Islam in
Indonesia

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Contrasting Images
and Interpretations

Edited by
Jajat Burhanudin *and* **Kees van Dijk**

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Contents

Introduction

In recent years, the way Islam manifests itself in Indonesia has changed. As elsewhere in the Muslim world, there is stricter adherence to Islam, and fundamentalism has gained strength. An increasing number of Indonesian Muslims are observing the tenets of their religion more faithfully. More people fulfil the *hajj*, one of the basic pillars of Islam, and an increasing number of women wear a headscarf, sometimes a very fashionable one. These women include members of a segment of society that used to be considered the embodiment of secularism and syncretism, known in Indonesia as the *abangan*.

National surveys confirm this trend. In the last ten years or so, Muslims in Indonesia have become more religious in their attitudes and practices. The use of rituals associated with abangan culture has decreased, to be replaced by those of more observant Muslims, the *santri*. As a result, Islamic symbols and elements can be seen everywhere in Indonesian public life, including in liberal and capitalist institutions such as company offices and shopping malls.

The increasing emphasis on Islam is also reflected in the shifting position of fundamentalist groups. Since Suharto was forced to step down in the late 1990s, Indonesia has witnessed a growing religious militancy. Not only have the militants increased in number, but they are also more actively engaged in missionary activities among fellow Muslims. Various radical organisations have emerged, including the FPI (Front Pembela Islam, Front of the Defenders of Islam), the MMI (Majelis Mujahidin Indonesia, Indonesian Council of Jihad Fighters) and the Laskar Jihad (Jihad Force). With a militant agenda of purifying Islam, these organisations are engaged in a series of violent acts against others, creating concern among moderate Muslims, who still form a majority in Indonesia. Their aspiration is to implement Islamic law in the public sphere, which in Indonesia is supposed to be religiously neutral.

The aims of these radical Muslim organisations are congruent with those of a number of Islamic political parties in parliament, while in some regions local administrations are trying to enforce proper Islamic conduct. The *fatwa*-giving commission of the MUI (Majelis Ulama Indonesia, Council of Indonesian Religious Scholars) – the institution en-

trusted by the government with this task – and its regional chapters, at times also acts as the guardian of a strict interpretation of Islam.

Contributing to this trend has been the changing relationship between the state and Islam since around the turn of the century. After Indonesia became independent on 17 August 1945, its history as a nation is usually divided into three parts: the Old Order when Sukarno was President, the New Order when Suharto was in power, and the post-1998 period. The Sukarno years were coloured by antagonism between adherents of a religiously neutral state – or the Pancasila state, named after the five principles formulated by Sukarno in 1945 as the ideological foundation of political life – and the proponents of an Islamic state. A number of these proponents took up arms, fighting for an Islamic State of Indonesia (also known as the Darul Islam rebellion); others tried to realise their ideals through constitutional means by striving for a majority in the representative bodies. In the Constituent Assembly, the political institution tasked with defining the nature of the Indonesian state, those in favour of giving the Indonesian state an Islamic base and those against were more or less in balance. The deadlock this caused induced Sukarno to re-introduce the Constitution promulgated in 1945, which mentions Pancasila in its preamble, on 5 July 1959.

The period that followed was one of intense indoctrination of the Pancasila state ideology and increased domestic tension and repression. Deeply religious Muslims and the organisations that represented them were among those who suffered. Hard hit was Masjumi, the political party of the adherents of Islamic modernism, a stream of thinking that had reached Indonesia around the turn of the twentieth century and that had spread gradually and steadily. The government accused Masjumi leaders of siding with the Darul Islam and a second rebellion that took place in Sumatra and had regional rather than religious sentiments as its roots. Consequently, Masjumi was banned in 1960. The large modernist socio-religious organisation, Muhammadiyah, was allowed to continue to exist, as was its traditionalist counterpart, the Nahdlatul Ulama; but it became impossible for the leaders of either organisation to publicly criticise government policy in any field.

Suharto's New Order brought some relief, but only partially so. The generals who came to power in 1965 were highly suspicious of political Islam and the Masjumi. The authorities introduced a new term – right extremism – for political Islam and for demands for a state based on *syariah* instead of Pancasila. Only those fundamentalist groups that kept clear of politics and did not question Pancasila as the basis of the state were tolerated. Speaking out against the national ideology meant imprisonment or life in exile, if not worse. Masjumi remained a forbidden party. Banned from politics, as a number of the contributions to

this book explain, a number of its leaders decided to concentrate their efforts on propagating their strict interpretation of Islam, stimulating the spread of such ideas. A similar mechanism was at work in the universities, especially the secular ones. With students forbidden from engaging in political activities, the campus mosques became centres of religious activity.

Government policy culminated in 1985 when, on pain of being banned, all organisations and political parties, including the religious ones, were obliged to acknowledge Pancasila as their *asas tunggal*, their 'only basis'. Rather naively, the government concluded from the general compliance that Pancasila was safe. For Suharto, this was a reason to allow greater participation by devout Muslims in politics and for the introduction of measures intended to placate the Islamic community, such as the establishment of an Islamic bank and the 'compilation' of Islamic family law.

President Suharto was forced to step down in May 1998, and the *Reformasi* (Reform) period began. Full freedom of speech and of association was stressed as being among the most important achievements of this new political era. Muslims persecuted for their religious ideas were released from prison or returned home from exile. The asas tunggal became irrelevant. People were allowed to campaign for the establishment of an Islamic state. Some propagated Islamisation 'from above' – that is, the establishment of an Islamic state and enforcement of Islamic legislation. Others made reform of society, not of the state, their principal aim, concentrating on winning over the population to their ideals before implementing Islamic law.

Pancasila has maintained its importance. Most Islamic political parties, including the PKS (Partai Keadilan Sejahtera, Prosperous Justice Party), a new popular Islamist party, acknowledge Pancasila and reject the idea of transforming Indonesia into an Islamic state. At the same time, more than ever, secular parties emphasise that Islam also matters to them and to their members and voters, and they even join forces with their Islamic counterparts in certain regions or on certain issues. This has given some of the new legislation on the national and regional levels a distinctly fundamentalist Islamic stamp.

Religious debate has changed and intensified. In part, this is because new hard-line groups are allowed to publicly attest to their radical ideas. Some of these – the above-mentioned FPI, MMI and Laskar Jihad – do not shrink from violence. Zealously defending what they consider to be true Islam, they vehemently protest against people and groups who are seen as a threat to Islam or in their eyes betray Islam, such as members of the Ahmadiyah, or those they accuse of breaking the rules of moral conduct that should be upheld in public. At times, they also make it impossible to hold services at Christian houses of

worship, which they claim have been built without the requisite permits. Members of the FPI and like-minded groups may be in the forefront when it comes to physical attacks on those whom they have identified as the main enemies of their religious convictions. Their rowdy demonstrations and raids – including raids on pubs and discotheques – often go unchecked, with the authorities and police hesitant to act or to protect the targets of their fury; either because they sympathise with the protests, are afraid to act, or simply cannot decide which measures should be taken. This gives such groups greater influence than their numerical strength would warrant.

A telling example is the visit to Indonesia by the Canadian author Irshad Manji to promote her book, *Allah, Liberty and Love* (banned in Malaysia), in May 2012. Book presentations in Jakarta and Yogyakarta were raided by hardliners of the FPI and other groups, or cancelled by the authorities. One signing, organised by the Jakarta branch of the Alliance of Independent Journalists (AIJ), did proceed, but only after its organisers had enlisted the help of Banser, a youth group usually employed to provide security at Nahdlatul Ulama events. When fundamentalist Muslims – and in this respect, the MUI and its local chapters must also be mentioned – speak out against individuals, groups or activities, there is a fair chance that their demands will be met. In May 2012, for instance, protests by the MUI, the FPI and like-minded groups resulted in the Jakarta police refusing to issue a permit for a planned concert by Lady Gaga. The national police, the final authority on the matter, made permission dependent on a positive recommendation by the Ministry of Religious Affairs and the MUI – a recommendation that both refused to give. In the end, Lady Gaga's management cancelled the concert.

Irshad Manji does not hide the fact that that she is a lesbian, and the fact that Banser facilitated the AIJ meeting is an indication of the complexity of Islamic relations in Indonesia. The proselytising nature of Salafi and other Islamist groups poses a challenge to long-established, large socio-religious organisations such as Muhammadiyah and the Nahdlatul Ulama. Islamists condemn some of the religious practices and beliefs of the latter and try to win over their members and followers, competing for control of mosques and other religious institutions. At the same time, radical Muslims and a section of Muhammadiyah and the Nahdlatul Ulama membership may find common ground in their rejection of liberal or progressive Muslims, often young intellectuals and graduates from Islamic universities whose opinions about tolerance, justice and equality (including gender equality) they detest. These two factions can also unite on other issues. Leaders of Muhammadiyah and the Nahdlatul Ulama are members of the MUI, and may sit on the boards of hard-line groups. Their fundamentalist

ideas do not go unchallenged. Religious debate has become very lively, especially due to the fact that progressive Muslims who refuse to accept the strict fundamentalist interpretations propagated are making themselves heard.

