

‘*ULAMĀ*’, STATE AND POLITICS:  
MAJELIS ULAMA INDONESIA AFTER SUHARTO

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*Abstract*

This essay examines the Majelis Ulama Indonesia (MUI) and the legal decisions that it issued after the fall of President Suharto, whose regime played a role in its establishment. In light of MUI’s changing relationship with the state under Suharto’s successors B.J. Habibie and Abdurrahman Wahid, I call for a more nuanced reading of MUI’s decisions.

I also discuss the relative weight accorded to MUI decisions—variously called “opinions,” pieces of “advice,” and “*fatwās*”—arguing that these “discursive products” reflect a conscious attempt by MUI to break free from the circumstances of its birth and to guide the reformation process in post-Suharto Indonesia.

**R**ELIGIOUS AUTHORITY AND POLITICAL POWER have long been bound together in Islamic history and tradition, in which the Prophet is seen as both a religious and political leader, while the ‘*ulamā*’ are considered “the heirs of the Prophets” (Ar. *warathat al-anbiyā*’).

Certainly the ‘*ulamā*’ played an important role in political processes in the states that constituted pre-colonial and colonial Indonesia. In the pre-colonial era, ‘*ulamā*’ participated in decision making in the sultanates of Aceh, Palembang, Mataram and Sambas. In the colonial era, some ‘*ulamā*’ served the government (Hisyam 2001), while others devoted themselves to education and reform (Azra 2004). Still others were actively involved in rebel movements or, later, in the struggle for national independence (Noer 1963; Kartodirdjo 1966; Hayat 1995). The ‘*ulamā*’ have

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been actively involved in political affairs in post-colonial Indonesia, whether in government, in political parties, in Islamic organizations or in rebellions against central authority (Abdullah 1987; Van Dijk 1981, 1996; Cahyono 1992).

The role of the *'ulamā'* in the Indonesian political sphere has become even more significant since the establishment of the Majelis Ulama Indonesia (MUI, the Council of Indonesian *'Ulamā'*) on 26 July 1975.<sup>1</sup> Unlike other Islamic political parties and organisations, MUI's political activities are limited mostly to the issuance (and non-issuance) of *fatwās* and non-legal recommendations known as *tausiyaḥs* (Ar. *tauṣīya*). During the "New Order" of President Suharto (1966-98), MUI's position vis-à-vis the government was uneasy, as reflected in its *fatwās* and *tausiyaḥs*. However, the collapse of the regime on 21 May 1998 signalled major changes and heralded the period of "Reformasi" that opened up a space for the free articulation of public opinion. It also gave MUI a chance to reflect on its role during the New Order and to redefine its role for the future.<sup>2</sup> As I will argue below, however, MUI did not shift ground overnight. During the presidency of Suharto's immediate successor B.J. Habibie (21 May 1998-20 October 1999), MUI was also concerned with legitimising the position of the president. It was not until the term of Abdurrahman Wahid (20 October 1999-July 2001) that MUI distanced itself from the state, especially after Wahid suggested that communism might be legalised and that formal trade relations might be established with Israel.

I will examine the general reaction of MUI to political change, as reflected in its production of *fatwās* and *tausiyaḥs*, which contain signs of its changing position as a mediator between state and society. My central thesis is that *fatwās* and *tausiyaḥs* are the mechanisms by which MUI attempts to bring Indonesians closer to its understanding of "orthodoxy." I will suggest that the context in which the *fatwās* and *tausiyaḥs* are issued, on the one hand, and the responses to them by government and society, on the

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<sup>1</sup> For the official explanation of the establishment of MUI and an outline of its first year of development, see Majelis Ulama Indonesia (1976).

<sup>2</sup> The position of MUI was much discussed at its twenty-third anniversary celebrations, at which the seminar on "Reformasi in the perspective of the *'ulamā'*" was convened on 26 July 1998. See "Milad ke-23 MUI, antara Harapan dan Tantangan," *Mimbar Ulama*, no. 240, xx, August 1998, 12-3.

other, are manifestations of how the authority of a *fatwā* or *tauisyah* is negotiated and the position of MUI as an 'ulamā' institution is redefined.<sup>3</sup>

### *MUI and Politics*

Despite the fact that Muslims and Muslim leaders played an important role in eliminating the Indonesian Communist Party (PKI) and in establishing the New Order government, Suharto did not rehabilitate Masyumi, the major Islamic party, which had been dissolved by Sukarno in 1962. Instead the government forced all of the Islamic parties to consolidate into a new unwieldy party, the United Development Party (Partai Persatuan Pembangunan, PPP). However, the Islamic parties failed to gain significant support in the general election of 1972, and it was reported in the media that the newly established government party, Golkar, intimidated Muslim leaders, especially in rural areas, to vote for it. These developments created the impression that Suharto had defeated Islam politically. Ironically, it was Suharto who was partially responsible for the creation of MUI. The idea to establish a national council of 'ulamā' was first proposed at a conference held from 30 September to 4 October 1970 by the Centre for Indonesian Islamic Propagation (Pusat Dakwah Islam Indonesia), an institution established by the Ministry of Religious Affairs in 1969 (Mudzhar 1993: 46). At that time, many Muslim leaders reacted to the proposal with suspicion, seeing it as yet another stratagem to eliminate Islamic political power. Suharto, who was certainly aware of the important place of the 'ulamā' in Indonesian society, had become increasingly interested in bringing them into line with his own political agenda. Nonetheless it was the Ministry of Religious Affairs that took the initiative to bring the idea to fruition.

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<sup>3</sup> During the final revision of this essay, an important article on MUI appeared covering the period from its inception to the collapse of the Suharto government. See Hosen (2004). Another valuable discussion of the relationship between *fatwās* issued by the MUI, other Muslim organizations, and politics in Indonesia can be found in Hosen (2003). Otherwise the main study of MUI for the period 1975-88 remains that of Mudzhar (1993), which was updated for the period 1989-2000 in Mudzhar (2001).

The idea to establish a national council of ‘*ulamā*’ was again put forward in the National Workshop for Islamic Preachers, organised, once again, by the Centre for Indonesian Islamic Propagation, on 26-29 November 1974. In May 1975 Suharto expressed his support for the proposal in a meeting with the boards of the Council for Indonesian Mosques (Dewan Masjid Indonesia, DMI), another institution established by the Ministry of Religious Affairs. Following this, the Ministry of Home Affairs (not the Ministry of Religious Affairs) instructed local governments to establish their own councils of ‘*ulamā*’. Matters moved swiftly and, by the end of May, councils had been established in all provinces (*propinsi*) and a number of regencies (*kabupaten*).<sup>4</sup>

The Ministry of Religious Affairs then established a preparatory committee for a national congress of ‘*ulamā*’ on 1 July 1975, headed by Lieutenant General H. Soedirman. At this congress (later called the first National Congress of MUI), held on 21-27 July, Prof. Hamka was appointed as the first general head. The stated aims of the congress were political. At its opening, Suharto delivered a speech in which he stated that MUI should play four roles: it should (1) serve as the “translator of the concepts and activities of national or local development for the people”; (2) be a form of advisory council that “gives advice and opinions to the government concerning religious life”; (3) be the “mediator between the government and ‘*ulamā*’”; and (4) function as a place where the ‘*ulamā*’ discuss “the problems related to the duties of ‘*ulamā*’.”<sup>5</sup> Although its foundation was engineered by Suharto, and it continues to be funded by the government, MUI is not a statutory body anchored in law, but an independent non-governmental institution. The general chairperson of MUI is not appointed by the government but elected periodically by its members.<sup>6</sup> These

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<sup>4</sup> A number of local ‘*ulamā*’ councils predated MUI, such as those in West Java (established in 1958), Aceh (1965), West Sumatra (1966), and South Sulawesi (ca. 1970). See Noer (1978: 65); and “Majelis Ulama Indonesia,” in *Ensiklopedi Islam*: III, 122.

