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ULAMA
AND THE NATION-STATE

Comprehending the Future of Political Islam in Indonesia

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ULAMA, THE STATE, AND THE FACE OF ISLAMIC LAW

Euis Nurlaelawati & Muhrisun

Although discourse about the nation-state and its relation to the practice of Islamic law is not precisely the focus of this study, several important issues arise regarding the perceptions and views of Islamic scholars regarding the position of Islamic law in the context of state life in Indonesia based on Pancasila and the 1945 Constitution. The data shows a significant correlation between the views and acceptance of ulama regarding the format of the nation-state and the position of Islamic law in the legal system in Indonesia. As explained earlier, seven characteristics are used in this study to explain the views of ulama regarding the nation-state, including progressive, inclusive, moderate, conservative, exclusive, radical and extreme. These seven characteristics also represent the outlooks of ulama regarding Islamic law with state practices in Indonesia.

The data shows that ulama groups who are considered attached to extremism and radicals have views on Islamic law that tend to be formalistic, while groups of ulama who are in the inclusive and progressive spectrum tend to view Islam law more openly. Some ulama from radical groups view the application of Islamic law should not stop at the discourse of applying Islamic family law as understood today. The discourse of the application of Islamic family law, according to them, should be interpreted as a first step towards the implementation of Islamic law in a comprehensive manner, including in the area of civil and criminal justice.

It is interesting to note that the influence of the transnational Islamic movement which views Islam as not only a religion but also a political ideology and a plenary system that regulates all aspects of life is dominant among the ulama. It affects the views and discourses of people related to Islamic law. Sharia formalization discourse that strengthened in almost all regions in Indonesia correlates with the spread of the influence of transnational Islamic thought and movements

in Indonesia. Related to the views of the ulama on Islamic legal issues based on the data, it is worth mentioning that the categorization of ulama based on their background and social, political, and religious affiliations as carried out by most previous studies, seems to no longer be used as a benchmark to understand the pattern of their thinking about Islamic law. The influence of transnational thinking is seen in all groups of scholars from diverse backgrounds so that the boundaries of Islamic legal views of the ulama based on their organizational backgrounds are sometimes no longer clear. In reality, the ulama's view of Islamic law tends to be fluid, in which the ulama in one category in certain cases can have views that are contrary to the views of other ulama in the same category. Ulama affiliated with NU or Muhammadiyah mass organizations, for example, do not necessarily have a view of the Islamic law that is congruent with the views of their organizations.

This chapter aims to map the outlooks of ulama from various backgrounds and different social, political, and religious affiliations about the format of the nation-state, particularly concerning issues of Islamic law. Their views are impressive to study to provide an understanding of Islamic legal discourse and features socialized by the ulama in their religious activities and preaching. It provides an overview of relevance perceptions of the ulama regarding the concept of the nation-state and issues of Islamic law, which often presents challenges for the nation-state. In this chapter, the outlooks of the ulama, in general, are related to the constitution, in which Islamic law is not explicitly used as a source of an application of the law in Indonesia. The description continued to discuss the views of the ulama regarding legal issues that were most heavily applied by the Muslim community, i.e. family law followed by economic and criminal law issues. It was supplemented with exposure to legal issues in other fields, i.e. the issue of leadership and the use of the hijab or headgear. The discussion continued with a presentation related to the style and face of the Islamic law that was understood by the community where the new media had replaced the authority of fiqh books and primary reference books in the study of Islamic law.

Ulama, Sharia, and Constitution

It is no exaggeration to say that among the Muslim countries in the world, Indonesia is currently a Muslim country with the most potent democratic system (Mujiburrahman 2013). The democratic system in Indonesia developed mainly after the Reformation era, which was marked by the fall of the Suharto regime. However, it does not mean that there are no significant challenges for the development of a democratic system in Indonesia because until now, the emergence of anti-democratic

organizations and groups has been growing successively. The debate among Muslims regarding the position of Islam as the majority religion in the unitary state system in Indonesia had taken place long before Indonesia's independence. Furthermore, the discourse of the application of Islamic law in the Indonesian legal system has become a discourse discussed by some of the figures involved in discussions based on the state at the beginning of independence.

In President Sukarno's speech that was read in the session of the Indonesian Independence Preparatory Agency for Investigation (BPUPKI) on June 1, 1945, for example, the formulation of the principle of "Belief in the one and only God," which at that time was the fifth principle, had already sparked heated debate. The final formulation of the first principle of the Pancasila, "Belief in the one and only God", is known as a form of compromise between Islamic ideology and the national ideology agreed upon by the nation's founders at that time represented by a team of 9 (nine) formed by BPUPKI.

In this case, there are 7 (seven) words omitted from the initial formulation of the Pancasila by the BPUPKI Team contained in the Jakarta Charter. The initial formulation of the first precepts reads "Belief in the one and only God with the Obligation to Observe Islamic Sharia for its Adherents." The existence of these seven words triggered protests mainly from Christian nationalist groups (Taher 1996, 6-12) because they were considered to place Islam as primus inter pares and put down Islamic law as a law that must be applied by Muslims constitutionally (Bolland 2014, 27). Finally, the seven words were agreed to be deleted.

The objection to the elimination of the seven words continued, especially among Islamists. The objection was seen to strengthen again after the fall of the Old Order considering the efforts to marginalize Islam and political parties affiliated with Islam were powerful at the end of the Old Order. Because of their considerable contribution to the fall of the Old Order and the founding of the New Order, Islamic groups have high hopes of being able to rise and establish Islamic political parties. One of the major parties hoping to revive is the Masyumi (Indonesian Muslim Shura Council) which was founded in 1942 with the support of the Government of the Japanese occupation as a replacement for the Indonesian A'la Islamic Council (MIAI). Sukarno banned this party in 1960. Several Islamic forces took to the streets to bring into reality the hopes of the revival of Masyumi. For them, Masyumi rehabilitation was a historical necessity that had to be approved by the New Order. In addition to demanding Masyumi rehabilitation, Muslims also demand the return of the application of the Jakarta Charter or more precisely the legislation and constitutionalization of the application of Islamic law. However, instead of meeting the demands of Muslims, the New Order emphasized

the need to depoliticize religious expressions. In this case, the New Order implemented a policy of party unification by reducing the number of political parties. With the exception of Golkar as a Government party, in 1973 the New Order forced 9 (nine) political parties to participate in the 1971 Election, namely Parmusi, PSSI, Perti, NU, PNI, Roman Catholic parties, IPKI, Parkindo, and Murba (Mahfud 2018, Mahfud 2018, 264) to merge into no more than two different groups.

