Choirul Anam, Cianjur 12 March 2008)

Accordingly, it is not surprising that a woman weighs up the issues before she decides to wear a *jilbab*. Ratna, a young female informant explains:

I am willing to wear jilbab because as a female Muslim I should wear it. However I am not ready yet. I like to wear short pants and tight clothes. So, before I choose to wear jilbab I have to change my behaviour (Ratna, interview 15 May 2008).

The *jilbab*, not only represents the wearer's identity but also the identity of all Muslim women. This is why the decision to wear a *jilbab* is not easy to make, and the decision involves complex considerations. I remember when my sister from Indonesia visited me in Melbourne. One day, we went to the market and needed to cross the road. I pressed the button, but the crossing sign did not go green quickly, and I asked my sister to cross the road, as there was no traffic. My sister replied, 'if I am not wearing *jilbab*, I would cross the road, but as I am wearing *jilbab*, so I won't do it [cross the road]'. Women who wear *jilbab* are more aware of their behaviour and attitudes. They restrain themselves from wrongdoing. Wearing *jilbab* transforms women into a 'representative' of their religion.

Wearing the *jilbab* is considered as an honour requiring respect. It reveals the wearer is a good Muslim. Hence, women who wear *jilbab* have to behave well in order to protect herself, her religion and her community's image. She is an ideal and an example. On a broader level, *jilbab* also represents Muslim identity in the world. *Jilbab* is considered to be ideal clothing that should be worn by a woman to represent herself as a good Muslim. As a good Muslim, she is assumed to have a good attitude and is thus more respected.

In Cianjur and Bulukumba, where I conducted my research, wearing *jilbab* is mainly considered something that women should do, rather than something they must do. Some informants wore a *jilbab* because they were getting older and thought wearing *jilbab* was more appropriate. The observation that older women decide to wear a *jilbab* suggests a change in religious values as well as age. When these women were younger, they lived in a society where neither younger nor older women were veiled. This extends the research of Hefner-Smith and Brenner in 1990s, which found that women who wore the *jilbab* were mainly young educated women who lived in urban areas. These young women were among the first segments of Indonesian society to be influenced by the Islamic resurgence. Conversely, in the smaller cities, such as Cianjur and Bulukumba, the practice of wearing *jilbab* was noticeable among older

women. One informant was aware that wearing the *jilbab* is compulsory. However, she only decided to wear *jilbab* after some deliberation:

In Islam, wearing jilbab is compulsory. However I decided to wear jilbab after my husband who served in the army died, and especially since all of my sisters have been wearing it and also went to Hajj pilgrimage to Mecca, and so, because I feel more comfortable (Adek, a homemaker, Cianjur interviewed 18 April 2008).

Other informants decided to wear *jilbab* because they getting older, wearing *Jilbab* expressed their modesty. As a teacher from Cianjur relates:

I have worn a jilbab for a long time ... yeah... because I am getting old; it is not proper to be stylish, let the hair hang loosely... my hair is going grey. It was ok when I was still young to have styled hair, but now, I am better to wear a jilbab (Erni, a teacher, Cianjur interviewed 21 April 2008)

As a matter of personal choice, according to Haideh Moghissi, the veil is clothing that may be worn to beautify the wearer, in the same way that Western women choose to wear make-up (Moghissi 1999). El Guindi sees veiling as a means for Muslim women to control their own bodies, to acquire sexual space and moral privacy (El Guindi 1999). Conversely, this control results in an increase of participation in the public sphere. At the same time it signifies an act of anti-consumerism, symbolising women's return to modesty (El Guindi 1999).

However, to some extent, peer pressure has a significant role in influencing a woman's decision to veil. As Warburton (2006b, p. 2) argued, the decision regarding 'choosing to veil is complex. It is not only based on the awareness of the religious obligation or adherence to religious teaching, but also as a response to the system of social norms, and expectations in which the veil is increasingly presented as a preferred, even obligatory, part of being a 'good' Muslim women'. Peer pressure develops especially among members of a *pengajian* (prayer/Islamic study group). Wiwin relates:

Usually, I do not wear a jilbab, unless I am attending a pengajian¹⁰⁶. All the others wear a jilbab, if I don't it would not be proper (Wiwin, a homemaker, Bulukumba, interviewed, 25 May 2008).

¹⁰⁶ *Pengajian* is an Islamic gathering usually in the mosque or at home to study Quar'an or to listen the preacher deliver the sermon in the Islamic topic

In the *pengajian* usually the preacher would encourage the attendees to wear the *jilbab*. Women who do not wear a veil will occasionally do so, and in some cases, will later wear the veil consistently. Peer pressure also occurs in work places where the majority of staffs wear a veil. The pressure becomes more coercive when the employer encourages staff to veil.

Some informants decided to wear a *jilbab* because of simplicity and modesty. Some informants wore a *jilbab* occasionally, only in *pengajian*, or in the work place, and did not wear a *jilbab* if they went out around their house, to the shops or to a neighbour's house. They are aware that wearing the *jilbab* is part of Islamic teaching, but the decision to wear the *jilbab* is more complex, and depends on their readiness. I divided the informants into the categories regarding the wearing of *jilbab*: the first category is women who wear *jilbab* consistently. They are mostly mature-aged females, some of whom had been on the pilgrimage to Mecca. Their decision to wear *jilbab*, apart their awareness of Islamic teaching, was explained as part of ageing. It was time for them to practice Islamic teachings consistently. Some of them considered that by wearing *jilbab* they expressed the appropriate modesty of a mature aged woman.

In the first category, mainly middle-aged, mature women and older women wore the *jilbab* consistently. However, some younger informants also wore the *jilbab* including *jilbab* that offered more extensive cover. These women were usually Islamic activists or members of Islamic organisations. They considered that wearing the *jilbab* was not just compulsory in Islam but was also part of their engagement with the Islamic movement. It symbolised their identity, and their resistance to western values.

The second category comprises women who wore *jilbab* less consistently, for example, not wearing it around the house, to the shops, or to visit a close neighbour. These are mainly young married women who consider that wearing a *jilbab* is part of Islamic teaching, however they find it a burden when they need to go somewhere quickly or want to monitor their children outside their house. Older women consider *jilbab* is simply a way to express their modesty and fashion sense. Within this younger group, the *jilbab* restricts their activities, so they decide to remove it if

necessary. For some younger informants *jilbab* is more an expression of fashion than of modesty. A homemaker, who is also a teacher from Cianjur explains:

Actually, I am willing to wear a jilbab everywhere, but you know, it is complicated and hard if I need to go outside in hurry and urgently... I need to take care of the kids whereas I also need to chase the vegetable seller (Unik, interviewed 19 May 2008)

The third category comprises women who wear *jilbab* occasionally: in the *pengajian*, in the work place or for certain events. They decide to wear a *jilbab* because they see other women wearing the *jilbab*. However, women who wear a *jilbab* only in the workplace are usually following the District Regulations (*Perda Sharia*):

Since the implementation of Gerbang Marhamah, many women wear the jilbab, me too, but I am only wear it when I am working, because it is a regulation and regulation is a requirement for all female staff in the government to wear a jilbab (Yuli, interviewed 13 April 2008).

According to some scholars, the meaning of veiling is not only to meet a perceived religious obligation, but also represents and cultivates the wearer's piety, devoutness, discipline and modesty (Arthur 2000; Brenner 1996). Veiling also relates to space: private, familiar and public (Mernissi 1991). However, for some women who occasionally wear a *jilbab*, they might consider the place where they do not wear *jilbab* is private, such as the home or other familiar space such as their neighbourhood where they are only unveiled in unexpected situations.

8.7 The Politics of *Jilbab*

I was fired because I was considered not to be wearing a uniform. Actually, I was wearing a uniform with a skin coloured cuff to cover my hand and wearing a black jilbab, the same colour as my hair, to make it indistinct (Wine, the staff of international hospital)(Hamluddin 2008).

This woman's experience was reported in the national media at the same time as many districts were implementing *Perda* Sharia. It reminds us that the phenomenon of veiling in Indonesia is complex and complicated. While district governments were mandating the use of the *jilbab*, some international hospitals and educational institutions in Bekasi, Tangerang and Jakarta banned their staff and students from veiling. Wine's case illustrates the countervailing pressures women must accommodate. In order to obey the regulation of the international hospital where she worked, Wine did not wear the *jilbab* during working hours. She only wore the *jilbab* to travel to and from work. However, one day she decided to wear a uniform with a coloured skin cuff to cover her hand along with a black *jilbab*. However, the director of the hospital threatened to fire her if she wore the *jilbab*. The director argued that what she wore was against the hospital's regulation about uniform and was also considered a risk to patient hygiene. However, Wine argued that she still wore uniform, but by wearing a coloured skin cuff to cover her hand and wearing a black *jilbab* like her hair colour, these elements were indistinct. Nevertheless, the director asked Wine to resign (Hamluddin 2008). The case illustrates the director's personal interpretation and expectations about the *jilbab*. The director assumed that, if staff wore the *jilbab*, foreign patients would be unwilling to use the hospital.

Moreover, the pattern of veiling is not merely a trend from unveiled to veiled. Some female students at the Islamic university (UIN) in Jakarta who were previously veiling, after some 'consideration', decided to not veil consistently (Amel, lecturer of Islamic University, interviewed 29 May 2009). Some of these women were from religious backgrounds and had been educated in *pesantren* where they were taught that the *jilbab* was compulsory. They later decided that wearing a *jilbab* was not compulsory and discontinued its use. Their opinions changed and developed during their studies in an Islamic university, and in some cases after involvement in NGOs.

They decided not to wear the *jilbab* when they were not living in the *pesantren* or studying at the Islamic university.

A good example of this change is provided by the experience of Iranian Muslims. Hamdani has observed that Iranian women had to transform their appearance several times during their lives because of the changing social and political situation. Muslim women who traditionally wore the veil were forcefully unveiled by a government edict in 1936; and forced to re-veil in 1983, after regime change brought about by the Iranian revolution (Hamdani 2007).

Conclusion

The history of the *jilbab* in Indonesia is not one of lineal progress, simply from banning its use to compulsory use, or vice versa. It is true that the *jilbab* has not always been popular and was banned by the Soeharto government, becoming compulsory after the fall of Soeharto and the introduction of regional autonomy, as some district governments implemented *Perda* Sharia. However, in other regions as well as in particular institutions, veiling was discouraged or prohibited. By wearing a *jilbab*, women felt free to move in public spaces and when obtaining government services, but a *jilbab* also restrains women's freedom. When the *jilbab* is banned or discouraged, it becomes a 'symbol of resistance' for those who want to wear it. When the *jilbab* is mandated, as under *Perda* Sharia, it also becomes a symbol of discrimination for those who do not want to wear it. This research suggests that wearing a *jilbab* should be matter of personal choice for women.

Most informants agreed that wearing *jilbab* is a part of Islamic teaching. However, the decision concerning whether or not to wear the *jilbab* is a personal choice for each woman. They disagreed with regulations that forced all women to wear the *jilbab*, or prohibiting women from wearing *jilbab*, because such regulations were coercive and did not contribute to women's security. Many *kyai*, leaders of *pesantren*, believed that wearing the *jilbab* is part of Islamic teaching and is compulsory, but the choice to comply is nevertheless up to each woman. In line with that, women also considered that security should be understood as autonomy for each individual to do what they wanted, in accordance with existing rules and regulations of religion, custom or

tradition, as well as government regulations. A broad understanding about women's security includes family and community harmony, freedom from criminal activities, freedom of expression, acknowledgment of ability and capability, security of household economy and freedom to practice religious beliefs.

Chapter 9: Conclusion

9.1 Women and Sharia: A Contestation

Implementing Perda Sharia is a stepping-stone to establish an Islamic State in Indonesia (Abu Bakar Ba'ashir, The former Head of Majelis Mujahidin Indonesia (Ba'asyir 2007b)

Sharia is often considered to be incompatible with democracy. This dissertation argues against this proposition and asserts that in Indonesia, Sharia goes hand in hand with democratic principles. More importantly, this study demonstrates that democracy has enabled an open and public discourse about the implementation of Sharia-influenced regional regulation (*Perda* Sharia). Moreover, democracy has enabled the establishment of Islamic militant groups and organisations, which have demanded the implementation of *Perda* Sharia in many districts in Indonesia. The objective of this research has been to examine the religious, social and political dynamics in two districts in two provinces: Cianjur, West Java and Bulukumba South Sulawesi, where the *Perda* Sharia has been implemented, and to examine how these developments have affected women and women's security.