How to interpret such recent developments is a topic of debate. Islam in Indonesia, characterised by its moderation and tolerance, has been held up as a model for other Muslim nations. Does this image still hold? The very visible presence and activities of radical groups have led some to conclude that Indonesian Islam is losing its moderate disposition. This is a topic of debate in Indonesia itself, and among foreign scholars and observers. In a statement about the commotion surrounding her visit to Indonesia, Irshad Manji was quoted in the *Jakarta Post* (11 May 2012) as saying that four years earlier, she had experienced Indonesia as 'a nation of tolerance, openness and pluralism', and that in her book she 'described Indonesia as a model for the Muslim world'. She suggested that Indonesia had changed since her last visit, which was not in fact the case. Journalists also express their unease over the fact that the uncompromising stand taken by some Indonesian Muslims is in contrast to the peaceful and tolerant Islam with which Indonesia is often associated. In reports about mob violence or the activities of certain Islamic groups in Indonesia in English-language Indonesian newspapers or newspapers published abroad, it is now common to find journalists explaining that the vast majority of Indonesian Muslims are moderate and tolerant, and that it is only a fringe minority that acts and thinks differently.

The variety of manifestations of Islam in Indonesia and the ongoing discussion between representatives of different streams of Islam this implies formed the inspiration for this book. It brings together a selection of papers presented at the conference entitled 'Is Indonesian Islam Different? Islam in Indonesia in a Comparative International Perspective', held in Bogor, Indonesia in January 2011, and organised by the Center for the Study of Islam and Society of the UIN Syarif Hidayatullah, Jakarta, and the Training Indonesia's Young Leaders Programme of Leiden University.

The contributions are arranged in three sections. In the first section, some general questions and evaluations are presented. Kees van Dijk and Ahmad Najib Burhani discuss how we should understand the use of the term 'Indonesian Islam'. Robert B. Hefner and Azyumardi Azra identify the specific accomplishments of the Muslim community in Indonesia. Hefner concentrates on the prominence of long-established welfare associations, the dynamics and openness of its educational system, and the early consensus that Islam and constitutional democracy are compatible. Azyumardi Azra also calls attention to the peaceful spread of Islam in Indonesia, the accommodation of local tradition,

and the position of women in Indonesian society. In the final article in this section, Taufik Abdullah explores the response of Muslims during Suharto's New Order, when Islamic organisations were denied a significant role in politics, and the emergence of networks of liberal young Muslim intellectuals and religious thinkers promoting tolerance and pluralism in the period of 'openness' that followed.

The second section deals with liberal interpretations of Islam and humanitarian activities, topics that tend not to get much coverage because of the massive attention that is given in Indonesia and elsewhere to manifestations of intolerance. Dian Maya Safitri sketches life at an Islamic religious school for transgenders and transsexuals. Nina Nurmila challenges the literal approach to the Qur'anic verses on inheritance division, according to which a male always receives twice as much as a female, because it does not take into account the difference in kinship systems in the Middle East and Indonesia and the current context of Indonesian gender relations. Euis Nurlaelawati analyses the reforms in family law introduced in the Suharto era and investigates whether judges in Islamic courts follow them in cases in which they have to decide on allowing polygamy. In their contribution, Andrée Feillard and Pieternella van Doorn-Harder focus on the activities of Indonesian Muslim feminists, especially those from the Nahdlatul Ulama, and the challenges they face. They argue that these Muslim feminists play a pivotal role. Their thorough religious education equips them to enter into religious gender debates from which secular feminists, lacking such a background, tend to shy away. Central to Asfa Widiyanto's plea for religious pluralism in Indonesia are two Sufi-inspired men of letters, Mustofa Bisri and Emha Ainun Nadjib, who do not hesitate to speak out against intolerance, but who are still respected in Islamist circles due to their renown as Islamic scholars. The section concludes with a study by Hilman Latief on the growth of a new Islamic middle class in Indonesia, its role in modernising Islamic social activism, and the development of middle-class, faith-based humanitarian associations.

In the final section, the focus turns to Salafi groups and their way of operating and recruitment. Sunarwoto examines Islamic radio stations in Surakarta, one of the centres of Islamic radicalism in Java, and their different interpretations of what Islamic radio stations should broadcast. Didin Nurul Rosidin compares the activities of two Islamic student associations at two Senior High Schools in Cirebon, West Java. Finally, Syaifuddin Zuhri reports on his research on a Salafi group in Surakarta, and the modern and traditional communication networks it uses to propagate its fundamentalist ideas.

Concomitant with the growing emphasis on Islam in Indonesia has been not only the spread of Arabic expressions and technical Islamic

terms but also the desire by some to use the correct transliteration. For example, it is not unusual to find different authors spelling the same word differently. This diversity has been maintained in this volume. The same approach has been taken to the spelling of personal names and names of organisations, where the spelling reforms of 1947 and 1972 have left their mark.

Finally, our appreciation goes to the organisers of the Bogor conference and to Anna Yeadell, who corrected the English of the contributions presented in this volume.

8   Managing familial issues

Unique features of legal reform in Indonesia

Euis Nurlaelawati

Introduction

Indonesian state law on Muslim familial issues, as embodied in Marriage Law No. 1/1974 and Presidential Instruction No. 1/1991 regarding the Compilation of Islamic Law (Kompilasi Hukum Islam), introduced a number of reforms reflecting the inclusion of local customs, state interests and new issues in Islamic discourse in Indonesia, including gender issues. By doing so, it attempted to achieve an amalgamation of the classical legal doctrines of Islam, state interests and local tradition or *adat*. The accommodation of local tradition and state interests makes the law distinctly different from similar laws issued elsewhere in the Muslim world. The rules on representation of heirs, obligatory bequest (*wasiat wajiba*) and joint property are examples of the special characteristics of Indonesian law in this field. The distinctive features become even stronger when we look at how judges deal with family law.

This chapter examines how Indonesian state law addresses issues of Muslim family law by looking at specific questions relating to reforms. It discusses some examples of reform by observing the key concepts and interpretations of Islam used in drafting the new rules. It then compares the results with laws introduced in other Muslim countries in order to draw attention to similarities and differences and to analyse the factors that underlie the uniqueness of the Indonesian approach.

Ideas of reform in Islamic family law

The introduction of Islamic principles into national law has been a topic of discussion since Indonesia became independent in 1945. Indonesian Muslims now have what has come to be called the Kompilasi Hukum Islam, henceforth referred to here as the *kompilasi*. Issued in 1991, the kompilasi systematises and brings together in one book the Islamic legal rules regarding family law derived from various *fiqh*

texts. Its compilation is one of a number of remarkable examples of the trend of legal codification in the Muslim world. The kompilasi is divided into three volumes on marriage, inheritance and endowment respectively. Its issuance by the Indonesian government comple- mented the reform of the religious judicial system in Indonesia, which had previously seen the ratification of the Religious Judicature Act in 1989 as the formal law regulating the position of religious courts within the national legal system and their composition, juris- diction and procedures.

From the perspective of legal development, this piece of state legal- isation – which should now, it is being proposed, be amended and re- issued as two separate laws, one on marriage and one on inheritance – reflects a long struggle by Muslims for the application of Islamic law in Indonesia. The preliminary efforts took place in the 1950s and early 1960s, when Hazairin and Hasbi al-Shiddieqy had the idea of estab- lishing an Indonesian school of Islamic law (Feener 2002; Nurlaelawa- ti 2010). In the 1980s, the agenda emerged again when Munawir Sjad- zali suggested the re-actualisation of Islamic law, which developed in the direction of the unification of legal references in the religious courts (Nurlaelawati 2010).

The kompilasi owes its origins to the idea of formulating a distinct Indonesian school of Islamic law, as proposed by Hazairin (1905-1975). A scholar of both Islamic and adat law at the University of Indonesia, Hazairin sought to bridge the gap between the two by advocating the development of a distinctive body of Islamic law. He was convinced that the reform of Islamic law was not an individual matter but rather a collective task to be completed by representatives of the community, working in close partnership with the state. He wanted to see problems in the Muslim community solved by formal institutions with the au- thority to act on religious issues (Feener 2002).