The Reformation Era began by the fall of the New Order regime. It became a new momentum for Islamist groups to voice the demand for the return of seven words from the Jakarta Charter. It is an indication that the discourse on the formalization of Islamic law in Indonesia has strengthened (Ichwan 2003, 23-24). At the 2002 MPR session, for example, public figures from Islamic parties again voiced the issue of the application of Islamic Sharia in the country's base by urging the reintroduction of seven words from the Jakarta Charter, although it did not get adequate support. As illustrated by Mujiburrahman (2013, 146) the agreement of the founding fathers of this nation to create Pancasila the foundation of the country by removing the seven words of the Jakarta Charter cannot be interpreted as a form of secular group victory over the Islamists. Why? Because Indonesia neither is a secular country nor an Islamic state. However, the Islamists' disappointment at the agreement never stopped. Therefore they continue to strive for the return of the seven words of the Jakarta Charter.

The results of this research emphasize that although most ulama in Indonesia accept the democratic nation-state system, discourse against the nation-state system and democracy continues to resonate in various forms. Among the Muslim community itself, there is no agreement regarding the form and limitations of the application of Islamic law. A.M. Fatwa (2000), for example, states that there are at least 3 (three) forms of understanding among Muslims regarding the application of Islamic law. First, the application of Islamic Sharia is interpreted as an effort to create a new constitution that leads to the formation of an Islamic state. Second, the application of Islamic Sharia is interpreted by some Muslims as limited to efforts to make Islamic law as a supporter of the existing laws and regulations in Indonesia. Third, the application of Islamic law is interpreted by some Muslims as an effort to make Islamic law an integral part of the legal system in Indonesia. In this case, they think that Islamic law should be the main inspiration in the formation of the legal system in Indonesia, while other sources such as customary law or Western law are limited to supporting elements in the Indonesian legal system.

The failure of the discourse of the application of Islamic law at the national level did not dampen the spirit of the Islamist group to carry this discourse at the regional level. The granting of special

autonomy to the Aceh province by the application of Islamic law made the discourse of the Sharia Law more strongly echoed in several Indonesia. As noted by Bush (2008) in 2008 there were at least 52 regions that had implemented Sharia regulations. The data continues to increase, in which until 2017 there are at least 443 Sharia Regulations that are applied throughout Indonesia (Buehler 2017).

The research in Aceh showed the majority of ulama in Aceh agreed with the statement on the survey regarding the return of the Seven Words in the Jakarta Charter. When given the statement "Return 7 (seven) words in the first principle of Pancasila, "Belief in the one and only God, with the obligation to observe Islamic sharia for its adherents", it is essential to better accommodate the rights of the majority," 69.9 percent ulama accepted the statement with the details 36.6 percent who agreed and 33, 3 percent who strongly agreed. Meanwhile, only 6.6 percent of scholars disagreed with this statement, and none of them strongly disagreed (Ichwan 2019). However, the results also show another phenomenon, in which there is a paradoxical indication related to the acceptance of the ulama towards Pancasila, especially the principle of "Belief in the one and only God." Most ulama believe that the first principle does not obscure Islamic faith. In general, they also hold that Pancasila does not conflict with Islam. However, on the other hand, they agreed to an alternative ideology that was considered better, which led to the replacement of the state ideology with an Islamic ideology. It can be seen from the response of the ulama to one of the statements in the survey, namely "There is no harm in Muslim leaders trying to find an alternative state ideology that is better than Pancasila." Data shows that 50 percent of ulama in Aceh accept this statement, with the details of 40 percent who agree, and 10 percent who strongly agree (Ichwan 2019).

Besides Aceh, South Sulawesi is one of the regions in Indonesia with the most potent Islamism movement. The survey results show that the discourse of the application of Islamic Sharia in this region is among the most structured when compared to other regions in Indonesia, which is marked by the establishment of the Committee for the Preparation of Islamic Sharia Enforcement (KPPSI). The Committee successfully used structural channels to encourage the application of Islamic law in South Sulawesi (Ali 2011). The research shows that Makassar ulama who support KPPSI refuse to be associated with the Darul Islam movement, which openly seeks to uphold Islamic law through separation from the state by establishing an Islamic State. However, the existence of KPPSI led by the son of the DI-TII figure Kahar Muzakkar further raised growing concerns that the prospects for the emergence of the Islamism movement in South Sulawesi need to be supervised (Mujiburrahman 2013).

The success of KPPSI in promoting Islamism in South Sulawesi itself can be seen from the success of the formation of several Sharia Regulations that confirm that the strengthening of the Islamism movement in Makassar is real. The success of KPPSI in embracing almost all Islamic organizations and elements of society is proof that the narrative of Islamism in this region is quite strong. Several Makassar ulama who were involved in this study saw the re-entry of seven words from the Jakarta Charter in the first principle of Pancasila to be the key to the enforcement of Islamic law in Indonesia. Ulama B (male), for example, argues that the first principle with the addition of seven words can be an entry point for the implementation of Islamic law comprehensively, including the application of Islamic *Jinayat* laws as a substitute for the existing criminal law. For him, in the concept of a state, the highest and most important rule is God's law. In this case, he does not differentiate which areas of law must be prioritized for application, civil, or criminal law. Therefore in the context of the application of the law for theft, for example, according to ulama B, the law of cutting off hands must be applied as it should without being interpreted again. He believes the application of the law of cutting off the hand will provide an apparent high deterrent effect.

The discourse of returning the seven words of the Jakarta Charter itself according to most ulama who approve it should not be interpreted as a form of reduction of the principle of plurality in the Pancasila state. One ulama in Medan, NRA (woman), argued that the return of the seven words was only related to the Muslim community and had no impact on the non-Muslim community, so it should not be debated.

The same tendency arises in other regions, including in regions that do not formally apply the Sharia Law. The results of research in the city of Pontianak, for example, show that the desire of the ulama in the region to implement Islamic law is quite large. The presence of Islamic symbols in a stronger public space is one indication of this strong desire. Of the 30 (thirty) ulama in Pontianak who filled out the research questionnaire, there were 12 (twelve) ulama who agreed or strongly agreed with returning the seven words of the Jakarta Charter to the first principle of the Pancasila. However, some ulama did not openly show a consistent attitude regarding the enforcement of Islamic law in interviews. One of the ulama from the West Kalimantan MUI, for example, despite agreeing to return the seven words of the Jakarta Charter to the first principle of the Pancasila, he rejected the formalization of Islamic law in the constitution. For him, there is no need to formalize the application of Sharia, because Sharia can be applied without formalization by the State.

In A.M.'s perspective Fatwa (2000), as mentioned above, the views of these ulama reflect more perspectives that try to see the application of Islamic law interpreted as limited to efforts to make Islamic law as a supporter of existing laws and regulations in Indonesia, not as an effort to create a new constitution that leads to the formation of an Islamic state (Mujiburrahman 2013). They understand that formally returning the seven words to Pancasila is very difficult, in which they see that a more realistic effort is to encourage the state to approve the application of certain aspects of Islamic sharia in real life in society.