<sup>5</sup> Majelis Ulama Indonesia (1995: 18-20). “National development” (*pembangunan nasional*) was also the key concept articulated in speeches delivered by officials, such as the ministers of Religious Affairs, Home Affairs, Defence and Security, and Information.

<sup>6</sup> The general chairpersons have been: Haji Abdul Karim Malik Amrullah (Hamka, 1975-1981); K.H. Syukri Ghozali (1981-1984); K.H. Hasan Basri (1984-1990); K.H. Ali Yafie (1990-1999); and M.A. Sahal Mahfudh (1999-present).

consist of ‘*ulamā*’ and other Muslim scholars from various Muslim organizations, including the two largest, Nahdlatul Ulama (NU) and Muhammadiyah. However, MUI is not a supervisory body overseeing these organisations, and its decisions, *fatwās* and *tausiyahs* are not binding upon them.

Most of the ‘*ulamā*’ members of MUI have graduated from Islamic boarding schools (*pesantren*), both “traditional” and “modern,”<sup>7</sup> and some have received university training as well. Most of the non-‘*ulamā*’ members are graduates of secular universities who joined the council following the establishment, in 1989, of its Institute of Food, Medication and Cosmetics Research (LPPOM),<sup>8</sup> and, in 1991, the Islamic bank, Bank Muamalat Indonesia (BMI). Since 1998 membership has been widened to include activists from newly established movements, some of which have a radical orientation.<sup>9</sup>

Beginning in the 1990s, MUI has offered courses for young scholars sent by its regional branches for a couple of months of training under senior members of MUI. Although most of the subjects deal with the Islamic sciences, especially Islamic law, other, non-religious subjects are taught, such as national development orientation and socio-political affairs.

At its 1995 National Conference, MUI outlined two sets of general programs, one functional, the other institutional (Mudzhar 2001: 320-1). The functional programs deal with the original mandate of MUI as a provider of religious advice to both the government and Muslim communities. These programs include

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<sup>7</sup> The traditionality or modernity of a *pesantren* depends on the curriculum: traditional *pesantrens* focus on Arabic works of *fiqh* and its associated disciplines, while modern ones incorporate secular subjects and use Indonesian as the primary language of instruction.

<sup>8</sup> LPPOM was established to protect Muslim consumer rights relating to the legal status of food. The institution issues *halāl* certificates after inspecting food production and processing facilities. By 2000 the institute had issued 500 certificates to both domestic and international producers (Mudzhar 2001: 320)

<sup>9</sup> These new Islamic movements and organisations which were critical of MUI position—such as the Forum Komunikasi Ahlus Sunnah Wal Jama’ah, Hizbut Tahrir, and Front Pembela Islam—were included in the Forum Ukhuwah Islamiyah. Sometimes they participated in issuing *tausiyahs*. Prof. Din Syamsuddin has played an important role in fostering such cooperation, which aims to bridge the gap between radical and moderate Muslims. Interview with Din Syamsuddin, Leiden, 5 August 2001.

the fields of Islamic brotherhood, Islamic education, missionary activity, Islamic economics, and Islamic identity. The institutional programs cover the practical activities of MUI, such as plans to develop pilot projects on practical *da'wa*, including community development, the creation of an Islamic fund, and the extension of its '*ulamā*' training centre.

MUI has its central office in Jakarta and other branches at the province, regency and district levels. To manage its programs MUI maintains ten commissions concerned with: (1) Islamic brotherhood; (2) *da'wa*; (3) education and culture; (4) economy and finance; (5) development of Islamic community organisations and institutions; (6) research and development; (7) *fatwā* and law; (8) foreign affairs; (9) inter-religious harmony; and (10) women, youth and the family.<sup>10</sup>

According to its 2000 vision statement, MUI plays five major roles (MUI 2000: 12-50). It is: (1) the heir to the Prophets in spreading Islamic teachings and striving for the construction of an Islamic life; (2) a *fatwā*-giver for the Muslim community (Ar. *umma*),<sup>11</sup> "whether requested or not"; (3) a guide and servant to that community; (4) an agent for "reform and renewal" (Ar. *al-iṣlāḥ wa'l-tajdīd*); and (5) an upholder of the Qur'ānic dictate to enjoin good and avert evil. Further, MUI declares itself to be "a moral force ... for social rehabilitation" (MUI 2000: 14-5).

This vision, formulated in the Reformasi era, indicates two things. First, MUI is now distancing itself from the government and seeking to align itself with Muslim aspirations. Second, it is using an Islamic reformist strategy to bring MUI and Indonesian Muslim communities closer to its definition of orthodoxy. Both orientations are evident in its *fatwās* and *tausiyahs*.

### *MUI's Discursive Products: Fatwā and Tausiyah*

MUI (2000: 13) maintains that it is important that a *fatwā* be an answer to a "question" and related to a point of Islamic law.

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<sup>10</sup> "Surat Keputusan Dewan Pimpinan Majelis Ulama Indonesia tentang Pembentukan Komisi-komisi," issued 1 April 1996.

<sup>11</sup> As in most MUI documents, reference to the Umma or, in many cases, "the Islamic Umma" (*Umat Islam*), specifically means Indonesian Muslims, and not the global totality of believers.

However, the “question” here is understood broadly to include social problems that require Islamic legal answers. The *fatwās* issued by MUI cover topics ranging from purely legal matters to questions of belief, the economy and politics, all of which are viewed from a legal perspective.

The role played by the government in the establishment and development of MUI did not necessarily entail that MUI was always supportive of the government. Mudzhar (1993: 122) has shown that “although a large proportion of the *fatwās* demonstrate a strong government influence, the majority of the *fatwās* are neutral; in a few cases they are even in opposition to government policies.” Of twenty-two *fatwās* issued from 1975 to 1988, eleven were “neutral,” eight were supportive and three were opposed to government policies. One oppositional *fatwā* dealt with attending Christmas celebrations. Whereas the government encouraged the common celebration of Christmas by Christians and Muslims, MUI issued a *fatwā* declaring that Muslims are not allowed to attend such a celebration (Mudzhar 1996).

Moreover, it is important to note that MUI’s relationship with the government was articulated not only through the *fatwās* it issued, but also by its *silence* on certain state policies and programmes. Such silence often reflected the powerlessness felt by many Muslims in relation to the state, as with the question of a government-supported sport lottery and the Tanjung Priok massacre of 1984, in which dozens, if not hundreds, of Muslims were killed by the armed forces.<sup>12</sup>

As noted, in its capacity as a guide to the Indonesian community of Muslims (*umat*), MUI also produces several non-*fatwā* discourses: Recommendation (*Tausiyah*), Admonition (*Tadzkirah*), Instruction/Mandate (*Amanah*), Position Statement (*Pernyataan Sikap*), Appeal (*Himbauan*), or Thought Contribution (*Sumbangan Pemikiran*). It is noteworthy, however, that MUI’s official magazine *Mimbar Ulama* includes all of these non-*fatwā* discourses under the rubric of *tausiyah*.

Although MUI does not formally distinguish between a *fatwā* and a *tausiyah*, I propose the following distinctions.<sup>13</sup> First, a

<sup>12</sup> Although official figures claim that only eighteen people were killed, survivors of the crowd of some 1500 demonstrators claim that as many as 600 lost their lives (Awanohara 1984: 16; Tapol 1987: 20).

