

UNQUESTIONED GENDER LENS IN CONTEMPORARY INDONESIAN SHARĪ'A- ORDINANCES (*PERDA SYARI'AH*)*

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Abstract

Indonesian Muslim participation in the democratic arena is now contested with the arrival of the decentralization process in 423 districts since 1992. The most notable movement is the quest for Islamic identity in the rejuvenation of Shari'ah Ordinances which is interpreted symbolically and transscripturally. These ordinances have unrecognized the importance of gender lens in its practice. Until the end of 2007 no less than 63 districts have ratified Perda Syari'ah. In general, these ordinances designed to govern three aspects of public life, namely (1) to eradicate social crimes especially prostitutions and gambling; (2) to enforce ritual observances among Muslims such as reading the Qur'an, Friday congregations and fasting during Ramadhan; and (3) to govern the way people dress up in public sphere—especially the head-veiling for women. Although Islam is the religion of the majority there are also non-Muslim among Indonesian and institutionally Indonesia is not an Islamic state, therefore the ratification of Perda Syari'ah betrayed national consensus agreed upon by the founding fathers of the republic.

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Not all Muslim agree to the laws as they only represent one among many interpretations (schools) in Islam. These laws are merely political projects, rather than religious, in term that they deal more with intangible issues such as morality and preserving culture instead of solving real social problems such as poverty, unemployment, corruption etc. In many cases, the previous laws merely busy governing of how women shall behave and dress in the public. Within these laws, Muslim women become an easy target of the responsibility of the nation morality. Men have hijacked the religion to gain political power in the ratification of *Perda Syari'ah* by shouldering a double burden to women's bodies. The mores of feudal traditional women segregation is activated into *Perda Syari'ah*. Women are segregated from the public by the clothes they have to wear as well as banned from the public space after 22.00 pm. This paper will address the previous dilemma that has produced significant fissures among social enclaves in Indonesia. Special focus will be given to the objection raised by women's activists who criticized that the formal legal material of *Perda Syari'ah* as being gender insensitive and un-justice.

A. Democracy, Yes. Gender, Not Yet

Until quite recently, few studies on Islam in Southeast Asia had been done either by international Islamic scholars or Southeast Asian scholars. Robert Hefner describes this situation as double marginalization of Southeast Asian Islam in international Islamic studies and Southeast Asian studies. For the former, it was because historically Southeast Asian region was among the latest to join the caravan of Islamic civilization. Consequently scholars inclined to chose the older, as it assumed to be more authentic, cultures and traditions of the Middle East region. While for the latter, scholars of Southeast Asian studies had sensed that Islamic culture was just an outer veneer of the more real characteristics of Southeast Asian society.¹ That was an unfortunate

¹ Robert Heffner and Patricia Horvatic (ed.), *Islam in an Era of Nation-States: Politics and Religious Renewal in Muslim Southeast Asia*, New York: Amazon, 1997.

situation since in fact Muslim constitutes a considerable portion of Southeast Asian population. This means that Muslim political dynamics will be very influential to the region.

Recent developments, however, have brought Southeast Asia Muslim into the spotlight of international media and scholarships. On the one hand, some indications of democratic consolidation, especially two successful elections in Indonesia during which Muslims played a pivotal role, have led observers and analysts to refer Indonesia as an empirical example of a democratic Muslim country.² In a closer observation Muslim’s capability in exercising democracy is not only at procedural level, but also down to the basic elements of democracy such as pluralistic ideology³, civil society⁴ and social capital⁵. And in fact, Indonesian Muslim has long history in developing democracy.⁶ On the other hand, several violent acts carried out by Muslim extremists have invited others to warn that Indonesia, and Southeast Asia in general, is a potential hotbed for global terrorism.⁷ Some report indicates the increasing trend of using Islamic languages and symbols to legitimize violent acts. For several years Muslim hardliners had waged *Jihad* war against Christians in Indonesian cities of Ambon and Poso which caused thousands of casualties. Several bomb attacks were launched especially toward Christians and western targets, including two bomb attacks at Indonesian famous tourist island of Bali, in 2002 and 2005, and similar attacks on J.W Marriot Hotel and Australian Embassy in Jakarta. Although the phenomena of these terrorist attacks were very much complicated, combining religious extremism military and

² Jimmy Carter, “Indonesian Voting: Surprise: Muslim Majority, Fair Election,” in *International Herald Tribune*, July 6, 2004.

³ Douglas E. Ramage, *Politics in Indonesia*, London: Routledge, 1996.

⁴ Robin Bush, *Islam and Civil Society in Indonesia: The Case of Nahdlatul Ulama*, PhD Dissertation, University of Washington, 2002.

⁵ Saiful Mujani, “Religious Democrats: Democratic Culture and Muslim Political Participation in Post-Suharto Indonesia”, Unpublished PhD dissertation, The Ohio State University, 2003.

⁶ Robert Heffner, *Civil Islam, Muslim and Democratization in Indonesia*, Princeton: Princeton University Press, 2000.

⁷ Zachary Abuza, *Militant Islam in Southeast Asia*, Bouden: Reyna, 2003.

international interests⁸, they had done damages to Muslim community, at least, in two things. Externally, these frequent terrors may give wrong impression to international media regarding the scope of these extremist groups which in fact is very tiny; and internally among Muslim they gave very bad examples, especially for youngsters, that violence can become an option to negotiate their interests.

The double face of recent development in Southeast Asian Muslim seems to re-accentuate the lasting debates concerning Islam's compatibility with democracy. The debate itself emerged to the surface of international political discussion when Muslim countries apparently defy the global trend of democratization. While the global tendency has been the massive democratization process in post Cold War period, this has not been the case in the Islamic world. According to the Freedom House Index of Political Rights, in the last three decades there has been increasing number of democratized countries from 40 countries (25%) in 1975 to 89 countries (46%), whereas in the Muslim world up to 2006 only 3 countries (7%) are qualified as fully free, 20 countries (43%) are partly free and the rest of 23 countries (50%) are still fully not free.⁹

Confronted with such facts, scholars vary in their conclusions about why Muslim lands seem infertile for democracy. On the one hand, a number of experts consider the democracy's infertility in Muslim countries was directly caused by the structure of Islamic religion and culture. In short, although they have different details in what way is it so, these scholars believed that basically Islam is incompatible with democratic values and practices. At least three reasons have been made of why Islam is incompatible with democracy. *First*, Islam is all inclusive religion which regulates all aspects of life of its followers. It knows no line between religion and other aspects of human life and it seems impossible for Muslim community to develop any system, institution or mechanism for their life outside their religious boundary. There is no secularization in Islam in term of separation of politics

⁸ Sidney Jones, "Al-Qaeda in Southeast Asia: the Case of the "Ngruki Network" in Indonesia," in *ICG Indonesia Briefing*, 8 August 2002.

