

Introduction

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Islam in Indonesia has long been praised for its tolerance, at home and abroad, by the general public and in academic circles, and by politicians and heads of state. Among the aspects highlighted are the incorporation of rituals and beliefs that, strictly speaking, do not conform to Islam, and the willingness of Indonesian Muslims to accept in their midst Christians, other non-Muslims, and fellow Muslims who are considered heretics by mainstream Islam. However, this image of tolerance has been challenged in the last ten to 15 years by armed confrontations, if not civil wars, in the Moluccas, Lombok, Poso on Celebes, and Banjarmasin on Borneo, in which religion was one of the motivating factors; by mob violence perpetrated by local Muslims and Islamic vigilante groups of which the FPI (Front Pembela Islam, Front of the Defenders of Islam) is the best known; and by the emergence of terrorist organisations. Initially, terrorism in Indonesia was the work of Jemaah Islamiyah (Islamic Community), a group made up of Indonesians and Malaysians who had close links with al-Qaeda and Islamic insurgents in the Philippines; inspired, if not headed, by one of Indonesia's most radical clerics, Abu Bakar Ba'asyir, Jemaah Islamiyah was responsible for bombing outrages on Bali (12 October 2002) and other terrorist attacks in the early years of this century. Most of its former leaders and members have now been killed, jailed or executed. Recent reports suggest that Jemaah Islamiyah has been replaced by a number of smaller terrorist groups, less capable of building large bombs like the ones used in Bali, but also, in the absence of one mother organisation, more difficult for the authorities to detect and round up.

The ugly side of Islamic radicalism has also come to the fore in the, at times, violent protests by local Muslims against the presence of Christian churches and ordinary houses where congregations meet, and, to a lesser extent, against Chinese temples, often leading to such places being closed down or regular services being discontinued. Part of the problem can be traced back to a joint decree by the Ministers of the Interior and Religious Affairs issued in 1969 and revised in 2006, requiring the consent of the local administration and local residents for the building of houses of worship, a condition not always easy for Christians to meet

in an Islamic environment, and giving protestors a legal argument to justify their actions.¹

Christians and Chinese are not the only victims of intolerance. The vast majority of Indonesian Muslims are Sunni, and in the last couple of years Ahmadiyah members and Shi'ites have become the victims of some brutal attacks (see the contribution by Bastiaan Scherpen in this volume). Such incidents were already taking place during the New Order, the years between 1965 and 1998, when Suharto was in power and, generally speaking, political Islam was forbidden and its proponents were liable to prosecution, and radical groups were kept under close watch. After 1998, the year Suharto was forced to step down as president, the protests and attacks became more frequent, with a steep increase in the last couple of years. According to figures published in the newspaper *The Jakarta Post* on 29 October 2010, the number of cases amounted to 470 between 1967 and 1998, and 700 between 1998 and 2010. A more recent figure, published by the Setara Institute for Democracy and Peace, which has the promotion of religious tolerance as one of its aims, was 144 attacks against religious minorities in 2011 and 264 in 2012. Another NGO with the same objective, the Wahid Institute, mentioned a figure of 274 for 2012. The latter institute also noted an increase in such incidents over the years since 2009, while a Human Rights Watch report published in February 2013 concludes that violence against religious minorities – it also mentions attacks against the Bahai – had 'deepened'.²

Such violence against religious minorities cost Indonesia a reprimand by the United Nations High Commissioner for Human Rights, Navi Pillay, when she visited Indonesia in November 2012. After meetings with representatives of groups experiencing the consequences of this violence she said that she 'was distressed to hear accounts of violent attacks, forced

- 1 According to the Indonesian 2006 regulation regarding religious practices, a new place of worship should be used by at least 90 people while 60 local residents of another religion should agree to its construction. In Aceh these figures are 150 and 120 (Peraturan Bersama Menteri Agama dan Menteri Dalam Negeri nomor 9 tahun 2006, nomor 8 tahun 2006 tentang Pedoman Pelaksanaan Tugas Kepala Daerah/Wakil Kepala Daerah dalam Pemeliharaan Kerukunan Umat Beragama, Pemberdayaan Forum Kerukunan Umat Beragama, dan Pendirian Rumah Ibadat, art. 14; Peraturan Gubernur Nanggroe Darussalam Aceh nomor 25 tahun 2007 tentang Pedoman Pendirian Rumah Ibadat, art. 3).
- 2 *The Jakarta Post*, 29 December 2012, 3 February 2013; Human Rights Watch, 'In Religion's Name: Abuses against Religious Minorities in Indonesia', February 2013, report available at http://www.hrw.org/sites/default/files/reports/indonesia0213_ForUpload_o.pdf (accessed 16 June 2014).

displacement, denial of identity cards and other forms of discrimination and harassment against them.' She warned that Indonesia's 'rich culture and history of diversity and tolerance' might become a thing of the past if the situation did not change and if 'firm action is not taken to address increasing levels of violence and hatred towards minorities and narrow and extremist interpretations of Islam'.³