<sup>13</sup> In Hans Wehr’s *Dictionary*, *tausīya* connotes “[a] recommendation,

*fatwā* is produced by a special commission (Komisi Fatwa dan Hukum), whereas a *tausiyah* is issued by the Leadership Board (Dewan Pimpinan), member meetings, conferences, or the Islamic Brotherhood Forum (Forum Ukhuwwah Islamiyah)—the latter an institution established by MUI to facilitate coordination with leaders of Islamic organisations at the national level. Second, a *fatwā* is, in theory, much stronger than a *tausiyah*.<sup>14</sup> Third, *fatwās* deal with legal and dogmatic issues, whereas most *tausiyahs* are concerned with social, economic and political ones. Fourth, the official textual format of an MUI *fatwā* suggests that its authority is much greater than that of a *tausiyah* as it duplicates the format of a governmental decision or law, and uses formal phrases such as “referring to,” “considering,” and “it is decided that.” Some *fatwās* also end with the following note: “the *fatwā* is valid from the date of its issuance.” By contrast, the format of a *tausiyah* is less formal and official, more closely resembling a press release or general letter.

Unlike most classical *fatwās*, those of MUI are collective, and are issued by its *Fatwā* and Law Commission, which draws on the expertise of some twenty-five persons. The *fatwā* should be in line with MUI’s guidelines for *fatwā* decisions,<sup>15</sup> according to which it should be based on the Qur’ān and Ḥadīth and may not contradict “the interests of the community” (*kemaslahatan umat*). If the subject is not found in either source, the *fatwā* should not contradict consensus, sound reasoning by analogy, and other legal principles. Moreover, before a *fatwā* is issued, the Commission should consider the views of the Islamic legal schools and the opinions of experts on the subject.

On occasion MUI uses *fatwās* rather than *tausiyahs* to deal with

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admonition, exhortation, advice, counsel; proposal, suggestion; order, instruction, direction, commission, [or] mandate.” See Wehr (1976: 1075). MUI defines *tausiyah* as a piece of advice, a call (*seruan*), and an appeal (*himbauan*). “Tausiyah MUI tentang Memperingati Kegagalan Pemberontakan G.30.S/PKI,” *Mimbar Ulama*, no. 265, xxii, September 2000, 32. However, there is no official explanation of the difference between a *tausiyah* and a *fatwā*. Mudzhar (1993, 2001) categorises *tausiyahs* as *fatwās*, although he recognises the difference (Mudzhar 2001: 322).

<sup>14</sup> Interview with Din Syamsuddin, who was then general secretary of MUI, Leiden, 5 August 2002.

<sup>15</sup> “Pedoman Penetapan Fatwa Majelis Ulama Indonesia,” issued on 2 October 1997.



social and political matters. For example, some MUI *fatwās* treat bribery and corruption or were produced in a specific political situation and had a political impact, as we shall see below.

### *MUI under B.Ĵ. Habibie*

In the 1990s Suharto signalled his shift to patronising Islamization by backing the establishment of the Indonesian Muslim Intellectuals Association (Ikatan Cendekiawan Muslim se-Indonesia, ICMI), which advocates partial Islamization of the state and public life (Hefner 1993: 1-35). Suharto allowed then vice-president Habibie to head ICMI, and most Muslim cabinet ministers and members of parliament soon joined. With Suharto’s forced resignation in May 1998 and the elevation of Habibie to the presidency, MUI felt confident about playing a role in the continuing process of state-aided Islamization.<sup>16</sup>

#### 1. Tausiyahs in Defence of Habibie

##### 1. a. Mandate for Habibie

The appointment of Habibie was based on Article 8 of the 1945 Constitution, which states that “[s]hould the president die or cease executing his duties or become unable to execute them during his term of office he shall be replaced by the vice-president until the expiry of that term.”

Habibie’s appointment was controversial, however, because it took place in the presidential palace and not before the Parliament. Some critics therefore regarded it as unconstitutional. Responding to this criticism, MUI supported Habibie by gathering the national boards of Islamic organisations on 27 May 1998 with the aim of producing a political statement. This statement, called “A Mandate (*Amanah*) for the President of the Republic of Indonesia, Mr. Prof. Dr. Ing. B.Ĵ. Habibie” was issued as a *tausiyah* for both the President and the entire Indonesian people.<sup>17</sup> But while the statement is called an *Amanah*—which is supposed to be issued by a higher institution—it is actually a piece of moral advice for

<sup>16</sup> On Habibie’s transitional government, see Bourchier (1999: 15-38).

<sup>17</sup> “Amanah kepada Presiden Republik Indonesia Bapak Prof. Dr. Ing. B.Ĵ. Habibie,” *Mimbar Ulama*, no. 238/xx, June 1998, 29-31.

Habibie concerning the mandate of leadership granted to him by God and the people.<sup>18</sup>

On behalf of a number of Islamic organisations involved in the Forum Ukhuwah Islamiyah, MUI also congratulated Habibie on his inauguration, wishing him and his family the blessings of “physical and spiritual strength in leading the nation and state of our beloved Republic of Indonesia in line with the state philosophy of Pancasila and the 1945 Constitution, so that the ideals of all Indonesian people and the nation may be attained with His protection, blessings and permission.”<sup>19</sup>

The mandate *tausiyyah* quotes four Suras: 3: 104 on enjoining good and averting evil; 4: 59 on loyalty to God, His prophet, and those in authority; 4: 135 on justice and just witness; and 8: 46 on the prohibition of unproductive debate. It then encourages the President and the “pro-Reformasi factions” to carry out the following:

- 1) To return to religious teachings, morals and ethics—in line with our national character and constitution as basic written law—in solving the problems of the nation and state. Avoid polemics on the controversy concerning the position of the President and Cabinet. Create peace and a harmonious national life so that the government can concentrate on enacting total reformation in line with societal demand.
- 2) To prioritise the availability of the nine basic material needs, [and] to open up job opportunities for the millions of people under the poverty line due to current economic, political and legal crises.
- 3) Political reform should be conducted in a constitutional manner by the government together with the legislative body, and with the support of all Indonesian people on the basis of national unity and integrity.

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<sup>18</sup> The statement says that leadership is “the mandate of Allah and of all Indonesian people ... to implement the mandate of development, and *reformasi* in particular, in a constitutional way.” See “Amanah kepada Presiden,” 29.

<sup>19</sup> MUI had also organised the Forum Ukhuwah Islamiyah (Islamic Brotherhood Forum) in response to various national problems. The forum included representatives from a wide range of Islamic organizations. Such political support was also gathered prior to the Extraordinary Session of the Peoples Consultative Council (MPR), when MUI organised the Congress of Indonesian Islamic Umma (KUII) in Jakarta, on 3-7 November. Although MUI stressed its purely religious nature, the event easily may be interpreted as an effort to gain support from the Muslim community. Abdurrahman Wahid has described this tendency in his article, “Mencari Format Hubungan Agama dengan Negara,” *Kompas*, 4 December 1998. On the congress itself, see MUI (1999).

4) [MUI] fully supports the statement of the Ministry of Defence and the Armed Forces Commander expressing support for the leadership of the President of the Republic of Indonesia. It hopes that the solidarity between the Armed Forces and the people will be strengthened in relation to security and prosperity in the [context of national] unity and integrity.<sup>20</sup>

The statement was signed by forty-four leaders of various Islamic organisations, including Muhammadiyah, NU, al-Irsyad, al-Wasliyah, Persis, and Pergerakan Tarbiyah Islamiyah. Nonetheless, the involvement of these leaders created a misleading impression that the statement represented the formal position of their organisations, despite the fact that many of the leaders had attended the forum as private individuals. In some cases their own organisations had very different views.

#### 1. *b. Three Tausiyahs on the General Election*

One of the most important items on the political agenda under Habibie was the general election, held on 7 June 1999. Although more than ninety political parties were established during the second half of 1998, the General Election Commission (KPU) decided that only forty-eight were eligible to participate. Of these, fourteen were “Islam-based” parties, but only seven declared Islam as their sole ideological basis; two adopted both Pancasila and Islam; and five adopted Pancasila alone.<sup>21</sup> Anticipating this, MUI issued three *tausiyahs* on 29 April, 20 May and 1 June, respectively.