⁹ Freedom House, <http://www.freedomhouse.org>, 2006.

from religion. It means that in Islam political life is governed by religious dogma which gives only limited space for rationality and other human creativities. Islamic political culture, therefore, is very unlikely to nurture democracy.¹⁰

Second, the absent of secularisation process in Islamic communities prevents the emergence of two basics institutions essential for democracy, i.e. nation-state and civil society. Muslim political identity is built upon a universal concept of *Ummah*, which divide the world into two irreconcilable realms: *Dār al-Islām* or the abode of Islam and *Dār al-Ḥarb* or the abode of war. The notion of universal Muslim community is incompatible with concept of nation-state, which is very fundamental for modern democratic practice.¹¹ Moreover, the inclusion of religion over other communal spheres have made impossible for any civil society to emerge among Muslim communities, because civil society required equal civic interactions, whereas religious character of Islamic culture has made it cliental and hierarchical.¹² *Third*, the long history of confrontation between Islamic world and western world, from the crusades down to the history of colonialisms brought a specific anti-western tendency in Islamic culture. This sentiment has become even stronger after the abolishment of the last Islamic Caliphate and it's impotence in the face of western modern development.¹³ Anti-Western sentiments, furthermore, have made Muslim tend to reject any products of western culture including democracy.¹⁴

On the other hand some scholars proposing different analyses to the Muslim democratic underdevelopment. There are two main

¹⁰ Bernard Lewis, *What Went Wrong? Western Impact and Middle Eastern Response*, Oxford: Oxford University Press, 2002.

¹¹ Juan J. Linz and Alfred Stephan, *Problems of Democratic Transitions and Consolidation: Southern Europe, South America, and Post-Communist Europe*, Baltimore: John Hopkins University Press, 1996.

¹² Ernst Gellner, *Conditions of Liberty: Civil Society and Its Rivals*, London: Hamish Hamilton, 1994.

¹³ Bernard Lewis, *What Went Wrong?*

¹⁴ Samuel Huntington, *The Clash of Civilizations and the Making of World Order*, New York: Simon & Schuster, 1997.

different arguments. *Firstly*, some scholars argue that Muslim countries are not unique in their democratic underdevelopment. This means that anti-democracy sentiment are not found exclusively among Muslims and therefore should not be referred to Islam as its cause but to other factors such as social and political economy, geo-politics and international factors.¹⁵ *Secondly*, other scholars even argue furthermore that basically there are democratic values in Islamic religion, such as the principle of *shūra* or consultation and *ijmāʿ* or consensus.¹⁶ The previous thesis supports inclusively the idea of Muslim participation in the democratic arena which the state as system provides.

Indonesian Muslim participation in the democratic arena is now contested with the arrival of the decentralization process in 423 districts since 1992. The most notable movement is the quest for Islamic identity in the rejuvenation of *Shariʿah* Law which interpreted symbolically and transcripturally. This law has unrecognized the importance of gender questions in its practice. One aspect of the process of Islamization of Law, popularly known as the formalization of *Shariʿah* in Indonesia, that raised deep concerns among domestic as well as international communities, is the ratification of *Shariʿah* District Ordinances inspired by Islamic teachings (known as *Perda Syariʿah* which stands for *Peraturan Daerah Syariʿah*). Until the end of 2007 no less than 63 districts have ratified *Perda Syariʿah*. In general, these *Shariʿah* Laws designed to govern three aspects of public life, namely (1) to eradicate social crimes especially prostitutions and gambling; (2) to enforce ritual observances among Muslims such as reading the Qurʿan, Friday congregations and fasting during Ramadhan; and (3) to govern the way people dress up in public sphere—especially the head-veiling for women. These laws are controversial. The pros argue that these laws are legitimate in term that it give the people social/communal securities which the state unable to provide; and due to the fact that

¹⁵ Moataz Bellah Mohammed Abdel Fatah, “Islam and Democracy: An Empirical Examination of Muslim’s Political Culture,” unpublished PhD dissertation, Western Michigan University, 2004; and Mujani, “Religious Democrats”.

¹⁶ Ahmad S. Moussalli, *The Islamic Quest for Democracy, Pluralism, and Human Rights*, Gainesville, FL: University Press of Florida; and John L. Esposito and Azzam Tamimi, *Islam and Secularism in the Middle East*, London: Hurst and Company, 2000.

Muslim is the religion and cultural system of majority it is very logical to take Islam as a common moral umbrella. Meanwhile the cons contend that although Islam is the religion of the majority there are also non-Muslim among Indonesian and institutionally Indonesia is not an Islamic state, therefore the ratification of *Perda Syari'ah* betrayed national consensus agreed upon by the founding fathers of the republic.

Not all Muslim are agree to the laws because they only represent one among many interpretations (schools) in Islam. They argue that the laws are political projects, rather than religious, in term that they deal more with intangible issues such as morality and preserving culture instead of solving real social problems such as poverty, unemployment, corruption etc. From the broader perspective *Perda Syari'ah* controversy is far from black and white. There are truths in the arguments of both pros and cons. Firstly, as the majority Muslim deserves all the rights to express their identity according to their religion and cultural system. Secondly, that the state in many ways is unable to provide social security to the people. Thirdly, that people from other religions deserve equally all their rights to chose their own religious and cultural identities. One notable backlash that produced by Muslim quest for identity is the unquestioned issues dealing with gender equality.

In many cases, the previous laws merely busy governing of how women shall behave and dress in the public. Within these laws, Muslim women become an easy target of the responsibility of the nation morality. Men have hijacked the religion to gain political power in the ratification of *Perda Syari'ah* by shouldering a double burden to women. The mores of feudal traditional women segregation is activated by *Perda Syari'ah*. Women are segregated from the public by the clothes they have to wear as well as banned from the public space after 22.00 pm. This paper will address the previous dilemma that has produced significant fissures among social enclaves in Indonesia. Special focus will be given to the objection raised by women's activists who criticized that the formal legal material of *Perda Syari'ah* as being gender insensitive and unjustice.

B. Situating Women's Resistance

After the fall of Suharto and the economic crisis in 1998, Indonesia has experienced a great transition, one notable progress is from the centralistic perspective of the state regulation to the process of decentralization which had began in 1992 under his reign. It was famous that during the Suharto's reign, both of the Islamic political aspiration, which is simply called as "the right wing", as well as the communist political aspiration, which is simply called as "the left wing", had been suppressed and blocked. The euphoria of the Suharto's toppling down was then followed by the aspiration voiced by the Islamic political movement which is manifested in the decentralization process. Several strong Muslim enclaves such as Aceh, Padang-West Sumatera, Banten, Cianjur, Tangerang, Jombang, Bulukumba—South Sulawesi, Sumbawa have inaugurated their Islamic political aspiration through the ratification of *Peraturan Daerah Syari'ah*, shortly called as *Perda Syari'ah*. The ratification of *Perda* (*Peraturan Daerah*/District Regulation) is based on Law No 10 Year 2004 about Formulation of Laws and Law No 32 Year 2004 about District Government.