Mainstream Muslims have to respond to efforts to bring about a further Islamisation of Indonesian society. One important development facilitating this process was the promulgation of the Law on Regional Government in 1999 and its revision in 2004, which gives regional governments – those of the provinces, regencies and cities – far-reaching autonomy, and has provided proponents of a strict Islam with an additional means to advance their cause. The law allows for regional administrations to issue local regulations (*peraturan daerah*, in short *perda*) independently of supervision or control by a higher administrative level, except in a few fields that remain the prerogative of the national government, of which religion is one. The fact that local administrations are not allowed to issue religious byelaws has not prevented them from implementing so-called Sharia Regional Regulations. These may take a variety of forms. Some require civil servants to attend Islamic courses in the fasting month or make the ability to read the Qur'an a prerequisite for entering secondary education or for concluding a marriage. A number of new byelaws, and among those most criticised, affect the lives of women. They force them to conform to Islamic dress codes (a headscarf and 'unrevealing garments') at government offices and institutions of secondary education, or introduce a kind of curfew, not allowing women to leave the house unaccompanied by a male relative in the evening or making them afraid to do so. In August 2012 the (Indonesian) National Committee on Violence against Women counted 282 byelaws discriminating against women. Ninety-six of them concerned regulations on prostitution and pornography which, as Euis Nurlaelawati and Muhammad Latif Fauzi argue in this volume, can have a wider effect, complicating the lives not only of prostitutes but also of other women; 60 of them were related to dress codes and 'religious standards', and 38 restricted 'women's mobility'.⁴

A special case is Aceh on the northern tip of Sumatra. In an effort to persuade the separatist Free Aceh Movement (Gerakan Aceh Merdeka,

3 'Indonesia must tackle rising discrimination and violence, says UN human rights chief', UN News Centre, 13 November 2012, www.un.org/apps/news/story.asp?NewsID=43478 (accessed 21 January 2013).

4 *The Jakarta Post*, 17 September 2012.

GAM) to lay down arms, Jakarta granted the province special autonomy in October 1999. Aceh was given the right to draft its own laws and regulations in the fields of religion, education and local customs; a power other provinces do not have. The result has been a number of Islamic laws (qanuns) promoting 'correct' Islamic behaviour (including the way women dress; men seem to escape such restrictions), forbidding non-Sunni practices and beliefs, making acts like gambling and the consumption of alcoholic beverages punishable, and giving local authorities the power to act upon and punish illicit sexual relations. This includes the assumption that two unmarried persons of different sexes without close family ties who are alone together in a secluded space are guilty of illicit sex (see the contribution by Reza Idria).

It is not just in Aceh that the central government cannot interfere when such laws and regulations are promulgated; in other parts of Indonesia too, regional autonomy makes the annulment or revision of local legislation difficult. The argument that the Law on Regional Government does not allow the issuing of religion-inspired byelaws does not prevent proponents from enforcing such legislation. They argue away the Islamic nature of such regulations, stressing instead the need to uphold Indonesian and local (if not Asian) values and norms of morality as the reason for their introduction, at times also suggesting a connection between the way women dress and sexual harassment. Politicians equally do not seem to mind or, when forced to comment, advance similar arguments. It took until February 2006 for the central government to announce that it might interfere with and annul such local regulations, yet two years later the then Minister of the Interior, Mardiyanto, was still quoted as saying that there were no Sharia regulations in force in Indonesia, only 'byelaws that implement the Islamic do's and don'ts'.⁵ In January 2012 his successor, Gamawan Fauzi, mentioned an impressive number of byelaws reviewed by his ministry since he was appointed in 2009: 15,000; resulting in the rejection 'partially or completely' of 915 of them. Since 2002 his department has 'annulled' a total of 1,878 byelaws. Over 1,800 of these are said to concern local taxes and levies, 22 the sale of alcoholic beverages.⁶ Other instances of 'Sharia byelaws' were not mentioned. This in itself already indicates that the most contested local religious regulations escaped scrutiny. Moreover, annulled may not be the right word. The 1999 Law on Regional Government still gave the central government the authority to annul byelaws that are in violation of higher legal products or against the general interest (art. 114, par. 1);

5 *The Jakarta Post*, 16 February 2008.