For MUI to issue more than one *tausiyah* on the same topic, and within a short period of time was in itself unusual, reflecting a growing nervousness on its part and the general tension before the election. The first *tausiyah*, entitled “MUI’s Appeal for the Success of the 1999 General Election,” urges people, and especially Muslims, to realise that: (1) the 1999 election is important for rescuing Indonesia from the crisis, especially the political crisis; (2) by participating in the election, voters play a role in determining the future of the nation and the struggle of the Umma; (3) the people, especially the Umma, should vote for the party they

<sup>20</sup> “Amanah kepada Presiden,” 30.

<sup>21</sup> “Nomor Urut Partai Politik Peserta Pemilu 1999,” *Kompas*, 6 March 1999.

believe capable of leading the nation towards a harmonious, united, peaceful and prosperous life; (4) the Umma should abstain from the negative aspects of the election and should not engage in matters contrary to the interests of the Umma or of the nation in general; (5) the Umma should pray for a peaceful and successful general election, and success in choosing a national leader capable of bringing honour to the Umma.<sup>22</sup>

The second *tausiyah*, entitled “Advice of the MUI Executive Leading up to the 1999 Election,” made the following points: (1) all elements of the nation should advocate a democratic, faithful, just and peaceful election, and prevent chaos and disorder; (2) the entire nation, especially the Umma, should use their right to vote in a responsible manner and vote for the party that it is believed can struggle for the aspiration and betterment of all (Ar. *al-maṣlaḥa al-‘amma*); (3) the Umma should prioritise Islamic brotherhood and abstain from involvement in conflict and friction; (4) the leaders of Islamic parties and Muslim-based parties should prioritise the spirit of competition for the good (Ar. *fa’stabiqū al-khayrāt*) and prevent sectarian egotism (Ar. *anāniyya hizbiyya*); (5) the entire nation, especially the Umma, should be cautious of the latent danger of communism and the PKI; and (6) the Umma should pray that Indonesia will be saved from any disaster and calamity.<sup>23</sup>

The third *tausiyah*, entitled “An Instruction to the Umma Leading up to the Election of 7 June 1999,” was issued just six days before the election. The issuance of this *tausiyah* was motivated by the impending threat of a victory by the Indonesian Democratic Party of Struggle (PDIP), led by Megawati Soekarnopoetri, which was allegedly dominated by non-Muslim politicians. The *tausiyah*, produced by the leadership board of MUI and the national level leaders of (some) Islamic organisations, mentions Q. 3: 28: “Let not the believers take for friends or helpers unbelievers rather than believers: if any do that, in nothing will there be help from Allah: except by way of precaution, that ye may guard yourselves from them. But Allah cautions you (to remember) Himself; for the final goal is Allah.”

<sup>22</sup> “Himbauan Majelis Ulama Indonesia untuk Suksesnya Pemilihan Umum 1999,” *Mimbar Ulama*, no. 248, xxi, May 1999, 30.

<sup>23</sup> “Tausiyah Dewan Pimpinan Majelis Ulama Indonesia Menyongsong Pemilu 1999,” *Mimbar Ulama*, no. 250, xxi, June 1999, 26.

The *tausiyyah* then delivers the following instructions:

- 1) The Indonesian nation, especially the Umma, should use their voting rights in a correct and responsible manner according to their innermost heart by voting for the political party that is believed will be able to struggle for the aspiration and interests of the Umma, nation and state;
- 2) The Umma should vote in a sincere manner, and with the intention of obeying God, for one of the political parties that puts forward serious Muslim candidates, and those who possess good moral character;
- 3) The Umma should be on guard against the return of communism, authoritarian and secularist government by means of political parties that have an incipient hatred of Islam and the glory of the Republic of Indonesia;
- 4) The Umma should surrender to Allah and pray that the election will be conducted in a peaceful, democratic, just and honest manner, so that the Indonesian nation can rid itself of various crises and place the new Indonesian society in the shelter of Allah’s blessing.<sup>24</sup>

As can be seen, the first *tausiyyah* gives general advice to Muslims to participate in the elections in a peaceful manner. It does not suggest that Muslims vote for one of the Islamic parties, but simply says that Muslims should vote for “the party they believe capable of leading the nation to a harmonious, united, peaceful and prosperous life.” The second *tausiyyah* was seemingly issued in response to (potential) conflict between the members of various Islamic parties. It does not suggest, however, that Muslims must choose Islamic parties, but rather should “vote for the party that is believed can struggle for the aspiration and betterment of all.” The third *tausiyyah* gives the clearest instruction to Muslims to vote for parties that “struggle for the aspiration and interests of the Umma, nation and state” and not to vote for non-Muslim political leaders and parties dominated by non-Muslims. Nevertheless, the absence of any explicit mention in the *tausiyyahs* of Islamic parties benefited Muslim dominated parties, such as Habibie’s Golkar party.

Due to general ignorance, most people regarded these *tausiyyahs* as MUI *fatwās*. They understood that MUI had instructed them that Islam and Muslim interests would be threatened if they voted for non-Muslim leaders (Husein 1999: 62-3). At this point, Abdurrahman Wahid, the then leader of NU, charged that MUI

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<sup>24</sup> “Tausiyyah Amanat Ummat Islam Menyongsong Pemilu 7 Juni 1999,” *Mimbar Ulama*, no. 250, xxi, June 1999, 27.

was interfering in political affairs. Be that as it may, the MUI *tausiyahs* were ineffective and it was the parties with little explicit connection to Islam, such as the National Awakening Party (PKB) and the National Mandate Party (PAN), and the avowedly secular parties, Golkar and PDIP, that won the greater share of the vote.<sup>25</sup>

1. *c. Admonition on the Bank Bali Scandal, Ambon and East Timor*

A *tausiyah* of admonition (*tadzkirah*) regarding key issues affecting the Habibie presidency was issued by MUI only five days before the parliamentary session in which the new president was elected.<sup>26</sup>

The issuance of this *tausiyah* was very much related to Habibie's efforts to defend himself against allegations that he was involved with, or the cause of, the so-called Bank Bali scandal, the crisis in Ambon, and the East Timor referendum, respectively (cf. Singh 2000: 147). In its introduction, the admonition mentions all three issues, but then says nothing more about the Bank Bali scandal. The first part of the admonition, entitled "General," urges all political and community leaders to prioritise national interest over individual and parochial aims, and, further, to foster a positive atmosphere for the next general assembly of the People's Representative Council (Majelis Permusyawaratan Rakyat, MPR). It also suggests that the media should avoid tendentious and "insinuating" reportage and should take national interest into consideration. MUI's position in this case was clear: it sought to defend Habibie as its preferred representative of the Umma (Yurnaedi 1999) and to spare him from the personal taint of a corruption scandal that might cost him the election.

The second section, "The Treatment of the Ambon Case,"

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<sup>25</sup> Of the entirely Islamic parties, PK achieved only 1.3%, PBB 1.8%, and PPP 10.7%, whereas PKB achieved 17.4%, PAN 7.3%, Golkar 20.9% and PDIP 37.4%. See Riddell 2002. On the ineffectiveness of MUI's *tausiyahs*, see "Pemilu 1999: Muslimin itu Kini Memerah," in *Mimbar Ulama*, no. 251, xxi, July 1999, 33-4. Even here, the *Mimbar Ulama* editor called the *tausiyahs* *fatwās*. According to Din Syamsuddin, MUI apparently is aware of this confusion although it has never officially explained the difference. Interview, Leiden, 5 August 2001.