The previous Laws are used by the District Government as the basis foundation for drafting and ratifying the district laws. The freedom which is offered to the many districts in Indonesia has resulted in a non-centralistic approach in regulating and executing the many tasks Indonesia has to tackle with. This is a good starting point. This good news, however, is not followed by a more gendered perspective in drafting the regional and district laws which has been socialized at the national level by the State Ministry for Women Empowerment. The gender-mainstreaming strategy is disseminated by minor actors, mostly led by women-NGO in which apparent support from the government is very low. The decentralization process is also becoming apparent perils for Indonesian women. The budget for reproduction health is being cut and the amount is far less than the previous centralistic government. Besides that, the freedom that is offered by this process has led into the objectification of women's entity in the ratification of several district regulations.

After the fall of Soeharto and the 1998 economic crisis, the Indonesian perception on gender construction was in great shift as

well, the spectrum is ranged from the patriarchal perspective into a more liberating one. Women's body is then contested in the political arena. Quite recently this year, RUU APP (draft bill on anti-pornography law) is rejected by many urban-based women NGO. Their rejection is due to the patriarchal perspective in formulating the bill. Within the bill, women's bodies are described as sources of temptation and they should be regulated. The beholders and spectators of pornography are left un-regulated. While many urban Islamist women organizations railed on the street to support the bill, the urban-based modern women NGO opposed to the bill. The previous clash and fissures among Indonesian women has shown that there is a different gender construction perceived by related groups. Both of the groups voice to protect women's body in a different expression. The first group conception of womanhood is mainly dominated by the saying of the scripture without critically re-reading the patriarchal construction of the interpretation of the holy texts. The second sees that the grand narratives should be revisited and renewed to suit the historical context where it lives. Gendered political movements are in rise with the arrival of RUU APP and *Perda Syari'ah*. This progressive gendered movements which mostly led by urban-based NGO, specifically in Jakarta, sees that Indonesian women are now well-educated and well-informed of the rights that they have in the contractual relationship with the state. They said that women's agency in front of the state should also be used to promote gender mainstreaming strategy. Women's individual agency are further claimed to fight for their rights. The minor number of Jakarta-based women's NGOs, however, could not cope with the pace of the decentralization process.

The drafting and the ratification of the several district ordinances have been supervised closely by many Jakarta-based women NGOs such as Komnas Perempuan which specialized in the regulations drafting and ratification and Yayasan Jurnal Perempuan which specialized in monitoring the district budget on women's needs based on gender-mainstreaming perspective. Many women NGOs are calling for support to proceed the judicial review of several *Perda Syari'ah*, which, in their perspectives, erode and discriminate women's rights.

There are, however, merely four district regulations which undeniably support women's rights. National Commission on Violence against Women (KOMNAS Perempuan) has reported the following four regulations. *First*, Regulations by Desa Sido Urip, Kecamatan Kota Argamakmur, Kabupaten Bengkulu Utara No. 1 / 2005 Protection of Law to the Victims of Violence. The regulations are summarized as follows: women victims who are deterred their rights with violence will be protected, advocated and supported by the government. *Second*, Regulations or SK Kepala Desa Sido Urip No. 2 /2005, which are summarized as follows: the victims of violence have rights to contact local leaders if they face rights' abuse and the local leaders should protect the victims. *Third*, Regulations or Peraturan Daerah Propinsi Jawa Timur No. 9/2005 about the protection on Women and Children as victims of violence. *Fourth*, Regulations or Peraturan Daerah Kabupaten Sumbawa No. 11/2003 about the protection of migrant women workers. The state has an obligation to provide them with protection of law. Sumbawa is well known for the first and biggest stock of migrant women workers who are being transferred to Malaysia, Hongkong, Saudi Arabia, and Middle East countries.

The previous four district regulations could not contend the life of Indonesian women as a whole. The raising of Islamic scripturalism in many Muslim enclaves have produced and legalized *Shari'ah* Laws that merely busy in regulating women. KOMNAS Perempuan has reported around forty eight regulations which are inspired by literal-scriptural interpretation of the holy texts, Quran-Hadith.¹⁷ These regulations are mainly (1) regulate of how women shall dress up and (2) behave in the public including the banning of women to enter into the public space after 22.00 pm. For example, Regulation Kabupaten Bulukumba (South Sulawesi) No 04/2003 about Muslimah uniform (which covers what they call *awrāt*, that is all parts of body which is forbidden to be seen in the public except face and palm of the hand). The state obligate women civil servants to wear only one kind of

¹⁷ For the list of District Regulations which violate women's rights and the existence of Pancasila and UUD 1945, see ADDENDUM.

uniform which limit the freedom of women to express their civil liberty. This will endanger their job if they refuse to abide the rule. This law is followed and copy-pasted into another eight laws such as (1) Regulation Kabupaten Enrekang (South Sulawesi) No 6/2005 about Muslimah uniform; (2) Policy Letters from Bupati Cianjur No 025/3643/Org and No 061.2/2896/Org about the obligation for all civil servants to wear Muslim/ah uniform during the weekdays; (3) Regulation District Solok (West Sumatera) No 6/2002 about the obligation to wear Muslimah dress; (4) Walikota Padang Instruction (West Sumatera) No 0451.442/Binsos-III/2005 about the obligation to wear Muslimah dress; (5) Regulation Kabupaten Maros (South Sulawesi) No. 15, 16, 17/2005 about Quranic illiteracy, Muslim/mah dress and zakat management; (6) Policy Letters Bupati Garut about Muslimah uniform for all women civil servants; (7) Kabupaten Gowa regulation which obliges all civil servants to wear *jilbab* and study Islamic teaching; (8) District Regulation Takalar (South Sulawesi) about Muslimah dress; Policy Letters Bupati Indramayu about the obligation of Muslimah dress and Quranic literacy. The previous nine laws obligate all women to wear Muslimah dress which reveal only the face and palm of the hand which is obviously inspired by a literal interpretation of the Quran-Hadith of the so-called “aurat” of women. Muslim women, within this law, shall responsible for the morality of the nation.

Besides giving the absolute responsibility of morality to women, the local government has sucked the sweat of the migrant women workers as well. KOMNAS Perempuan has reported the following three regulations: (1) District Regulation East Java No 2/2004 about regulating the income of migrant women workers with obligatory retribution to the local government. Instead of protecting women’s rights, these laws only regulate how to get profit from migrant women’s workers aboard. (2) Regulation Kabupaten Cianjur No 15/2002 about migrant women workers which not focusing on protecting their rights, instead of allocating and managing women’s workers income; (3) Regulation Kabupaten Kerawang No 22/2001 about retribution to the service given to migrant women’s workers. Women are only seen as commodity before this regulation.

After women's dress and migrant workers' income are regulated, women are banned from the public sphere from 22.00 pm as well. The limitation of women's access to economic activities at night after 22.00 pm in several district regulations is criticized as violating women workers' rights such as (1) District Regulation Sumatera Barat No 11 Tahun 2001 about reducing and eradicating social illness; (2) Regulation Kota Gresik No 7 Tahun 2002 about banning the prostitution; (3) and Regulation District Tangerang No 8 Tahun 2005 about banning prostitution.¹⁸ This will be followed by Jombang district in East Java. The banning of women from the public with the previous laws solely deteriorates women's life in Indonesia more and more.