Hazairin's ideas were too radical and extreme for the majority of In- donesian Muslim leaders, and inevitably elicited opposition. In fact, they got no positive response until 1961, when Hasbi ash-Shiddieqy, a professor at the State Institute for Islamic Studies (IAIN) in Yogyakar- ta, argued the need to establish a new school of Islamic law that took greater account of Indonesia's social and historical context (Yudian Wahyudi 1993). Hasbi thought that what had traditionally been consid- ered as Islamic law among the founders of the *madhhabs* should ac- tually be considered 'Arab fiqh'. In this context, he argued that Islam could only remain a vital source of guidance in the lives of Indonesian Muslims when the methods of understanding scripture and law could be re-conceptualised in accordance with the specific conditions and cur- rent needs of Indonesian society. For this purpose, he called for a new and more directly relevant method in order to achieve the appropriate

interpretation and application of principles from the original source to particular cases and conditions (Feener 2010).

Hasbi and Hazairin's visions on the formulation and application of Indonesian fiqh emphasised a sense of Indonesian-ness, in terms of both the specific local conditions prevailing in Indonesia and the particular character of the Indonesian state, especially in relation to its legal policy base, Pancasila, the ideology of the state. There is no doubt that these ideas are a reflection of the thinking that lay at the core of the Islamic legal discourse at that time. Although they gained no widespread acceptance at that moment and no support from the Sukarno regime – which in the context of the political competition that was rife in those years tended to see Islam as a threat and even introduced a number of repressive policies to control Islamic groups – their ideas helped to lay the groundwork for the development of Islamic law in the 1980s (Nurlaelawati 2010).

The idea of formulating a distinct Indonesian school of Islamic law proposed by both Hasbi and Hazairin seems to have taken on new life in the 1980s. It fell within the scope of the re-actualisation of Islamic teachings proposed by a prominent and high-ranking Muslim and statesman, Munawir Sjadzali (1925-2005). Sjadzali had served as a long-time senior official in the Department of Foreign Affairs before his appointment as Minister of Religious Affairs in two consecutive cabinets of the New Order (1983-1993). His ideas gained significance in the new wave of Muslim intellectualism during the New Order, born out of the need to deal with the failure of Muslim leaders to realise their political agendas in the early years of the Suharto regime (Effendi 1995).

Looking specifically at the development of Islamic law, Sjadzali's proposals can be understood from an examination of his discussion on the principles of Islamic inheritance, particularly in relation to the share received by children of the deceased. The stipulation of the Qur'an that a son should inherit twice as much as a daughter was, according to him, in some circumstances, contradictory to the very notion of justice. Sjadzali argued that the rule mentioned in the Qur'an – that a female should receive only half of that of a male from an estate – was not a final decision, as giving females and males an equal share would have shocked the Arab society of the time, which had denied women any inheritance prior to the introduction of Islam. It must be pointed out here that one of the principles for completing the establishment of Islamic law is that changes in the law have to take place gradually. Given that reform in the establishment of Islamic law takes place gradually (*tashri'*), it is argued that the rule that a woman should only inherit half the amount a male gets is not yet the final rule (Saimima 1988; Nurlaelawati 2010) and that it still requires completion.

The above discussion reflects the evolution of the idea of applying Islamic law in Indonesia in relation to the changing attitude of the state towards Islam. Munawir Sjadzali's plea for a re-actualisation of Islamic law was clearly a continuation of Hazairin's and Hasbi's suggestion that a distinctly Indonesian school of Islamic law should be established. Sjadzali attempted to give new resonance to this suggestion after the state had succeeded in reinforcing its domination over Muslims, as proven by the acceptance of Pancasila as the sole national ideology by Muslim organisations in the mid-1980s. These three scholars have provided a basis for the various attempts to ensure that Islamic law is included in the legal system of the state. It is within this context that the idea of putting together the kompilasi has been advanced.

The kompilasi could be realised because of a shift in state policy towards Islam, which coincided with the fact that many Muslim leaders at that time had abandoned the idea of establishing an official Islamic state and were content to pursue a gradual Islamisation of the country. In terms of the realisation of Islamic law, they no longer spoke of a general but only a partial realisation – that is, the application of certain elements, including matters concerning family life. They strove to integrate the principles of Islamic law into national law through regulations issued by the government.

Legal reforms

As explained above, the Indonesian government has developed law on the basis of *shari'a* through the Kompilasi Hukum Islam. Although on most issues, the kompilasi generally adopts classical Islamic legal doctrines, especially that of the Shafi'ite fiqh texts, it also introduces a number of reforms. These reflect the inclusion of local customs, state interests and new issues in Islamic discourse in Indonesia. By doing so, the kompilasi is an attempt to achieve an amalgamation of the classical legal doctrines of Islam, state interests and local tradition or adat. There can thus be no doubt that the drafters of the law realised that the plurality of legal norms in Indonesia could not be ignored. By accommodating local customs, giving the state a place and paying due attention to gender equality and other new issues, they apparently sought to demonstrate that these domains can be integrated into the practice of Islamic law and do not stand in isolation from one another (Nurlaelawati 2010).

The influence of adat or local norms is most apparent in a number of rules in the kompilasi concerning inheritance. Although the kompilasi generally adopts the traditional fiqh doctrines and incorporates all relevant Qur'anic texts (Cammack 1999), it applies a system of repre-

sentation of heirs and obligatory bequests that cannot be found in any classical fiqh texts. The system of representation of heirs, for example, was adopted to solve the problem of orphaned grandchildren, whose parents predeceased their own parents. According to the classical Islamic system of inheritance, orphaned grandchildren are excluded from shares in their grandparents' estates. All schools of Islamic law agree that an orphaned grandchild has no right to a share from his or her grandparents when there are other living children (sons). Following this rule, all Muslim countries, including Indonesia, have denied the predeceased heirs and their heirs or descendants any share of an inheritance as long as there are other living sons. It is believed that there have been a number of victims of this decision (Carol 1998; Mehdi 1999).

As there is a prevailing sense that it is unjust to deprive orphaned grandchildren of their right to the estates of their grandparents simply because their parents have died earlier, some countries, including Egypt, Morocco and Indonesia, have attempted to redress this inequity. Two solutions have been proposed: namely, obligatory bequests and a system of inheritance by right or representation of heirs. The former was first adopted by Middle Eastern countries, the latter by Pakistan (Mehdi 1999) and subsequently by Indonesia.

Besides adopting adat, the kompilasi also includes interests of the state. One example is the rules on marriage registration. According to the classical doctrine of Islamic law, a marriage is considered lawful when it is concluded with an offering by the female guardian and its acceptance by the male (husband) in the presence of witnesses. Two Muslim males or one male and two females are required to witness the contract of marriage (Dawoud 1992). There is no need for a contract of marriage to be registered, but the kompilasi states that a marriage should be concluded in the presence of an official marriage registrar or must be registered. Failure to register a marriage affects its validity, and judicial relief such as divorce and inheritance assessment is denied in the case of an unregistered marriage. This means that the kompilasi allows no room for unregistered marriages.

Keeping pace with the growing demand for gender equality, the kompilasi also strives to heed women's interests, paying special attention to polygamy and divorce, issues that are still hotly debated by Muslims. This specific attention ties in with the state agenda to empower women via a programme of economic development. In Indonesia, the issue of polygamy has long attracted considerable attention from women activists. Efforts have been made to have it prohibited or, failing that, at least to restrict its arbitrary practice. Various seminars on this issue have been held by Muslim women's organisations (Nurlaelawati 2010). These protracted struggles only gained a positive response from

the government in the 1970s. With the ratification of the 1974 Marriage Law, the Indonesian government placed limits on the practice of polygamy by laying down a number of conditions for the legal conclusion of polygamous marriages.[1]

Unique features: some examples

Registration of marriage

The kompilasi states that a marriage must be concluded in the presence of an official marriage registrar or that it must be registered. However, it does differentiate between the religious validity and the state legality of marriage and therefore does not deem a marriage religiously invalid if the parties concerned fail to register their marriage (Bowen 2006). In fact, while considered illegal by the state, unregistered marriages are not seen as unlawful by the religious authorities. It seems clear that the kompilasi is anxious not to deviate from the classical doctrine of marriage. This is different from the situation in other Muslim countries, such as Iran: in this country, which follows the Shi'ite legal school, registration is obligatory and failure to do so invalidates a marriage in terms of religion (Nurlaelawati 2010).

The kompilasi seems to have applied the concept of 'dual validity' to preserve the view of classical Muslim scholars that only religious requirements can decide whether or not a marriage contract is valid.[2] Therefore, the registration of a marriage cannot be considered the main factor in deciding the religious validity of marriage. It is only an administrative requirement. This can be understood from two different articles, one of which states that registration is a necessity and the other that a marriage is considered valid if it meets all requirements defined by religion.

Indeed, this concept emerged as the result of a compromise between the traditionalists and the modernists, and inevitably it still fuels debates among Muslim scholars in Indonesia. Positioning registration as a purely administrative matter, the kompilasi makes no mention of sanctions for those failing to comply. The 1975 regulation elucidating the application of the Marriage Law does so, but only with regard to the registrars. It states that should a registrar fail to register a marriage, he will be fined Rp. 7,500. However, the document is rather vague in specifying under what conditions a registrar failing to register a marriage has to pay a fine.