<sup>26</sup> The *tadzkirah* was issued on 25 September 1999. "Tadzkirah Umat Islam Indonesia," *Mimbar Ulama*, no. 253, xxi, September 1999, 26-7.

condemns the soldiers who killed ten unarmed civilians in front of Al-Fatah mosque in Ambon. It also asserts that both the government and the armed forces have a responsibility to keep the peace and provide security for the two conflicting communities (here Muslims and Christians).

The third section, “The East Timor Problem,” deals with the referendum on independence for the province (which had been annexed in 1975) conducted on 30 August 1999, one month before the parliamentary session. The overwhelming vote for independence led to intense debate among Indonesians at large and in the parliament, where most blamed Habibie for the loss of Indonesian sovereignty. Unlike most, however, MUI blamed the United Nations Mission in East Timor for conducting the referendum unfairly and for tolerating “anti-integration cheating and manipulation” that brought about physical conflicts between “pro-integration” and “anti-integration” factions. Nonetheless, the *tausiyyah* concedes that the choice of the majority of the East Timorese people should be respected, and expresses the hope that the new state will coexist peacefully with Indonesia. Finally, MUI expresses its support for the efforts undertaken by the government and the Indonesian Armed Forces to foster peace in East Timor after the referendum.

## 2. *Fatwā on a Government-run Sport Lottery*

The only *fatwā* produced by MUI during the Habibie era dealt with a government-run sport lottery, the Tiket Peduli Olahraga (TPO). As in most of MUI’s *fatwās*, the *mustaftī* is not explicitly identified. However, other sources indicate that the *fatwā* was solicited by the very foundation responsible for running the lottery, namely the Yayasan KONI (once part of the Ministry of Youth and Sport).

The TPO was supposed to raise money for public services and sports. Tickets were priced at around Rp. 5000, and the holder could, over the course of a year, watch a match of any sport played at the local level, with the exception of semi-final and final games. KONI planned to manage the scheme with the cooperation of foreign investors, especially from the United States.

After meeting the Minister of Social Affairs on 22 July 1998, the chair of KONI, Wismoyo Arismunandar, and a board-member,

Dali Tahir, stated that the TPO had been legitimised by MUI. This was strongly denied by the General Secretary of MUI, Prof. K.H. Ali Yafie, who suggested that the TPO would “poison” society with gambling practices and should not be conducted. In response to Yafie’s rejection, Tahir claimed that the media had misquoted him. He now said that what he had meant was that he had asked MUI about the legal status of the TPO.

To end the controversy, MUI’s *Fatwā* and Law Commission held a special meeting in Jakarta on 1 August 1998, chaired by Prof. K.H. Ibrahim Hosen, the head of the Commission, and attended by thirteen members. The resulting *fatwā* was based on five considerations: (1) Q. 4: 29 on the prohibition of wasting property and the possibility of traffic and trade by mutual good will; (2) the legal principle that averting causes of corruption takes precedence over bringing about benefit; (3) the previous decision of MUI of 23 November 1991 on SDSB (see below); (4) the statutes and by-laws of MUI of 1995-2000; and (5) the guidelines for deciding MUI’s *fatwā* with the agreement of all members of the meeting.

The *fatwā* decreed the following:

- 1) The TPO is contradictory to Islamic law, and, therefore, is illegitimate and forbidden.
- 2) MUI suggests that the TPO operator, that is the KONI foundation, abort its plan to operate the TPO and look for other ways [to raise funds] that neither contradict Islamic law nor inflict a loss on society.<sup>27</sup>

As may be gathered from MUI’s third consideration, the issue of a sports lottery was in fact not new. Under Suharto there had been the so-called Porkas (from the English “forecast”), and later the SDSB (Sumbangan Dana Sosial Berhadiah, “Prizes for Social Contributions”), managed by the Ministry of Social Affairs. At that time, the Ministry had requested an opinion on Porkas/SDSB, putting pressure on MUI to issue a positive *fatwā*. However the majority of MUI members regarded the Porkas/SDSB as gambling and decided not to issue any *fatwā*, although Ibrahim Hosen did publish a book in which he argued that Porkas/SDSB was not gambling and was thus permissible.<sup>28</sup> MUI’s real

<sup>27</sup> “Fatwa tentang Tiket Peduli Olahraga (TPO),” 27-8.

<sup>28</sup> Hosen 1987. It is interesting that in the TPO case, Hosen, who chaired the Fatwa Commission, affirmed that the TPO is religiously forbidden (Ar.



opinion on the matter, however, was finally articulated on 23 November 1991, when the relationship between the state and Islam had become more harmonious, and the *Fatwā* and Law Commission, chaired by Hosen, declared SDSB to be forbidden.

The above *tausiyahs* and *fatwā* are nonetheless supportive of Habibie. The *tausiyahs* on his mandate, general elections, Bank Bali, Ambon, and East Timor were highly political and placed MUI fully at Habibie’s side. As for the contents of the *tausiyahs*, they clearly are critical of groups opposed to Habibie. And while MUI’s immediate rejection of the TPO may at first indicate that it was acting independently of the government, this rejection was not surprising, not only because the TPO programme was unpopular, but also because of the Habibie government’s increasing support for Islamization. This *fatwā*, far from harming the Habibie government, actually helped Habibie to Islamise particular “secular” programmes inherited by his administration.

#### *MUI under Abdurrahman Wahid*

Abdurrahman Wahid was elected through a democratic process in the parliamentary session on 20 October 1999. He was supported not only by his own party (PKB), but also by a coalition of rival Islamic parties led by M. Amien Rais. The primary reason for this coalition was that most of the Islamic parties did not want Megawati Soekarnopoetri, chairperson of the PDIP, to be the new president. And while these parties disliked Wahid for his often controversial statements on Islam and Muslim communities, it was hoped that he would desist from such pronouncements and fall into line with them in return for their support for him as president. Instead Wahid continued as usual, and ultimately clashed with MUI.

Wahid’s opposition to MUI was apparent well before his presidency, as evidenced by his earlier criticism of the Congress of the Indonesian Islamic Umma, convened by MUI in 1998, and of MUI’s *tausiyahs* on the general election of 1999. Such criticism continued after he became president on 20 October

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*harām*). It is not clear whether or not he revised his previous opinion, as there is no substantive difference between Porkas/SDSB and TPO.

1999, and he soon suggested that MUI should be financially independent of the Ministry of Religious Affairs and should find itself an office outside the Istiqlal mosque, also funded by the government. As his presidency progressed, many of Wahid's statements and policies were interpreted as inimical to Islamic interests. The most controversial of these were his stated willingness to open official trade with Israel, to overturn the Temporary People's Consultative Assembly decision no. 15 of 1966 banning communism, and his support for the Japanese manufacturer of monosodium glutamate, Ajinomoto.

Since the sixth National Congress of 2000, MUI has described itself as the "servant of the Islamic Umma," asserting its desire to defend both its religious and *political* interests (MUI 2000: 13). Although MUI had supported Habibie, it emerged as one of the main opponents of Wahid, as is apparent in its *tausiyahs* on communism and *fatwās* on corruption, human rights and Ajinomoto.

### 1. *Two Tausiyahs on Communism*

Soon after assuming office, Wahid suggested that the 1966 decision to dissolve the PKI and prohibit the dissemination of Marxist-Leninist teachings should be abrogated because it contravened Human Rights, and the state had victimised communists, ex-communists, and their families for over thirty years.