A total of 63 of the 423 regencies and municipalities in Indonesia have now enacted *Shari'ah*-based ordinances. In a country where patriarchal textual interpretation is often justified, these ordinances discriminate against women, especially regarding their access to the public space and mode of dressing. Under the ordinances, women cannot enter the public space after 22.00 p.m. This obligation, which takes as its point of departure the socio-cultural construction that men are the breadwinners of the family, denies women their economic rights. Women vendors, who dominate most of the traditional markets in Indonesia, frequently start their work at 3 a.m., when most people are still asleep. Instead of taking into account the social fact that women played significant roles in work in the public space, the propagators of the ordinances seek to confine women to the home. Indonesian women and men have worked together to make a living since time immemorial. From the social point of view, both are equal and the dream of gender equality is actually coming true with the expansion of women's education.

On the ordinances governing dress, women have to wear the jilbab (Muslim headscarf). It is true that after the fall of Soeharto, wearing the jilbab represented a form of expression of freedom against the restrictions imposed by Soeharto. At that time, women had the right "to wear or not to wear the veil". Today, however, women in the

¹⁸ "Sejumlah Perda Sebabkan Hak Ekosob Buruh Tidak Terpenuhi" *Jurnal Perempuan Online*, Depok, Jakarta, 9 August 2006.

63 regencies and municipalities concerned have no choice at all but to wear Muslim dress. The state has robbed women off their rights to decide whether to wear the jilbab or not. *Shari‘ah* has been interpreted in differing ways by Muslims. The meaning of the veil has also changed from civilization to civilization. Women have also interpreted the veil that they wear differently. Some interpret the dress code as meaning that women can only show their palms and faces in public. Other women insist that they are required only to dress modestly, and that it is not necessary to wear the veil. The veil controversy is a battle of identities in a global world in which homogenization is an inevitable phenomenon that women have to live with. Women’s veils take various forms, from long black veils to short colorful ones. The way women wear the veil also varies, with some having all of their hair covered, while others allow some of their hair to be revealed.

The question for the state now is “on whose interpretation are all of these *Shari‘ah* ordinances that oblige women to wear Islamic dress and the veil based?” Whose rights are being ignored and denied by this interpretation? Certainly, it is women’s rights. The current interpretation has circumscribed the rights of women in these 63 regencies and municipalities. Failure to provide these rights means that the state is denying the rights of women, who are also citizens. It will be true empowerment, therefore, if women can reclaim their rights to dress as they like in the public space. The denial of the women’s basic rights to have access to the public space after 22.00 p.m. and to dress as they please reveals the weaknesses of public policy makers in understanding the spirit behind the founding of the Republic of Indonesia. Supporters of *Shari‘ah* are being guided by a patriarchal textual understanding of *Shari‘ah* that views women as half-human beings who need to be controlled more than men. They are also inspired by the teaching of the *Shari‘ah* as a text, per se. They have forgotten how *Shari‘ah* is formulated, and the need for it to be accompanied by the philosophy of interpretation known as *uṣūl al-fiqh*, and to adjust it to local social and cultural contexts, such as in the multiethnic Indonesia. The policy makers have focused solely on the interpretation they have acquired from clerics. The complexity of Muslims’ interpretations of *Shari‘ah* have been totally ignored. It is a great loss of the right of

women to interpret and exercise their spiritual and rational experiences when a particular interpretation is forced upon them. This will only serve to prevent women from expressing their apprehension of present socio-cultural conditions. It's time to return the right to wear or not to wear the veil to every woman in Indonesia, and for the state to finally stand up and guarantee this right.

Many Indonesian women's NGO object the way the district ordinances, namely *Perda Syari'ah*, is expressed and ratified as, in their perspective, this will only hinder women's rights. Most of the NGO which reject *Perda Syari'ah* is urban-based NGO. Several notable reasons which are proposed by several women's NGO which object the several *Perda Syari'ah* protested that the substance of the regulations have been seen violated the following higher laws: (1) CEDAW (Convention on the Elimination of the Discrimination Against Women's Right) which is ratified in Indonesia in Undang-Undang No 7 Tahun 1984; (2) International Convention on Civil and Politic Rights which is ratified in Undang-Undang No 12 Tahun 2005; (3) Undang-Undang Hak Asasi Manusia (Human Rights Law) No 39 Tahun 1999; (4) International Convention on Economic, Social, Cultural Rights which is ratified in Undang-Undang No 11 Tahun 2005 that the state should protects workers rights, family rights, right to health and an adequate standard of living, educational rights and cultural rights.

Judicial Review is proposed by Law Reformation Division in KOMNAS Perempuan which is coordinated by R. Husna Mulya. She saw that the several *Perda Syari'ah* have been weak in the legal drafting due to their legal-illiteracy. Legal illiteracy which resulted in weak legal drafting has produced many multi-interpretations in apprehending the *Perda Syari'ah*. This will endanger the execution of the regulations in the Indonesian law enforcement. Komnas Perempuan sees that the law is basically not intended to be discriminative against women, but due to the lack of legal literacy and legal drafting, the expression of the laws have paradoxically stand against the four previous higher laws which should become the common umbrella of all districts laws and regulations. Based on the previous concern on legal illiteracy and legal drafting, as well as the lack of legal advisers in many district throughout Indonesia, Komnas Perempuan has proposed the following steps to

the Indonesian several state organizational bodies:¹⁹

- 1) House of Parliamentary (DPR RI). As legislative body, DPR should ask (a.) the Interior Ministry to check the consistency between the higher laws and the lower laws in the districts. (b.) support Ministry of Law and Human Rights to raise the capacity and quality of district legal adviser so that the products of legal draftings are in concomitant with the higher laws of Indonesia. (c.) take a special step to form ad hoc team who could evaluate the works and the implementation of District Regulations that should be in concomitant with UUD 1945 Amendment IV, and other law products.
- 2) Supreme Court should review the material of the district regulations which are protested by the civilian.
- 3) Indonesian Police Corps should protect the higher national laws which are violated by the lower district regulations.
- 4) Constitutional Court should review the law products which is insensitive and un-justice to women rights.
- 5) DPD (Dewan Perwakilan Daerah/District Representative Board) should monitor the application of District Regulations which violated higher national law products, UUD 1945 Amendment IV.