In this study I examined six issues pertaining to the implementation of *Perda* Sharia: Regional Autonomy, the dynamics of *Perda* Sharia including the debates of the proponents and opponents, the objectives, ideology and motives, election and strategies to implement *Perda* Sharia, human and female security, and the discourse on *jilbab-muslimah* clothes. The two case studies of Cianjur and Bulukumba were chosen because both districts have implemented various types of *Perda* Sharia. I also considered the cultural and historical background of the two districts. The aim of this concluding chapter is to identify the common threads, themes and issues discussed in the previous chapters and develop them into a comprehensive analysis.

9.2 *Perda* Sharia: the Religious, Social and Political Dynamics in Cianjur and Bulukumba

Regional Autonomy: Awaken a Sleeping Tiger ‘Sharia’

My research recognised that Sharia had been debated since the early days of Indonesian independence. Some Muslims leaders proposed to have Sharia adopted as the basis of the state constitution. However, this idea was opposed by nationalists, most of whom were Muslims, which disappointed some Muslim groups. The implementation of Sharia has remained an objective of some Muslim groups. Although several campaigns to accept Sharia as the basis of state constitution failed, the struggle has persisted, despite the repression of political Islam by Soeharto’s government. My research indicates that the spirit of the reformation era enabled Sharia to re-emerge. The Regional Autonomy laws, in particular, created new opportunities for proponents to implement Sharia. However, the widespread implementation of *Perda* Sharia by district governments was an un-intended consequence of the Regional Autonomy Laws, as the national government retained jurisdiction over religious affairs. I argue here that the laws provide a ‘pseudo justification’ for *Perda* Sharia. The autonomy laws have empowered local political processes. It is not an exaggeration to argue that the spirit of reformation, democracy and regional autonomy has awakened ‘the sleeping tiger’ of Sharia that had been repressed during the Soeharto era.

9.2.1 The Objectives: *Perda* Sharia Now, what is next?

This research confirms that the implementation of *Perda* Sharia is just one strategy to implement Sharia comprehensively. Since the implementation of regional autonomy in 2001, until the end of 2009 154 regional regulations have been enacted, which refer to Islamic moral teaching and structurally and specifically restrict women’s rights (Khusnaeny et al. 2010). By the end 2010, the number of discriminatory regulations had increased to 189 regulations, with 207 regulations in 2011. Up to August 2012, 282¹⁰⁷ regulations have been implemented in 100 districts out of a total of 470 districts in Indonesia, spread across 28 provinces (Komnas Perempuan 2012).

¹⁰⁷ According to the Head of *Komnas Perempuan*, Yuniyanti Chuzaifah, of 282 regulations, 207 directly discriminate against women, 60 regulations oblige women to wear Muslim Clothes [Long sleeve n skirt with head-veil], 96 regulations criminalise women through anti-prostitution and pornography regulations, 38 regulations restrict women through limiting their work hours (*jam malam*) (Tri & Haksoro 2012).

However in 2013 there have been 342 discriminatory regulations in the name of morality and religion (Perempuan 2013). This research also suggests that the strategies to implement Sharia more comprehensively at national level are unlikely to be successful in the short-term.

The widespread implementation of *Perda* Sharia supports my argument that the Sharia's proponents have shifted their strategies in accordance with social and political circumstances, from campaigning to make Sharia the basis of the national constitution early in Indonesian independence, to implementing *Perda* Sharia in district government regions. According to some proponents of Sharia, such as the Secretary of MUI in Cianjur (interviewed 18 March 2008), and the General Secretary of KPPSI in Makassar (interviewed 21 June 2008), considering the recent political situation in Indonesia, *Perda* Sharia is the only possible strategy for a more comprehensive implementation of Sharia regulations. It is worth noting that although the implementation of *Perda* Sharia has resulted from local political processes in district governments, given its widespread implementation, *Perda* Sharia, has become a national phenomenon. Borrowing from Suaedy's (2008) argument, the current strategy of Sharia's proponents is to implement Sharia as 'villages besiege the towns' (*desa mengepung kota*). Despite doubts about the jurisdiction of district governments in matters related to religion, this strategy has been successful. None of the *Perda* Sharia enacted by district governments has been annulled by the central government. The success of *Perda* Sharia suggests a paradox in Indonesian politics. Although the popularity of political parties identified with Islam has declined, the implementation of *Perda* Sharia in about 100 regions, and the idea to implement *Perda* sharia come from the community indicates that Islamic civil society is growing stronger.

Daniel E. Price, in his book 'Islamic Political Culture, Democracy, and Human Rights' (Price 1999), categorises the degree to which Sharia (Islamic law) has been applied in the following domains: first, personal status, second, economics, third, social customs, fourth, crime and punishment and fifth, governance. Using Price's categories, the extensive implementation of *Perda* Sharia in many districts, places Indonesia into the third category. Price argues that to be considered an Islamic state Indonesia would need two further levels: an Islamic penal code and an Islamic constitution. The implementation of *Qanun* in Aceh, implemented part of the Islamic

penal code¹⁰⁸. Thus to be considered as an Islamic state, Indonesia needs to grant other provinces special autonomy that would enable them to implement Sharia-influenced regional regulations, including the adoption of *hudud* law as in Aceh. Then Indonesia would need to have Islam as the basis of its national constitution before it could be considered as an Islamic state.

9.3 The Ideologies and Motives: Anything but Sharia

The supporters of Sharia believe that Indonesia's secular system is westernised and unsuitable for Indonesia. Secularism has failed and has caused economic and political crises. Accordingly, the proponents have campaigned for an alternative system of Islamic Sharia. Indonesia's economic and political crises have given legitimacy to demands for Sharia. They believe that social, economic and political crises and natural disasters are God's punishment because Indonesia, despite having a Muslim majority, has not implemented Sharia comprehensively. Chapter 5 examined how advocates of Sharia in Cianjur and Bulukumba used the economic crisis, along with seemingly never-ending natural disasters, disappointment regarding the relevance and enforcement of laws. They also called upon Indonesia's majority Muslim population, its glorious history of Islamic kingdoms and local identity to justify the implementation of *Perda* Sharia. Membership of a majority afforded Sharia proponents the right to implement regulations aligned with their beliefs. The research in Cianjur and Bulukumba also showed how the proponents of Sharia entwined their motives and objectives with the interests of local political elites. These local political leaders used the Sharia issue to mobilise support from Muslim communities. Proponents of Sharia also used *Bupati* candidates to further their own objectives.

The analysis of *Perda* Sharia implementation in Cianjur and Bulukumba indicates that democratic practices became a focus of debate between the opponents and proponents. Opponents argued that the decision-making processes involved in *Perda* Sharia were un-democratic because not all community members could participate, in particular women. They further argued that women were, in fact, targeted by the regulations. However, the proponents contended that *Perda* Sharia was implemented

¹⁰⁸Bireun and others districts in Aceh have been implementing Islamic penal code (*jinayat*). There are two kinds of Islamic penal code, first, *Hudud*, which refer and based on to Qur'an and hadiths literally; second, *ta'zir*, which refer to interpretation and *ijtihad* of the judge (Kamil 2008).

through democratic processes, as the idea came from the people and was supported by the community. This meant that the decision-making process was bottom-up and reflected democracy in action. They also argued that the widespread implementation of *Perda* Sharia was further evidence of democracy at work.

9.3.1 The Enforcement: Symbolic Politics or Religious Gesture

Central to my research is the process of the implementation of *Perda* Sharia in Cianjur and Bulukumba. I concluded that enforcement of *Perda* Sharia was more symbolic of religious significance than political. Paradoxically, *Perda* Sharia in both districts was enforced more rigorously before regulation were passed by the government. Prior to the formal implementation of *Perda* Sharia, both districts issued preliminary regulations. For instance, Bulukumba issued the ‘*Crash Programme Keagamaan*’ (crash programme on religiosity) in 1999, and the *Perda* Sharia was passed in 2003. In Cianjur, the government issued some decrees on *Muslimah* clothes and Good Moral Conduct in 2001, before it passed *Perda* Sharia in 2006. In both districts my research found that the regulations were enforced more strictly before than after formal adoption of *Perda* Sharia.

For instance, in Cianjur, Warsidi, the newly elected *Bupati* who initiated *Gerbang Marhamah*, issued decrees on *Muslimah* clothes and Good Moral Conduct in 2001. The government and militant Islamic groups often conducted raids to enforce these regulations. However, after the Sharia was passed on 2006 by Tjetjep, the *Bupati* who defeated Wasidi during 2006’s direct election, the regulations were not strictly enforced. So, the regulations themselves were enforced more strictly while debates about *Perda* Sharia were occurring, rather than after their enactment. Reflecting the changes, the debate between proponents and opponents about Sharia decreased in intensity after formal enactment. Ironically, after formal enactment, proponents did not campaign for rigorous enforcement, neither did opponents attempt to have the regulations revoked. Apart from that, the regulations sought to regulate symbolic matters, such as Muslim clothes and Arabic street names. Many posters carried religious sayings and warnings. This suggests that for the proponents of Sharia the formalisation of regulations was important, and not their enforcement.

Although, I argue here that *Perda* Sharia was principally symbolic, nevertheless, their implementation represents the greatest accomplishment of the proponents thus far. Proponents' objectives include the enforcing the regulations increasing their strictness by implementing of *Hudud* Law (Islamic penal code). However, they regard the implementation of *Perda* Sharia as a part of an educational process. Once the community becomes familiar with the concept of Sharia and understands its importance, then it should be enforced with sanctions, including the implementation of *Hudud* Law (Mustofa, Cianjur interviewed 18 March 2008; Nunding Ram, Makassar, interviewed 21 June 2008). Other proponents from political parties that had previously opposed the implementation of *Perda* Sharia regarded *Perda* Sharia as a 'toothless tiger'. In their view, the regulations look scary but do not have any power without sanctions (Heri, Parliament Member from Democratic Party, Cianjur, interviewed 26 February 2008).

Further, through the implementation of *Perda* Sharia, popular discourse about Sharia has increased, along with community familiarity. So it is not surprising that the community accepts *Perda* Sharia as a reference for moral standards, and feels it has the right to remind people that they should behave in accordance with *Perda* Sharia (Pipih, the former head department of education in Sub-district, Cianjur, interviewed 12 March 2008). The community acceptance is closely related to the lack of legal sanction for those who contravene the *Perda*. Some local politicians, like Heri, a member of the 'secular' Democrat Party in Cianjur, believe that there should be 'punishment' for people who fail to abide by the *Perda* (Heri, Parliament Member from Democratic Party, Cianjur, interviewed 26 February 2008). However, community peer pressure functions as a more effective 'punishment' than legal sanctions. This argument is also supported by the fact that most informants in this research agreed with the implementation of *Perda* Sharia. This was particularly since Aceh was granted special autonomy enabling it to implement *Perda* Sharia (*Qanun*) more extensively at the provincial level¹⁰⁹. Thus, Aceh became a role model that inspired groups elsewhere to implement similar regulations, including KPPSI in South Sulawesi. As discussed in chapter 5, the KPPSI has used Aceh as a precedent to campaign for special autonomy of South Sulawesi. In several congresses, KPPSI

¹⁰⁹ The implementation of *Qanun* in Aceh including restrictions on the movement of women at night, prohibition of women sitting astride a motor bike (*duduk mengangkang*), prohibition of women wearing trousers.

recommended that the provincial government negotiate Special Autonomy for South Sulawesi.

9.3.2 The Strategies and Elections

The issue of Sharia was introduced and promoted during the campaign for the *Bupati* elections. Sharia became a campaign issue for *Bupati* candidates. To some extent, Sharia was used by the *Bupati* candidates to increase their popularity and help them win the election. However, changes to the election system for *Bupati* also influenced the way Sharia was used as a campaign issue. Research in Cianjur and Bulukumba indicated that Sharia was a more important issue politically under the old DPRD election system than under the direct-election system introduced in 2005. Under the old system, candidates used Sharia more effectively as a campaign issue. It was easier to focus on a single issue like Sharia when lobbying the members of DPRD, than when campaigning in a public election. *Perda* Sharia became a political commodity that enabled candidates and their supporters to mobilise support in local elections. This suggests that the implementation of *Perda* Sharia was motivated by political rather than religious considerations.