Along with most other Islamic organisations, MUI severely criticised this statement, issuing two *tausiyahs* but no *fatwā*.<sup>29</sup>

The first *tausiyah* lists ten reasons why Communism or Marxism-Leninism should not be allowed on Indonesian territory:

- 1) Based on MPRS decision no. 15 of 1966, the PKI and Communism/Marxism-Leninism is forbidden in all Indonesian territory;
- 2) Communism/Marxism-Leninism is against Pancasila and religion;
- 3) The adherents of Communism/Marxism-Leninism have been creating a dangerous situation and trying to change Pancasila ideology;

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<sup>29</sup> "Sikap Majelis Ulama Indonesia tentang Keberadaan Ajaran Komunisme/Marxisme-Leninisme di Wilayah Negara Republik Indonesia," *Mimbar Ulama*, no. 260, xxii, April 2000, 28-9; and "Tausiah MUI tentang Memperingati Kegagalan Pemberontakan G.30.S./PKI," *Mimbar Ulama*, no. 265, xxii, September 2000, 32. G.30.S./PKI, or Gerakan 30 September Partai Komunis Indonesia, denotes the attempted communist coup of 30 September 1965 that was subsequently suppressed by Suharto.

- 4) The PKI terrorised Muslims, insulted the Qur’ān, and disseminated propaganda against Islamic organisations, such as NU, Muhammadiyah, Ansor, Pemuda Muhammadiyah/Kokam, HMI, HSBI and Lesbumi;
- 5) The PKI’s hostility towards Islam predates Indonesian independence in 1945;
- 6) Throughout Indonesian history, the PKI has carried out a number of terrorist acts and rebellions, such as the upheavals of 1926-1927;<sup>30</sup> [an uprising] in West Java in December 1945; the rebellion in Madiun in September 1948; the “direct actions,” terrorism, sabotage, agitation and propaganda during 1965, which culminated in the PKI rebellion of 30 September 1965;
- 7) The failure of the PKI rebellion of 30 September 1965 was followed by a number of armed rebellions in East Java (Blitar) and Central Java between 1967 and 1968 and in the 1980s;
- 8) The members of the PKI abroad aligned themselves against the Indonesian government;
- 9) The teachings of Communism/Marxism-Leninism never die. This was demonstrated by Sudisman, Rewang, Oloan Hutapea and Sukatno, who in September 1986 set up the new tripartite strategy in the KOK (Kritik Oto-Kritik) document. This urged that: (a) a Marxist/Leninist party should be revived free from subjectivism, revisionism and opportunism; (b) the PKI should concentrate its struggle on armed resistance; and (c) the PKI should organise a united revolutionary front that includes labourers, peasants, the petty bourgeoisie, and the national bourgeoisie;
- 10) With the above new strategy, Communism/Marxism-Leninism has always tried to conduct illegal activities within so-called “formless organisations.”<sup>31</sup>

Based on these ten reasons MUI, at its meeting of 21 March 2000, determined the following:

First, [we] remind Muslim people and the national community in general, and especially the younger generation, that Communist/Marxist-Leninist teaching is an anti-God and anti-religion ideology that never dies, and always endeavours to break down the honoured, ethical and religious principles of life based on Pancasila.

Second, responding to the question as to whether or not it is necessary to ban Communist/Marxist-Leninist teachings in Indonesia, MUI firmly rejects any effort to revoke the decision of the Temporary People’s Consultative Assembly no. 15 of 1966. MUI warns the members of the People’s Representative Council (DPR) and People’s Consultative Body (MPR) of the Indonesian Republic—as the representatives of the people and the manifestations of their aspirations—to be wise and consistent and not to disregard the past injuries and pain

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<sup>30</sup> Mention of this rebellion is ironic, given that the fight was against the Dutch colonial government.

<sup>31</sup> “Sikap Majelis, 28-9.

experienced by Muslims and the Indonesian nation as victims of the libel, propaganda, and ill-mannered actions of the Communists/PKI. Third, MUI hopes that God Almighty will spare the Indonesian nation from the ongoing economic crisis and will help them to overcome it; for poverty is fertile soil for the revival of the Communist/Marxist-Leninist teaching.<sup>32</sup>

To further endorse the fight against Communism, MUI issued its second *tausiyah* on the thirty-fifth anniversary of the attempted coup of 1965. This *tausiyah* states:

- 1) The Indonesian people should praise God Almighty for His aid in averting the barbaric calamity of the G.30.S/PKI in 1965. It is believed that if the rebellion had succeeded, atheistic communism would have overwhelmed national life. The religious community, especially Muslims, would have been in danger.
- 2) The Indonesian people should always be aware of the potential revival of communism in all of its forms.
- 3) All Indonesian people should be united in overcoming any effort, phenomenon or indication of the revival of communism and its manifestations.
- 4) Muslims should pray that Indonesia will be rescued from multiple crises and protected from any calamity and catastrophe.<sup>33</sup>

Both of these *tausiyahs* were intended to pre-empt Wahid's proposal to decriminalize communism. Further, all the arguments posed in these *tausiyahs*, with their reference to Pancasila ideology, are typical of New Order official discourse. And, despite the openness afforded by Reformasi, communism remained a sensitive issue, to be attacked in the New Order language as opposed to both God and the state doctrine of Pancasila. In such a context, MUI's firm rejection of Wahid's suggestion is understandable. It also marked the withdrawal of support for the Wahid government by many Islamic organisations and parties.

## 2. *Fatwās on Corruption, Human Rights, and Ḥalāl Food*

Reformasi created great changes in political life, giving Indonesians opportunities to influence government policy and express positions in relation to their rights and practices. This is also expressed in MUI's *fatwās*. At its sixth national congress, held in July 2000, the *Fatwā* Commission formed three sub-commissions. One

<sup>32</sup> Ibid., 29.

<sup>33</sup> "Tausiah MUI tentang Memperingati ...," 32.

discussed abortion, organ transplants, healing with human urine, and cloning; a second dealt with bribery and corruption; simultaneous performance of the Friday prayers, and human rights; the third discussed the problem of female workers abroad and gender bias. Most of the *fatwās* issued during the Wahid era were formulated at this congress, except for the *fatwā* on Ajinomoto. Of these, the *fatwās* on corruption, human rights and Ajinomoto will be discussed below.

## 2. a. *Fatwā on Bribery, Corruption and Presents for Government Officials*

MUI never issued any *tausiyah* or *fatwā* on corruption under Suharto or Habibie. MUI’s silence on this important, yet politically sensitive, matter reflects its subordination to the government of the day, widely regarded as corrupt. With Reformasi, however there was a strong demand for a statement on such issues, and MUI knew that if it failed to take a stand, it would be stigmatised as a mere regime supporter, and should therefore represent itself as part of the movement for change. The issuance of a *fatwā* on bribery, corruption and presents for government officials was a response to this political demand.

The identity of the *mustaftī* is not clear. It is simply stated that the legal status of such practices was being “questioned anew by society.” The *fatwā* quotes two verses on the prohibition of taking the property of others (Q. 2: 188; and 4: 29), and one on betrayal (Q. 3: 161). It also quotes five *ḥadīths* dealing with presents and bribes, one saying of a Companion, and the juridical principle that “what is forbidden to take is forbidden to give.”<sup>34</sup>

Quoting Majd al-Dīn ibn Athīr (544-606/1149-1210), the *fatwā* defines a “bribe” (Ar. *riṣwā*) as a present given by one person to another in order to do evil or to pervert a true act; a “present” to an official as something given by an individual and/or community to an official, due to the latter’s position; and “corruption” as the act of taking something under one’s authority in a way contradictory to the Sharī’a.<sup>35</sup>

<sup>34</sup> Ar. *mā ḥurrīma akhdhuhu ḥurrīma iṭā’uhu*. “Fatwa tentang *Risywah* (Suap), *Ghulul* (Korupsi) dan Hadiah kepada Pejabat,” *Mimbar Ulama*, no. 281, xxiv, January 2002, 32.

<sup>35</sup> Ibn Athīr, *al-Nihāya fī ḡharīb al-ḥadīth wa’l-āthār*, vol. II, 226, quoted in “Fatwa tentang *Risywah*,” 32.