6 *The Jakarta Post*, 18 January 2013.

the revision of 2004 (art. 145, par. 3) requires a Presidential Decree (Peraturan Presiden) to do so. The Minister of the Interior does not have the authority to cancel byelaws, and a governor cannot annul a byelaw issued in a city or regency in his province.⁷

Some of the information presented in the media and in scholarly and NGO reports about interreligious violence, assaults on religious minorities, and discrimination against women as a consequence of a greater stress on Islam in Indonesia or support for the implementation of Islamic law in all its aspects may overstate the case.⁸ On the other hand, using the description 'smiling Islam' to sketch the nature of mainstream Islam in Indonesia is to view the situation, both past and present, through rose-tinted glasses. Though the collapse of the New Order in 1998 was a watershed in Indonesian history which was followed by a period of real democracy and freedom of expression known in Indonesia as the *Reformasi* or Reform Era, the topics discussed in this book are not simply the outcome of decentralisation, the introduction of a democratic political system, and of greater freedoms that came after 1998. As pointed out in a number of contributions, Islamic radicalism in Indonesia did not suddenly appear after 1998. Its roots can be traced back to the New Order, not only to its closing days, but also to its early years, and even further back in Indonesia's history. Efforts to promote Islam have also been initiated by the New Order government, for instance by financing the building of mosques and Qur'an recitation competitions. In this respect, special mention should be made of defining the competence of religious courts and the publication of the *Kompilasi Hukum Islam* through which the government aimed further to codify Islamic family and inheritance law on the national level and which is to be consulted by Muslim judges in giving judgment (see the contributions by Euis Nurlaelawati and Stijn van Huis).

7 It seems extremely unlikely that many of the disputed local regulations can be cancelled. The law requires that a Presidential Decree be issued within 60 days after the regional administration has submitted a byelaw to the central government for scrutiny (which has to take place within a week after its promulgation). In 2012 two Joint Regulations of the Ministers of the Interior and of Justice and Human Rights were issued on regional regulations. These take the form of guidelines for local governments in drafting them to ensure that they are not a breach of human rights.

8 Ms Pillay, for instance, also expressed her concern about Aceh condemning 'enforcing brutal punishments of stoning' there, which, as is pointed out in the Aceh section of this book, are included in the draft of a new Islamic Act, which did not come into force because the governor refused to sign it.

The present book reports on a number of important contemporary developments, which all show how Islam in Indonesia is developing and how far it has moved beyond the stereotype of a smiling Islam. These developments are taking place against the background of a growing adherence to the prescripts of Islam in the wider society. As in the rest of the Muslim world, the number of people dressing and behaving in an Islamic way has grown; institutions to propagate the faith, such as Islamic schools and religious meetings, have increased in number and in popularity; and the exponents of radical Islam have become more vocal, staging demonstrations and organising mass gatherings. By dealing with a number of these developments, this book aims to shed light on an intriguing paradox. We observe that in spite of an ongoing Islamisation of Indonesian society, Islamic parties do not fare so well in Indonesia, while at the same time we see that, despite this subordinate role of Islamic parties, legislation which is clearly Islamic can in fact be promulgated.

This book is a spin-off from a joint research effort which was made by a number of Dutch and Indonesian researchers in the framework of the research programme entitled 'Strengthening Knowledge of and Dialogue with the Islam/Arab World', in short the 'Islam Research Programme' (IRP). This programme was funded by the Netherlands Ministry of Foreign Affairs and aimed at supplying a number of embassies in the Muslim world with relevant academic information on contemporary developments in eight countries. The present book is based on the final report of the Indonesian branch of this project.⁹ The IRP Jakarta research project ran from 2010 until December 2012 and was embedded in the Leiden Institute for Area Studies (LIAS).

Through intermediate reports and in-depth discussions with the Netherlands Embassy staff in Jakarta and invited experts, the project aimed to analyse religious trends in contemporary Indonesian society and specifically looked at developments relating to the role of Islam in political, cultural and socio-legal contexts. The project staff was attached to one of three research clusters, each cluster consisting of a cluster leader, an Indonesian post-doctoral researcher, and a junior Indonesian and a junior Dutch researcher. The entire project was managed by Marise van Amersfoort. The three research clusters were 1) Islamic political parties and socio-religious organisations (led by Kees van Dijk, LIAS); 2) Sharia-based legislation and the legal position of women and children (led by Léon Buskens, LIAS); and 3) Sharia and counterculture in Aceh

9 See for the other country projects the website of the Project Office IRP: <http://www.projects.leiden.edu/irp> (accessed 6 December 2013).

(led by Nico J.G. Kaptein, LIAS). Much of the research consisted of field work in Indonesia, complemented by desk research, both in Indonesia and in the extensive library collections on Indonesia in Leiden, the Netherlands.

The present book is based on the final report and is organised in line with the three research clusters mentioned. In the first section the leaders of the Islamic political parties and the large socio-religious organisations affiliated with them take centre stage. They are prime actors in determining to what extent national and regional legislation can reflect Islamic principles. They also play an important role in the Islamic debate in Indonesia, either as a driving force of a further Islamisation of society and legislation, such as the Islamist PKS (Partai Keadilan Sejahtera/Prosperous Justice Party) and the Jemaah Tarbiyah (discussed in detail by Ahmad-Norma Permata), or as people called upon to take an active role in countering intolerance and radicalism, such as in the case of the Nahdlatul Ulama and Muhammadiyah. The second section deals with the consequences of the introduction of Sharia-based legal products in Indonesia in general, and the final section discusses the support for and resistance against enforcing an Islamic way of life in Aceh, where, as already mentioned, this was allowed more extensively than in other parts of the country.

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