According to Bush (Bush 2008b), the issue and the implementation of Sharia represents an anomaly. Enactment began in 1999 and reached its peak in 2003, with a subsequent downturn. However, this research suggests that although Sharia has not been used much during recent campaigns in Cianjur and Bulukumb, and Sharia discourse and debate has decreased and is not covered by national media, more regions have actually implemented *Perda* Sharia. From 2006 to 2009, more *Perda* Sharia have been implemented in 22 districts across 17¹¹⁰ provinces (Komnas Perempuan 2012; KPI 2011).

In Cianjur, the enactment of *Perda* Sharia was a part of a political contract between a *Bupati* candidate with the Islamic formalist group, GARIS, which is part of a national network of militant Islamic groups. In Bulukumba, the initiative for *Perda* Sharia

¹¹⁰ There are some districts that implemented *Perda Sharia* within 2006-2009 such as: Cianjur, passed a regulation on Gerbang Marhamah on 2006 (Pemerintah Kabupaten Cianjur 2006), Garut District in West Java passed a *Perda* No 2/2008 on Anti immoral deeds (Surur 2008), District Sawahlunto, West Sumatra passed regulation No. 19/2006 on anti immoral deeds (anti Maksiat), District Majalengka passed Regulation No. 14/2009 on Anti prostitution (KPI 2011)

came from a *Bupati* candidate who was also a member of an Islamic formalist group, the KPPSI, which has a regional network. The role of these Islamic groups proved vital to the enactment of *Perda* Sharia. These groups used the elections as a medium to promote Sharia, and used the *Bupati* as a vehicle to achieve their objectives. The research found that formalist groups played a pivotal role in supporting and enforcing the *Perda* Sharia. They campaigned, lobbied and pressured for *Perda* Sharia's implementation. In general, the proponents' strategies were more systematic and intense compared with those of the opponent groups. They had a broader network that connected their ideology and commitment to enforce *Perda* Sharia. More importantly, they were more militant and consistent compared to their opponents. For the proponents, Sharia is their main objective, while the opponents of Sharia, who are mainly human rights activists, have competing priorities

9.3.3 Is *Perda* Sharia, a Sharia?

As discussed in chapter three, Sharia is not the formal name given to these regulations based on Sharia. The regulations that have been implemented in many districts are more related to *fiqh*, which is the interpretation of *ulama* (Islamic scholars), and is a human product of legal reasoning (see further discussion on the different between *fiqh* and Sharia in chapter 2). However, since some scholars use *fiqh* and Sharia interchangeably, and considering the political history of Sharia in Indonesian politics, I prefer to describe the regulations as *Perda* Sharia.

Nomenclature was a sensitive topic debated during the implementation of *Perda* Sharia. Most of the opponent groups, both insiders (people who reside in Cianjur or Bulukumba) and outsiders (people who live outside Cianjur and Bulukumba), referred to the regulations as *Perda* Sharia. These groups included the Central Board of Nahdlatul Ulama (PBNU) in Jakarta and national political elites more generally. Moreover, some national NGOs depicted *Perda* Sharia as unconstitutional or discriminatory in order to not discredit Islam. Among the proponents, both insiders and outsiders referred to the regulations by terms other than *Perda* Sharia, particularly government staff, local politicians and members of the DPRs and other political parties. Militant Islamic leaders use *Perda* Sharia, including Abu Bakar Ba'ashir, former Head of *Majelis Mujahidin Indonesia* (MMI) (Ba'asyir 2007b). Leaders of

mainstream Islamist parties, like Jazuli Juaeni, a member of the DPR-RI from PKS (Partai Keadilan Sejahtera-Prosperous Justice Party), argue:

...the formulation of regulations and laws in Indonesia there is no such thing as 'Perda Syariah' because the state of Indonesia is not based on religion. The first principle of Pancasila, or Belief in the One and Only God (Ketuhanan Yang Maha Esa) means that each religion is able to realise its ideals according to their respective principles and beliefs. Thus, religious values in Indonesia should become the basis of morality in order to overcome various problems...many regional regulations considered by some to be Sharia-influenced, when read carefully, in fact regulate public order and ethics as well as good moral conduct and customs. This means that all religions share similar concerns. Discriminatory regulations, should not be stigmatised as Perda Sharia, which is certainly biased and damaging to the Muslim community (Juaeni 2013).

However, this research argues that, although other religions have similar concerns and some countries, such as Australia, also regulate alcohol consumption, gambling and prostitution, *Perda* Sharia is different due to the backgrounds and motivations of Indonesian decision-makers and Sharia proponents, who are motivated by religious ideology.

9.4 Localising Human and Women's Security

Security became a central debate between the proponents and the opponents of *Perda* Sharia. The debate was motivated by the pursuit of a similar objective, but was conducted from different perspectives: they both purported to make women more secure and to protect women's rights. The proponents argued that implementing *Perda* Sharia meant abiding by religious rules, which would increase women's dignity and protect women from harassment, thus enhancing women's security. The opponents argued that *Perda* Sharia restricted women's freedom, thus endangering women's security and violating their rights.

Although the implementation of *Perda* Sharia has been extensive, its impact on women's security has been subject to little discussion. There has been some discussion on human security among academics (Hara 2007), but the concept of women's security is not common in Indonesia. The informants in this research were not familiar with the concept of security, particularly in areas that had not experienced

conflict. Security is translated in Indonesian as *aman* or *keamanan*. The informants experienced difficulty relating *Perda* Sharia to security. By borrowing Commission of Human Security's (CHS) concept of security, this research tried to understand female informants' views and experience of both human and their own security. Surprisingly, the informants did not agree with the concept offered by CHS: 'Human security means protecting fundamental freedoms—freedoms that are the essence of life... it connects several kinds of freedom—such as freedom from want and freedom from fear, as well as freedom to take action on one's own behalf' (CHS 2003).

As discussed in chapter 7, most informants argued that freedom is a western concept, and is contrary to local wisdom and Indonesian culture. Freedom, or *bebas/kebebasan* in Indonesian, has negative connotations, such as *sex bebas* (free sex, fornication), and *pergaulan bebas* (promiscuity). Thus, female informants did not seek 'freedom', but rather sought self-restraint. The informants preferred to define human security as an 'autonomy' rather than as a 'freedom'. The women defined women's security based on their daily experiences. They defined security as the fulfilment of basic material needs, the autonomy to make decisions, living in a harmonious family, being respected and being safe from criminal activity. Reflecting upon the women informants' experience of security, it is not sufficient to accept a rights-based concept of human security, such as that of the Commission for Human Security. We must also recognise the importance of custom, eastern culture, social and religious norms which are reflected in 'local wisdom',¹¹¹.

Although women's security status were part of the debate surrounding *Perda* Sharia, women's participation in decision-making processes in both districts was negligible. The number of female members of district parliaments was very low with only eight out of 45 members in Cianjur in 2004-2009, and only one out of 35 members in Bulukumba in 2004-2009¹¹². Senior women officials in the two district governments were also not involved in decision-making processes. One of the male officials involved in the formulation of *Perda* conceded that there were many women who held

¹¹¹ 'Local Wisdom', 'Kearifan Lokal' in Indonesian, has become part of contemporary discourse. It refers to the ideals and values embodied in the philosophy of wisdom and customs embedded in and practiced by local societies (Sartini 2004). In other words, 'local wisdom' reflects the norms, rules, values and religious teachings embedded in local communities.

¹¹² The number of female member of parliamen increase in 2009-2004: 9 out of 50 members in Cianjur and 4 out of 40 members (Badan Pusat Statistik 2012a, 2012b)

senior positions in government who could have been involved in the development of *Perda*, however he simply forgot to invite them (Sudradjat, the Head of Information and Communication Department, Cianjur, interviewed 08 March 2008). The regulations did not favour women and rendered them as objects of the regulation, rather than as participants in their formulation.

In relation to the implementation of *Perda* Sharia, women's experience of security was conflicting. Some women agreed with the proponents' argument about women's security in relation to the implementation of *Perda* Sharia. These women argued that the implementation of *Perda* Sharia would advance their security, given that *Perda* Sharia reflected religious values giving respect and protection to women. Nevertheless, other female informants did not feel any influence of *Perda* Sharia on their security, although it was apparent that their activities were more restricted. However, there a few female informants considered that *Perda* Sharia had threatened their security. For example, one woman was banned from nominating as a candidate in the *Bupati* election by the MUI on the pretext that her candidature would contravene *Perda* Sharia.

The discourse on security was strongly associated with the implementation of regulations on *jilbab*. Most female informants argued that wearing *jilbab* by choice made them feel more secure. However, *Perda* Sharia that mandated the wearing of *jilbab* was considered by some to threaten their security. The mandated wearing of *jilbab* was the most visible symbol of *Perda* Sharia's implementation. As discussed in chapter 2, *Perda* Sharia sought to regulate three aspects of public life. First, it sought to eradicate moral and social problems such as prostitution, alcohol consumption and gambling. Second, it enforced ritual observances among Muslims, including reading the Qur'an, attendance at Friday prayers and fasting during Ramadan. Third, it sought to govern the way people, mainly women, dressed in public, especially though wearing the *jilbab* (Candraningrum 2007). However, this analysis indicates that *jilbab* regulations indicate how strongly *Perda* Sharia has been enforced. Although a district may implement regulations about prostitution and gambling, a district must implement *jilbab* regulations to comply with *Perda* Sharia it will be considered to have implemented *Perda* even if there are no regulations on gambling and prostitution.

The research indicates that *jilbab* became the core issue in the discourse on *Perda* Sharia. As explored in chapters 7 and 8, although non-Muslim people stated that the *Perda* Sharia was only applied to Muslims, impacts were felt by non-Muslims. Since the implementation of *Perda* Sharia, particularly the obligation to wear a *jilbab*, minorities have become more visible and identifiable, and are targets of harassment and discrimination

Although this research involved a thorough analysis of *Perda* Sharia in only two districts, Cianjur and Bulukumba, out of many that have implemented Sharia-influenced regulations, I suggest that further research is required on the implications for women's security in conflict or post-conflict areas such as Aceh. Aceh is important for further research, not only because it is a post-conflict region, but also because the provincial government has wider powers to implement Sharia than district or provincial governments elsewhere in Indonesia. Aceh will be a crucial case study to examine the question of whether Sharia-influenced Regional Regulations strengthens their security or exacerbates their insecurity. Further research on this topic with different case studies is also necessary to understand local concepts of human and women's security.

This research was designed to contribute to three areas of academic scholarship. First, it aimed to contribute empirically to the literature concerning the interrelation of regional autonomy, democratisation and implementation of *Perda* Sharia in post-Suharto Indonesia. Second, the research aimed to contribute empirically to the scholarship on contestation of the *Perda* Sharia and women's participation in the political process, particularly regarding women's security. Third, it aspired to contribute conceptually explorations of female agency, and women's capacity to express opinions regarding *Perda* Sharia and security. As in most developing countries, women's voices are often ignored. This study is important because it both explores women's security and female participation in the political process. This research is expected to contribute to academic and policy makers' understanding of how implementation of Sharia in regional regulations has affected female security.

My research argues that *Perda* Sharia results from the intertwining of regional autonomy, the spirit of reformation and democratisation. The implementation of *Perda* Sharia was the outcome of the local political processes. However, given the extensive implementation, it has become a national phenomenon and a national concern. Turning to the debate about Sharia; it is evident that before 1999 most of the debate was conducted at national level and concerned the nature of the Indonesian state. However, after regional autonomy in 1999, and especially after many districts implemented *Perda* Sharia, the debate on Sharia became more focused on the integration of Sharia values into Indonesian legal system, with implications for human rights, especially women's security. Sharia has become a debate between the government, NGOs and the public, especially since Aceh implemented *Qonun*. Aceh was followed by many district governments implementing Sharia regional regulations. As a consequence, many women have been detained by the police, and in other ways have had their activities restricted, all in the name of Sharia.

