

# SHARI'A CONTESTED: Public opinions in *Kompas* and *Republika* 2000-2004\*

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## Abstraks

*Formalisasi syariah di beberapa kota di Indonesia telah memicu perdebatan terbuka terutama di media. Dalam surat kabar Indonesia, banyak pendapat telah ditulis dengan pro-kontra oleh berbagai pihak mengenai formalisasi syariah. Artikel ini menganalisis pendapat yang diterbitkan di Kompas dan Republika selama 2000-2004. Ada 44 artikel diperoleh dari kedua surat kabar tersebut. Perdebatan tentang formalisasi di Indonesia adalah antara Islam liberal dan Islam fundamental. Jumlah artikel mengenai formalisasi syariah muncul di dua surat kabar berbeda. Sebagian besar artikel di Republika memberikan pendapat dari para pendukung formalisasi, dan hanya seperempat dari mereka yang menentang pelaksanaan syariah. Artikel di Kompas hampir seimbang dalam hal proporsinya. Delapan artikel menunjukkan persetujuan pelaksanaan syariah, sedangkan artikel sebelas menunjukkan ketidaksepakatan.*

## مستخلص

أثارت محاولات ترسيم الشريعة الإسلامية في عدة مدن إندونيسية جدلاً مفتوحاً ما بين مؤيد ومعارض، وعلى الأخص في وسائل الإعلام. تحاول هذه الدراسة تحليل وجهات النظر المنشورة في جريدتي كومباس وريوبليكا في الفترة ما بين عام 2000 و2004. ومن خلال البحث تبين أن هناك 44 مقالة منشورة في كلتا الجريدتين في هذه الفترة. كما تبين أن طرفي الجدل، بشكل رئيس، هما أصحاب الاتجاه الليبرالي والاتجاه الأصولي، على الرغم من انتمائهم جميعاً إلى أتباع الدين الإسلامي. كذلك توصلت الدراسة إلى أن هناك اختلافاً ذا دلالة في اتجاه المقالات المنشورة بين الجريدتين. فجريدة ريوبليكا يغلب عليها المقالات المؤيدة لترسيم الشريعة حيث عبر ثلاثة أرباع المقالات عن وجهة النظر هذه، في حين عبر ربعها فقط عن وجهة نظر معارضة. ومن جهة أخرى ظهرت جريدة كومباس بوجه أكثر اعتدالاً؛ فمن جملة تسع عشرة مقالة هناك ثمانية مقالات مؤيدة وإحدى عشرة معارضة

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## A. Introduction

Recently, there have been many regions in Indonesia proposing applying sharia, ever since the promulgation of Law No. 22/1999 on *Otonomi Daerah* (Decentralization), which was renewed with Law No. 32/2004 on *Pemerintah Daerah* (Regional Government), and Law No. 44/1999 which decrees the specialization of Nanggroe Aceh Darussalam province. These laws, together with *Keputusan Presiden* (Presidential Decree) No. 11/2003, are the sources of the application of Islamic law in Aceh. Some regions followed in enforcing sharia by promulgating *Peraturan Daerah* (regional regulation), or *Keputusan Bupati/Wali kota* (regent's decree). Nowadays, there are at least 78 *Peraturan daerah* (regional regulation) concerning the application of sharia,<sup>1</sup> such as the obligation of wearing *jilbab* (head covering) and of *zakat* payment.

The proponents of the implementation of sharia argue that since the majority of Indonesians are Muslims, it is necessary to apply sharia in Indonesia. Based on data from the Board for Statistics Center 2005, about 182 million of Indonesians are Muslims, or around 82% of the population. Majelis Mujahidin Indonesia (MMI, the Indonesian Mujahideen Council), one of the proponents of the application of sharia in the First Congress in Yogyakarta, recommended that the government of each region in which the majority of residents is Muslim to apply sharia.<sup>2</sup>

On the other hand, the opponents of the implementation of sharia argue that the application of sharia is not as easy as in theory. The Wahid Institute, in Gatra no 24/XII 29 April 2006, portrays one of the problems resulting from the implementation of Islamic law in Bulukumba. Even though the obligation to wear *jilbab* holds only for Muslims, there is a case where a non-Muslim woman was forced to wear *jilbab* in a public meeting.<sup>3</sup>