Although the position taken by the kompilasi is, to some extent, the same as that taken in other Muslim countries, on some points it is quite unique. Malaysia also requires the registration of a marriage but avoids ambiguity and dualism. There, it is clearly stated in law that an

unregistered marriage is considered valid. According to Malaysian legislation, registration functions merely as an administrative requirement and has nothing to do with the religious legality of the marriage. Couples that fail to register their marriage can be punished with a six-month prison sentence or a maximum fine of one thousand ringgit.

The kompilasi is now being amended, and it is proposed that those who fail to fulfil a number of requirements, including the registration of a marriage, are liable for punishment. While some scholars agree with this, many argue against it. Those who do not support it include traditionalist as well as modernist Muslims.

Inheritance: wasiat wajiba and the representation of heirs

In terms of inheritance rules, the kompilasi introduces two novel concepts; namely: obligatory bequest (wasiat wajiba) and the representation of heirs, which are rules that are deployed to resolve the problem of orphaned grandchildren in the Muslim world. While Middle Eastern countries use wasiat wajiba as a solution, Indonesia and Pakistan have adopted the concept of the representation of heirs.

However, unlike Pakistan, Indonesia makes the rule quite complicated and confusing. The relevant article in the Muslim Family Law Ordinance of 1965 states that a predeceased son or daughter can be substituted by his or her living children (Mahmood 1987), thereby regulating the problem of inheritance by orphaned grandchildren. The article in the kompilasi is less clear. It states that deceased heirs can be substituted by their children (*ahli waris yang meninggal terlebih dahulu dari pewaris dapat digantikan kedudukannya oleh anaknya*). The use of the general term *ahli waris* has resulted in multiple interpretations. It can refer to any person in a family. It can refer to a child, a child of collaterals (nephew) and other relatives of the deceased. Judges have indeed applied these multiple interpretations, resulting in decisions that have awarded a share to nephews, for example. Decision No. 0259/Pdt.G/1992/PA.JP issued by the Central Jakarta Court is an example of such a case (Nurlaelawati 2010).

To add to the confusion, the introduction of these two concepts in the kompilasi is somewhat peculiar in the sense that, in the case of representation, an additional rule has been introduced: namely, a limitation on the share of the representative heir. This is something that Pakistan, which has adopted the same doctrine, has not done. The additional clause mentions that the share of the representative heir may not exceed that of the heirs whose position is equal to that of the representative heir. This clause emanates from the fact that the kompilasi preserves the established ratio of 2:1 with regards to the shares of

males and females. It has therefore been assumed that the application
of the representation of heirs may generate complications.[3]

The concept of wasiat wajiba, which is used by countries in the
Middle East to solve the problem of predeceased heirs (orphaned
grandchildren), is applied by the kompilasi to grant an adopted child a
share of his or her adoptive parent's estate and an adoptive parent a
share in that of his or her adopted child. However, this is only possible
when a child or parent leaves no will. By using this concept, the kom-
pilasi aims to avoid the 'pure' practice of inheritance among adoptive
and adopted parties, as practised among Indonesians, especially the
Javanese. At the same time, it does not fully ban such practices. Adop-
tion is popular among Indonesian families. In spite of the variations in
application from one society to another, several principles are uni-
formly embraced. These principles rule that the adopted child is auto-
matically included in the circle of the adoptive family, that the relation-
ship of the adopted child to his or her biological parents is severed,
and that the status of the adopted child is equal to that of a biological
child.

The drafters of the kompilasi sensed that although the full attribu-
tion of adopted children to their adoptive parent or vice versa may be
disallowed, as it contradicts the Qur'anic text, (which clearly under-
mines the full attribution of an adopted child to his or her adoptive pa-
rents or vice versa), the tradition of inheriting from each other should
be retained. They argued that it would not be fair if each of the parties
were to be left with nothing when the other party died. However, they
thought that the system by which the adoptive parties could give and
receive each other's estate should not be the same as the system of in-
heritance for biological children. To avoid or eliminate the practice of
giving and receiving an estate under the 'pure' system of inheritance
between adoptive parties, on the one hand, and to grant them a share
from each other on the other, they decided that the institution of obli-
gatory bequest be applied (Nurlaelawati 2010).

Why unique? A critical review

It is safe to say that, along with a number of other countries, in Indo-
nesia it is believed that familial affairs are best managed by the state.
On certain issues – namely, dealing with a bilateral system and creat-
ing justice and equality for women and other vulnerable persons – In-
donesia has adopted a unique position. This, in my view, is the result
of a number of factors, including the incorporation of local features
and the preservation of traditionalism in written law. The uniqueness
is strengthened by a biased interpretation of the law and the ambigu-

ous attitude of some judges and Indonesian Muslim organisations, which have resulted in the glorification of the notion of *ijtihad* and the expression of *amr ma'ruf nahy munkar* (enjoining good and forbidding evil) by some Muslim groups.

Local features

Indonesian legal reforms are unique, to a certain degree, because they accommodate elements of adat. The 'joint property' rule constitutes one example. The principle of joint property (*harta bersama, harta gono gini*) is not dealt with in any classical Islamic legal doctrine. It is, however, internalised in the social life of Indonesian society. To accommodate this local practice, Indonesian state law administers that a husband and a wife who are bound in a contract of marriage have an equal right to property acquired during their marriage. When the marriage is ended, each of them is entitled to an equal share of that property. Although Malaysian law also deals with this matter, the institution of joint property is to some extent typical of Indonesian culture.

This special feature can be traced back to the fact that in Indonesia, it is common for both the husband and the wife to work outside the home, although it is acknowledged that the husband is the head of the family. In Solo, for example, women generally earn money from multifarious activities. In families that run a home industry such as *membatik* (traditional designing and printing on cloth), for instance, women play an important role. They buy the cloth, design the patterns and even manage the firm (Saimima 1988). Likewise, in other regions, women do not just stay at home but go to farms, markets and other places to earn their own living. In due consideration of this, it would be unreasonable for a wife to be left with nothing when her marriage ended, while her husband had full rights to their property. Aside from gono gini, other popular terms refer to the existence of the institution of joint property, such as *harta papantangan* in Kalimantan and *harta sahareukat* in Aceh, proving the strength and unique character of this rule.

Another issue that demonstrates the uniqueness of Islamic legal reform in Indonesia is the adoption of the rule of representation of heirs, as discussed above. The application of the rule is in accordance with the practice of giving a right of inheritance to orphaned grandchildren, which was established in certain Indonesian Muslims circles through the system of *plaatsvervulling*, a Dutch term meaning inheritance by right of representation. In Medan in 1950, the Appellate General Court even ruled through its decision No. 195/1950 that when a child of a deceased heir has died before the deceased, and the former has left be-

hind a child or children, the children of the child or the grandchildren
of the deceased have a right to the deceased's estate on behalf of their
father. The same decision was issued by the Civil Court (*Raad van Jus-
titie*) of Batavia on 12 December 1932, as recorded in *Indisch Tijdschrift
van het Recht* (Nurlaelawati 2010). This means that the system of repre-
sentation of heirs is not completely new in Indonesia. Although it con-
stitutes a widespread problem in many Muslim countries, it has a local
foundation in Indonesian legal practice.

As mentioned above, the limitation rule in the application of the
representation of heirs has strengthened the uniqueness of Islamic law
in Indonesia. Furthermore, it has given an extra edge to the debate.
Coupled with the fact that the issue has been ineluctably practised in
Indonesian society, the rule of representation of heirs has turned the
debate towards a more principal point – that is, the question of
whether it is Islamic or adat law that provides the basis for the mainte-
nance of the practice. Or, in other words, has adat adapted to Islam or
vice versa?

Bearing in mind that the majority of Muslim scholars agree in prin-
ciple with granting a share of the deceased's estate to orphaned grand-
children and have chosen the institution of wasiat wajiba to deal with
this matter, I arrive at the question of why the kompilasi favours the
concept of the representation of heirs over the institution of wasiat wa-
jiba to solve the problem of grandchildren? I assume that the drafters
of the kompilasi realised that there was yet another problem that
needed to be solved – namely, that of adoptive parties. Having decided
that the matter of adoption could not solved by the concept of the
representation of heirs, they chose to employ the concept of the repre-
sentation of heirs to tackle the issue of orphaned grandchildren. At the
same time, they preferred to apply one solution to one problem rather
than apply one and the same solution to two problems by, for instance,
using the legal concept of obligatory bequest to solve the separate prob-
lems of orphaned grandchildren and adoption. With their minds firmly
set on this path, they insisted on applying the principle of the repre-
sentation of heirs, despite its lack of rationale in Qur'anic texts, to the
problem of orphaned grandchildren, and obligatory bequest to that of
adoption.