In the context of South Sulawesi, for example, this fact was realized by KPPSI leaders. They need strong political support at both the local and national levels in the context of implementing their political agenda. Therefore, pragmatic steps were seen taken by KPPSI leaders to get this support. Aziz Kahar, for example, felt the need to emphasize that KPPSI took a different path from his father, Kahar Muzakkar, in which he would not take the path of military force to implement Islamic Sharia in South Sulawesi (Mujiburrahman 2008). Islamist groups have also seen these pragmatic steps in almost all regions in Indonesia. As explained by Bush (2008) that discourse on the application of Islamic Sharia in Indonesia itself is not always identical with Islamic parties or Islamist groups. Many politicians from the secular party carry the platform of implementing Islamic law for a variety of reasons. Some of them see the discourse of implementing Islamic law as strategic enough to attract public sympathy (Bush 2008, 187; Mujiburrahman 2013, 166).

The same tendency, i.e., the return of seven words from the Jakarta Charter substantially in the form of the implementation of Sharia is fully visible in several other regions, such as in Bandung, Solo, Padang, Bogor, and Aceh. In some other regions, such as Jakarta, Bali, Kupang, Menado, and Surabaya, the trends are slightly different. Although some ulama emphasize the application of Sharia, they consider that Sharia has been implemented substantially in Indonesia. In Surabaya, for example, acceptance of a basic nation-state system or building can be said to be "almost" complete. Of all the ulama in Surabaya involved in the research, only one who mentioned the return of seven words in the first principle of Pancasila. In Jakarta, the discourse of returning the seven words in the first principle of Pancasila was mentioned by two ulama, in which they stated that the application of Sharia must be formalized and accommodated in legislation and recognized by the constitution. Other ulama want formal application in all areas of Islamic law without requiring the return of seven words in the first principle of the Pancasila (Nurlaelawati 2019; Muhrisun 2018).

Institution of Sharia in The National Law System

Due to the complicated history of the formulation of religious and state relations, Indonesia has accommodated several aspects of Islamic law. Islamic family law, for example, has long been adopted by the state with some adjustments and integration of state customs and interests. The enactment of Islamic economic law later followed the enactment of family law. In certain areas, such as Aceh, Sharia criminal law has even been adopted through the implementation of 3 (three) Criminal Qanuns, i.e., theft, alcohol, and seclusion; worship; setting morality, and others.

The formal and substantial application of Islamic law or Islamic law is a lengthy process pursued by Muslim intellectuals who disagree with the idea of establishing an Islamic state and the full implementation of Islamic law in the Suharto era. They consider that the realization of a just and prosperous state is prioritized in the enforcement of Sharia. They understand that Islam provides a set of ethical values to build political principles, such as justice (ʿadl), deliberation (syūrā), and equality (musāwāh). They assume that the ideological foundation has reflected the substance of Islamic teachings (Bakri 1983). Even for them, Pancasila can be compared to the Medina Treaty, where both substantially recognize the relationship of religious values and state problems (Syadzali 1990).

With such a view, political reconciliation between the state and Islam took place,[7] which was indicated by a state agreement issuing several policies that emphasized Islamic interests.[8] The establishment of the ICMI (Association of Muslim Intellectuals in Indonesia) in 1990 under the leadership of B.J. Habibie, a new regulation on school curricula that recognizes the role of religious education at all levels of education, enacts the Religious Court Law No. 1 Year 1989 regarding legal procedures that must be applied in religious courts, and the enactment of the Compilation of Islamic Law through Presidential Decree No. 1/1991 concerning the Compilation of Islamic Law (the family field) is part of the results of the reconciliation.

Regarding family law, which was the earliest adopted law, the state realizes that Islamic family law is seen as a Muslim religious identity that must contain certainty. The lack of certainty of family law is believed to have an impact on the instability in the lives of Muslims, which in turn can damage national political stability. For this reason, the state considers that the demands of Muslims concerning

7 On the discussion of the council on the relationship between Islam and the State marked by tension and changing relations towards accommodation and harmony, see Dody Truna (1992).

8 Bachtiar Effendi groups the growth of State accommodation towards Islam into four types: (1) structural; (2) legislative; (3) infra-structural; and (4) cultural. See Effendi (2003, 303).

legislation relating to the legal status of Islamic families are essential to be accommodated. The step is not seen as an Islamization policy, but rather is a form of negotiation carried out by the state to be able to accommodate the vigorous demands of legal certainty on essential issues that develop in society. It is worth mentioning that some Muslim countries have codified Islamic law so that legal actions related to family matters can be considered legal if carried out following state regulations. For example, with the provisions of the country, a child born in a legal marriage can obtain legal status and can establish the civil rights of the child with his father, which includes various matters such as guardianship, inheritance, and provision of income.

The state policy as stated above confirms what Ziba Mir Hosseini, as quoted by Nurlaelawati (2010), stresses related to the reasons for the survival of Islamic family law during conditions in which laws in Muslim countries are originating from the West slowly replace post-colonization sharia. Ziba Mir-Hosseini's reasons are; First, Islamic family law is the most developed field of law compared to other fields of Islamic law; Second, in the modernization scheme, the colonial government well managed and arranged the differences between public and private areas, in which family law was left to the ulama because it was considered private and politically less important; Third, the government that is conducting modernization avoids confrontations with the ulama in relation to the application of Islamic family law (Nurlaelawati 2010). In Nurlaelawati's note (2010), Hosseini's view is in line with Muhammad Abduh's opinion regarding sharia justice. As quoted by Asad, Abduh views that the Sharia judges see very private issues and solve them carefully personal problems that cannot be heard widely and openly. For Abduh, continued Asad, Sharia courts must be independent of state control, but he also views that the court system is an integral part of the state and that the Sharia court - which is essentially a "family court" - is essential, because without it the community would be threatened by moral collapse (Asad 2001).

In addition to these legal policies, in 1991, the government also arranged school uniforms, which revised the hijab policy, and decided to allow Muslim girls to wear long skirts and headscarves for public schools, instead of short skirts and headcovers. , as stated in Decree (SK) No. 100 / C / Kep / D / 1991. Besides, the Minister of Religion and the Minister of the Interior also issued a joint decision regarding the Guidelines for Amil Zakat, Infaq, and Sadaqah (BAZIS) No. 29 and 47/1991. Despite these new decisions, the state does nothing more than supervising and guide the implementation of zakat. In this case, the new decisions do not deal with "zakat payments," which are the obligations of zakat payers (*muzakki*) but with "zakat arrangements." In subsequent developments, the government passed the Sharia

Banking Act in 1999, which led to the expansion of the authority of the Religious Courts in 2006 over cases of economic dispute carried out and promised under Islamic economic law.