C. “*Shari‘ah* Education” and “Gender-Mainstreaming” Legal Assistancess

The arrival of the process of the decentralization (or famously known as *Otonomi Daerah*) for the many districts in Indonesia since 1992 has provided Indonesia a better atmosphere in accelerating the democratization process which had been strongly hindered under Suharto’s regime. The many different social enclaves in Indonesia have expressed their aspiration through the ratification of several District Regulations. The Muslim social enclaves, which scattered from Aceh until West Sumbawa, have used this significant space and momentum to express their ideas based on their religious values. *Shari‘ah* District Regulations, known as *Perda Syari‘ah*, have been ratified to provide the

¹⁹ “Pernyataan Pers: Penertiban Perda-perda Dskriminatif adalah Tanggung Jawab Negara yang tak bisa Diabaikan”, *Komnas Perempuan*, Jakarta, 20 June 2006.

respective Islamic local areas social security which the state unable to provide. There is no single voice within the Indonesian Muslim social enclaves regarding the ratification of *Perda Syari'ah*. Many *Ulamas* and Muslim scholars and their communities strongly support it as well as many other *Ulamas* and Muslim scholars and their community strongly opposed to it, the most well known *Ulamas* and scholars who opposed to it are Gus Dur from NU—Nadlatul Ulama and Syafii Maarif from Muhammadiyah.²⁰

The dilemma of *Perda Syari'ah* within the Indonesian Islamic communities is laid actually on the different interpretation of *Shari'ah*. Transformation and rejuvenation of *Shari'ah* within the Indonesian context is led by two significant actors, those who play from the theological level and those who engage from the civil, socio-cultural level. From the theological perspective, two notable poles of conservative and progressive have contributed to the dynamic of *Shari'ah* debate. The conservative circles have been satisfied to express the literal interpretation and application of the Quran and Hadits, whereas the progressive circles criticized that such literal application is not enough and it should be accompanied by the historical inquiry in search for a more contextualized progressive interpretation of the *Shari'ah*. Among the influential progressive circles is led by RAHIMA and LKAJ. Firstly, RAHIMA, that is led by Farha Ciciek and is a rural-based Islamic women NGO, is a Centre for Education and Information on Islam and Women's Rights Issues which focuses on the empowerment of women with an Islamic perspective. Rahima has developed in response to the need for information regarding women's rights issues within Islam. In the beginning Rahima's focus was on the training and dissemination of information (concerning women rights within Islam) to local community Muslim groups and Pesantrens (Islamic boarding schools) but, with increasing interest in gender issues in Indonesia in recent times, Rahima has now extended its network to women's NGOs, Islamic women organisations and university groups.

²⁰ Ahmad Syafii Maarif, "Demi Keutuhan Bangsa", *Republika*, Jakarta, 11 Juli 2006; http://www.republika.co.id/kolom_detail.asp?id=255993&kat_id=19; [retrieved on 28 October 2006].

Its vision is as follows: the realization that a democratic society is achieved by fulfilling women's rights and furthermore, considers it a necessary component for the fulfillment of human rights.²¹ And its mission is to empower women through various awareness raising activities concerning women rights within Islam, focusing on women, men and institutions, where gender discourses are raised.²² Its goal is to motivate and encourage Islamic discourses, in order to strengthen the position of women within Islamic society. Through strengthening the position of women (based on equality and justice) and raising gender awareness, Rahima hopes to create a public democracy within Indonesian society.²³

Secondly, LKAJ (Lembaga Kajian Agama dan Jender) who was founded by Siti Musdah Mulia. She saw that the ratification and formalization of *Shari'ah* Law only hindered women's rights as its interpretation is apparently gender insensitive.²⁴ She saw that the *Shari'ah* is actually the universal teaching that was transferred by God to Prophet Muhammad, and that the interpretation of the teaching was variously formulated in the Islamic schools of thought, i.e. *Fiqh* which was relative and could be rejuvenated and reinterpreted in a different context. She proposed a more context-based and gendered interpretation of the *Shari'ah*.²⁵ At present a more gendered interpretation of the *Shari'ah* are particularly led by Muslim feminists who have to face severe fatwa as being infidels. Siti Musdah Mulia and team's proposal on the re-construction of the marital and family law in Islam, known CLD (Counter Legal Draft) has been seen as violating the prevalent KHI (Kompilasi Hukum Islam). The MUI

²¹ See for detail in RAHIMA Profile <http://www.rahima.or.id/English/index.htm>; [retrieved on 28 October 2006].

²² *Ibid.*

²³ *Ibid.*

²⁴ See detail in Siti Musdah Mulia, "Perda Syariat dan Peminggiran Perempuan (Ada Apa dengan Demokrasi di Indonesia?)" in *Kolom ICRP (Indonesian Conference on Religion and Peace)*, 11 Agustus 2006; <http://www.icrp-online.org/wmview.php?ArtID=178>; [retrieved on 28 October 2006].

²⁵ See detail in Siti Musdah Mulia, "Syariat Islam Tidak Mungkin Merendahkan Perempuan" in *Swara Rahima*, Edisi 2: Kontroversi Posisi Perempuan dalam Syariat Islam; <http://www.rahima.or.id/SR/02-01/Opini.htm>; [retrieved on 28 October 2006].

(Indonesian *Ulama* Council) has ousted her proposal. Musdah Mulia further suggested that “education on *Shari’ah* Law” should be well-disseminated to the people so that they could perceive it critically and progressively and not only accepting the interpretation made by conservative *ulamas*.²⁶ The previous theological gendered reformation of *Shari’ah* Law are mostly led by the daughters of the NU (Nadlatul Ulama).

From the civil, social-cultural level, Aisyiyah and Nasyiatul Aisyiyah, Muhammadiyah women organizations, have played significant role in transforming the meaning of womanhood since the fall of Sukarno’s presidency in 1965. They had enabled in extending women’s role from the domestic scope to the public scope. In the practical level, many women in Muhammadiyah organization are empowered and have transformed the Islamic ideology they profess and the values outside the Islamic teaching. The apparent transformations are the rejuvenation of the *jilbab* in a different form than those in the Arab and the rare practice of polygamy within Muhammadiyah circle. Muhammadiyah’s daughters are well-empowered in the practical socio-cultural level, while NU’s daughters are well-informed in the gendered-theological level. What is lack from these two previous movements are from the political level, meaning Islamic women movements which can access and influence public policy. Gendered political movements in the Indonesian Islamic organization have been very low. Male’s supremacy in interpreting the *Shari’ah* has created severe gap on women’s leadership compared to those of men’s. Women, then, further contested in the political arena by that of men’s policy. Women’s representation on the house of parliament is mostly based on “charity” than that of “political will”.²⁷ Their positions are mostly led by their husband’s position either in the parliament or governmental bodies. This lack is supplied by Komnas Perempuan which was established in 1998 in due reaction against the mass rape of Indonesian-Chinese

²⁶ *Ibid.*

²⁷ Syafiq Hasyim, “Mengkritisi Perda Syariah Islam di Aceh; Perspektif Perempuan”, in *Swara Rahima*, Edisi 2: Kontroversi Posisi Perempuan dalam Syariah Islam; <http://www.rahima.or.id/SR/02-01/Fikrah.htm>; [retrieved on 28 October 2006].

women in Jakarta during red May riot.