The persistence of traditionalism: ambiguity on paper and in practice

It is widely acknowledged that Indonesian Muslims have diverse reli-
gious backgrounds. When the reforms in family law propagated by the
state were to be amended, many felt obliged to contribute their opin-

ion. They included representatives of traditionalist and modernist groups as well as feminists. This is understandable, as the reforms had already been debated for a long time.

The state law introduced a number of reforms. However, most of the articles adopted opinions of the *'ulama,* as set out in fiqh books. While some traditionalists state that the reforms are too radical and deviate too far from the fiqh texts, feminists have branded the state law conservative. They claim, for example, that some articles, such as the one that states that a husband can house his two wives in one house, are barbaric and maintain the subordination of women. They also point to the article on wives giving their permission for polygamy. This article discounts the need for permission when wives are unable to give it, either due to their absence or their inability to decide (Mulia 2007).

Some articles are also quite vague. This is illustrated by the rule on the registration of marriage, as mentioned above. It seems that the changes are ambiguous and that the reforms lack clarity. On the one hand, the reformers revelled in the winds of reform and it was their intention to see marriages well managed. On the other hand, they lacked the bravery to deviate from and go beyond the shari'a line. The fact that in Indonesia, modernists and feminists hold different opinions might be one reason for this ambiguity.

The position taken by the Indonesian reformers on this and other issues is quite different from that of their counterparts in Malaysia and Pakistan, who were firmer and clearer in formulating legislation. While pro-reform, they remain on the side of traditionalists by stating that a marriage is considered valid even if it is not registered. Meanwhile, Indonesia tends to side with the modernists, but not wholeheartedly. This has resulted in the blurring of rules and uncertainty in judicial transactions.

Not only are ambiguity and dualism present on paper, they are also evident in the work of judges. In the case of polygamy, such attitudes are very clear. For my recent research, I collected nine judgements on polygamy issued between 2007 and 2009 by the Religious Court of Cianjur. All of them show that the court approved every petition for polygamy. The motivations for this varied, according to the reasons advanced by the petitioners (husbands). They ranged from the inability of the wives to give birth to children and acute illness to high sexual desire on the part of the husband. High sexual desire is the dominant reason for the petitions.

These judgements clearly indicate that the judges of this court are not strict in their application of the rules, a finding that concurs with the results of a survey I carried out for my doctoral thesis.[4] For example, one judgement, No. 290/Pdt.G/2008/PA.Cjr, demonstrates that the judges appear to have supported the husband involved in his bid to

marry more than one wife in order to avoid *zina* (adultery), as the hus-
band had a high sexual appetite. They endorsed his plea that the wife
had to accept the decision taken by her husband. Judgement No 221/
Pdt.G/2008/PA.Cjr shows the same judicial adherence to the classical
legal doctrine on polygamy and neglect of the codified rules restricting
polygamy, and the demand that a request must be based on the appro-
priate reason specified in the rules.

Although in some courts, judges have been found to be receptive
(Salim et al. 2009),[5] it seems to me that gender sensitivity has not in-
creased evenly among the judges of religious courts. Their approval of
petitions based on other grounds, such as the inability of wives to bear
children, seems to strengthen this assumption. Judges frequently fail
to consult medical specialists to establish whether or not a woman can
give birth, and instead just rely on the information given by the peti-
tioners, which is sometimes supported by their wives. Judgement
No.255/Pdt.G/2008/PA.Cjr is a case in point. This is not an exception,
however, as many other judges seem to have acted in similar ways. Be-
sides judgements issued by the Religious Court of Cianjur, I also col-
lected judgements issued by two other religious courts, those of Serang
and Tangerang in Banten. From the 45 judgements issued by the court
of Serang on various cases, five were on polygamy. In four of these, the
petition for polygamy was approved on the grounds of the high sexual
desire of the petitioners (husbands).

Indonesia has ratified a number of international treaties dealing with
gender issues, but many judges seem to be unaware of them. One, the
Convention on the Elimination of All Forms of Discrimination against
Women (CEDAW), stresses the protection of women's rights, and Indo-
nesia concurs with a number of points mentioned in the convention.
Nonetheless, it seems that rather than referring to such conventions,
judges tend to consult fiqh doctrines and Quranic verses, even though
such verses require interpretation. Some researchers conclude that
judges have applied the rules of the kompilasi or the state law well,
and to some extent, I agree with them (Sabri 2001; Sumner & Lindsey
2010).[6] However, judicial attitudes to international conventions on
women's rights suggest that aspects of the kompilasi are being applied
in an ad hoc way. This can be seen, for example, in the responses of
those judges who argued that they did not have to investigate whether
or not the consent of the wife had been given sincerely. In addition,
they did not feel obliged to check whether a husband really had a high
level of sexual desire or to verify whether the husband's current wife
was really unable to bear children. Above all, most of the judges em-
phasised the conditions to be met by husbands when making their
judgements rather than examining the reasons why husbands wished
to marry more than one wife. Consequently, they often accepted any

reason presented by husbands, even those not included in the laws. The concept of *maslahah* (public good) figured prominently in their legal considerations. Some judges agreed to give permission, stating that denial would result in the husbands having extramarital sex.

The glorification of the notions of ijtihad and amr ma'ruf nahy munkar

There is indisputable evidence that the legislated kompilasi text is still considered an 'open' text. As is also the case with codes enacted elsewhere, although the open character once attributed to the fiqh texts has been curbed and change is only possible if it is introduced by legislative amendment (Messick 1993), interpretative modification by individual scholars and by official authors of Islamic law, such as judges, is still envisioned. And while, like other codes, the kompilasi also implies replacing the single authorship of the old fiqh texts by a plural legislative voice, the authoritative manual opinion thereby being ousted by the authoritative code article, the fiqh texts and their legal doctrines have become so institutionalised in the Indonesian Muslim community that it is impossible for this new code to replace them entirely. In short, taking all these hurdles into consideration, some judges seem to be preserving traditionalism and conservatism through their ambivalence towards the kompilasi.

The decisions of the judges of a number of religious courts on cases of polygamous marriage clearly demonstrate that judges sometimes dare to take a controversial decision on the basis of performing ijtihad. As mentioned, the kompilasi enumerates the reasons for and conditions under which a man can enter into a polygamous marriage. The judges of one court, however, gave a man permission to enter into such a marriage on grounds not mentioned in the kompilasi – namely, that he was asked by his second wife to protect her and her wealth. The woman was a rich widow who had no relatives to whom she could turn for help. She grew close to the man, who assisted her in dealing with her business affairs. Fearing slander (*fitna*) was inevitable, they decided to legalise the partnership by marriage. Adducing the reason that he would often go and spend much time with her when she needed his help, the man came to the court with the woman to ask permission to marry. The first wife, who was younger than her husband's prospective second wife, who had given her husband children and who had no physical problems, also appeared in court and stated that she agreed with her husband's intention to marry the other woman. Concluding that in asking permission to marry the woman, he had the woman's well-being at heart, the judges decided to acquiesce. Although this rea-

son is mentioned neither in the 1974 Marriage Law nor in the kom-
pilasi, they believed that their decision was legalised by the practice of
ijtihad, which they claim commended this course of action (Nurlaela-
wati 2010).

Besides the notion of ijtihad, judges have also often glorified the ex-
pression of amr ma'ruf nahy munkar, which is essential for and ac-
cepted collectively by Muslims, stressing that they had to involve them-
selves in the realisation of the notion. For them, giving permission and
approving a husband's petition for a polygamous marriage constitutes
one of their attempts to forbid evil. They believe that unless they give
permission or are lenient about the practice, these husbands would
commit zina and fall into sin. Some judges interviewed stated frankly
that as members of Muslim society, they have to play a role in applying
Islamic law perfectly. In doing so, they seem to be forgetting that the
Islamic law that they have to apply has been agreed upon, and that it
includes the kompilasi.

Conclusion

A number of conclusions can be drawn from the above discussion re-
garding the character of Indonesian Islam, looking specifically at Is-
lamic family law. The first is that, like other Muslim countries, Indone-
sia has long been motivated to reform Islamic family law in order to
bring it into line with present-day conditions and to protect and im-
prove women's legal rights. The second is that legal reform in Indone-
sia is unique, to some extent, and has its typical foundations in adat
and the legal position of authoritative scholars, including traditional-
ists, modernists and feminist activists. These three groups are strongly
attached to their legal positions, to the extent that it is hardly possible
to develop a common line regarding reform. Accordingly, with respect
to problems that have also been addressed by other Muslim countries,
a number of rules that have been introduced by Indonesian state law
are very distinct due to the influence of adat and/or the diverse legal
opinions of authoritative scholars or legal thinkers. The third is that
this uniqueness is not only evident on paper or in written law but also
in legal practice. The adherence to fiqh practice in the name of per-
forming ijtihad and actualising the expression of amr maruf nahy
munkar seems relevant here. Therefore, there is evidence of ambiguity
and dualism both on paper and in practice.