The *fatwā* then declares:

- 1) Giving and receiving a *risywah* is forbidden under Islamic law.
- 2) Corruption is forbidden under Islamic law.
- 3) Regarding the giving of a present to an official:
  - a) If the act was performed prior to the official being in office, this is permissible, as is receipt of such;
  - b) If the act was not performed before the official was in office, there are three possibilities: i) If there is, or will be, no business between the giver and the official, then giving and receiving that present is not forbidden; ii) If there is a matter between the giver and the official, then the latter is prohibited from receiving it; while it is prohibited for the giver to give a present if it is meant to initiate a wrong thing; and iii) If there is a matter between the giver and the official, either before or after the giving act, and the giving is not meant to initiate a wrong thing, then it is permitted for the giver to give the present, but forbidden for the official to receive it.<sup>36</sup>

Such a *fatwā* is by no means strong enough to combat corruption in Indonesia, which remains endemic. It is common knowledge that bribery, corruption and illegal presents for government officials are forbidden, and the statement about the status of presents for officials is vague. In any case, this *fatwā* has attracted little public notice and is seldom referred to by the media or anti-corruption movements.

## 2. b. *Fatwā on Human Rights*

When human rights abuses occurred during the New Order and Habibie eras—such as the Tanjung Priok massacre or during military operations in Aceh—MUI remained silent. No *tausiyah* or *fatwā* was ever issued condemning such abuses. However at its sixth national congress of 2000, MUI wished to define its position on human rights.

The sub-commission examining the issue included Prof. K.H. Ali Mustafā Yaqub (chairman), Drs. K.H. Nahrawi (assistant), Drs. Afwan Faizin (secretary), Dr. H. Ahmad Thibraya and K.H. Ahmad Dimiyati Rasyid. Significantly, all are classically-trained ‘*ulamā*’; none is a human rights activist.

MUI’s position on the Universal Declaration of Human Rights (UDHR) is vague, although it aligns with the Declaration at

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<sup>36</sup> “Fatwa tentang Risywah,” 32.

certain points. This vagueness seems to be influenced by the Cairo Declaration on Human Rights in Islam.<sup>37</sup> Such influence is clear in the following remarks formulated by MUI with reference to the UDHR:<sup>38</sup>

- 1) Generally and substantially, the International Convention on the UDHR is in line with the aims and values of Islamic teachings, that is: the protection and preservation of the rights of every single member of humanity to defend his or her life and dignity.
- 2) Human Rights do not operate in vacuum, and up to now there is no consensus regarding their interpretation and application. Hence it is possible that every country interprets and understands them differently based on its distinct cultural, ethical and legal values.
- 3) Chapters of the UDHR seem to prioritise individual rights and freedom and neglect the equality of rights and obligations, the equality of individual and social interests, and the equality of freedom and responsibility.
- 4) There are some chapters of the UDHR that are not in line with, or are contradictory to, Islam, to wit: (a) Chapter 16, sections 1 and 2, on free choice of a marriage partner, marriage and divorce; (b) Chapter 18 on freedom of religious conversion; and (c) Chapter 23 on freedom of employment.

Based on these remarks, MUI decided to issue a *fatwā* on the “limitations” of the application of Human Rights by comparing them with the Cairo Declaration, a document also signed by the Indonesian government.

The *fatwā* mentions that Islam recognizes five basic human needs, namely the preservation of religion, life, property, reason, and dignity, quoting several verses in this regard: Q. 17: 70 on humankind as honoured creatures; Q. 21: 107 on Islam as a mercy for all creatures; Q. 10: 99 on the prohibition of compelling others to accept Islam; Q. 5: 32 on the universalist basis of Islamic teachings; Q. 55: 7-9 on equality and truthfulness in Islam; Q. 4: 37 on the prohibition of apostasy from Islam;<sup>39</sup> Q. 2: 221 and 4: 22 on persons and groups who are forbidden as

<sup>37</sup> For a copy of the Cairo Declaration, see Appendix II in Abdillah (1997: 269-73).

<sup>38</sup> “Fatwa tentang Hak-hak Azasi Manusia (HAM),” *Mimbar Ulama*, no. 271, xxiii, March 2001, 26.

<sup>39</sup> Q. 4: 37 discusses niggardliness: “(Nor) those who are niggardly, or enjoin niggardliness on others, or hide the bounties which Allah hath bestowed on them; for We have prepared, for those who resist God’s grace (Ar. *kāfirūn*) a punishment that steps them in contempt.” MUI seems to have chosen the last phrase only, and understands *kāfirūn* as including apostates.

marriage partners; and Q. 2: 228 on the equality of rights and obligations between husband and wife. Once again the principle is mentioned that “averting causes of corruption takes precedence over bringing about benefit.”

Based on all of these considerations, the MUI *fatwā* makes three points on Human Rights:

- 1) It is obligatory to accept, respect, and hold in high esteem Human Rights, which are universal in nature, albeit with some conditions:
  - a) One should honour and respect the different understandings, interpretations and applications of Human Rights, based on the differing cultures, ethics and laws prevailing in each country;
  - b) Any understanding and application of Human Rights must consider: (i) the equivalence of individual rights and individual duties; (ii) the equivalence of individual and social rights; (iii) the equivalence of rights, freedom and duties.
- 2) Concerning the UDHR chapter 16 sections 1 and 2 [on free choice of a marriage partner, marriage and divorce], and chapter 18 [on freedom of religious conversion], Muslims are obliged to firmly adhere to Islamic teachings, because freedom to live out religious teachings is a part of Human Rights;
- 3) It is obligatory for the government and for Muslims, especially their leaders, to promote Human Rights that are in line with religious, cultural and ethical values of the society and with the laws prevailing in Indonesia.<sup>40</sup>

Although the preamble to the *fatwā* states that chapter 23 of the UDHR on freedom of employment is not in line with, indeed is contradictory to, Islam, the *fatwā* itself does not say anything about this freedom. No reason is given for the absence of this point from the *fatwā*, but it is probably related to the question of women in the work place. In another *fatwā*, concerning female workers abroad, issued on 29 July 2000, MUI stated:

In principle, it is allowed for women to leave the household to work in another town or country, so long as they are accompanied by their close relations, family or a group of trustworthy women. If not ... it is forbidden unless there is an emergency situation—at which time it is tolerated by the legal Islamic, national legal, and customary reasons—and that the women’s security and dignity are guaranteed.<sup>41</sup>

Like the *fatwā* on corruption, the *fatwā* on human rights should not be separated from the euphoria of Reformasi. Neither should

<sup>40</sup> “Fatwa tentang Hak-hak,” 26-7.

<sup>41</sup> “Fatwa tentang Pengiriman Tenaga Kerja Wanita (TKW) ke Luar Negeri,” *Mimbar Ulama*, no. 265, xxii, September 2000, 30-1.



it be disassociated from international politics, given that the question of human rights is often used to pressure developing countries, including Indonesia. This *fatwā* challenges the hegemony of the Western interpretation of human rights, which tends to neglect the local context; and it is imbued with the spirit of the Cairo Declaration, which emphasises not only individual rights but also individual duties, social rights, and the relative weighting of rights, freedom and duties.

## 2. c. *Fatwā on Ḥalāl Food*

One of the most polemical *fatwās* issued under Wahid dealt with widely-consumed monosodium glutamate (MSG) products produced by the Japanese company Ajinomoto.