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<sup>1</sup> Robin L. Bush, "Regional Shari'ah' Regulation in Indonesia: Anomaly or Symptom?" An unpublished paper presented on Indonesia Update, September 2007 in Australian National University, Canberra, Australia, as quoted by Ahmad Suaedy, "Syariat Islam dan Tantangan Demokrasi di Indonesia", A Paper presented on The 9<sup>th</sup> Conference of the Asia Pacific Sociological Association, *Improving the Quality of Social Life: A Challenge for Sociology*, June 13-15, 2009, Bali, Indonesia, quoted from, <http://www.wahidinstitute.org/files/docs/SUAEDY-SYARIAH%20ISLAM-EDITED.pdf>, last accessed on 07 December 2009

<sup>2</sup> Irfan Suryahadi Awwas, *Seri Publikasi Risalah Kongres Mujahidin I dan Penegakan Syari'at Islam* (Yogyakarta: Wihdah Press, 2001), p. 154

<sup>3</sup> <http://www.wahidinstitute.org/indonesia/images/stories/SUPLEMENGATRA/gatraedisi-vii.pdf>, last accessed on 3 May 2007

Discourse<sup>4</sup> on the application of sharia in Indonesia has grown since the independence era. When the founding fathers of Indonesia discussed the formation of the Indonesia's government, some of the members of *Panitia Persiapan Kemerdekaan Indonesia* (PPKI, the Committee for the Preparation of Indonesian Independence) who were Muslim proposed that Islam be the state religion.<sup>5</sup>

While some people and organizations get involved in the discourse on the implementation of Islamic law by publishing books, there are some people who write their ideas in newspapers and magazines. This research focuses on the ideas of the opponents of the implementation of Islamic law, which were published in two Indonesian newspapers, *Kompas* and *Republika*, in the period 2000-2004. There are in total forty-four articles written by the proponents and opponents of the implementation of sharia, published in *Kompas* and *Republika* in 2000-2004, which were selected to be analysed.

According to data provided by *Serikat Penerbit Surat kabar* (SPS, the Indonesian Newspaper Publishers Association) 2003, as quoted by World Association of Newspapers, *Kompas* is the biggest daily newspaper and publishing company, which circulates more than 500.000 copies every day. *Republika* is in fifth position with 200.000 copies.<sup>6</sup> The year 2000 is chosen as starting point of the research, since the Law on Decentralization, which is often used as the reason for implementation of Islamic law in some regions was promulgated in 1999. In order to limit the scope of my research, the year 2004 was chosen as endpoint, as in this year the second general election, after the reformation era, was held.

## B. The Demand for the Implementation of Sharia in Indonesia

There was a renewed ideological-political dispute between Islamic and *kebangsaan* groups in the *Sanyo Kaigi* (the Advisers Council)<sup>7</sup> and especially in the *Dokuritsu*

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<sup>4</sup> I share the idea that it is important to discuss the discourse because it is the main method of communicating ideas to society at large, and motivating individuals and groups to action. See, David Zeidan, "A Comparative Study of Selected Themes in Christian and Islamic Fundamentalist Discourses", *British Journal of Middle Eastern Studies*, Vol. 30, No. 1, (May, 2003), pp. 43-80

<sup>5</sup> Muhammad Atho Modzhar, *Islam and Islamic Law in Indonesia: a Socio-historical Approach*, (Jakarta: Office of Training for Religious Research and Development, 2003), p. 38

<sup>6</sup> "Indonesia: Media Market Description", *World Press Trends 2008*, World Association of Newspapers, quoted from <http://www.warc.com/LandingPages/Data/NewspaperTrends/PDF/Indonesia.pdf>, last accessed on 3 May 2007

<sup>7</sup> It functioned as "an embryonic Cabinet" which was responsible for providing answers to the administration's questions on issues related to Islamic affairs. Daniel S. Lev, *Islamic Courts in Indonesia: A*

*Zyunbi Tyoosakai* (also known as *Badan Penyelidik Usaha-Usaha Persiapan Kemerdekaan Indonesia* [BPUPKI, the Investigating Committee for the Preparation of Indonesian Independence]).<sup>8</sup> The Islamic group argued that the state should be based on Islam by citing the preponderant position of Islam in Indonesia. On the other hand, the *kebangsaan* group maintained that for the sake of unity the state should be “deconfessionalized”<sup>9</sup> in character. Among the topics of discussion was whether or not Islam ought to be the state religion, and the necessity of having the state apparatus and agencies relevant for the implementation of Islamic law.<sup>10</sup>