Legal policies based on this Shari'a are issued and apply nationally. At the local level, several legal policies in sharia-based regional regulations are also issued based on the reasons for the welfare of the community in various fields as mandated in the provisions of regional autonomy. Aceh is a region that has specificities related to this. As mentioned above, there are three *Qanun* and many Sharia Regulations issued in Aceh. Related to *Qanun*, Aceh regulates that the consumption of alcohol, theft, and *khalwat*are criminal offenses, the sanction of which is criminal sanctions based on Islamic *jinayah* law.

Considering that the research emphasizes the concept of the nation-state and the perceptions of the ulama, some of the issues examined and highlighted are issues related to the concept of the nation-state. Several other issues were presented to see the relevance of the ulama's legal views regarding Islamic legal issues that intersect with the concept of the nation-state and Islamic legal issues in general. Three issues will be examined in this context, i.e., the issue of leadership, family issues (underage marriages and interfaith marriages), and morality primarily related to head-covering.

Non-Muslim Leadership And Women

Pros and cons related to non-Muslim leadership in Indonesia is not a new discourse. Differences of opinion among ulama regarding the interpretation of QS. Al-Maidah (5): 51 is also a classic issue that has long been discussed. However, discussions related to the issue of non-Muslim leadership in Indonesia such as finding momentum in recent years, i.e., since 2016 along with the rise of cases of 'blasphemy' that hit the Governor of Jakarta, Basuki Tjahaja Purnama or Ahok. Although the fatwa issued by the Indonesian Ulema Council (MUI) specifically related to the blasphemy case against Ahok for his remarks about QS. Al-Maidah (5): 51, but the fatwa is more often understood as a new reference about the unlawful leadership of non-Muslims in Indonesia. The attitude of rejection of non-Muslim leaders is becoming more open and stronger, not only among ordinary Muslims but also among ulama.

Therefore it is no exaggeration to say that the MUI fatwa related to Ahok has become one of the crucial factors that have encouraged the growth and strengthening of Islamism in Indonesia in recent years. As emphasized by Hosen (2017), the majority of ulama, both classical and modern, are of the view that there is no firm and strong argument regarding the ability of Muslims to choose non-Muslim leaders in Islam. Ibn Taymiyyah is one of the ulama who have a different view

from most ulama on this issue. Although he does not explicitly allow non-Muslim leaders, Ibn Taymiyyah did not make religion the most important condition and consideration in the selection of leaders but instead emphasized the conditions of justice. However, this view of Ibn Taimiyah was not made a significant reference among the majority of scholars in Indonesia (Hosen 2017).

The results of the research also underline the view of the majority of Indonesian ulama that religion is the main requirement and consideration in choosing a leader. Therefore, it is difficult to make the ulama's view of non-Muslim leadership an indicator of their style of Islamic law, because the perspective of religion as the primary condition of a leader is a general view of ulama in Indonesia, regardless of social, political background and affiliation their religion. However, the research shows that there are differences among the ulama in relation to their articulation of outlooks towards non-Muslim leadership. Ulama from regional areas in which Muslims constitutes the majority appear to be more articulate and open in expressing their rejection of non-Muslim leadership. Furthermore, the rejection of non-Muslim leaders is also interpreted as a prohibition for Muslims to obey a legitimate government if led by non-Muslims.

Some ulama in Solo who belong to radical groups, for example, emphasize that a government led by non-Mulsim or who implement a un-Islamic system is not included in *Ulil Amri's* category, so it is not obligatory to be obeyed (Hasan 2019). The same thing was expressed by several ulama from Jakarta, such as AR (male) who clearly explained that the terms of religion (Islam) were the main conditions of a leader in Indonesia whose population was predominantly Muslim, including in regions of Indonesia with a majority non-population Muslim. For him, non-Muslim leadership must not occur in Indonesia from the lowest level to the highest level. Ahok's leadership, for example, was not, in his view, a leadership system that was under Islamic law. He bases his views on the word *auliyā'*, which is interpreted by the leader and asserts that a Muslim must take the leader who is Muslim with other conditions that must be considered (Nurlaelawati 2019).

Different outlooks are shown by ulama from majority non-Muslim regions, such as Bali, Kupang, Ambon, and Manado, in which they appear to be more accommodating towards non-Muslim leaders. Nevertheless, in principle, the accommodative attitude of the ulama cannot be interpreted as a form of acceptance. One ulama from the Islamic party in Kupang, for example, thinks Muslim leaders are essential in Indonesia in which the majority of the population is Muslim. However, the condition of Muslims as a minority in Kupang encouraged him to be realistic by expressing his opinion about leadership that might be against the platform of his political party. In

one statement, the ulama emphasized that the views of the majority of Indonesian Muslims would not be much different from those of non-Muslims in Rome. He saw that the people of Rome would not be willing either if the leader were a Muslim. That, according to him, because in Islam the leader does not only carry out the leadership of one cabinet or one country but also has other diverse functions, such as the state function, security, and protection function, including protection of Aqidah. Thus, according to him, it is no surprise if Indonesia wants a Muslim leader. As it is also not surprising that Italians understand the figure of a leader they need is a figure of the same faith (Ro'fah 2019).

Concerns about discrimination and the marginalization of the interests of Muslims are the concern of most ulama in addressing non-Muslim leaders. The ulama in Palangkaraya, for example, accepted non-Muslim leaders, but their acceptance did not dispel anxiety and suspicion that non-Muslim leaders had the potential to prioritize the interests of their religious groups over those of the Muslim community (Kailani 2019). This suspicion is stronger among ulama from non-Muslim majority areas, as seen from the opinion of one of the ulama in Manado, AR (male), in which he mentioned that the concern of Indonesian Muslims arises because in history there has never been a country in which a minority leads the majority. According to him, in theory, this might be possible, but in practice, it would be challenging to expect minority leaders to be able to do justice to the majority community (Kailani 2019).

Regarding women's leadership discourse, there are no new issues that have not been discussed before. In general, this research clearly shows that the views of ulama on the position of Islamic law in the Indonesian legal system have a significant correlation with their views on women's leadership. In this case, ulama who accept the constitutional system tend to have a progressive look of women's leadership. Ulama who support the formalization of Islamic law, on the other hand, tend to reject the concept of female leadership. For example, an ulama in Pontianak said that leaders must be male-only applies to the political system of the *Khilāfah* or *Imāmah*. Therefore, it is not relevant to the Indonesian context because this country does not adhere to the *Khilāfah* or *Imāmah* system (Sunarwoto 2019).