With the apparent lack of gendered leadership in the political arena, women's resistance in the civil society level, however, still continued and more developed. Women activists have left their objections and apparent critiques to the ratification of *Perda Syari'ah*. Many urban-based women community rejected it as the district regulations, such as *Perda Anti Maksiat dan Anti Pelacuran*, has violated the rights of women workers to access the economic activities after 22.00 pm. They criticize as well that the wearing of *Jilbab* for women civil servants should be based on civil liberty and not on strong obligations. Women should be given their rights to choose uniform and a way of dressing which is suitable for their choice of identities. The arrival of the many District Regulations, in their perspective, should enhance women's rights and not merely deteriorate women's rights. Detailed inquiries to the many Districts Regulations have been conducted thoroughly and seriously by R. Husna Mulya and team, coordinator of Law Reformation, Komnas Perempuan (Komisi Nasional Anti Kekerasan Terhadap Perempuan/National Commission on Violence against Women).²⁸ The team examined that the *Perda Syari'ah* was not intended to be discriminative in their formal legal material. Lack of legal knowledge or legal illiteracy has resulted in a weak and multi-interpretational legal drafting. The many formulations of the District Regulations should be accompanied by experienced legal advisers who should well-informed and well-versed to the higher International and National Laws. The legal experts who will formulate future regulations should also be familiar with the program held by State Ministry for Women Empowerment, known as gender-mainstreaming strategy. By considering the many factors behind the formulation of the *Perda Syari'ah*, further assistance on the gender-sensitive formulations should be proceeded and supported by all elements in the Indonesian society.

²⁸ R. Husna Mulya, *Diskriminasi terhadap Perempuan dalam Kebijakan Daerah (Suatu Langkah Mundur dalam Upaya Perlindungan Hak-hak Asasi Manusia di Indonesia)*, Jakarta, 15 September 2006.

This urgent call from Indonesian women's, however, have recently further deteriorated with the apparent trend of polygamy exposed by many Islamist politicians in Indonesia. From 1998 until 2007 there are more than dozens of Islamist politicians who unashamedly declared their practice of polygamy in front of the public, a practice which is unpopular to the modern Indonesian society. The fury demonstrated by the many women's progressive movements was due to their proposal that "polygamy is sunnah" (being exemplified by the Prophet Muhammad). Leader of Aisyiyah (Siti Chamamah Suratno)—Muhammadiyah wing of women organization and Fatayat NU (Maria Ulfah Anshor)—Nahdlatul Ulama wing of women organization as well as leader of ICMI (Marwah Daud Ibrahim)²⁹ have objected this evil practice by stating that the pestilence in Indonesian democracy has been deterred by the Islamic scripturalist movements which totally denied women's rights. The practice of feudal patriarchal texture of the traditional culture has been harshly exercised in reading the Qur'an and *Hadīth*.

The story of noted Muslim preacher Abdullah Gymnastiar, or Aa Gym, who practiced polygamy with a younger wife has further deteriorated the teaching of progressive Islam in Indonesia. This act, indeed, set a bad precedent for family life in Indonesia. The Prophet Muhammad himself and the Quran strongly object to the practice of polygamy. Muhammad was faithful to the principle of monogamy with his wife Siti Khadijah. Only after her death and the political turbulence in Madinah did he decide to resort to polygamy for the sake of peace and the elimination of the old practice of having hundreds of wives in the Arab world. Women at that time were not educated, compared to the way they are at present. Old Babylonia (Persia) in the Asian continent inherited the tradition of the pastoral segregation between the roles of husband and wife, with husbands supposed to earn the living by hunting wild beasts and wives supposed to take care of the family. The division of roles then culminated in the Semitic religion and orthodox Hinduism. Public life was personified by the life of men,

²⁹ Marwah Daud: "Isu Poligami Jangan jadi Kontroversi", *Republika Online*, Senin 11 Desember 2006, in <http://www.icmi.or.id/ind/content/view/581/60/>.

and domestic life by that of women. Women’s segregation meant two things. The first was related to the clothes they had to wear, called *hijāb* in the Middle East or *pardab* in India. The second was connected to the place where they had to stay, a practice known in the Middle East as the harem, a space where highly ranked nobles collected hundreds of wives, or *zenana* in Hinduism. Within such a tradition, women were not allowed to promote their roles in the public domain. Time marches on and the dividing roles have slowly disappeared with changes in civilization. Debates have been rife regarding the practice of polygamy and illegal marriage outside of the formal legal monogamous family. The past decades have allowed more women to play greater roles in the public sphere, whether in the media or politics. Women are as well educated as men. Women’s rights in the public sphere are acknowledged by the state. However, the fight for equality is indeed a difficult one.

Why is the media’s coverage of Aa Gym’s second marriage as extensive as that of the scandal involving the House lawmaker and the singer? The media play a significant role in educating the public, including about the responsibility of public figures to set a good example. Why do most women’s activists protest against the practice of polygamy in this country? It is not because they are infidels or distrust the grand narratives of *Sharī‘ah* interpretation. It is merely because a number of reasons are being used by those practicing polygamy that are irrelevant to the precious teachings of the Prophet Muhammad. Take a look at the population of women in Indonesia, which has often been used to justify polygamy. Statistics show there are more women than men in this country, and even in the world. This justification is totally false. Amartya Sen found in 1992 that the ratio of women and men in the advanced world was nearly equal. However, in the third world, the number of women is less than men. In India, families decide to abort baby girls due to their traditional belief that baby boys are more precious than baby girls. In Sri Lanka and Aceh, as a result of the Tsunami disaster, more than four times more women than men were killed. Dita Indah Sari quite recently said in a lecture in Asienhaus, Germany, that half of Indonesians are poor, and most of them are women.

What is surprising is that those who practice polygamy are never interested in taking, let's say, 45-year-old widowed women who earn their living selling food on the banks of the Ciliwung. Why are Indonesian males who practice polygamy infamous? Because they marry much younger and more beautiful women than their first wives. This is the revival of *harem* and *zenana* in the Indonesian context. If those men use polygamy to address the widespread adultery in Indonesian families, why don't they take women who live in miserable economic conditions? It is indeed nefarious conduct that shows their lack of integrity. Prophet Muhammad's polygamy was highly respected due to his devotion to those who were poor.

In many cases in Indonesia, men who take second wives inflict psychological violence against their first wives and their families. They also abuse and misuse the doctrinal sayings by proclaiming that polygamy is *sunnah* (part of prophetic tradition). Such epistemological violence has been totally rejected by progressive Indonesian *ulamas*. Indonesian progressive *ulamas*, K.H. Husein Muhammad and Prof. Dr. Siti Musdah Mulia, have disseminated their illuminating point of the *maḍārāt* (*harm*) of polygamy. Their progressive and gender-based interpretation in going against the prevalent patriarchal interpretation deserves more attention. No matter how highly politicized the polemic on Aa Gym's polygamy, women's rejection of his sermons quite recently clearly shows that Indonesian women are not going to easily submit to the patriarchal interpretation of the holy sayings. At the social level, Indonesian women are highly empowered. The need for gender-based interpretation of the prevalent *grand fiqh* (law governing relations between God and men) needs to be revisited to meet the ideals of Indonesian Islam.