As for bridging the differences between the Islamic and *kebangsaan* groups, a small committee was set up. This committee drafted a “gentlemen’s agreement” known as *Piagam Jakarta* (the Jakarta Charter). The Jakarta Charter endorsed Pancasila as the ideological basis of the state, with 7 additional words, so that the first principle read “*Ketuhanan Yang Maha Esa dengan Kewajiban menjalankan syariat Islam bagi pemeluk-pemeluknya* (Belief in God with the obligation to carry out Islamic sharia for its adherents)”.<sup>11</sup>

One day after the declaration of independence, the compromise was nullified, from fear that the Christians would not join the Republic. The nullification of the Jakarta Charter and several revisions of the Constitution were presented by Hatta before the meeting of *Panitia Persiapan Kemerdekaan Indonesia* (PPKI, the Committee for the Preparation of Indonesian Independence). In any case the nullification of the Jakarta Charter marked the first defeat of the Islamic group in bringing the idea of a formal and legal union between Islam and the state into reality. This defeat was accepted only temporarily, “until an elected Constituent Assembly began the work of fashioning a new constitution”.<sup>12</sup>

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*Study in the Political Bases of Legal Institutions*, (Berkeley, Los Angeles, and London: University of California Press, 1972), p. 35

<sup>8</sup> Only eleven out of sixty-two members, as of May 1945, who were representatives of the Islamic groups. Muhammad Yamin, *Naskah Persiapan Undang-Undang Dasar 1945*, vol. 1, (Jakarta: Yayasan Prapanca: 1959), p. 60

<sup>9</sup> By no means irreligious

<sup>10</sup> Lev, *Op.cit.*, p. 34-41

<sup>11</sup> See Endang Saifuddin Anshari, *Piagam Jakarta 22 Juni 1945: dan Sejarah Konsensus Nasional antara Nasionalis Islami dan Nasionalis “Sekuler” tentang Dasar Negara RI 1945-1959*, (Jakarta: CV Rajawali Press, 1981), footnote no. 6, p. 32. Boland translate the first principle as “Belief in God with the obligation for adherents of Islam to practice Islamic law”, B.J.Boland, *Op.cit.*, p. 25-26

<sup>12</sup> Herber Feith, *The Decline of Constitutional Democracy in Indonesia*, (Ithaca: Cornell University Press, 1962), p. 284

Since the Indonesian Independence, there have been a number of attempts to restore the Jakarta Charter to the constitution, but none of these efforts has been successful.<sup>13</sup> The debate in the *Majelis Konstituante* (the Constituent Assembly) in 1956 and 1959 were examples of these efforts.<sup>14</sup> was expected to set up the state ideology and Constitution given the temporary status of the 1945 Constitution. There were intense debates during 1956-1959, between those who demanded Islam as the state ideology, and those who were in favor of Pancasila. There was also a minority group in the Constituent Assembly which called for a Socio-economy ideology.<sup>15</sup>

Due to the deadlock, Soekarno disbanded the Constituent Assembly by announcing the Presidential Decree on 5 July 1959. The Decree also marked the revalidation of the 1945 Constitution. Among the considerations of the Decree was that the Jakarta Charter of 22 June 1945 had enlivened the 1945 Constitution and was part of it. This consideration opened the opportunity for the next discussion to get the Jakarta Charter accepted.<sup>16</sup>

The DI/TII movement was considered to be another form of the struggle for the implementation of sharia in Indonesia after the nullification of the Jakarta Charter.<sup>17</sup> There were four prominent DI/TII movements in Indonesian history. These movements occurred in West Java under Kartosoewirjo's leadership, under Daud Beueureuh's in Aceh, Kahar Muzakar's in South Sulawesi and under Letda. Ibnu Hajar in South Kalimantan.<sup>18</sup> Although they occurred in regions where Islam had a strong foothold, the DI/TII movements in several regions in Indonesia were not inspired by Islamic motives only. There were other factors contributing to the rebellion, including discontent over the way in which former freedom fighters were demobilized, and resistance to the central government interference in local affairs, such

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<sup>13</sup> Mark E. Cammack, "The Indonesian Islamic Judiciary", in R. Michael Feener and Mark E. Cammack (eds.), *Islamic Law in Contemporary Indonesia: Ideas and Institutions*, (Cambridge, Massachusetts: Islamic Legal Studies Program, Harvard Law School, 2007), p. 146