The results of this study indicate that in general, ulama in Indonesia accept the concept of female leadership. However, the attitude of rejection of female leaders continues to emerge for a variety of reasons, especially regarding the breadth of scope of leadership allowed for women. Some ulama accept the concept of female leadership in certain aspects and domains, but they reject female leaders in other domains. Some others accept the concept of women's leadership by

presenting certain conditions (conditional acceptance). The reasons for rejecting women leaders are generally the same, i.e., referring to the Qur'anic verse about the provision that men are *qawwāmun* (*'alā' n-nisā'*). Although most ulama interpret that the concept of men as *qawwamun* is in the context of religious and household leadership, not in an institutional or government setting, so it should not be applied to obstruct the role of women as leaders.

In the Aceh context, for example, the results of the research show that data is quite reliable in which the majority of ulama (80 percent) view that democratically elected women leaders must be obeyed. The percentage is seen as quite convincing in the Aceh context, but as stated by Ichwan (2019) it can also be interpreted as a shift towards a deterioration concerning the historical reality that Aceh was once led by 4 (four) Sultanahs (Ichwan 2019; Khan 2017). Even some of the most influential ulama in Aceh openly forbade female leaders. The same phenomenon is seen in the data in almost all cities, which are the focus of the research.

It is undeniable that there are still ulama who forbid female leadership in all contexts and domains. For example, an ulama in Jakarta made an analogy that the provision of men as *qawwāmun* (*'alā' n-nisā'*) shows that 'if you have a small family, women cannot be the imam/leader, let alone become a leader for the the country'(Nurlaelawati 2019). Conditional acceptance is seen as the most dominant among ulama related to the concept of women's leadership, in which women, in general, are allowed to be leaders, but at the same time, the ulama set certain restrictions and conditions are. Some ulama accept women as leaders, but with the condition that they do not occupy the country's leadership position. Meanwhile, others limit women's leadership to administrative positions in a country, but not in the context of religious authority, such as being qādhī (Sunarwoto 2019).

Among ulama who accept the concept of female leadership, the terms and conditions given are more on the aspects of skills and competencies. The agreed concept of women leaders, in this case, is not solely related to the issue of gender equality. However, it is because the concept of equality is considered already settled, men and women have the same position and rights, both of which must demonstrate their skills and competencies if they are to become leaders. The views of one female ulama in Padang (Ulinnuha 2019), for example, clearly confirm this. She views that women can become leaders if they meet the criteria. For her that in a democratic country, not an Islamic state, all citizens have the same rights regardless of gender differences. She gave an example of Sri Mulyani's leadership in the financial sector. In her statement, she was a leader because she had competence in managing

and solving financial problems. In this case, she further views that Sri Mulyani could become a leader at a higher level, like the position of a president, solely because of her competence.

In Makassar, the results of the research are in contrast compared to other cities. The issue of women's leadership does not appear as a significant issue to be discussed. Survey and interview data do not indicate discriminatory attitudes among ulama towards the role of women in the social and political spheres. However, discriminatory indications among ulama towards the role of women appear in the context of women's participation in religious life in society, more specifically their role as leaders in religious activities. Data from the interviews illustrate the emergence of new, more rigid restrictions on women's access and role as ulama or religious leaders in Makassar society. Three informants in this research looked at the issue of limiting access and the role of female ulama to be taken seriously. An ulama named Z (woman), for example, firmly stated that in her place of residence, there was a significant shift in the position of women as religious leaders. She found that it was increasingly difficult for women to carry out activities such as lecturing at mosques and attending public Quran recitations.

Furthermore, she had long been registered as a regular lecturer in several mosques in her area. Her role and involvement as a preacher for male worshipers also have never been an issue in question. However, in recent years, there have been attempts to limit her role as a preacher. For example, she was not allowed to use a loudspeaker, and had to speak behind a curtain when speaking in front of male worshipers. Furthermore, the emergence of women's role constraints is allegedly related to the shift in the management structure in several mosques in Makassar, where they were affiliated with certain Islamic organizations that apply more rigid restrictions regarding the role of women in the public sphere. So far, based on the data, there has not yet been a form of a strict ban on women in Makassar, but indications in that direction are very likely to occur in the future (Muhrisun 2019).

So far there is not enough data to explain the factors that cause women's roles as religious leaders in Makassar to be more questioned than their roles in other fields, including their role in the political sphere. However, this condition implies that religious authority among the people of Makassar is paramount. In this case, being a figure who has authority and theological legitimacy can be more important for the people of Makassar than a position as a leader who merely has political and territorial authority. In reality, the term Gurutta itself is not commonly given to female ulemas in South Sulawesi, regardless of the capacity and competence of the female ulama. As far as searching for researchers, there is only one female figure who is called Gurutta,

namely Siti Aminah Adnan from As'adiyah Islamic Boarding School. However, the Gurutta call to Siti Aminah Adnan itself, as explained by Halim (2015, 235), was only limited among her students not by the wider community (Muhrisun 2019).

Child Marriage and Interfaith Marriage

The ulama's conservative attitude on some of the issues above is parallel with their attitude related to other sharia issues in general, such as in family law issues. In Jakarta, for example, the case of underage marriage of a teenager named Alvin, the son of a famous preacher, Arifin Ilham, was supported by ulama. It shows their tendency not to accept modernity and changes in the interpretation of Islamic family law. For some ulama, further Alvin is seen as a role model that must be followed in order to avoid immorality and the application of sharia. They consider what Alvin did was far more beneficial than what other young men who put off marriage in immorality. Ustazah Oki Setiana Dewi, for example, gave Alvin appreciation and considered Alvin's marriage as an excellent example in the current era. Ustaz Arifin Ilham, Alvin's father, even assessed Alvin's marriage as a breakthrough in the era of adultery and was expected to be followed by other young men to avoid adultery. The same appreciation was given by Ustadh Yusuf Mansur, who considered Alvin's marriage was under Islamic law (Nurlaelawati 2019).

Interestingly, this view seems to be supported by justice enforcers. Judges tend to grant adolescent marriage dispensation requests like Alvin as a common reason for the application of marriage dispensation to be granted the conviction of the judges, who emphasize the avoidance of adultery by adolescents such as Alvin without considering the age of their maturity. In Alvin's case, the judges who examined the petition case believed that Alvin would not fall into immorality, but they are worried that it would tarnish his father's ulama status. Another reason in Alvin's case is that Alvin's future wife is a *mu'allaf* and there might be a possibility she would return to her original religion if her marriage to Alvin is not immediately held (Nurlaelawati 2019; Angga 2018).