This research concludes that the implementation of *Perda* Sharia has strengthened the position of Islam as a social and cultural force, but not necessarily Islam's influence in politics or government. Nevertheless, the widespread implementation of *Perda* Sharia suggests that it has been widely accepted and has become the part of legal system in district government. Reflecting on the struggle for Sharia since Indonesian independence, the widespread implementation of *Perda* Sharia is a great accomplishment for its advocates.

Bibliography

- Abdurrahman, M 2001, 'Korban Pertama dari Penerapan Syariat Adalah Perempuan', Wawancara, viewed 9 July 2007, <<http://islamlib.com/id/index.php?page=article&id=175>>.
- Abidin, Z 2006, *Selamat Tinggal Gerbang Marhamah*: Laporan dari Supervisi Penelitian Intersekti tentang Minoritisasi Ahmadiyah ke Cianjur, Jawa Barat, The Interseksi Foundation, Jakarta, <http://interseksi.org/publications/chronicles/2007/selamat_tinggal_cianjur.html%3E.
- Abu-Lughod, L 1986, *Veiled Sentiments: Honor And Poetry In A Bedouin Society*, University of California Press, Berkeley.
- Ade 2010, 'KPPSI Minta Agus Dibebaskan', Pare Pos, <<http://www.parepos.co.id/read/28776/7/kppsi-minta-agus-dibebaskan-%3E>.
- Ahmad, K 1987, 'The Nature of Islamic Resurgence', in JI Esposito (ed.), *Voices of Resurgent Islam*, Oxford University Press, New York.
- Ahmed, L 1992, *Women And Gender In Islam : Historical Roots Of A Modern Debate*, Yale University Press, New Haven.
- Akbarzadeh, S & MacQueen, B (eds) 2008, *Islam And Human Rights In Practice: Perspectives Across The Ummah*, Routledge, London.
- Al-Asymawi, MS 2003, 'Jalan menuju Tuhan', in Burhanuddin (ed.), *Syariat Islam Pandangan Muslim Liberal*, Jaringan Islam Liberal, Jakarta.
- Alatas, A 1991, Kasus Jilbab di sekolah-sekolah Negeri di Indonesia tahun 1982-1991, Bandung, Research Report.
- Alatas, A & Desliyanti, F 2002, *Revolusi Jilbab: Kasus Pelarangan Jilbab di SMA Negeri se-Jabotabek*, 1982-1991, Al-I'tishom Cahaya Umat, Jakarta.
- Alim, M 2010, 'Perda Bernuansa Syariah Dan Hubungannya Dengan Konstitusi', Hukum, vol. 17, no. 1, pp. 119-42.
- Alvian 2010, 'KPPSI Ubah Struktur', Tribuntimur, 18 September 2010, Politik, <<http://faktapos.com/content/politik/543-kppsi-ubah-struktur-.html%3E>.
- Amal, AS 2010, 'Gaya Bupati ala Andi Cakka, Putra Kahar Muzakkar', Kompasiana, 20 September 2010, Politik Kompasiana, <<http://politik.kompasiana.com/2010/09/20/gaya-bupati-ala-andi-cakka-putra-kahar-muzakkar/>>.
- An-Na'im, AA 1990, *Toward an Islamic Reformation: Civil Liberties, Human Rights, and International Law*, University Press, Syracuse.
- An-Na'im, AA 1992, *Human Rights in Cross-Cultural Perspectives: A quest for Consensus*, The Univ of Pennsylvania Press, Pennsylvania.
- Andis, M (ed.) 2004, H. A. *Patabai Pabokori: Mengawal Bulukumba ke Gerbang Syariah Islam*, Karier Utama, Makassar.

- Antara News 2001, 'Pemilihan Bupati: Sidang Pleno DPRD Cianjur Dibubarkan Massa', Gatra, vol. 2001, 12 Pebruari , <<http://www.gatra.com/2001-02-12/artikel.php?id=3972%3E>.
- 2007, 'Wapres : Perda Syariat Islam Rendahkan Derajat Islam', ANTARA News, <<http://www.antarane.ws.com/view/?i=1188460836&c=NAS&s=%3E>.
- Ardiansyah, A, Syafi'i, S & Anthony 2006, 'Risau Beleid Bilah Bambu', Gatra, Thursday, 29 June 2006, Nasional, <http://www.gatra.com/2006-07-04/versi_cetak.php?id=95952%3E.
- Arthur, LB 2000, *Undressing religion: commitment and conversion from a cross-cultural perspective*, Berg Publishers.
- Asi, RA 2007a, 'Sulawesi: aspirations of local Muslims', Rajaratnam School of International Studies, RSIS, vol. 22 October 2007, no. 142.
- 2007b, 'Sulawesi: aspirations of local Muslims', Rajaratnam School of International Studies, Singapore, vol. 22 October 2007, no. 142.
- Aspinall, E & Fealy, G 2003, *Local power and politics in Indonesia: decentralisation & democratisation*, Institute of Southeast Asian Studies.
- Assyaukanie, L 2009, *Islam and Secular State in Indonesia*, Institute of Southeast Asian Studies.
- Astro, J & Trisna, A 2003, 'Menelusuri "Jajanan Plus" Cipanas', Liputan 6, 23/09/2003.
- Aziz, DA 2005, 'Musro Executive Prameswari Menggugat Bupati Cianjur', Tempo interactive, Rabu, 05 Januari 2005, <<http://www.tempointeractive.com/hg/nusa/jawamadura/2005/01/05/brk,20050105-61,id.html%3E>.
- Azizy, AQ 2001, 'Juristic Differences (Ikhtilaf) in Islamic Law: Its Meaning, Early Discussions, and Reasons (A Lesson for Contemporary Characteristics)', Al-Jami'ah, vol. 39, no. 2.
- Ba'asyir, AB 2007a, *Abu Bakar Ba'asyir: Perda Celah Syariat Islam* viewed 12 July 2007, <<http://www.icrp-online.org/wmview.php?ArtID=234%3E>.
- Badan Pusat Statistik 2010a, *Cianjur Dalam Angka*, vol. 2012, Badan Pusat Statistik,, Cianjur.
- 2012b, *Statistik Daerah Kabupaten Cianjur 2012*, vol. 2010, Badan Pusat Statistik, Cianjur.
- 2012a, *Statistik Daerah Kabupaten Bulukumba 2012*, CV Hidayah Amalia, Bulukumba.
- 2010b, *Statistik Kabupaten Bulukumba*, Badan Pusat Statistik, Bulukumba.
- Baderin, MA 2001, 'Establishing Areas of Common Ground between Islamic Law and International Human Rights', The International Journal of Human Rights, vol. 5, no. 2, pp. 72-113.
- 2003, *International Human Rights and Islamic Law*, Oxford University Press, Oxford.

- 2007, 'Islam and the Realization of Human Rights in the Muslim World: A Reflection on Two Essential Approaches and Two Divergent Perspectives', *Muslim World Journal of Human Rights*, vol. 4, no. 1
- Bakti, AF 2006, 'Majelis Azzikra: New Approach to Dakwah for Civil Society in Indonesia', *Mimbar*, vol. 23, no. 1.
- Basalamah, A 2000, 'Syari'at Islam di Sulsel, di Ambang Pintu? ', *Suara Hidayatullah*, vol. November.
- Bataviase 2010, 'Pengangkatan Dirut PDAM Dipertanyakan Lagi', *Bataviase*, 18 August 2010, *Nasional*, <<http://bataviase.co.id/node/346633>>%3E.
- BBC News 2005, 'Woman Leads US Muslims to Prayer', *BBC News*, <<http://news.bbc.co.uk/2/hi/americas/4361931.stm>>%3E.
- 2008, 'Woman Leads Muslim Prayers in UK', *BBC News*, <http://news.bbc.co.uk/2/hi/uk_news/england/oxfordshire/7676239.stm>%3E.
- Behdad, S 2008, *Islam and the Everyday World : Public Policy Dilemmas*. [electronic resource], Taylor & Francis, Hoboken.
- Beng Soon, Ca & Ming-Hua, L 2009, 'Islamic banking: Interest-free or interest-based?', *Pacific-Basin Finance Journal*, vol. 17, pp. 125 - 44.
- Blackburn, S 2004, *Women and the State in Modern Indonesia*, Cambridge University Press, Cambridge.
- Bloor, M 2004, 'Addressing social problems through qualitative research', in D Silverman (ed.), *Qualitative research: theory, method and practice*, Sage Publications, London, pp. 305-24.
- Boland, BJ 1982, *The struggle of Islam in modern Indonesia*, Slightly rev. reprint. edn, Nijhoff, The Hague.
- Bowen, JR 2007, *Why the French Don't like Headscarves: Islam, the State, and Public Space*, Princeton University Press, Princeton and Oxford.
- 2011, 'How the French State Justifies Controlling Muslim Bodies: From Harm-Based to Values- Based Reasoning', *social research*, vol. 78, no. 2, p. 325.
- Brenner, S 1996, 'Reconstructing Self and Society: Javanese Muslim Women and "The Veil"', *American Ethnologist*, vol. 23, no. 4, pp. 673-97.
- Bruinessen, MV 1996a, 'Islamic state or state Islam? Fifty years of state-Islam relations in Indonesia', in IW (Hrsg.) (ed.), *Indonesien am Ende des 20. Jahrhunderts*, Hamburg, Hamburg: Abera-Verlag, pp. 19-34, <<http://www.let.uu.nl/~martin.vanbruinessen/personal/publications/State-Islam.htm>>%3E.
- Brumberg, D 2005, 'Islam is not the Solution (or the Problem)', *The Washington Quarterly*, vol. 29, no. 1, pp. 97-116.
- Bubalo, A & Fealy, G 2005, *joining the caravan? The Middle east, Islamism and Indonesia*, vol. 5, Lowy institute Paper 5, Lowy institute for International Policy, New south Wales, Australia.
- Buehler, M 2008, 'The rise of shari'a by-laws in Indonesian districts: An indication for changing patterns of power accumulation and political corruption', *South East Asia Research*, vol. 16, no. 2, pp. 255-85.

- Bunch, c 2004, 'A feminist human rights lens', *Peace Review*, vol. 16, no. 1, pp. 29-34.
- Bush, R 2008a, 'Regional Sharia Regulations in Indonesia: Anomaly or Symptom?', in G Fealy & S White (eds), *Expressing Islam: Religious Life and Politics in Indonesia*, Institute of Southeast Asian Studies, Singapore, pp. 174-91.
- Bustamam-Ahmad, K 2007, 'The application of Islamic law in Indonesia: the case study of Aceh', *Journal of Indonesian Islam*, vol. 01, no. 01, June 2007.
- Candraningrum, D 2006, 'Perda Sharia and the Indonesian Women's Critical Perspectives', paper presented to *Neue Willkuer gegen Frauen in Indonesien: Kontroversen um die Umsetzung der Regionale Scharia-Gesetze Perda Syariah (New Arbitrary against Women in Indonesia: Perda Sharia and Women's Rights)*, ÜBERSEEMUSEUM Bremen, Germany, 11 November 2006.
- 2007, 'Unquestioned Gender Lens in Contemporary Indonesian Sharia Ordinance (Perda Syariah)', *Al-Jami'ah*, vol. 45, no. 2, pp. 289-320.
- Caprioli, M 2004, 'Democracy and Human rights versus Women's security: a contradiction?', *Security Dialogue*, vol. 35, no. 411, pp. 411-28.
- Cattleya, L 2010, 'Review: "Increasing Women's Political Participation and Strengthening Good Governance in Indonesia" program', *Norad Collection Reviews*, vol. 1/2010.
- Chase, A 2000, 'Islam and human rights, clashing normative orders?', PhD thesis, Fletcher School of Law and Diplomacy.
- 2006, 'Liberal Islam and 'Islam and Human Rights': A Sceptic's View', *Religion and Human Rights*, vol. 1, no. 2, pp. 145-63.
- Chenoy, AM 2005, 'A plea for engendering Human security', *International studies*, vol. 42, no. 2.
- CHS 2003, *Human Security Now*, Commission on Human Security, New York, <<http://ochaonline.un.org/humansecurity/CHS/finalreport/index.html>>%3E.
- Dar Qiraat 2010, *The Alqur'an: English Meanings and notes* by Saheeh International, Al-Muntada Al-Islami Trust, Riyadh.
- Den 2010, 'Kedatangan Tim KPK Dipertanyakan', *Radar Sukabumi*, Friday, 01 October 2010, <<http://www.radarsukabumi.com/index.php?mib=berita.detail&id=61417>>.
- Desantara 2008, *Perlindungan Negara Terhadap Hak-hak Kultural dan Hak Beragama*, 10 March 2008 edn, Desantara, <<http://www.desantara.or.id/03-2008/441/perlindungan-negara-terhadap-hak-hak-kultural-dan-hak-beragama/>>%3E.
- Dessouki, AEH 1982, *Islamic Resurgence in The Arab World*, Praeger, New York.
- Detikcom 2006, 'Ke Arah Lebih Cerdas, Sehat, Sejahtera, dan Berakhlakul-karimah: "Cerdas" Siap Membangun Cianjur', *detikcom Detik forum*, <<http://m.detik.com/read/2006/03/18/082753/561055/131/cerdas-siap-membangun-cianjur>>%3E.
- Dinie & Agus 2012, *Wakil Bupati Cianjur Hadiri Konferensi Cabang NU ke-16 Cianjur*, 19 Maret 2012 edn, 19 Maret 2012, Pemkab Cianjur, 10 September