<sup>14</sup> Haedar Nashir, *Gerakan Islam Syari'at: Reproduksi Salafiyah Ideologis di Indonesia*, (Jakarta: Pusat Studi Agama dan Peradaban (PSAP) Muhammadiyah, 2007), p. 227

<sup>15</sup> *Ibid*, p. 240

<sup>16</sup> Haedar Nashir, *Op.cit.*, p. 243

<sup>17</sup> Sudibjo, "Piagam Jakarta" in *Ensiklopedi Nasional Indonesia Jilid 13*, (Jakarta: PT. Cipta Adi Pustaka, 1990), p. 220

<sup>18</sup> Haedar Nashir, *Op.cit.*, p. 244

as in the forms of taxation and the appointing of outsiders to the military and civilian administrations.<sup>19</sup>

Soon after its ascension, following the Partai Komunis Indonesia's (PKI, the Communist Party of Indonesia) abortive coup in 1965, the New Order regime, through the military, emphasized its role as the defender of the Pancasila and the Constitution of 1945. Obviously, the New Order government was as wary as its predecessor with regard to the Islamic ideology and political activities. The rejection of the Islamic group's demands for the legalization of the Jakarta Charter and the holding of the *Kongres Umat Islam Indonesia* (Indonesian Muslim Congress), in 1968, were both evidence of the mutual distrust and hostility between the leaders and activists of political Islam and the New Order government.<sup>20</sup> The former perceived the latter as gradually moving towards secularization, and in favor of Christians, while the latter viewed the former's loyalty towards Pancasila as suspicious.<sup>21</sup>

Despite some problems concerning the legislation of sharia, Indonesia has a number of laws that contain principles of sharia, since the independence era. For instance: Law No. 1 of 1974 which regulates marriage under Islamic law; Law No. 7 of 1989 concerning the religious court in Indonesia; (*Peraturan Pemerintah* (PP, Government Regulations) No. 70 and No. 72 of 1992 which define and regulate profit-sharing banks as recognized in Law No. 7 of 1992 as banks based on Islamic law; Law No. 10 of 1998 that legitimized the Islamic banking system; Law No. 17 of 1999 regarding the Hajj; Law No. 23 of 1999 regarding the Central Bank of Indonesia, which provides a mandate for the formation of sharia banks; Law No. 38 of 1999 that regulates *zakat* or alms; Law No. 44 of 1999 concerning the Status of Aceh as a Special Province; Law No. 18 of 2001 regarding Special Autonomy for the Province of Nanggroe Aceh Darussalam (NAD) and the *Kompilasi Hukum Islam* (KHI, the Compilation of Islamic Law) which was promulgated by means of *Instruksi Presiden* (Inpres, Presidential Instruction) No. 1 of 1991.<sup>22</sup>

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<sup>19</sup> Cees van Dijk, "Islam and Socio-Political Conflicts in Indonesian History", *Social Compass*, XXXI/1, (1984), p. 22

<sup>20</sup> Samson, *Op.cit.*, pp. 1012-13; Ward, *Op.cit.*, pp. 44-49; Boland, *Op.cit.*, p. 153; Crouch, "Indonesia", p. 201; Deliar Noer, "Contemporary Political Dimensions of Islam", in *Islam in South-East Asia*, M.B. Hooker (ed.), (Leiden: E.J. Brill, 1983), p. 192

<sup>21</sup> Samson, *Op.cit.*, pp. 1013-17; Boland, *Op.cit.*, pp. 154-6; According to Justus M. van der Kroef, NU and some PSII circles convicted Soeharto was relying altogether too much on the leaders of the Christian parties for support, see Justus M. van der Kroef, *Indonesia after Sukarno*, (Vancouver: University of British Columbia Press, 1971), p. 57;

<sup>22</sup> *Ibid*, p. 86

In the first general election after the fall of Suharto, in 1999, there were 20 out of 48 parties which used Islamic symbols, attributes, or even used Islam as their ideology. During the Annual Meeting of the Assembly in 2000 and 2001, some of those Islamic parties fought for the Jakarta Charter to be adopted in the Constitution. However, this idea was opposed by many other parties in the Assembly. Among 20 Islamic parties, *Partai Bulan Bintang* (PBB, the Star and Cresent Moon Party) and *Partai Persatuan Pembangunan* (PPP, the United Development Party) were two leading parties in supporting the Jakarta Charter whereas others remained in vague opinion.