Notes

1   Permission for such a marriage has to be obtained from the religious court, and this is the one crucial condition for a husband to be allowed to marry more than one wife, if both the parties concerned wish to do so (Art. 3 (2)). A husband can enter into a polygamous marriage only on the grounds that his wife is unable to perform her duties as a wife, because she is suffering from some physical defect or an incurable disease, or when she cannot bear descendants (Art. 4). Furthermore, it stipulates that the marriage can take place if the wife of a husband wishing to resort to polygamy consents, and the husband is financially capable of maintaining co-wives and their descendants. In addition, he has to be prepared to treat the co-wives equally (Art. 5). These regulations are mentioned in Articles 56, 57, and 58 of the kompilasi. The kompilasi insists that a polygamous marriage is only possible when all these conditions are met and reference is made to one of the reasons stated above.

2   Bowen uses this term to describe those attributes of the court system laid down by the 1989 Act in regard to divorce. He also notes that such a position on divorce law reform makes the Indonesian case similar to that of Syria, Morocco and Iraq, but different from that of Tunisia, which has declared divorce out of court to be religiously invalid. See Bowen 2001: 10.

3   One problem is that an aunt will receive a smaller portion than her nephew. When someone dies, leaving behind a daughter (A) and a predeceased son's child (B), A will be given a one-third share, while B, as the representative of his father, will be granted two-thirds. Realising that the aunt (A) receives less than her nephew (B), the kompilasi establishes that the share of substitutive heirs must not exceed the portion of the other heirs who have equal positions. Following this additional rule, the portion of B is not two-thirds but one-third, the same portion as A. The remainder of the estate is equally distributed between A and B.

4   My doctoral thesis, entitled 'Modernization, Tradition and Identity: The *Kompilasi Hukum Islam* and Legal Practice of the Indonesian Religious Courts', was about the legal practices of judges of Indonesian religious courts after the kompilasi was issued. I analysed a hundred decisions to see how these judges applied the kompilasi, and found that in some cases, judges continued to refer to classical Islamic legal doctrines and deviated from the kompilasi. In the case of polygamy, some decisions issued in 2002 and 2003 indicated that judges often approved the petitions for polygamous marriages although the petitioners did not base their request on reasons specified in the kompilasi.

5   Research by PUSKUMHAM (Pusat Studi Hukum, Konstitusi dan Hak Asasi, Centre for the Study of Law, Constitution and Human Rights) revealed that there are some judges who have been sensitive towards gender issues, as can be demonstrated by their attitude when resolving cases of divorce, joint property and polygamy. The research reported that some judges of the courts of Padang, Aceh and Makassar have been very concerned with protecting women's rights. For example, cases of polygamy, where judges required husbands to rethink and where they warned husbands of the effect of their unfairness or unequal treatment of their co-wives, illustrate that gender sensitivity has been widespread in the courts of Aceh and Makassar. Another case from Aceh on divorce, where judges awarded a larger portion of joint property to the wife, as the reason for this divorce was the husband's polygamous marriage, clearly demonstrated that these judges are quite sensitive to gender issues. However, it must be mentioned that greater gender sensitivity was not an instantaneous development but rather resulted from continuous training on the strengthening of gender sensitivity run by a number of branches of the Center for Women's Studies, in cooperation with a number of other foundations. Through this training, the principles of equality,

justice and fairness mentioned in international treaties and a number of Indonesian laws ratifying them were introduced.

6   However, their conclusion is often mainly due to the fact that judges have cited the kompilasi as the legal reference for their judgements. They neglect the fact that the clear citation of the kompilasi does not always mean that the rules of the kompilasi are being followed in full. If the point is the explicit citation of the kompilasi, I must mention that for their judgements on polygamy discussed above, judges also take the kompilasi as the legal basis. When judges see that the consent of the wife(s) is given and they approve the petition, judges mention the relevant article on the necessity of the wife's (or wives') consent.

Glossary

1945 Constitution	Indonesian constitution proclaimed on 18 August 1945. In force between 1945 and 1950 and from 1959 to date. Pancasila is mentioned in its preamble
Abangan	Syncretistic or nominal (Javanese) Muslims
Abduh, Muhammad	Religious reformer from Egypt (b. 1849, d. 1905)
Adat	Local traditions/customs
Adhan/azan	Call to prayer
al-Afghani, Jamal al-Din	Religious reformer from Afghanistan (b. 1838, d. 1897)
Ahlu-sunnah wal-jama'ah	People of the sunnah of the Prophet and the Community, those who adhere to Islam in the right way
Ahmadiyah	Religious community originating from Pakistan, considered heretical by most mainstream Muslims
Aisyiyah	Women's organisation of the Muhammmadiyah
Akhlaq	Morals, ethics
Aliran	Pillar or stream, often used to differentiate between abangan and santri and between traditionalist and modernist Muslims
Amr ma'ruf nahy munkar	Command what is good and restrain what is evil
Ansor	Youth organisation of the Nahdlatul Ulama
Aqidah	Faith/belief
Asas Tunggal	Sole basis. The obligation for associations to declare that Pancasila is their only basic principle
Aurat	Parts of the body that should remain covered in public or when guests are received
Ayat	Qur'anic verse
Barzanji	Poetic text in praise of the Prophet
Bedug	Mosque drum
Berhala	Idol
Bid'a/bidah	Innovation (forbidden by Islam)
Bissu	Transgender ritual practitioner in Sulawesi
Bughot	Rebel, rebellion

Cewek	Lit. young female. Woman who becomes a feminine partner of a calabai
Dai	A person engaged in dakwah
Dakwah	Missionary activity, also among Muslims
Darul Islam	Islamic rebellion in Indonesia from 1948/9-1965
DDII	Dewan Dakwah Islamiyyah Indonesia. Indonesian Council for Islamic Missionary Activities
Detachment 88	Special police anti-terrorism unit
Dhikr	Repetitive chant of part of the Profession of Faith or other religious phrases
DI/TII	Darul Islam/Tentara Islam Indonesia (Indonesian Islamic Army)
Doa/dua	Supplication, prayer
Dukun	Diviner, traditional healer
Fastabiqul khairat	Competing for the betterment of society
Fatwa	Religious legal opinion
Fiqh	Islamic jurisprudence
Fitna(h)	Slander, division
FKASWJ	Forum Komunikasi Ahlu-Sunnah Wal-Jama'ah, Communication Forum of the People of the sunna of the Prophet and the Community; mother organisation of Laskar Jihad
FPI	Front Pembela Islam, Front of the Defenders of Islam. Paramilitary organisation
Gamelan	Javanese/Balinese traditional music
Golkar	Golongan Karya (Functional Groups). Government party in the New Order
Guided Democracy	Period between 1959 and 1965
Haba'ib	Male descendant of the Prophet Muhammad
Hadith	Traditions about the words and the deeds of the Prophet
Halal	Legitimate
Hal(a)qah	Lit. circle (after the semi-circle formed by pupils sitting around their teacher during traditional religious education). Religious study group, usually small
Haram	Forbidden
Hizb al-Tahrir	Party of Liberation
Hizbullah	Party of God, Forces of God
HTI	Hizbut Tahrir Indonesia (Indonesian Party of Liberation). Radical, fundamentalist Muslim organisation
IAIN	Institut Agama Islam Negeri (State Institute of Islamic Studies)

Ibadah	Worship, ritual observance
ICMI	Ikatan Cendekiawan Muslim se-Indonesia (All-Indonesian Association of Muslim Intellectuals)
Idulfitri	Feast at the end of the fasting month
Ijab	The presenting of the bride by her family at a wedding ceremony
Ijtihad	The development of new interpretations and judgements by the study of the Qur'an and hadith
Ikhwan al-Muslimin	Muslim Brotherhood
Imam	Leader of prayer
'Imamah	Turban
Iman	Faith, belief
Infaq	Voluntary gift, charity
Al-Irsyad	Reformist Islamic association founded by Indonesian Muslim Arabs
Isra Mi'raj	Journey of the Prophet to Jerusalem and his ascension to heaven
Isbal	Ankle-length trousers
Istigathah	Large prayer gathering
Isya prayer	Evening prayer
ITB	Institut Teknologi Bandung (Bandung Institute of Technology)
Jakarta Charter	Alternative to Pancasila from which it differs by its mentioning of the obligation of Muslims to follow Islamic law
Jalabiya	Long dress, worn by Arab males
Jama'ah (Jemaah) Islamiyah	Islamic Community. Name of an organisation, some of whose members have been convicted for taking part in the Bali bombings and other terrorist attacks
JI	Jama'ah Islamiyah
Jihad	Struggle, often interpreted as holy war
JIL	Jaringan Islam Liberal (Liberal Islam Network)
Jilbab	Headscarf that leaves the face visible
Jimat	Amulet
Kalam	Word (of God)
KAMMI	Kesatuan Aksi Mahasiswa Muslim Indonesia (Action Union of Indonesian Muslim Students), an association of strict Muslim students founded in March 1998 and closely linked to PKS
Kebatinan	Javanese mysticism
Kecapi	Stringed musical instrument
Kejawen	Javanese mysticism
Kepercayaan	Lit. belief. Javanese mysticism