- 2012, <<http://cianjurkab.go.id/berita-daerah/1937/wakil-bupati-cianjur-hadiri-konferensi-cabang-nu-ke16-cianjur-.html%3E>.
- Diprose, R 2007, 'Passing on the Challenges Or Prescribing Better Management of Diversity? Decentralisation, Power Sharing And Conflict Dynamics in Central Sulawesi, Indonesia', CRISE WORKING PAPER, vol. June, no. 38.
- Doi, ARI 1992, *Women In Shari'ah (Islamic Law)*, Ta-Ha Publishers Ltd., UK.
- Doi, ARI 2007, *Shari'ah: The Islamic Law*, A S Noordeen, Singapore.
- Drakeley, S 2005, *The history of Indonesia*, Greenwood Press, London.
- Dwyer, LK 2001, 'Making Modern Muslims: Embodied Politics And Piety in Urban Java', PhD thesis, Princeton University.
- Effendy, B 2003, *Islam and the State in Indonesia*, Institute of Southeast Asian Studies, Singapore.
- Eko, S 2004, 'Pilkada Secara Langsung: Konteks, Proses dan Implikasi', paper presented to Expert Meeting: Mendorong Partisipasi Publik Dalam Proses Penyempurnaan UU No. 22/1999 di DPRRI, Jakarta, 12 Januari 2004, <http://www.ireyogya.org/sutoro/pilkada_secara_langsung.pdf%3E.
- El Guindi, F 1999, *Veil: Modesty, privacy and resistance*, Berg, Oxford, New York.
- Ellis, A 2007, 'Indonesia's Constitutional Change Reviewed', in RH McLeod & RM Andrew MacIntyre McLeod (eds), *Indonesia : democracy and the promise of good governance*, Institute of Southeast Asian Studies, Singapore, vol. 24.
- Erawan, IKP 2007, 'Tracing the Progress of Local Governments since Decentralisation', in RH McLeod & A MacIntyre (eds), *Indonesia Democracy and the Promise of Good Governance*, . Institute of Southeast Asian Studies, ISEAS, Singapore, pp. 55-69.
- Erb, M & Sulistiyanto, P (eds) 2009, *Deepening Democracy in Indonesia, Direct Elections for Local Leaders (Pilkada)*, Institute of Southeast Asian Studies (ISEAS), Singapore.
- Erb, M, Sulistiyanto, P & Faucher, C (eds) 2005, *Regionalism in Post-Suharto Indonesia*, RoutledgeCurzon, London.
- Fajar Online 2010, 'KPPSI Desak Pembebasan Agus Dwikarna', Fajar Online, SELASA, 09 FEBRUARI 2010, Metro News, <<http://metronews.fajar.co.id/read/81703/96/index.php%3E>.
- 2013, 'Perda Keagamaan Tak Lagi Bergigi: Dahulu Objek Studi Banding, Sekarang Miras Dijual Bebas ', Fajar Online, vol. Jumat, 04 Januari 2013, <<http://www.fajar.co.id/read-20130103194508-perda-keagamaan-tak-lagi-bergigi%3E>.
- Fatwa, AM 2001, 'Landasan Politik Pelaksanaan Syariat Islam di Sulawesi Selatan', paper presented to The Second Islamic Congress, Makassar, 29-31 December 2001.
- Fealy, G 2001, 'Islamic politics: a rising or declining forces?', in D Kingsbury & A Budiman (eds), *Indonesia the uncertain Transition*, Crawford House Publishing, Bathurst, NSW.

- 2005, 'Islamisation and politics in Southeast Asia: The contrasting cases of Malaysia and Indonesia', in AH Johns & N Lahoud (eds), *Islam in world politics*, RoutledgeCurzon, London, p. 152.
- Fealy, G & Borgu, A 2005, *Local Jihad: Radical Islam and Terrorism in Indonesia*, Australian Strategic Policy Institute (ASPI), Australian Strategic Policy Institute (ASPI), Canberra.
- Fikri 2009, 'MUI Cianjur Rekomendasikan 15 Pernyataan ', ANTARA, <<http://www.antarajawabarat.com/lihat/cetak/19792%3E>.
- Gammeltoft, T 2001, *The Irony of Sexual Agency: Premarital Sex in Urban Northern Vietnam*, Cornell University Press, New York.
- Geertz, C 1960, *The Religion of Java*, University of Chicago Press, Chicago, London.
- Giddens, A 2004, 'French Headscarf Ban Against Interest of Women', *New Perspectives Quarterly*, vol. 30, no. 1 Winter 2013.
- Goodale, M (ed.) 2009, *Human Rights: An Anthropological Reader*, Blackwell Publishing, Oxford.
- Guinn, DE 1999, *Religion and Law in the Global Village*, Scholars Press, Atlanta.
- Gunawan, G 2009 Budaya "Pawai Kuda Kosong", 20 January 2009 edn, February 2010, <<http://www.cianjurcybercity.com/2009/01/20/budaya-pawai-kuda-kosong-3c.html%3E>.
- Halim, W 2005, 'Shariah Implementation in South Sulawesi: An Analysis of the KPPSI Movement ', *Future Islam*.
- 2009, 'KPPSI and the Debates over the Implementation of Shari'a in south Sulawesi', *Jurnal Kultur*, vol. 4, no. 2, pp. 63-85.
- Hallaq, WB 1997, *A History of Islamic Legal Theories: an Introduction to Sunni Ushul Fiqh*, Cambridge University Press, Cambridge.
- Hamdani, D 2007, 'The Quest for Indonesian Islam: Contestation and Consensus Concerning Veiling', PhD thesis, Australian National University.
- Hamluddin 2008, 'Wine Kembali Bekerja dengan Memakai Jilbab', *Tempo*, <<http://www.tempo.co/read/news/2008/10/31/083143218/Wine-Kembali-Bekerja-dengan-Memakai-Jilbab%3E>.
- Hara, AE 2007, 'Promoting women security as human security: Indonesian women attempt to find their place in the newly Indonesia democracy', paper presented to International Development Studies Conference on "Mainstreaming Human Security: The Asian Contribution", Chulalongkorn University; Bangkok, Thailand, 4-5 October, viewed 00 june 2009.
- Harnish, DD & Rasmussen, AK (eds) 2011, *Divine Inspirations: Music and Islam in Indonesia*, Oxford University Press, New York.
- Hasan, N 2007, 'Islamic militancy, Sharia, and democratic consolidation in post-Suharto Indonesia', S. Rajaratnam School of International Studies Singapore, vol. 23 October.
- Hasan, N 2008, *Reformasi, Religious Diversity, and Islamic Radicalism after Suharto*, vol. 1 Indonesian Social Sciences and Humanities, The Netherlands.

- Hashemi, K 2008, *Religious Legal Traditions, International Human Rights Law And Muslim States*, Martinus Nijhoff Publishers, Leiden.
- Hassan, R 1990, *What Does It Mean to Be a Muslim Today?*, Fall 1990 edn, Cross Currents, 27 june 2007, <<http://www.crosscurrents.org/hassan.htm>%3E.
- Hasyim Muzadi 2006, 'Hasyim Muzadi: Perda Syariah Tidak Diperlukan', Gatra, 16 June 2006, <<http://gatra.com/2006-06-16/artikel.php?id=95444>%3E.
- Hefner, RW 1993, 'Islam, State, and Civil Society: ICMI and the Struggle for the Indonesian Middle Class' ', Indonesia, vol. 56, no. April, pp. 1-35.
- Holloway, I 1997, *Basic Concepts For Qualitative Research*, Wiley-Blackwell, London.
- Hoodfar, H 1991, 'Return to the veil: personal strategies and public participation in Egypt', in NS Redclift (ed.), *Working women: international perspectives on labour and gender ideology*, Routledge, London, pp. 104-24.
- Hoogensen, G & Rottem, SV 2004, 'Gender identity and the subject of security', *Security Dialogue*, vol. 35, no. 2, p. 155.
- Hoogensen, G & Stuvøy, K 2006, 'Gender, resistance and human security', *Security Dialogue*, vol. 37, no. 2, pp. 207-28.
- Hooker, M & Lindsey, T 2002, 'Public Faces of Syari'ah in Contemporary Indonesia: Towards a National Ma'hab ?', *Australian Journal of Asian Law*, vol. 4, no. 3, pp. 259-94.
- Hooker, MB 2003, *Indonesian Islam : Social Change Through Contemporary Fatawa*, Southeast Asia publications series., Asian Studies Association of Australia in association with Allen & Unwin, Crows Nest, N.S.W.
- 2008, *Indonesian Syariah: Defining a National School of Islamic Law*, ISEAS, Singapore.
- Horikoshi, H 1975, 'The Dar ul-Islam Movement in West Java (1948-62): An Experience in the Historical Process', *Indonesia*, vol. 20, pp. 59-86.
- Hosen, N 2004, 'Behind the Scenes: Fatwas of Majelis Ulama Indonesia (1975-1998)', *Journal of Islamic Studies*, vol. 15, no. 2, pp. 147-79.
- 2005, 'Religion and the Indonesian constitution: a recent debate', *Journal of Southeast Asian Studies*, vol. 36, no. 03, pp. 419-40.
- 2007a, 'Human Rights Provisions in the Second Amendment to the Indonesian Constitution from Shariah Perspective', *The Muslim World*, vol. 97, no. 2, pp. 200-24.
- 2007b, *Shari'a & constitutional reform in Indonesia*, ISEAS series on Islam, Institute of Southeast Asian Studies, Singapore.
- Hudson, H 2005, '“Doing” Security As Though Humans Matter: A Feminist Perspective on Gender and the Politics of Human Security', *Security Dialogue*, vol. 36, no. 155.
- Hussain, J 2004, *Islam Its law and society*, 2 edn, The federation press, Sydney.
- Ichwan, MN 2005, 'Ulama, State and Politics: Majelis Ulama Indonesia After Suharto', *Islamic Law and Society*, vol. 15, no. 1, pp. 45 -72.