The reason for the attempt to avoid adultery in granting a marriage license is indeed the reason most frequently cited by the judges. In many studies, dispensation applicants mostly present this reason. Another reason found in many requests for marriage dispensation is the reason for pregnancy as a result of adultery. In this case, the judges emphasized the importance of religious protection. Aspects that must be protected in the determination of sharia (*maqāshid al-syarīah*) should include other aspects of protection besides the protection against religion, such as life protection, in which such protection can be best achieved if underage marriage is not carried out since it has health risks.

The tendency of understanding and practice is realized by activists of children's rights and modern-thinking ulama and put their minds about the benefits in the long term, including women ulama who are embodied in the Indonesian Women's Ulema Congress (KUPI). Through the first international conference, KUPI examined the issue of underage marriage and put forward progressive views and recommendations for overcoming it. Nyai Badriyah Fayumi said that without abandoning the basis of Islamic law, she hoped that KUPI would be able to convince the government to make changes to the minimum age requirement for marriage, which despite the submission of requests for amendment through judicial review had not shown results.[9]

Related to the issue of interfaith marriages, the marriage law in Indonesia does not open a gap for the practice of interfaith marriages. The prohibition of interfaith marriages is further emphasized in Inpres No. 1/1991 on the Compilation of Islamic Law (KHI), which emphasized that it is unlawful for Muslims, both men, and women, to marry non-Muslims (Nurlaelawati 2010). Provisions for the prohibition of interfaith marriages were even reiterated by the fatwa of the Indonesian Ulama Council (MUI) issued in 2005. The basis on which to base the prohibition of marriage between Muslims and non-Muslims includes the theorem of the Surah Al-Baqarah (2): 221, Al-Mumtahanah (60): 10, and Al-Maidah (5): 5. The history that Umar bin Khattab decided to divorce his two wives because they were non-Muslims was seen as a firm basis for prohibiting interfaith marriages for Muslims (Ghazali 2012).

Regarding the prohibition of Muslims marrying non-Muslims themselves there are differences of opinion among fiqh ulama (Eid 2005, 46-7). Regarding QS. Al-Maidah (5): 5-6, some ulama argue that the prohibition of Muslims to marry non-Muslims applies only to women, but not to men. Men are allowed to marry non-Mulsim women (Eid, 2005: 46). The fact that QS. Al-Maidah (5): 5-6 came down later after Surah Al-Baqarah (2): 221 and Al-Mumtahanah (60): 10 were used as reasons by some ulama that the ban was no longer valid (Ghazali 2012).

In the Indonesian context, the absence of loopholes in the law in Indonesia for interfaith marriages has forced some interfaith couples to take several alternative paths. The usual step is the process of converting by one partner to legalize their marriage. Another step that is also often done is to get married in another country that accommodates interfaith marriages; then the couple records their marriages in Indonesia. Therefore there are strong indications that even though interfaith marriages are not formally permitted, they are still carried out by various alternative methods. Because in reality many couples convert to legalize their marriages administratively, but

9 Interview with Nyai Badriyah Fayumi, Pondok Gede, October 2019.

they do not convert because the conversion process is taken solely as an alternative strategy to avoid administrative obstacles to their marriage (Afandi 2015).

This research does not specifically highlight interfaith marriages in Indonesia. However, the issue of the practice of interfaith marriages was mentioned during the interview with ulama in various regions. In general, ulama involved in this research forbid interfaith marriages. However, there are some differences in their perceptions about the practice of interfaith marriages. One of the ulama in Makassar, SA (male), saw the practice of interfaith marriages as part of a conspiracy theory of apostasy among Muslims. He understands that the practice is part of the preaching of non-Muslims, in addition to other ways that are commonly found, such as giving donations, health assistance (Muhrisun 2019). He further revealed that interfaith marriages are rife in the current era and occur not only among artists as exposed in the media. According to him, interfaith marriages among artists can be easily identified because they are reported in the media. In reality, as is believed by SA ulama, the practice of interfaith marriages is also prevalent among the general public.

The results show that in some areas in which Muslims are a minority population, such as in Kupang, the practice of interfaith marriages is actually common and widely practiced, especially in some districts which are seen as pockets of the Muslim population in East Nusa Tenggara, namely Flores, Alor and Ende (Hutagalung 2016). The scholars in Kupang themselves are of the same view as most scholars in Indonesia who view interfaith marriages for Muslims as haram. Furthermore, some scholars even view Muslims who marry non-Muslims as practicing adultery because their marriage is illegitimate (Hutagalung 2016, 64; Ro'fah 2019).

It is undeniable that many issues and problems are recorded among married couples of different religions in Kupang, one of which is triggered by the couple's disagreement regarding the religion of their children. However, one of the fascinating things related to the practice of interfaith marriages among Muslims in Kupang that may not be found in other regions is the fact that tolerance and influential kinship factors are essential pillars for the resilience of married couples of different religions. In Ro'fah's research (2019), the practice of conversion has always existed in the practice of interfaith marriages in Kupang, because of administrative demands as explained above. However, the data shows that the conversion carried out by different religious couples in Kupang, both Muslim and Christian, does not seem to damage the kinship and kinship relations on both sides. Furthermore, this can be understood as a form of tolerance that is built not because of faith or ideology but the element of kinship (Ro'fah 2019).

Morality, Culture, and Women's Private Parts

The way of some ulama's views on the status of women is influenced by bias view that the position of women must be below men, and women are the source of the nation's destruction. Some ulama think that women with their private parts are a source of disobedience, and therefore they must cover their bodies properly. The use of the veil, or even the hijab, is a way for women to try to resist disobedience. This situation is the reason the ulama group strongly opposes the actions and policies to ban the use of the hijab in several educational institutions as is the polemic occurred over the policy of prohibiting the use of hijab that was once issued by the State Islamic University (UIN) Sunan Kalijaga Yogyakarta.

A guest speaker, for example, said that the act of prohibiting the hijab at UIN Sunan Kalijaga should be brought into the realm of law because, for him, it had deviated from the Islamic Sharia and restricted Muslim freedom to practice its teachings and beliefs. In his view, this action was an odd and difficult one to accept. He questioned the attitude of university leaders who questioned the use of the hijab by female students, while they let other female students wear minimal clothing. For him, this indicates the impartiality of educational institutions and the government over the practice of sharia (Nurlaelawati 2019). However, the results of this research indicate that the majority of ulama have a reasonably moderate view regarding the issue of head covering. Although they consider that hair is considered as aurat (private parts) and must be covered, these ulama consider that wearing a hijab in accordance with fashion and condition is considered relevant. For them, the use of the veil is an excessive attitude in understanding the provisions of genital closure.