Keraton	Court
Khawarij	Seceders, earliest group of dissenters in Islamic history
Khilafah	Caliphate
Khurafat	Superstition
Khuruj	Revolt
Kiai/kyai	Revered religious leader
Kitab	Lit. book. Religious study
Kitab kuning	Kitabs (religious books) used in pesantren education
Kodrat	Nature
Komando Jihad	Jihad Command, active 1976-1977
Langgar	Prayer house
Las(y)kar	(Para)military organisation
Laskar Jihad	Founded in 2000 to recruit people to fight in the Moluccas
Laskar Mujahidin Indonesia	Militia of the Majelis Mujahidin Indonesia
Laskar Pembela Islam	Part of FPI
Lihyah	(Long) beard
Liwath	Homosexuality
Mad(h)hab	School (of thought) of Islamic jurisprudence
Madrasah	Modern Islamic primary and secondary school in which most of the curriculum (70%) is usually devoted to secular subjects
Maghrib prayer	Prayer at sunset
Mahram	Close relative, with whom marriage is forbidden
Majelis Mujahidin Indonesia	Indonesian Council of Jihad Fighters
Majelis taklim	Islamic study group
Majelis Ulama Indonesia	Indonesian Council of Religious Scholars, national fatwa-issuing institution
Makruh	Unfavoured, disapproved (but not forbidden)
Manaqib	Narrative in praise of important religious figures, celebrating their lives, merits and miracles
Mandala	Circle (Sanskrit)
Masjumi/Masyumi	Modernist political party founded in 1943, banned in 1960
Al-maslaha al-ammah	Common, public good
Maulud	Birthday of the Prophet
MMI	See: Majelis Mujahidin Indonesia

MPR	Majelis Permusyawaratan Rakyat, People's Consultative Assembly
Mubah	Indifferent (legal term)
Mudik	Returning to one's native village (to celebrate Idulfitri)
Mufti	Person who issues a religious legal opinion
Muhammadiyah	Large modernist socio-religious organisation, founded in 1912
Muharram	First month of the Islamic year
MUI	See: Majelis Ulama Indonesia
Mukena	White garment worn by women when performing prayer
Musafahah	Shaking hands
Mushalla	Small prayer house or room
Muslimah	Muslim woman
Nahdlatul Ulama	The Awakening of Ulama, large traditionalist socio-religious organisation, which in certain periods was also a political party; founded in 1926
Nahy munkar	See: Amr ma'ruf nahy munkar
Nasyid	A capella songs
Network of Liberal Islam	Jaringan Islam Liberal, network of young Muslim intellectuals founded in 2001
New Order	The period between 1965 and 1998
Ngaji	Qu'ran recitation
NGO	Non-governmental Organisation
NII	Negara Islam Indonesia, Islamic State of Indonesia
Al-Nisa	'Women', fourth chapter of the Qur'an
NU	See: Nahdlatul Ulama
Old Order	The period before 1965
PAN	Partai Amanat Nasional (National Mandate Party), Islamic political party related to Muhammadiyah. Founded August 1998
Pancasila	Five pillars. The ideological foundation of the Indonesian state. The first one, about religion, speaks of the belief in the One and Only God and does not mention a religion by name
Parmusi	Partai Muslimin Indonesia, founded in 1968 under strict government supervision to serve as an alternative to Masjumi
Partai Demokrat	Political party of the current Indonesian President, Susilo Bambang Yudhoyono
PBB	Partai Bulan Bintang (Star and Crescent Party), strict Islamic political party, founded July 1998
PBUH	Praise be upon Him

PDI-P	Partai Demokrasi Indonesia-Perjuangan (Indonesian Democratic Party-Struggle), secular political party headed by Sukarno's daughter Megawati Sukarnoputri
Pengajian	1) Qu'ran recitation 2) Islamic study group, religious lecture
Penghulu	Head of religious administration in colonial days
Perda syariah	Peraturan daerah (local by-law) issued to implement aspects of Islamic law or promote an Islamic way of life
Persis	Persatuan Islam (Islamic Union), modernist religious association founded 1923
Pesantren	Islamic boarding school
PII	Pelajar Islam Indonesia (Indonesian Islamic Students), banned for its refusal to accept asas tunggal
PK	Partai Keadilan (Justice Party), fundamentalist political party. Founded August 1998. See also PKS
PKB	Partai Kebangkitan Bangsa (National Awakening Party), political party related to the Nahdlatul Ulama. Founded July 1998
PKI	Partai Komunis Indonesia (Indonesian Communist Party). Banned in 1966
PKS	Partai Keadilan Sejahtera (Prosperous Justice Party). Continuation of PK
PNI	Partai Nasional Indonesia (Indonesian National Party). Secular political party, 'Sukarno's party'
Pondok	1) Pesantren 2) Dormitory in pesantren
PPP	Partai Persatuan Pembangunan (United Development Party). In the New Order, the only Islamic political party. Radicalised after 1998
Priyayi	Javanese elite
PT	Perseroan terbatas, limited company
Pulang kampung	Returning to one's native village (to celebrate Idulfitri)
Q.	Qur'an
Qabul	Acceptance of the bride
Qadi	Islamic judge
Qasidah	Religious poem
Q.S.	Qur'an Surah, chapter of the Qur'an
Rahma li al-'alamin/rahmatal lil alamin	Blessings for all creation
Rebab	Stringed instrument

Rebana	Tambourine
Sadaqa	Voluntary charity, alms
Salafi/Salafiyya	Muslims who take as their example the society at the time of the Prophet Muhammad and the pious forefathers (al-salaf al-salih), the first generations of Muslims
Santri	1) Religious, observant Muslim 2) Pesantren student
Sarekat Islam	Islamic Union, large nationalist association founded in 1912
Sekolah Islam	Islamic school registered under the Ministry of Education and Culture. Its curriculum follows that of other schools supervised by the ministry
Sembahyang	Prayer
Shafi'i	Dominant school of Islamic jurisprudence in Southeast Asia
Shalat	Prayer
Shalat berjamaah	Communal prayer
Shalawat(an)	Prayers, verses and songs in praise of the Prophet Muhammad and his family
Shalawat Bad(a)r	Song to commemorate the first military victory of Muslim forces at Badar in 624
Shi'r	Poetry genre
S(h)irk	Polytheism
Silatur(r)ahmi	Goodwill, meetings to promote good relations
Slametan	Communal ritual meal
STAIN	Sekolah Tinggi Agama Islam Negeri (State College of Islamic Studies)
Sufi	Mystic
Suharto	(Acting) president of Indonesia from 1967 until 1998
Sukarno	President of Indonesia from 1945 until 1967
Sunna(h)	Words and deeds of the Prophet
Surah	Chapter of the Qur'an
Syariah/syariat	Islamic law
Syirik	Polytheism
Tafsir Al-Qur'an	Interpretation, exegesis of the Qur'an
Tahlil	Repeated chanting of the confession of faith
Tahlilan	Tahlil ceremony to commemorate a deceased person on the third, seventh, hundredth and thousandth day after his or her death
Takfir	Declaring another Muslim an unbeliever
Talqin	Reciting the confession of faith to prepare the deceased for his questioning by the angels of death

Taqlid	Following the interpretations of authoritative ulama without questioning them; accepting the interpretations of a school of Islamic jurisprudence
Taqwa	Devotion, piety
Tarawih	Special evening prayer during the fasting month
Tarbiyah	Lit. education, used to denote the strict Islam movement at universities
Tasawwuf	Islamic mysticism (Sufism)
Taushiyah	Religious advice
Tauhid/Tawhīd	Oneness of God, theology
Tuan guru	Religious teacher/leader (used in Lombok, West Nusa Tenggara)
UIN	Universitas Islam Negeri (State Islamic University)
Ukhuwah	Solidarity
Ulama	Religious scholar(s)
Umma(h)	(Islamic) community
UNPAD	Universitas Padjadjaran (Bandung)
'Urf	Local traditions/customs
Usroh	Lit. family. Religious study groups, usually small. The term is associated with the strict Islam movement at universities
Ustad(z)/ ustadh	Religious teacher/leader
Wali	1) Saint 2) Closest male relative or guardian of the bride who concludes her marriage contract
Wali Songo	The nine saints who spread Islam in Java
Waria	Male transvestite
Wayang	Shadow play
Wetu telu	Syncretic form of Islam on the island of Lombok
Wudhu	Ritual ablution before prayer
Zakāh/zaka(t)	Mandatory alms
Zakat al-fitr	Mandatory almsgiving at the end of the fasting month
Ziarah	Visit, pilgrimage to graves
Zina	Adultery

About the editors and contributors

Taufik Abdullah is chairman of the Social Science Commission of the Indonesian Academy of Science and Research Professor at the Indonesian Institute of Sciences (Lembaga Ilmu Pengetahuan Indonesia, LIPI), Jakarta.