- ICRP 2007, *Abu Bakar Ba'asyir: Perda Celah Syariat Islam*, 17 April 2007 edn, Indonesian Conference on Religion and Peace, 27 July 2007, liputan, <<http://www.icrp-online.org/wmview.php?ArtID=234%3E>.
- Irmawati 2009, 'Azis Kahar Muzakkar dan Aksa Mahmud Terpilih Jadi DPD', TEMPO Interaktif, 01 May 2009, <http://www.tempointeraktif.com/hg/Pemilu2009_berita_mutakhir/2009/05/01/brk,20090501-173872,id.html >.
- Ismail, F 1995, 'Islam, Politics and Ideology in Indonesia: a Study of the Process of Muslim Acceptance of the Pancasila', PhD thesis, McGill University.
- Jackson, K 1980, *Traditional authority, Islam, and rebellion: a study of Indonesian political behavior*, University of California Press.
- Jackson, K & Moeliono, J 1980, 'Participation in Rebellion: The Dar'ul Islam in West Java', *Political Participation in Modern Indonesia*, pp. 12-57.
- Juaeni, J 2013, 'Perda Diskriminatif Jangan Sebut Perda Sharia', Rakyat Aceh Online, <[http://rakyataceh.com/index.php?open=view&newsid=30367&tit=Jenayah - Perda Diskriminatif Jangan Sebut Perda Syariah%3E](http://rakyataceh.com/index.php?open=view&newsid=30367&tit=Jenayah-Perda-Diskriminatif-Jangan-Sebut-Perda-Syariah%3E).
- Jupriadi 2002, 'KPPSI, Laskar Jundullah aim for Syariah, special autonomy in South Sulawesi', The Jakarta Post <<http://www.thejakartapost.com/news/2002/12/09/kpsi-laskar-jundullah-aim-sharia-special-autonomy-south-sulawesi.html%3E>.
- Jurdi, S 2010, *Muhammadiyah dalam Dinamika Politik Indonesia 1966-2006*, Pustaka Pelajar Yogyakarta, Yogyakarta.
- Jurdi, S, Nasiwan, Mawardi, I & Kurniawan, BD (eds) 2010, *1 Abad Muhammadiyah: Gagasan Pembaruan Sosial Keagamaan*, PT Kompas Media Nusantara, Jakarta.
- Ka'bah, R 2004, *Penegakan syariat Islam di Indonesia*, Khairul Bayan, Jakarta.
- Kamil, S 2008, 'Perda Syariah in Indonesia: Dampaknya terhadap Kebebasan Sipil dan Minoritas Non Muslim', paper presented to Diskusi Serial Terbatas Islam, HAM dan Gerakan Sosial di Indonesia, Yogyakarta, 13 – 14 Agustus 2008.
- Kamil, S & Bamualim, CS (eds) 2007a, *Syariah Islam Dan HAM : Dampak Perda Syariah Terhadap Kebebasan Sipil, Hak Perempuan, Dan Non-Muslim*, 1 edn, Center for the Study of Religion and Culture (CSRC), Jakarta.
- Kamla, R 2009, 'Critical insights into contemporary Islamic accounting', *Critical Perspective on Accounting*, vol. 20, pp. 921 - 32.
- Karim, WJ 2010, 'The Economic Crisis, Capitalism and Islam: The Making of a New Economic Order?', Taylor & Francis, vol. 7, no. March-June, pp. 105-25.
- Kementrian Agama Republik Indonesia 2011, *Menteri Agama dari masa ke masa*, Kementrian Agama Republik Indonesia, viewed 11 May 2011, <<http://www.kemenag.go.id/index.php?a=artikel&id2=menag%3E>.
- Kepel, G 2002, *Jihad: The Trail of Political Islam*, vol. 1st edition, Belknap Press of Harvard University Press, Cambridge.
- Khan, F 2010, 'How 'Islamic' is Islamic Banking?', *Journal of Economic Behavior & Organization*, vol. 76, pp. 805 - 20.

- Khan, MS & Mirakhor, A 1989, 'The Financial System and Monetary Policy in an Islamic Economy', *Islamic Economy*, vol. 1, pp. 39-57.
- Khusnaeny, A, Madani, D, Irawaty, D, Kartika, DA, Kasuma, I, Nababan, M, Saherman & Ramli, S 2010, *Tak Hanya di Rumah: Pengalaman Perempuan akan Kekerasan di Pusaran Relasi Kekuasaan yang Timpang*, National Commission on Violence Against Women (Komnas Perempuan), Jakarta.
- Kohli, A & Shue, V 1994, 'State power and social forces: On political contention and accommodation in the Third World', in *State Power and Social Forces: Domination and Transformation in the Third World*, pp. 293-326.
- Komnas Perempuan, 2013, 'Komnas Perempuan: Ada 342 Perda Diskriminatif di Indonesia', *Voice of America*, <<http://www.voaindonesia.com/articleprintview/1736465.html>>.
- Komnas Perempuan 2012, *Komnas: Perda Diskriminatif Renggut Nyawa Perempuan*, Viva News, 12-01-2013, News Article, <<http://nasional.news.viva.co.id/news/read/351447-komnas--perda-diskriminatif-renggut-nyawa-perempuan%3E>>.
- KPI 2011, *Perda Syariah berdasarkan jumlah perkembangan pada tiap tahunnya*, Koalisi Perempuan Indonesia, Jakarta.
- KPPSI 2004, *Strategi perjuangan Komite Persiapan Penegakan Syariat Islam (KPPSI)*, Keputusan musyawarah Kerja I KPPSI, KPPSI, Makassar.
- KPU Cianjur 2006, *Pasangan Calon Bupati dan Wakil Bupati Pilkada Kabupaten Cianjur Tahun 2006*, KPU Cianjur, Cianjur.
- Kusoy, M 2005, *Perjalanan Gerbang Marhamah tahap I periode 5 tahun 2001-2005*, Lembaga Pengkajian dan Pengembangan Islam.
- Kustiani, R & Tempo-interaktif 2006, 'Muhammadiyah Belum Bersikap Soal Perda Syariat Islam', *Tempo-interaktif*, Sabtu, 29 Juli 2006, <<http://tempo.co.id/hg/nasional/2006/07/29/brk,20060729-80837.id.html%3E>>.
- Lapidus, IM 2002, *A History of Islamic Societies*, 2nd edn, Cambridge University Press, Cambridge.
- Lazuardi, T 2006, 'Gerbang Marhamah: Gerakan Pembangunan Masyarakat Berakhlakul Karimah (Agenda penerapan Syariat Islam di Cianjur)', *Multikultural & Multireligius*, vol. V, no. 17, pp. 57-91.
- Lembang, J 2012, 'Pemkab Toraja didesak buat Perda miras', *Koran Sindo*, <<http://daerah.sindonews.com/read/2012/09/16/25/672804/pemkab-toraja-didesak-buat-perda-miras%3E>>.
- Liddle, RW 1996, 'The Islamic Turn in Indonesia: A Political Explanation', *Journal of Asian Studies*, vol. 55, no. 3, pp. 613-34.
- 1996 *Leadership and culture in Indonesian politics*, Asian Studies Association of Australia in association with Allen & Unwin, Sydney.
- Lindsey, T 2007, *Islam and Sharia in Today's Indonesia*, K Param, EV Bommel & S Prior, Australia, 24 May. Distributed by The University of Melbourne.

- Lindsey, T 2012, 'Between Piety and Prudence: State Syariah and the Regulation of Islamic Banking in Indonesia', *Sydney Law Review*, vol. 34, no. 107, pp. 107 - 27.
- LPPI 2001, *Format Dasar Pelaksanaan Syariat Islam di Kabupaten Cianjur*, Lembaga Pengkajian dan Pengembangan Islam (LPPI) Kabupaten Cianjur, Cianjur.
- 2005, *Perjalanan Gerbang marhamah (Gerakan Pembangunan Masyarakat Berakhlakul Karimah) Tahap I (pertama) periode 5 tahun 1422 H/2001 M - 1426 H/2005 M*, LPPI, Kabupaten Cianjur.
- Lukman, S 2005, 'Di Balik Larangan Seni "Kuda Kosong"', *Urang Sunda*, 20 June 2009, <<http://www.mail-archive.com/urangsunda@yahoogroups.com/msg27507.html> %3E.
- Machmudi, Y 2006, 'Islamising Indonesia: The Rise of Jamaah Tarbiyah and the Prosperous Justice Party (PKS)', Doctor of Philosophy thesis, Australian National University.
- Macleod, AE 1992, 'Hegemonic Relations and Gender Resistance: The New Veiling as Accommodating Protest in Cairo', *Signs*, vol. 17, no. 3, pp. 533–57.
- Majelis Ukhuwah Ummat Islam 2006, *Panduan Penyelenggaraan SILMUI V, Silaturahmi dan Musyawarah Ummat Islam se-Kabupaten Cianjur ke 5 tahun 1427 H / 2006 M*, MUUI Kabupaten Cianjur, Cianjur.
- Makassar TV 2011, *DPRD Luwu Study Banding Perda Badan Amil Zakat di Bantaeng*, <http://makassartv.co.id/index.php?option=com_content&view=article&id=2149%3Adprd-luwu-study-banding-perda-badan-amil-zakat-di-bantaeng&Itemid=1 %3E.
- Man 2010 'Buntut Pembakaran, Polres Tangkap 11 Warga', *Harian Umum Pelita*, 17 April 2010 *Nusantara*, <<http://www.pelita.or.id/baca.php?id=92472> %3E.
- Mappanganro, J 2010, 'KPPSI: Pilih Bupati Pro Syariat Islam', *Tribun Timur*, 9 February 2010, *Tribun Politik*, <<http://www.tribun-timur.com/read/artikel/76802> %3E.
- Marshall, PA 2005, *Radical Islam's rules: the worldwide spread of extreme Shari'a law*, Rowman & Littlefield.
- Maruli, A 2010, 'Kuda Kosong' Pukau Ribuan Pasang Mata', Tuesday, 13 July 2010, <<http://www.antarane.ws.com/berita/1279022549/kuda-kosong-pukau-ribuan-pasang-mata> %3E.
- Mashadi 2005, *Fatwa MUI tentang Haramnya Pluralisme, Liberalisme, dan Sekularisme Agama*, Era Muslim, Jakarta, 12 June 2012, <<http://www.eramuslim.com/berita/tahukah-anda/fatwa-mui-tentang-pluralisme-liberalisme-dan-sekulerisme-agama.htm> - .UPIxhs1QQ6I>.
- Masud, MK (ed.) 1996, *Islamic Legal Interpretation*, Harvard University Press, Cambridge.
- Matsui, K 2007, *Regional Development Policy and Direct Local-Head Election in Democratizing East Indonesia*, Institute of Developing Economies (IDE-JETRO), <<http://www.ide.go.jp/English/Publish/Download/Asedp/076.html> - top>.

- Maududi, AA 1983, *Human Rights in Islam*, The Islamic Foundation, London.
- May, T 2001, *Social Research: Issues, Methods and Process*, 3 edn, Open University Press, Buckingham.
- Mayer, AE 1991, *Islam and Human Rights: Tradition and Politics*, Westview Press, London.
- 1993, 'Universal versus Islamic Human Rights: A Clash of Cultures or Clash with a Construct', *Michigan Journal of International Law*, vol. 15, p. 307.
- McKay, S 2004, 'Women, Human Security, and Peace-building: A Feminist Analysis', *Conflict and Human Security: A Search for New Approaches of Peace-building*. IPSHU English Research Report Series, vol. 19, pp. 152-75.
- McLeod, RH & MacIntyre, A (eds) 2007, *Indonesia Democracy and the Promise of Good Governance*, Institute of Southeast Asian Studies, ISEAS, Singapore.
- Media Indonesia 2005, 'Aswar Hasan: Tak Satupun Perempuan di Kongres III Umat Islam se Sulsel', *Media Indonesia online*, 28 March 2005, viewed 26 September 2008, <<http://www.mediaindo.co.id/berita.asp?id=61019%3E>.
- Mernissi, F 1991, *The Veil and the Male Elite: A Feminist Interpretation of Women's Rights in Islam*, Addison-Wesley, New York.
- Migdal, JS 1994, 'The state in society: an approach to struggles for domination', in A Kohli, V Shue & J Migdal (eds), *State Power and Social Forces: Domination and Transformation in the Third World*, pp. 7-34.
- Miller, MA 2006, 'What's Special about Special Autonomy in Aceh?', in A Reid (ed.), *Verandah of Violence: the background to Aceh Problem*, the National University of Singapore, NUS Press, Singapore, p. 423.
- 2008, *Rebellion and Reform in Indonesia: Jakarta's Security and Autonomy Policies in Aceh*, Taylor & Francis, Hoboken.
- Minhaji, A 1999, 'Editorial: a Problem of Methodological Approaches to Islamic Law studies', *Al-Jami'ah*, vol. 63, no. 1999.
- Modirzadeh, NK 2006, 'Taking Islamic Law Seriously: INGOs and the Battle for Muslim Hearts and Minds', *Harvard Human Rights*, vol. 19 pp. 192-233.
- Moghissi, H 1999, *Feminism and Islamic fundamentalism: the limits of postmodern analysis*, Zed Books, London.
- Molasy, HD 2009, 'Pesantren and Democracy: The Role of Kyai in Developing Democratic Society in Indonesia', MA thesis, Victoria University.
- Möller, A 2005, *Ramadan in Java: the Joy and Jihad of Ritual Fasting*, Almqvist & Wiksell International, Stockholm.
- Muannas 2001, 'Ledakan di Makassar Cederai Tiga Orang', *TEMPO Interaktif*, 30 December 2001, Nusa, <<http://www.tempo.co.id/hg/nusa/sulawesi/2001/12/30/brk,20011230-07,id.html%3E>.
- 2002, 'Pemprov Sulsel belum Bersikap soal Syariat Islam', *TEMPO Interaktif*, 09 May 2002 Nusa, <<http://www.tempo.co.id/hg/nusa/sulawesi/2002/05/09/brk,20020509-06,id.html%3E>.