The use of hijab is also an interesting issue in Bali. However, if in other areas, such as Jakarta and Yogyakarta, the issue that is being debated is the use of hijab that extends to face covering, in Bali the issue is more related to the culture of using traditional Balinese clothing. According to Suhadi (2019), the strengthening of the Balinese Ajeg movement which had entered into the political sphere and became a local cultural policy, in turn, demanded Muslims in Bali to negotiate with the situation. An example of a cultural policy that is clearly seen in Bali is the issuance of Governor Regulation No. 79 of 2018 concerning "Day of Use of Balinese Traditional Clothing." The Governor Regulation stipulates that on Thursday and certain days (full moon, *tilem*, and the anniversary of Bali province) all employees in government institutions, teachers, education personnel and students are required to use traditional Balinese attire. Suhadi revealed (2019), the purpose of the Balinese traditional dress policy was to "recognize

the aesthetic, ethical, moral, and spiritual values embodied in Balinese culture" (Article 3c). Quoted Suhadi, the Pergub also regulates in detail the provisions on the use of traditional Balinese clothing for both men and women, in which men wear headgear "*destar* (*udeng*)" and women are allowed to leave their hair open with "a neat hairdo" (Article 4).

Some ulama in Bali has a moderate view related to the provisions of traditional clothing set out in the Governor's Regulation. They understand that the policy was made to maintain the Balinese religion, culture, and language amid the onslaught of globalization through tourist flows and at the same time also become a bastion against the flow of Muslim immigrants that are increasingly striking in Bali (Suhadi 2019). However, the regulation text related to traditional Balinese attire opens a space for respect for the non-Hindu Balinese minority, although it is less explicit. In Suhadi's notes, article 8 of the Governor's Regulation contains rules on exceptions intended for workers who are freed from the obligations of traditional Balinese clothing for "religious reasons."

Several informants of this research are aware of the existence of the Regulation of the Governor of Balinese and Muslims know that the regulation is part of cultural politics that favor the dominant culture of Hinduism; they accept it but continue their negotiation efforts. It should be noted that at the time of this research, the Governor's Regulation had just been issued by the government and was a subject of discussion among education practitioners in Islamic educational institutions. Based on their presentation, male students followed the provisions of the Governor's Regulation, while female students used the kebaya (top) and kamen (bottom), while still wearing the hijab (headgear). Responding to things like this, an informant explained about what he considered to be a principle in Islam that "clothing is not an act of worship," and there are no provisions regarding its form in detail. For him and other ulama, women must cover their nakedness or wear headscarves, and of course by following government policy. The conclusion is that for them, the tolerance of Muslims to use Balinese (Hindu) traditional clothing is part of their survival strategy amid the dominant culture and the resurgence of Bali's steady identity politics.

Islamic Law Discourse in New Media

The role of the media becomes a matter of concern regarding the strengthening of conservatism and radicalism in Indonesia. Indonesia and the rest of the world, in general, use media in most aspects of life, including in the discourse of religious life. The insistence of Islamism that is carried out by conservatives and radicals, for example, is often triggered by the rampant and rapid information related to morality and the nation's problems. When compared with cases in other cities,

the active role of the media is changing the patterns, and religious views, and it is mostly seen in Jakarta. The results of interviews with three ulama informants in Jakarta, for example, are clearly illustrated that the media influenced their perspectives regarding nationality. They, for example, say that information about terror events through the media in several countries and places that corner Islam makes it necessary for them to clarify that terrorism is not Islamic teaching and it is impossible for Muslims to do that. For that, they then agreed on conspiracy theories developed to defend Islam. Television, internet, and other media are essential for da'wah and understanding that Islam is being cornered. It prompted the ulama to offer radical-sounding views regarding Muslim relations with non-Muslims often. Thus, some studies reveal that the media plays a useful role in transforming Muslims into radicals and in the transfer of ideas of religious radicalism. Winarni, for example, mentions that:

Basically, Indonesia is a moderate Islamic country and it is difficult for radicalism to develop in this country. But that does not mean Indonesia is not spared as a target for them, especially the younger generation. Whatever it is, the mass media has moral and social responsibility towards the public, although on the other hand the news does benefit these movements as a form of free propaganda (Winarni 2014).

The following note is similar to what was expressed by Fealy:

The importance of the internet as a tool for the transmission and dissemination of ideas is especially strong among Indonesian Salafi groups. Apart from their typical social conservatism, Salafi groups use the internet because the media offers the opportunity to create a generic (deculturated) Islamic identity by giving birth to the sites of www.salafi.net (Fealy 2008).

Regarding this matter, it is no exaggeration to conclude that the face of Islamic law in the present and the future will also be determined by the dynamics and development of the media, especially to how the ulama have responded and used it. Thus, our previous research about the observation of Islamic law and the role of the ulama have emphasized this. Observing the contents of religious lectures that often touch the issue of Islamic law, our research on Islamic family law and its socialization through the media by lecturers revealed that lecturers tend to refer to conservative *fiqh* views. They also do not refer to Islamic family law provided and initiated by the state, although in some cases their views are in line with the provisions made by the state. Mamah Dedeh, a famous female preacher who often appears on television screens, for example, often only mentions that specific issues are regulated without any explanation of the term Islamic law used i.e., which Islamic law is being referred to.

Interestingly, religious views that are often not in line with state regulations can also be seen and observed in television programs,

such as drama, film, and others. The film titled *'Talak Tiga*,' (Triple Divorce) for example, in one of its scenes, displays *Talak* (the demand of divorce) that a husband dropped on his wife who demanded it three times at once and was then authorized by the judge by tapping his hammer at the trial of the Religious Court. This scene and dialogue are not in line with the state-style divorce law, which does not recognize divorce as well as the three times-demand for divorce.

Conclusion

From the discussion above, several things need to be underlined. First, there is a strong tendency among ulama to formalize Sharia in almost all regions in Indonesia. This tendency is strongly influenced by transnational thought and movement and not by the dynamics of thought in the local context. The style of Islamic law whose formalization is supported by the state is Islamic law which tends to be conservative, strongly emphasizing the interests of religious protection. The debate related to changes in some provisions of Islamic law on family law and criminal law issues reinforces this matter. Islamic law accommodated by the state strictly regulates the practice of underage marriages, but in reality, the ulama can stick to their beliefs that are different from state provisions. They understand that underage marriages can and should even be permitted in order to protect couples from acts that violate religious morality.

Secondly, the patterns and forms of thinking of the ulama regarding Islamic legal issues are not as relevant to the categorization of the ulama based on the background of social, political, and religious affiliation as was done by most previous studies — the influence of transnational thinking more influences the patterns that emerge. Thus, the barriers and features of Islamic law in all groups of ulama from various backgrounds related to Islamic law are no longer visible. The influence of this national thinking synergizes with the political element, which then gives a powerful influence in the debate on Islamic law in Indonesia today.