Ajinomoto was already in receipt of a Ḥalāl Certificate from LPPOM, which had established rules prohibiting the use of pork products in any part of its production or preparation process. The certificate aims to assure Muslim consumers that Ajinomoto’s MSG products are permissible. As the receiver of the certificate, Ajinomoto Indonesia Inc. was required to maintain the *ḥalāl* quality of its products. However, LPPOM discovered that, between June 1999 and November 2000, Ajinomoto Indonesia Inc. had substituted *bacto soytone*, which contains a pig enzyme, for the usual *poly peptone*, a soy-bean based enzyme. Therefore, on 16 December 2000, MUI issued a *fatwā* stating that Ajinomoto’s products are forbidden. To strengthen the argument, the *fatwā* cited five verses on the prohibition of consuming pork (Q. 2: 168, 173; 5: 3; 6: 145; and 7: 157); three *ḥadīths*; consensus, and two juridical principles. The *fatwā* itself declared:

- 1) It is *ḥarām* to consume the MSG products of Ajinomoto Indonesia Inc. which use *bacto soytone* in their production process;
- 2) Muslims who, due to their ignorance, have consumed the above MSG products may regard themselves as innocent;
- 3) MUI calls on Muslims to be careful in consuming anything that is in doubt or forbidden by religion;
- 4) This decision is valid from the date of its issuance, with the proviso that should the decision be found to be mistaken, it shall be corrected.<sup>42</sup>

<sup>42</sup> “Fatwa tentang Produk Monosodium Glutamate (MSG) PT. Ajinomoto Indonesia yang Menggunakan Bacto Soytone,” *Mimbar Ulama*, no. 269, xxiii, January 2001, 18-20.

This *fatwā* was challenged by President Wahid, an Islamic scholar himself, who said that, based on scientific evidence, Ajinomoto's MSG products were safe for consumption by Muslims. Wahid insisted that there had been a mistake in the process of producing the *fatwā*. The most important points, he argued, are that the final product should be free of any pork element and that the *fatwā* should consider the general principle that "averting causes of corruption takes precedence over bringing about benefit" (Ar. *dar' al-mafāsīd muqaddam 'alā jalb al-maṣāliḥ*). According to his spokesman, Wimar Witoelar, Wahid was concerned about "the proper administration of religious law" and suspected that MUI had issued an "imperfect" *fatwā* (Roderick 2001). Wahid therefore suggested that people should not overreact.<sup>43</sup>

Wahid's critics suggested that his use of the aforementioned juridical principle is misleading, since the president was concerned only with the economic impact of the *fatwā* rather than with religious teachings. This charge may have some basis since Wahid's argument was based mainly on an economic consideration: the jobs of more than 4,000 workers at the Ajinomoto factory were at stake, and any ban would affect Indonesia's relationship with foreign, and especially Japanese, investors. However, the majority of Indonesians supported MUI in this instance.

The strong public support for MUI's *fatwā* reflected the general climate against Wahid, who had already lost support among most Islamic and Islam-based parties, except his own PKB. Furthermore, the gulf between the President and the DPR was by now unbridgeable. DPR chairman Akbar Tanjung suggested that Wahid's statement had caused confusion, while Laode Djeni Hasmar, a Golkar legislator, stated that it would only trigger Muslim anger, and that it is MUI, and not the President, that has the authority to issue a *fatwā*. Similar reactions came from Islamic parties, such as the United Development Party (PPP), the Crescent and Star Party (PBB), and Justice Party (PK). Zainuddin MZ, a PPP board member, stated that Muslims should follow MUI's *fatwā*, because Wahid's opinion is more political than religious.<sup>44</sup> Even the police force failed to support Wahid,

<sup>43</sup> "Produk Ajinomoto Halal," *Tempo Interaktif*, 9 January 2001.

<sup>44</sup> "Fatwa MUI Jelas Lebih Kuat," *Tempo Interaktif*, 10 January 2001.

and its chief, General S. Bimantoro, stated that his officers would follow MUI rather than the President.<sup>45</sup>

The Justice Party produced its own *fatwā* on the issue, released by its Shari‘a Council on 10 January 2001. The Justice Party declared that it was issuing the *fatwā* to support MUI, but had broadened its scope to include the general matter of *halāl* food and the respective positions of MUI and the government. The *fatwā* states, for instance, that in establishing the *halāl* and *harām* status of food, “the government should not use a political and economic approach, but rather an Islamic legal one.”<sup>46</sup>

Meanwhile NU, of which Wahid was former chairman, was naturally cautious in dealing with the issue. Rather than suggesting that MUI’s *fatwā* was invalid, it suggested that it needed careful reevaluation. It is worth noting that NU’s own representatives in MUI, including Ma’ruf Amin, the chairperson of MUI’s *Fatwā* and Law Commission, did not support Wahid’s opinion. Indeed, Amin wrote an article supporting the MUI *fatwā*.<sup>47</sup>

### Conclusion

The transitional period following the fall of Suharto was marked by government weakness and a strengthening of civil society. During this time, MUI shifted from being state-oriented to being Umma-oriented, as reflected in its slogan, used since the Wahid era, that it is “the servant of the Umma.” However, the word “Umma” remains vague, since Islam is expressed in a variety of ways in Indonesia and it is hard to define a single Islamic community in matters of doctrine and practice. Some of MUI’s *fatwās* and *tausiyahs* have garnered a negative reaction in certain Muslim circles, especially those with liberal, progressive, and nationalist inclinations. MUI’s previous support for the Habibie government was clear not only from its practical political attitudes but also from its discursive products, *fatwās* and *tausiyahs* in which

<sup>45</sup> “Polri Tetap Berpegang pada Fatwa MUI,” *Tempo Interaktif*, 10 January 2001; “Fatwa MUI Jadi Pegangan Polisi,” *Tempo Interaktif*, 11 January 2001.

<sup>46</sup> Dewan Syariah Partai Keadilan, “Fatwa: Seruan Dewan Syariah Partai Keadilan kepada Umat Islam Indonesia tentang Masalah Makanan Halal,” in <http://www.keadilan.or.id/templates/produk.cfm?ID=3>. Site now deactivated.

<sup>47</sup> *Mimbar Ulama*, no. 269, xxiii, January 2001, 22-8.

Habibie is characterised as a Muslim representative and Wahid is cast as a secularist (or even a leftist).

MUI's political role is best reflected in its *tausiyahs* rather than in its *fatwās*. This is because MUI frequently has been forced to react to political situations. For this purpose, the process of issuing *tausiyahs*—which is much easier and less complicated than issuing *fatwās*—has been the preferred mode of communication.

MUI continues to use its *fatwās* and *tausiyahs* to affirm its claim to be *the* national institution with authority in Islamic affairs. It calls upon both the state and the people to heed its legal opinions and advice. Nevertheless, MUI's *fatwās* and *tausiyahs* are not legally binding on the government and society. Rather, the actual influence of each utterance is very much related to the prevailing social and political context. Some *fatwās*, such as that on Ajinomoto, have been quite popular, but many people are only dimly aware, if at all, of others, such as that on human rights. In this respect, it seems that the relative success or effectiveness of MUI *fatwās* and *tausiyahs* is not a function of their *direct* and *short-term* influence on society, but rather of their *indirect* and *long-term* influence. Some statements may have to wait until they find their relevant social and political space. The *tausiyahs* on elections, for instance, will most likely be reiterated in most future plebiscites, much as an earlier *fatwā* on Muslim attendance at Christmas celebrations has been reiterated every year in December. Other *tausiyahs* eventually may be elevated to the formal status of a *fatwā*.

The increased independence of MUI has enabled it to participate actively in debates about the place of Islam in Indonesia's future. Although the organization is somewhat tainted by its links to previous regimes of Suharto and Habibie, this heritage still grants it important influence on draft legislation. For example, MUI is authorised to give advice concerning national laws that may have an affect on Muslims. However, since such advice is not binding, the government may accept or reject it, much as Indonesians in general remain free to accept or reject MUI's *fatwās* and *tausiyahs*.