- Mudzhar, MA 1993, *Fatwa-Fatwa Majelis Ulama Indonesia: Sebuah Studi tentang Pemikiran Hukum Islam di Indonesia 1975-1988*, INIS, Jakarta.
- MUI 2005, *Keputusan Fatwa Majelis Ulama Indonesia Tentang Pluralisme, Liberalisme, dan Sekulerisme Agama*, Majelis Ulama Indonesia Jakarta.
- Mujani, S 2007, *Muslim demokrat: Islam, budaya demokrasi, dan partisipasi politik di Indonesia pasca Orde Baru*, Gramedia Pustaka Utama.
- Mujani, S & Liddle, WR 2004, 'Politics, Islam, and Public Opinion', *Journal of Democracy*, vol. 15, no. 1, January 2004, pp. 109-23.
- Mujiburrahman 2006, *Feeling Threatened: Muslim-Christian Relations in Indonesia's New Order*, Amsterdam University Press, Amsterdam.
- Mulia, SM 2001, *Syari'at Islam Tidak Mungkin Merendahkan Perempuan*, Agustus 2001 edn, Swara Rahima, 20 June 2007, <<http://www.rahima.or.id/SR/02-01/Opini.htm%3E>.
- 2007a, *Islam & inspirasi kesetaraan gender*, Kibar Press, Yogyakarta :.
- 2007b, *Menuju kemandirian politik perempuan*, Kibar Press, Yogyakarta.
- Munir, LZ 2003, 'Islamic Fundamentalism and its Impact on Women', paper presented to Association of Asian Studies (AAS) Forum, Hilton Hotel, New York, March 27-30, 2003, viewed 26 July 2007, <http://www.lfip.org/laws718/docs/lily-pdf/Islamic_Fundamentalism_and_Its_Impact_on_Women.pdf%3E.
- 2005, 'Sharia and Justice for women', paper presented to Gender and Islam in Southeast Asia, Passau University, Passau, Germany, September 29 – October 3, 2005, <http://www.lfip.org/laws718/docs/lily-pdf/Sharia_and_Justice_for_Women.pdf%3E.
- 2008, 'Islam and Human Rights', <http://www.lfip.org/laws718s07/docs/lily-pdf/Islam_and_Human_Rights.pdf%3E.
- Muzaffar, C 1987, *Islamic resurgence in Malaysia*, Fajar Bakti Sdn Bhd, Petaling Jaya.
- Muzakkar, AAK 2000, 'Syari'at Islam di Sulsel, di Ambang Pintu?', *Suara Hidayatullah*.
- 2010, 'Amir Majelis Komite Perjuangan Penegakan Syariat Islam, Abdul Aziz Qahhar Mudzakkar: Gandeng Bupati Wujudkan Gerakan Kultural', *Fajar Makassar*, Friday, 05 March 2010, *Lifestyle*, <<http://lifestyle.fajar.co.id/read/84449/47/index.php?option=kontak%3E>.
- Nisa, N, Rumadi & Ferdhi, G 2006, 'Perda SI: Aspirasi atau Komoditi?', *Nawala - The Wahid Institute*, vol. November 2005 - February 2006, no. 1/Th. 1.
- Noerdin, E 2002, 'Customary Institutions, syariah law and the marginalization of Indonesian women', in K Robinson & S Bessell (eds), *Women in Indonesia: Gender, Equity and Development*, Institute of Southeast Asian Studies, Singapore, <<http://bookshop.iseas.edu.sg/ISEAS/EbookDetails.jsp?cSeriesCode=BM231&CategoryType=%3E>.
- Noor, FA 2010, 'Mapping The Religious and Secular Parties in south Sulawesi and Tanah Toraja, Sulawesi Indonesia', *RSIS Working Paper*, vol. 12 November 2010, no. 213.

- NU-Online 2006, 'Hasyim Muzadi: Kalau dibiarkan, Negara Bisa Bubrah', NU online, <<http://www.nu.or.id/a,public-m,dinamic-s,detail-ids,5-id,7522-lang,id-c,halaqoh-t,Hasyim+Muzadi+Kalau+dibiarkan++Negara+Bisa+Bubrah++65533+-.phpx%3E>>.
- Oh, I 2007 *The rights of God : Islam, human rights, and comparative ethics*, Georgetown University Press, Washington, D.C.
- Ortner, SB 2006, *Anthropology and Social Theory: Culture, Power, and the Acting Subject*, Duke University Press, Durham.
- Palopo Pos 2012, 'Pemkab dan DPRD Didesak Buat Perda Miras', Palopo Pos, <<http://www.palopopos.co.id/?vi=detail&nid=55117%3E>>.
- Parawansa, KI 2005, 'Case Study: Indonesia: Enhancing Women's Political Participation in Indonesia', in J Ballington & A Karam (eds), *Women in Parliament: Beyond Numbers*, International IDEA, Stockholm, Sweden.
- Patwari, MI 1991, 'Human rights in Islamic law and international law: a comparison', *Islamic and Comparative Law Quarterly*, vol. 10, no. 11, pp. 17-28.
- Pemerintah Kabupaten Cianjur 2006, *Peraturan Daerah Kabupaten Cianjur Nomor 03 Tahun 2006 Tentang Gerakan Pembangunan Masyarakat Berakhlakul Karimah*, Sekretaris Daerah, Cianjur.
- Porter, DJ 2002, *Managing politics and Islam in Indonesia*, RoutledgeCurzon, Abingdon, Oxon, New York.
- Pradadimara, D & Junedding, B 2002a, 'Who is calling for Islamic Law? The struggle to implement Islamic Law in South Sulawesi', *Inside Indonesia*, vol. Oct - Dec 2002, no. 72.
- 2002b, 'Who is calling for Islamic Law?: The struggle to implement Islamic Law in South Sulawesi', *Inside Indonesia*, vol. Oct - Dec 2002, no. 72, p. The struggle to implement Islamic Law in South Sulawesi
- Price, DE 1999, *Islamic Political Culture, Democracy, and Human Rights*, Westport, Praeger.
- Pringle, R 2010, *Understanding Islam in Indonesia: Politics and Diversity*, University of Hawai Press, Honolulu.
- Putra, MB 2005, 'Ancaman Baru Radikalisme di Balik Gerakan Puritanisme Islam: Catatan dari Kongres 1 Umat Islam Sulawesi selatan', *Wacana Indonesia*, vol. 1, no. 1, pp. 40-50.
- Radar Cianjur 2010, 'Reklame Gerbang Marhamah Rapuh', *Cianjurcybercity*, <<http://www.cianjurcybercity.com/2010/10/19/reklame-gerbang-marhamah-rapuh.html> - .UP_-Q80ski8>.
- Rahima 2009, *Geliat Pemberdayaan Perempuan di 'Kota Tauco' Cianjur*, Rahima2010, <http://www.rahima.or.id/index.php?view=article&catid=44:info&id=401:info-edisi-23-geliat-pemberdayaan-perempuan-di-kota-tauco-cianjur&option=com_content&Itemid=323%3E>.
- Ricklefs, MC 2008, *A History of Modern Indonesia since c. 1200*, 4 edn, Wales: Palgrave, Stanford University Press, Stanford.

- Riddell, PG 2005, 'Islamization, Creeping Shari'a, and Varied Responses in Indonesia', in P Marshall (ed.), *Radical Islam's Rules: The Worldwide Spread of Extreme Shari'a Law*, Rowman & Littlefield, Lanham.
- Robinson, K 2008, *Gender, Islam and Democracy in Indonesia*, Taylor & Francis, Hoboken, <<http://w2.vu.edu.au/library/EBookSearch/files/EBL.pdf>>.
- Rosyad, R 1995, 'A quest for true Islam: a study of the Islamic resurgence movement among the youth in Bandung, Indonesia', Master thesis, The Australian National University, <<http://epress.anu.edu.au/islamic/quest/html/frames.php>>.
- Rudnyckyj, D 2009, 'SPIRITUAL ECONOMIES: Islam and Neoliberalism in Contemporary Indonesia', *Cultural anthropology*, vol. 24, no. 1, pp. 104-41.
- Rumadi 2007, 'Regulasi Kehidupan Beragama Bahayakan Keutuhan Negara', viewed 10 October 2007, <<http://www.wahidinstitute.org/indonesia/content/view/458/52/>>.
- Salim, A 2003, 'Epilogue, sharia in Indonesia's current transition: an update', in A Salim & A Azra (eds), *Shari'a and politics in modern Indonesia*, Institute of Southeast Asian Studies, Singapore.
- Salim, A 2007, 'Muslim Politics in Indonesia's Democratisation: The Religious Majority and The Rights of Minorities in The Post-New Order Era', in RH McLeod & A MacIntyre (eds), *Indonesia: Democracy and the Promise of Good Governance*, Institute of Southeast Asian studies, Singapore, pp. 115-37.
- Salim, A 2008, *Challenging the secular state: Islamization of law in modern Indonesia*, University of Hawaii Press, Honolulu.
- Salim, A & Azra, A (eds) 2003a, *Shari'a and politics in modern Indonesia*, ISEAS series on Islam, Institute of Southeast Asian Studies, Singapore.
- Salman, A 2012, 'Religious Ideology and Lethality- Does religious sect have an effect on the lethality of a terrorist organization?', *Social Science Research Network*, vol. 15 May.
- Salton, H 2007, 'Veiled Threat?: Islam, Headscarves and Religious Freedom in America & France', Doctor Of Philosophy thesis, The University of Auckland.
- Santosa, JC 1996, 'Modernization, utopia and the rise of Islamic radicalism in Indonesia', PhD thesis, Boston University, via ProQuest Dissertations & Theses A&I, <<http://search.proquest.com/docview/304242090?accountid=14844>>.
- Sartini 2004, 'Menggali Kearifan Lokal Nusantara: Sebuah Kajian Filsafat', *Jurnal Filsafat*, vol. Agustus 2004, Jilid 37, no. 2, pp. 111-21.
- Satriyo, HA 2003, 'Decentralisation and Women in Indonesia: One Step Back, Two Steps Forward', in E Aspinall & G Fealy (eds), *Local power and politics in Indonesia: Decentralisation and democratization*. Indonesia update series. Research School of Pacific and Asian Studies. Australian National University, Institute of Southeast Asian Studies, Singapore pp. 207-29.
- Scott, JW 2007, *The politics of the veil*, Princeton University Press, Princeton and Oxford.
- Seidman, I 2006, *Interviewing as qualitative research: A guide for researchers in education and the social sciences*, 3 edn, Teachers College Press, New York.