Third, the influence of transnational and political thought on Islamic law in some regions such as Jakarta. They are supported by the media and also used by the ulama to socialize their understanding and views. The ulama, considered as religious experts in all fields, often conveys their legal views which are often not based on a comprehensive understanding of the provisions of state law or their understanding of the diversity of views of the ulama in *fiqh*. With the trend of increasingly widespread use of media among ulama (while their understanding of Islamic law tends to be conservative), the face of Islamic law in Indonesia in the future is predicted to be more dominated by conservative Islamic legal design. Thus, media enthusiasts absorbed the content without going through critical discussion and in-depth study.

Bibliography

Asad, Talal. 2001. *Rethinking about Secularism and Law in Egypt*. Leiden: ISIM.

Ali, Muhammad. 2011. "Muslim Diversity: Islam and Local Tradition in Java and Sulawesi, Indonesia." *Indonesian Journal of Islam and Muslim Societies* 1 (1): 1-35.

Bolland, B.J. 1970. *The Struggle of Islam in Modern Indonesia*. Leiden: KITLV.

Bakri, Hasbullah. 1983. "Lima Dalil Indonesia Bisa Disebut Negara Islam Non-Konstitutional." *Panji Masyarakat* 439 (August): 29-31.

Buehler, M. 2008. "The Rise of Shari'a By-laws in Indonesian Districts: An Indication for Changing Patterns of Power Accumulation and Political Corruption." *South East Asia Research* 16 (2): 255–285.

Bush, Robin. 2008. "Regional Sharia Regulations in Indonesia: Anomaly or Symtom?" dalam *Expressing Islam: Religious Life and Politics in Indonesia*, edited by Greg Fealy dan Sally White, 174-191. Singapore: ISEAS.

Bruinessen, Martin van. 2013. *Contemporary Developments in Indonesian Islam: Explaining the 'Conservative Turn'*. Singapore: Institute of Southeast Asian Studies.

Eid, T. Y. 2005. "Marriage, Divorce, and Child Custody as Experienced by American Muslim: Religious, Social, and Legal Considerations". *Disertasi*. Cambridge, Massachusetts: Harvard University.

Effendy, Bahtiar. 2011. *Islam dan Negara: Transformasi Gagasan dan Praktik Politik Islam di Indonesia*. Jakarta: Democracy Project, Yayasan Abad Demokrasi.

Efendi, David. 2014. *Politik Elite Muhammadiyah: Studi Tentang Fragmentasi Elite Muhammadiyah*. Jakarta: Reviva Cendekia.

Ghazali, A. M. 2012. *Hukum Nikah Beda Agama*. Retrieved 24 April 2013, from Jaringan Islam Liberal http://www.Islamlib.com/?site=1&aid=1743&cat=content &title=kolom

Hasan, Noorhaidi, 2012. "Piety, Politics and Post-Islamism: *Dhikr Akbar* in Indonesia." *Al Jamiah Journal* 50 (2): 376-378.

——— & Aijudin, Anas. 2019. "Islam dan Kekuasaan: Menakar Pandangan Ulama Surakarta terhadap Negara- Bangsa." dalam *Ulama Politik, dan Narasi Kebangsaan: Fragmentasi Otoritas Keagamaan di Kota-kota Indonesia*, diedit oleh Ibnu Burdah, Najib Kailani, & Munirul Ikhwan, 3-34. Yogyakarta: Pusat Pengkajian Islam Demokrasi dan Perdamaian (PusPIDeP).

Halim, Wahyuddin. 2015. "As'adiyah Traditions: The Construction and Reproduction of Religious Authority in Contemporary South Sulawesi." *Disertasi*. Canberra: The Australian National University.

Hutagalung, S.A. 2016. "Muslim-Christian Relations in Kupang: Negotiating Space and Maintaining Peace." *The Asia Pacific Journal of Anthropology* 17 (5): 439-459.

Ichwan, Moch Nur. 2003. "The Seven-word Controversy." *IIAS Newsletter* 30: 23-24.

———. 2013. 'Towards a Puritanical Moderate Islam: The Majelis Ulama Indonesia and the Politics of Religious Orthodoxy', dalam *Contemporary Developments in Indonesian Islam: Explaining the 'Conservative Turn'*, diedit oleh Martin van Bruinessen. Singapore: Institute of Southeast Asian Studies.

———. 2019. "Ulama, Negara-Bangsa, dan Etnonasionalisme Religious: Kasus banda Aceh," dalam *Ulama Polittik, dan Narasi Kebangsaan: Fragmentasi Otoritas Keagamaan di Kota-kota Indonesia*, diedit oleh Ibnu Burdah, Najib Kailani, & Munirul Ikhwan. Yogyakarta: PusPIDep.

Khan, Shehr Banu A.L. 2017. *Sovereign Women in a Muslim Kingdom: The Sultanahs of Aceh, 1641-1699*. Singapore: NUS Press.

Kailani, Najib. 2018. "Preachers-cum-Trainers: The Promoters of Market Islam in Urban Indonesia." dalam *Islam in Southeast Asia: Negotiatting Modernit*y, edited by Norshahril Saat. Singapore: ISEAS.

———. 2019. "Ulama dan Narasi Politik Perbedaan: Minoritas, Etnisitas, dan Kewargaan di Palangkaraya." dalam *Ulama Politik, dan Narasi Kebangsaan: Fragmentasi Otoritas Keagamaan di Kota-kota Indonesia,* edited by Ibnu Burdah, Najib Kailani, & Munirul Ikhwan. Yogyakarta: PusPIDeP.

Mir-Hosseini, Ziba. 2000. *Marriage on Trial.* London: Tauris. Muhrisun. 2015. "Apostasy as Grounds in Divorce Cases and

Child Custody Disputes in Indonesia*."* dalam *Indonesia*

and German Views on tthe Islamic Legal Discourse on Gender and Civil Rights, edited by Noorhaidi Hasan & Fritz Schulze. Wiesbaden: Harrasowitz Verlag.

———. 2019. "Gurutta dan Kontestasi Otoritas Keagamaan di Makassar." dalam *Ulama Politik, dan Narasi Kebangsaan: Fragmentasi Otoritas Keagamaan di Kota- kota Indonesia*, diedit oleh Ibnu Burdah, Najib Kailani, & Munirul Ikhwan, 135-164. Yogyakarta: PusPIDeP.

Mujiburrahman. 2006. *Feeling Threatened: Muslim-Christian Relations in Indonesia's New Order*. Amsterdam: Amsterdam University Press.

———. 2008. "State Policies on Religious Diversity in Indonesia."

Al-Jami'ah 46 (1).

Nurlaelawati, Euis. 2000. *Modernization, Tradition and Identity: The*