D. Acclaiming Indonesian Women's Rights

In traditional Javanese philosophy, the popular advice given to a newly elected leader is: *Ojo silap karo harta, tahta, lan wanita* (Do not easily be tempted by wealth, power, and women). The advice continues to say that "leaders should serve those whom they lead". This advice evolved from an epistemological construction that women are contested objects. It long marked the thinking of the patriarchal feudal

nobles of the Javanese kingdoms. Housing dozens of wives in the *keputren* (similar to a *harem* in the Middle East, *zenana* in India or a playboy mansion in the modern world), and treating them as precious jewels was the prerogative of the prince as the absolute master. How about the laymen? Those outside of the nobility mostly practiced monogamy. Women and men worked together in the rice fields. Compared to the women who were confined to the *keputren* and were forbidden from entering the public arena, ordinary women were able to move quite freely outside of domestic life. Even traditional Javanese markets were dominated by women vendors. This is still clear from the well-known Klewer textile market in Surakarta, where women vendors prevail. Muhammad Yunus, the Nobel Peace laureate who founded the Grameen bank in Bangladesh to help women access micro credits, was speaking the truth when he said that “women are better with money”. These women could prove their independent roles within the public arena as well as their ability to serve their families in the domestic arena.

One of the Prophet Muhammad’s legacies is his view of women as “complete human beings”, as opposed to *jabiliyah* (dark age) Arab society, which regarded women as “semi-human beings”. Muhammad’s perspective changed the position of women from contested objects to independent subjects. This universal truth is also upheld by the Republic of Indonesia, a state that espouses democracy as a basic philosophy that guarantees the rights of women. The practices of polygamy and *nikah siri* (unofficial marriage) run counter to the Islamic principles of equality and serving others. These practices further give rise to corruption in the administration of state. The current corruption landscape is characterized by the perspective that women are nothing more than contested objects. “Women” are objectified and equated to sources of temptation, in the same way that temptation attaches to “wealth” and “power”. The reciprocal hybridization and interpenetration of the “communal” textual patriarchal interpretation of *Shari‘ah* and the “egocentrism” of modern Western cosmology have been used by corrupt state leaders to justify their violations of the principal of monogamous marriage. They loudly proclaim: “Do not mix private matters with state policy”. They are clever indeed.

On the one hand, they strongly and loudly demand that their gender-biased interpretations of *Shari'ah* to regulate how women behave in public be incorporated into state policy, as evident from the issuance of 63 *Shari'ah*-based ordinances that have robbed women of their rights to participate in the economic sphere and their freedom to choose the way in which they wish to dress. Meanwhile, on the other hand, they loudly denounce women's activists who seek the amendment of the Marriage Law. "Do not deprive us of our basic rights under the Marriage Law. If you want to practice polygamy, ask for our permission beforehand. Don't tell us that you have already married a girl without our prior consent and that of your children. Do not deprive us of our right to choose the way we dress and to participate in economic activities. Do protect us from structural poverty that forces us to sell our bodies. Do protect us from the media who sell our bodies cheaply. Apprehend those who traffic us on the black market. Listen to the more gender-based interpretations of our beloved *Shari'ah*, which undeniably protects our rights. Listen to the voices of those who are experts on the law who laud the gender-mainstreaming strategy initiated by the state minister for women's empowerment," the women of Indonesia cry. Are women the scourge of democracy? This is the perspective espoused by Indonesian leaders, who regard themselves as the masters. Democracy means the power of the people, instead of the power of the master. Women have always been strong proponents of democracy. Indonesian women shall claim their "guaranteed rights" before the state.

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Addendum:

**LIST OF DISTRICT REGULATIONS WHICH VIOLATE
WOMEN’S RIGHTS AND THE EXISTENCE OF
PANCASILA AND UUD 1945**

1. Peraturan Daerah Kabupaten Bulukumba (Sulawesi Selatan) No. 04/2003 tentang Berpakaian Muslim dan Muslimah.
Bulukumba District Regulation (South Sulawesi) No 04/2003 about Muslim/mah dressing.
2. Peraturan Daerah Kabupaten Enrekang (Sulawesi Selatan) No. 6/2005 tentang Busana Muslim.
Enrekang District Regulation (South Sulawesi) No 6/2005 about Muslim/mah dressing.
3. Surat Edaran Bupati Cianjur No. 025/3643/Org & Surat Edaran No. 061.2/2896/Org. tentang Jam Kerja dan Anjuran Pemakaian Seragam Kerja (Muslim/Muslimah) pada Hari-hari Kerja.
Letter of Bupati Cianjur (West Java) No 025/3643/Org & Setter No 061.2/2896/Org. about office hours and sugesti□n to wear Muslim/mah uniform in the weekdays.
4. Peraturan Daerah Solok (Sumatra Barat) No. 6/2002 tentang Wajib Berbusana Muslimah.
Solok District Regulation (West Sumatera) No 6/2002 about the obligation to wear Muslim/mah dressing.
5. Instruksi Walikota Padang (Sumatra Barat) No. 0451.442/Binsos-III/2005 tentang Kewajiban Berbusana Muslimah.
Instruction Letter from Madang City Mayor (West Sumatera) No 0451.442/Binsos-III/2005 about the obligation to wear Muslim/mah dressing.
6. Peraturan Daerah Kabupaten Maros (Sulawesi Selatan) No. 15,16,17/2005 tentang Buta Aksara Al Quran, Busana Muslim dan Pengelolaan Zakat.
Maros District Regulation (South Sulawesi) No 15, 16, 17/2005 about Quranic illiteracy, Muslim/mah dressing and Zakat management.
7. Surat Edaran Bupati Garut tentang Pemakaian Busana Muslimah bagi Seluruh Karyawati Pemerintah Kabupaten Garut.

- Letter from Bupati Garut (West Java) about Muslim/mah dressing for all civil servants in Garut District.
8. Kabupaten Gowa yang mewajibkan pemakaian jilbab bagi karyawan pemerintah dan penambahan jam pelajaran agama Islam. Gowa District obliges all women civil servants to wear jilbab and join Islamic teachings after the works.
 9. Surat Edaran Bupati Tasikmalaya No. 451/SE/04/SOS/2001 tentang Peningkatan Kualitas Ketakwaan dan Keimanan.
Letter from Bupati Tasikmalaya No 451/SE/04/SOS/2001 about the Increasing of the quality of Taqwa and Iman (Faith).
 10. Peraturan Daerah Takalar (Sulawesi Selatan) tentang Busana Muslim.
Takalar District Regulation (South Sulawesi) about Muslim dressing.
 11. Surat Edaran Bupati Indramayu Tentang Wajib Busana Muslimah dan Pandai Baca Al Quran.
Letter from Bupati Indramayu about Muslim/mah dressing and Quranic Literacy.
 12. Peraturan Daerah Propinsi Jawa Timur No. 2 /2004 tentang Pelayanan Penempatan dan Perlindungan Tenaga Kerja Indonesia ke Luar Negeri.
East Java Provincial Regulation No 2/2004 about the service, alocation, and protection on migrant workers abroad.
 13. Peraturan Daerah Kabupaten Cianjur No. 15 / 2002 tentang Perlindungan Tenaga Kerja Indonesia Kabupaten Ciajur ke Luar Negeri.
Cianjur District Regulation (West Java) No 15/2002 about the protection of migrant workers abroad.
 14. Peraturan Daerah Kabupaten Kerawang No. 22/2001 tentang Retribusi Pelayanan Bidang Ketenagakerjaan.
Kerawang District Regulation (West Java) No 22/2001 about retribution on the service to migrant workers abroad.
 15. Peraturan Daerah Kabupaten Gorontalo No. 10/2003 Tentang Pencegahan Maksiat.
Gorontalo District Regulation No 10/2003 about the banning and prevention of social illness.