- Seno, B 2005, *Pilkada tidak sektarian: Harapan Warga Terhadap Bupati Cianjur Mendatang*, Suara Karya online, viewed Selasa, 16 Agustus 2005, <<http://www.suarakarya-online.com/news.html?id=118410%3E>.
- Setiawan, A & Susila, SB 2013, 'Perda Diskriminatif Jangan Sebut Perda Syariah', "Tentu ini sangat bias dan merugikan umat Islam," kata Jazuli.', viva news, Nasional, <<http://nasional.news.viva.co.id/news/read/380739--perda-diskriminatif-jangan-sebut-perda-syariah-%3E>.
- Shaheed, F 1994, 'Controlled or autonomous: Identity and the experience of the network, women living under Muslim laws', *Signs*, vol. 19, no. 4, pp. 997-1019.
- 1999, 'Constructing identities: culture, women's agency and the Muslim world', *International Social Science Journal*, vol. 51, no. 159, pp. 61-73.
- Shiraishi, SS 1997, *Young Heroes: The Indonesian Family in Politics*, Southeast Asia Program Publications, Cornell.
- Shirazi, F 2001, *The veil unveiled: the hijab in modern culture*, University of Florida Press, Florida.
- Siahaan, AY 2003, *The Politics of Gender and Decentralization in Indonesia*, Center for Policy Studies, Open Society Institute.
- Siboro, T & Yogita Tahilramani 2002, "Back-room deal behind release of two Indonesians", *The Jakarta Post*, <<http://www.thejakartapost.com/news/2002/04/22/039backroom-deal-behind-release-two-indonesians039.html%3E>.
- Singgih, B 2005, 'Kendaraan Politik: Wasidi "Kesandung" Izin Lembah Karmel', *Suara Karya*, Friday, 12 August 2005, PILKADA, <<http://www.suarakarya-online.com/news.html?id=117994%3E>.
- Smith, B 2008, 'The Origins of Regional Autonomy in Indonesia: Experts and the Marketing of Political Interests', *Journal of East Asian Studies*, vol. 8, no. 2, pp. 211-34.
- Smith, BJ 2012, 'Re-Orienting Female Spiritual Power in Islam: Narrating Conflict Between Warriors, Witches and Militias in Lombok', *Indonesia and Malay World*, vol. 40, no. 118, pp. 249-71.
- Smith, BJ 2014, 'Stealing Women, Stealing Men: Co-creating Cultures of Polygami in a *Pesantren* Community in Eastern Indonesia', *Journal of International Women's Studies*, vol. 15, no. 1.
- Smith, BJ & Woodward, M (eds) 2013, *Gender and Power in Indonesian Islam: Leaders, Feminist, Sufism and Pesantren Selves*, ASAA Women in Asia Series, Routledge, London.
- Smith-Hefner, NJ 2007, 'Javanese Women and the Veil in Post-Soeharto Indonesia', *The Journal of Asian Studies*, vol. 66, no. 02, pp. 389-420.
- Soebardi, S 1983, 'Kartosuwiryo and the Darul Islam Rebellion in Indonesia', *Journal of Southeast Asian Studies*, vol. 14, no. 1, pp. 109-33.
- Soekirno, S 2006, 'Hati-hati minum di jalan, bisa ditangkap. . .', viewed 2 March 2007, <<http://www.kompas.com/kompas-cetak/0603/02/utama/2478744.htm%3E>.

- Solopos.com 2010, 2009, *Keterwakilan Perempuan di Legislatif Naik*, Solopos.com, 12 June 2012, <<http://www.solopos.com/2010/01/23/2009-keterwakilan-perempuan-di-legislatif-naik-12766%3E>.
- Stake, RE 1995, *The Art of Case Study Research*, Sage Publ.
- Suaedy, A 2006, *Perda SI Tidak Menyelesaikan Masalah Sosial* (Syariah by Law do not alleviate social problems), wahidinstitute.org, viewed 9 January 2008 2008, <http://www.wahidinstitute.org/Program/Detail?id=205/hl=id/Perda_SI_Tidak_Menyelesaikan_Masalah_Sosial%3E.
- 2008, *Perda Bernuansa Agama dan Masa Depan Demokrasi Indonesia: Sebuah Sketsa*, Wahid Institute, viewed 12 September 2009, <http://www.wahidinstitute.org/Program/Detail/?id=75/hl=id/Perda_Bernuansa_Agama_Dan_Masa_Depan_Demokrasi_Indonesia_Sebuah_Sketsa%3E.
- Suara Pembaruan 2006, 'Petisi Pencabutan Perda Jalan Terus', Suara Pembaruan, 22 June 2006, <<http://www.suarapembaruan.com/News/2006/06/22/index.htm%3E>.
- Subur, S 2009, 'Rapat Silmui Hasilkan 9 Rekomendasi', Progresif Jaya, 11 January 2009, viewed 31 January 2009, <http://www.progresifjaya.com/NewsPage.php?judul=Rapat_Silmui_Hasilkan_9_Rekomendasi&kategori_tulisan=Nusantara%3E.
- Suroso 2010 *Pemilihan Umum Kepala Daerah Langsung, Peraturan Daerah Syariah dalam Dinamika Sosial Bangsa Indonesia*, Fakultas Hukum Universitas Wisnuwardhana Malang, <http://fh.wisnuwardhana.ac.id/index.php?option=com_content&task=view&id=48&Itemid=13%3E.
- Surur, M 2008, *Pemantauan terhadap Implementasi Perda-perda Bermasalah*, Lembaga Studi dan Advokasi Masyarakat (ELSAM), Jakarta, http://www.elsam.or.id/downloads/1269181690_Tulisan_Monitoring_Perda_-_surur.pdf%3E.
- Suryadinata, L 1998, *Interpreting Indonesian Politics*, Times Academic Press, Singapore.
- Suryatna, E 2010 'GARIS dan MUI Datangi DPRD Cianjur', PROGRESIF JAYA, 15 August 2010 <[http://www.progresifjaya.com/NewsPage.php?judul=GARIS dan MUI Datangi DPRD Cianjur&kategori_tulisan=Nusantara%3E](http://www.progresifjaya.com/NewsPage.php?judul=GARIS_dan_MUI_Datangi_DPRD_Cianjur&kategori_tulisan=Nusantara%3E)>.
- Tadjbakhsh, S & Chenoy, AM 2007, *Human Security: Concepts And Implications*, Routledge.
- Tahir, M (ed.) 1993, *Human Rights in Islamic Law*, Genuine Publications, New Delhi.
- Tasman 2004, 'Implementasi "syariat Islam" di Cianjur: study tentang Gerakan Pembangunan Masyarakat Berakhlakul Karimah (Gerbang marhamah) di Kabupaten Cianjur', Master of Sciences thesis, University of Indonesia.
- The Jakarta Post 2002, 'Megawati pressed to act in Agus case', The Jakarta Pos, <<http://www.thejakartapost.com/news/2002/07/16/megawati-pressed-act-agus-case.html%3E>.
- Tinker, I 2004, 'Quotas for women in elected legislatures: do they really empower women?', in vol. 27, pp. 531-46.

- Toha, M 2007, *Peraturan Daerah kabupaten Cianjur Nomor 3 tahun 2006 Tentang Gerakan Pembangunan Masyarakat Berakhlakul Karimah (Gerbang Marhamah) sebagai Strategi Penerapan Syariat Islam di Kabupaten Cianjur*, Cianjur.
- Tomsa, D 2008, *Party politics and democratization in Indonesia: Golkar in the post-Suharto era*, Routledge, New York.
- Tri, K & Haksoro, A 2012, Indonesia Merdeka? Pemerintah Terbitkan 282 Perda Diskriminatif, VHRMedia.com, viewed 23 August 2012, <<http://www.vhrmedia.com/2010/detail.php?.e=5927%3E>.
- Tribun-Timur 2008 'Tim Tujuh KPPSI Temui Patabai Bicarakan Kongres Desember Mendatang', Tribun Timur, < <http://www.tribun-timur.com/view.php?id=90679> >.
- Truong, TD, Wieringa, S & Chhachhi, A 2006, *Engendering Human Security; Feminist Perspectives*, Nueva York, NY (EUA). Zed Books.
- Turmudi, E 1996, 'Struggling for the Umma: Changing Leadership Roles of Kiai in Jombang, East Java', PhD thesis, Australian National University, <http://epress.anu.edu.au/islamic/umma/mobile_devices/index.html
- 2003, 'Gerbang Marhamah: Langkah Penerapan Syariat Islam di Cianjur', in E Turmudi, A Marzuki & M Anwar (eds), *Pengaruh Modernitas terhadap Sikap Keberagaman Masyarakat: Penerapan dan Diskursus Politik Syariah Islam, Studi Kasus di Cianjur, Sulsel dan Jombang*, Lembaga Ilmu Pengetahuan Indonesia, Puslit Kemasyarakatan dan Kebudayaan (PMB-LIPI), Jakarta
- Turmudi, E, Marzuki, A & Anwar, M (eds) 2003, *Pengaruh Modernitas terhadap Sikap Keberagaman Masyarakat: Penerapan dan Diskursus Politik Syariah Islam, Studi Kasus di Cianjur, Sulsel dan Jombang*, Lembaga Ilmu Pengetahuan Indonesia, Puslit Kemasyarakatan dan Kebudayaan (PMB-LIPI), Jakarta.
- Turner, M, Podger, O, Sumardjono, M & Tirthayasa, WK 2003, *Decentralisation in Indonesia : redesigning the state*, Asia Pacific Press, Canberra.
- UNDP 1994, *Human Development Report*, United Nation of Development Program, Oxford, <<http://hdr.undp.org/en/reports/global/hdr1994/http://hdr.undp.org/en/reports/global/hdr1994/chapters/%3E>.
- 2010, 'Women's Participation in Politics and Government in Indonesia: a Policy Paper', UNDP Indonesia. www.undp.or.id
- Usman, S 2002, 'Regional autonomy in Indonesia: field experiences and emerging challenges', paper presented to The 4th IRSA International Conference, Bali.
- Van Bruinessen, M 1996, 'Islamic State or State Islam? Fifty Years of State-Islam Relations in Indonesia', *Indonesien am Ende des 20. Jahrhunderts*, no. 19-34, pp. 19-34.
- 2002, 'Genealogies of Islamic radicalism in post-Suharto Indonesia', *South East Asia Research*, vol. 10, no. 2, pp. 117-54.
- Van Dijk, C 1981, *Rebellion under the banner of Islam: the Darul Islam in Indonesia*, Martinus Nijhoff, The Hague.

- Van Nieuwenhuijze, C 1950, 'The Dar ul-Islam Movement in Western Java', *Pacific Affairs*, vol. 23, no. 2, pp. 169-83.
- Wagener, O 2006, *Development Cooperation and Islamic values in Indonesia*, Deutsche Gesellschaft für Technische Zusammenarbeit (GTZ) GmbH Dag-Hammarskjöld-Weg, Eschborn, viewed 16 Sep. 07, <http://www.gtz.de/de/dokumente/en-Info_Development_Cooperation_and_Islam_in_Indonesia.pdf>.
- Warburton, E 2006, 'Private choice or public obligation?: institutional and social regimes of veiling in contemporary Indonesia', Degree of Honours thesis, The University of Sydney.
- Washburn, KW 2001, 'Jilbab, kesadaran identitas post kolonial dan aksi tiga perempuan (Jawa)', in M Eviandaru (ed.), *Perempuan postkolonial dan identitas komoditi global*, Lembaga Studi Realino: Kanisius, Yogyakarta.
- Women Research Institute 2007, *Potret Perempuan dalam Era Otonomi Daerah: Representasi Perempuan dalam Kebijakan Publik di Era Otonomi Daerah*, Women Research Institute, <[http://wri.or.id/?q=id/penelitian politik dan perempuan/Potret Perempuan dalam Era Otonomi Daerah](http://wri.or.id/?q=id/penelitian_politik_dan_perempuan/Potret_Pemempuan_dalam_Era_Otonomi_Daerah)>.
- Yulia, L, Kurniawati, N & Azizi, DSA 2004, '*Perempuan dalam arus formalisasi Syariat Islam di Cianjur*', paper presented to Perempuan dalam arus formalisasi Syariat Islam: belajar dari Tasikmalaya, Garut, Cianjur, dan Banten, Jakarta, 26 April
- Yuval-Davis, N & Anthias, F (eds) 1989, *Woman, nation, state*, Macmillan, Hampshire.
- Zeena, R & Widjaya, I 2009, *Ceramah di Sulawesi, Ba'asyir dijaga Ketat*, viva.co.id, Makassar, <http://nasional.news.viva.co.id/news/read/78893-ceramah_di_sulawesi__ba_asyir_dijaga_ketat>.