Azyumardi Azra is Professor of History and Director of Graduate School, Syarif Hidayatullah State Islamic University in Jakarta. He earned his MA in Middle Eastern Studies and his MPhil and PhD degrees in History from Columbia University, New York. He is a member of the Tripartite Forum [governments, UN offices and civil society organisations] for Interfaith Cooperation for Peace, Development and Human Dignity, launched at the UN in New York on 24 March 2006, and of the Council of Faith, World Economic Forum, Davos. Among his publications are *The Origins of Islamic Reformism in Southeast Asia* (2004) and (as co-editor) *Indonesia, Islam and Democracy* (2006).

Ahmad Najib Burhani is a PhD candidate in religious studies at the University of California, Santa Barbara, with emphasis on religious minorities with an Islamic origin, such as the Ahmadiyya, Druze, Isma'ili, Yazidi and Baha'i Faith. He is also a researcher at the Indonesian Institute of Sciences (LIPI). Among his publications are *Muhammadiyah Jawa* (2010), *'Tarekat' tanpa Tarekat* (2002), *Sufisme Kota* (2001), and *Islam Dinamis* (2001).

Jajat Burhanudin is a lecturer at the History Department of the Syarif Hidayatullah State Islamic University in Jakarta. In addition to lecturing, he is engaged in research activities on Islam and Muslim society issues. Until 2011 he was Director of the UIN-based Centre for the Study of Islam and Society (Pusat Pengkajian Islam dan Masyarakat, or PPIM), when he was promoted to the position of Director of the University's Research Bureau.

Kees van Dijk is Emeritus Professor of the History of Modern Islam in Indonesia and a former senior researcher at the Royal Institute of Southeast Asian and Caribbean Studies (KITLV) in Leiden. Among his

publications are *The Netherlands Indies and the Great War, 1914-1918* (2007) and (together with Jean Gelman Taylor) *Cleanliness and Culture. Indonesian Histories* (2011).

Pieternella van Doorn-Harder is Professor of Islamic Studies at Wake Forest University in Winston Salem, North Carolina. She received her PhD from VU University in Amsterdam. Her research straddles issues concerning women and religion and those concerning minorities, minority cultures and human rights in Muslim countries, and the interreligious encounter between Muslims and Christians. She carried out her main fieldwork in the Middle East and Southeast Asia, specialising in the indigenous Christianity of Egypt and Indonesian Islam. Among the books she has authored is *Women Shaping Islam. Indonesian Muslim Women Reading the Qur'an* (2006).

Andrée Feillard is a senior researcher at the French Public Centre of Scientific Research (CNRS). She was the representative of the Jakarta bureau of the École Française d'Extrême-Orient. She has specialised in the political history of Indonesia's largest Islamic organisation, the traditionalist Nahdlatul Ulama. Since 1999, her attention has turned to the recent emergence of radical Islamist movements (*The End of Innocence? Indonesian Islam and the Temptations of Radicalism,* co-authored with Rémy Madinier). She has also worked on gender issues in Indonesia since the early 1990s.

Robert W. Hefner is Director of the Institute on Culture, Religion, and World Affairs at Boston University and the author or editor of sixteen books on religion and politics, including *Muslims and Modernity: Society and Culture Since 1800* (2010).

L. Hilman Latief earned MA degrees from the Center for Religious and Cross Cultural Studies at Gadjah Mada University in Indonesia and from the Department of Comparative Religion at Western Michigan University in 2003 and 2005 respectively. He earned his PhD at Utrecht University in 2012 with a dissertation entitled 'Islamic Charities and Social Activism: Welfare, *Dakwah* and Politics in Indonesia'. He is currently a lecturer at the Department of Islamic Economics and Banking, Faculty of Islamic Studies at Universitas Muhammadiyah Yogyakarta (UMY). His publications include *Melayani Umat: Filantropi Islam dan Ideologi Kesejahteraan Kaum Modernis* (2010).

Euis Nurlaelawati is senior lecturer in Islamic law at the Faculty of Sharia and Law at the Syarif Hidayatullah State Islamic University, and researcher at the Centre for the Study of Law and Human Rights at the

same university. Her research areas include Islamic (family) law in Indonesia, judicial practices and gender issues. Among her publications are *Modernization, Tradition and Identity: The Kompilasi Hukum Islam and Legal Practices in Indonesian Religious Courts* (2010) and *Demi Keadilan dan Kesetaraan: Dokumentasi Program Sensitivitas Jender Hakim Pengadilan Agama* (co-edited with Arskal Salim, 2009).

Nina Nurmila is a senior lecturer at the State Islamic University (UIN) in Bandung, Indonesia. Her first degree was from UIN Bandung (1992), her MA was from Murdoch University (1997) and her PhD was from the University of Melbourne (2007). She was a Fulbright Visiting Researcher at Temple University, Philadelphia (2000-2001), an Endeavour Postdoctoral Fellow at the University of Technology Sydney (2008) and a Fulbright Visiting Scholar of Islamic Studies at the University of Redlands, California (2008-9). She is the author of *Women, Islam and Everyday Life: Renegotiating Polygamy in Indonesia* (2009, 2011).

Didin Nurul Rosidin studied Qur'anic sciences at IAIN Walisongo in Surakarta, Central Java. From 1998 until 2000, he studied for an MA in Islamic Studies at Leiden University. He obtained a PhD in the History of Islam in Indonesia from the same university in 2007. From 1998 until 2008, he worked as a lecturer on the History of Islamic Civilisation at the Faculty of Islamic Theology, IAIN Walisongo in Semarang, Central Java. He is currently a lecturer at IAIN Syekh Nurjati Cirebon. In 2011, he was appointed vice dean of the faculty of Islamic Theology and Humanities of IAIN Syekh Nurjati Cirebon.

Dian Maya Safitri is currently an interpreter for the FAO Indonesia Program. She obtained her MA in religious and cultural anthropological studies from the CRCS (Center of Religious and Cross-cultural Studies) at Gadjah Mada University in Indonesia. She held an Asian Graduate Student Fellowship at the Asia Research Institute, National University of Singapore in 2011, and in 2012 she was a visiting fellow of the Training Indonesian Young Leaders Program, Leiden University.

Sunarwoto earned his MA in Islamic studies from Leiden University (2008). He is currently a PhD student at the School of Humanities, Tilburg University, within the framework of the NISIS (Netherlands Interuniversity School for Islamic Studies). The subject of his PhD research is Radio Dakwah in Solo. His academic interests include Qur'anic studies, Islamic history (in Indonesia) and media and Islam.

Asfa Widiyanto obtained his MA from Leiden University and his PhD from the University of Bonn. He is a faculty member at the State Insti-

tute for Islamic Studies Salatiga in Indonesia. He is currently under-taking postdoctoral research at the Department of Political Science at the University of Marburg and the Department of Islamic Studies at the University of Bamberg (2011-2013). He recently published *Ritual and Leadership in the Subud Brotherhood and the Tariqa Qadiriyya wa Naqshbandiyya* (2012).

Syaifudin Zuhri is a lecturer at the Department of Sociology of Religion, Ushuluddin Faculty of Sunan Kalijaga State Islamic University in Yogyakarta, Indonesia. He obtained his MA in Islamic Studies from Leiden University (2009). His research interests include Islamic radicalism and manifestations of Islam in contemporary Indonesia. Among his recent publications are: 'Transnationalising Jamaah Islamiyyah', *Al-Jami'ah; Journal of Islamic Studies* (2010), 'Changing Paradigm of Indonesian Jihadist Movements: from al-'Aduwu al-Qarīb to al-'Aduwu al-Ba'īd', *Journal of Indonesian Islam (*2010) and 'Discoursing Terrorism through a Contemporary Fatwa: A Study on the View of the Council of Indonesian Ulama', *Qanun: Journal of Islamic Law* (2010).

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Islam in Indonesia

Jajat Burhanudin is the Executive Director at the Center for the Study of Islam and Society, Jakarta.
Kees van Dijk is emeritus professor of the History of Modern Islam in Indonesia.

As elsewhere in the Islamic world a stricter adherence to Islam has gained strength in Indonesia. Does the image of Islam in Indonesia as a model of moderation still hold? It is a topic of debate in Indonesia itself and abroad. This book is a reflection of this discussion. Besides contributions focusing on the specific characteristics of Indonesian Islam others deal with such diverse topics as Salafi groups and their propaganda, radio stations, Muslim transvestites, the pioneering work of Muslim feminists, and the debate about rules of inheritance and divorce.

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