16. Surat Edaran Bupati Pamekasan (Madura) No. 450/2002 tentang Pemberlakuan Syariat Islam.
Bupati Pamekasan Letter (Madura) No 450/2002 about the ratification of *Shari‘ah* Islam.
17. Surat Edaran Bupati Cianjur No. 551/2717/ASSDA.I September 2001 tentang Gerakan Aparatur Berakhlakul Karimah dan Masyarakat Marhamah.
Letter from Bupati Cianjur No 551/27 17/ASSDA.I September 2001 about the movement of civil servant who have good Islamic moral conduct and Islamic civil society.
18. SK Bupati Cianjur No. 36/2001 Lembaran Daerah No. 34 tentang Pendirian Lembaga Pengkajian dan Pengembangan Syariat Islam.
Letter from Bupati Cianjur No 36/2001 District Paper No 34 about the establishment of *Shari‘ah* Islam Center.
19. Peraturan Daerah Propinsi Sumatra Barat No. 11/2001 tentang Pemberantasan dan Pencegahan Maksiat.
West Sumatera Provincial Regulation No 11/2001 about the banning and prevention of social illness.
20. Peraturan Daerah Padang Pariaman (Sumatra Barat) No. 2/2004 tentang Pencegahan, Penindakan dan Pemberantasan Maksiat.
Padang Pariaman District Regulation (West Sumetara) No 2/2004 about the banning of social illness.
21. Peraturan Daerah Propinsi Nanggroe Aceh Darussalam No. 5/2000 tentang Pelaksanaan Syariat Islam.
Nanggroe Aceh Darussalam Provincial Regulation No 5/2000 about the application of *Shari‘ah* Islam.
21. Qanun Propinsi NAD No. 13/2003 tentang Maisir (Perjudian) – Gambling
22. Qanun Propinsi NAD No. 14/2003 tentang Khalwat (Mesum) – Prostitution
23. Qanun Propinsi NAD No. 7/2004 tentang Zakat – Zakat Management
24. Surat Gubernur Propinsi Riau No. 003.1/UM/08.1 tentang Pembuatan Papan Nama Arab Melayu.
Letter from Gubernur Riau No 003.1/UM/08.1 about the making of Arab Melayu name-holder.

25. Peraturan Daerah Bengkulu No. 24/2000 tentang Pelarangan Pelacuran.
Bengkulu District Regulation No 24/2000 about the banning of prostitution.
26. Instruksi Walikota Bengkulu No. 3/2004 tentang Program Kegiatan Peningkatan Keimanan.
Instruction from Bengkulu City Mayor No 3/2004 about the program to increase the Islamic faith.
27. Peraturan Daerah Kabupaten Tangerang (Banten) No. 8/2005 tentang Pemberantasan Pelacuran/Maksiat.
Tangerang District Regulation (Banten) No 8/2005 about the banning of prostitution and social illness.
28. Peraturan Daerah Provinsi Sumatra Selatan No. 13/2002 tentang Pemberantasan Maksiat.
South Sumatera Provincial Regulation No 13/2002 about the banning of prostitution and social illness.
29. Peraturan Daerah Kota Palembang No. 2/2004 tentang Pemberantasan Pelacuran.
Palembang District Regulation No 2/2004 about the banning of prostitution.
30. Peraturan Daerah Tasikmalaya No. 3/2001 tentang Pemulihan Kemanan dan Ketertiban yang Berdasarkan kepada Ajaran Moral, Agama, Etika dan nilai-nilai budaya daerah
31. Peraturan Daerah Kabupaten Garut No. 6/2000 tentang Kesusilaan.
Garut District Regulation No 6/2000 about the morality.
32. Peraturan Daerah Batam No. 6/2002 tentang Ketertiban Sosial di Kota Batam.
Batam District Regulation No 6/2002 about the Social Conduct in Batam City.
33. Peraturan Daerah Indramayu No. 7/1999 tentang Prostitusi.
Indramayu District Regulation No 7/1999 about the banning of prostitution.
34. Peraturan Daerah Kabupaten Jember No. 14/2001 tentang Penanganan Pelacuran.

- Jember District Regulation (Eas Java) about the banning of prostitution and social illness.
35. Peraturan Daerah Sulawesi Selatan tentang Amar Ma’ruf Nahi Munkar, Perda ini meliputi : Perda tentang Zakat, baca tulis Al Quran dan busana muslim, perjudian, miras, narkoba dan prostitusi. South Sulawesi Provincial Law about the Amar Ma’ruf Nahi Munkar conduct, which covers the following regulations: Zakat regulation, Quranic literacy regulation, Muslim/mah dressing regulation, regulation to ban gambling, alcohol drink, drugs and prostitution.
 36. Peraturan Daerah Bulukumba (Sulawesi Selatan) No. 6/2005 tentang Pandai Baca-Tulis Al Quran Bagi Siswa dan Calon Pengantin.
Bulukumba District Regulation (South Sulawesi) No 6/2005 about Quranic literacy for pupils and students as well as bride-to-be.
 37. Peraturan Daerah Bulukumba No. 2/2003 tentang Pengelolaan Zakat, Infak dan Sedekah.
Bulukumba District Regulation (South Sulawesi) No 2/2003 about the management of Zakat, Infaq, and Alm-giving.
 38. Peraturan Daerah Bulukumba No. 3/2002 tentang Larangan Penertiban dan Penjualan Minuman Keras.
Bulukumba District Regulation (South Sulawesi) No 3/2002 about the banning of alcohol drink sale.
 39. Peraturan Daerah Solok (Sumatra Barat) No. 10/2001 tentang Wajib Baca Al Quran untuk Siswa dan Pengantin.
Solok District Regulation (West Sumatera) No 10/2001 about Quranic literacy for pupils and students as well as bride.
 40. Peraturan Daerah Tangerang (Banten) No. 7/2005 tentang Menjual, Mengecer dan Menyimpan Minuman Keras Mabuk-mabukan.
Tangerang District Regulation (Banten) No 7/2005 about the banning of the sale of alcohol drink.
 41. Peraturan Daerah Kabupaten Pasuruan No. 10 Tahun 2001 tentang Pemberantasan Pelacuran.
Pasuruan District Regulation (East Java) No 10/2001 about the banning of prostitution.

42. Rancangan Perda Kota Mataran Tahun 2003 tentang Pencegahan Maksiat.
The Plan of Mataram District Regulation Year 2003 about the banning of social illness.
43. Rancangan Peraturan Daerah Kabupaten Cianjur tentang Pelaksanaan Syariat Islam di Kabupaten Cianjur.
Cianjur District Regulation about the implementation of *Shari'ah* Islam in Cianjur District.
44. Rencana Strategis Kabupaten Tasikmalaya Tahun 2001 – 2005.
Strategic Plan of Tasikmalaya District Year 2001 – 2005.
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