Outside the Assembly, there were several Islamic organizations which publicly called for the adoption of the Jakarta Charter into the Constitution. The most prominent organizations were the *Majelis Mujahidin Indonesia* (MMI, the Indonesian Mujahedeen Council) and the *Hizbut Tahrir Indonesia* (HTI), who proposed making the *khilafah* system the new governmental system in Indonesia.

Besides the sharia movement at the national level, the demand for the implementation of sharia has also become a regional issue. This is a consequence of the greater political openness after the fall of Soeharto in 1998. The sharia movement at the regional level can be classified as Islamization from the bottom up, which mostly concerns itself with the application of sharia in the all aspects of life.<sup>23</sup> Notably, the regional sharia movement has emerged in three regions, whose societies are often considered to be pious, and which used to be the basis of the DI/TII movements. They are Nanggroe Aceh Darussalam (NAD), South Sulawesi and West Java.<sup>24</sup>

### C. The Discourse in *Kompas* and *Republika*

The Indonesian press is far more than a mere reflector of Indonesia's history, politic and culture; rather, it has been actively involved in their making. Editors,

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<sup>23</sup> Oliver Roy, *The Failure of Political Islam*, London: I.B. Tauris Publishers, 1999, p. 24

<sup>24</sup> There are several regencies that have demanded for the application of sharia, such as Pamekasan in Madura, Maros, Sinjai, and Gowa in South Sulawesi; Cianjur, Indramayu and Garut in West Java. See *Tempo*, December 10-16, 2002. While in other areas the sharia is implemented by regional government, in Aceh sharia is implemented province-wide and the central government is involved in its formation. See Moch. Nur Ichwan, "The Politics of Shari'atization: Central Governmental and Regional Discourses of Shari'a Implementation in Aceh", in R. Michael Feener and Mark E. Cammack (eds.), *Islamic Law in Contemporary Indonesia: Ideas and Institutions*, Cambridge, (Massachusetts: Islamic Legal Studies Program, Harvard Law School, 2007), footnote no. 2

reporters and other correspondents of the press have not merely reported events, but have frequently been intimately and directly part of those events.<sup>25</sup>

According to a report from The Department of Information in *Inventarisasi Pertumbuhan dan Perkembangan Pers Nasional* (IPPN, The Inventory of the Growth and Development of National Press), in 1998/1999 there were 500 newspapers published in Indonesia, but only 20 percent were categorized as in a good condition, the other 80 percent were “unhealthy business”. *Kompas* was the healthiest newspaper publications, among others. It achieved the highest circulation among other Indonesian newspapers with 503,750 copies. *Pos Kota* was in second position with 500,000 copies, followed by *Jawa Pos* (342,409 copies), *Suara Pembaruan* (300,026 copies), *Republika* (216,762 copies) and in sixth position was *Media Indonesia* with 201,373 copies.<sup>26</sup>

Since the fall of Soeharto and the beginning of the reformation era in Indonesia, the discussion about the implementation of Islamic law in Indonesia has restarted. There have been many books on this topic written by authors from various religious backgrounds. Some of those books support the demand for the implementation of Islamic law, while others are against the Shariatisation. The debates have also become a controversial issue in the media. In this case newspapers have played a significant role in providing the space for both the proponents and the opponents of the implementation of sharia in Indonesia.

As mentioned in the introduction, this article focuses on the debate in two Indonesian newspapers, *Kompas* and *Republika*. The main concern is the opinions of those either in favour, or against, the implementation of Islamic law, published during the period 2000<sup>27</sup>-2004. During this interval, there were eight articles in favor of Shariatisation and eleven articles against, published in *Kompas*. *Republika* only published five articles which opposed the formalisation of sharia in Indonesia, which is only a quarter of the number of articles that are in favor of sharia, of which there were, in total, twenty. Most of the articles in *Kompas* were published in 2002, with only one article published in 2003, and one in 2004.

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<sup>25</sup> Paul Tickel (ed.), “Introduction”, *The Indonesian Press: Its Past, Its People, Its Problems*, (Australia: Monash University, 1987), p. 1

<sup>26</sup> Sabam Leo Batubara, “Menganalisa Pergulatan Jakob Oetama di Dunia Pers”, St. Sularto (ed.), *Humanisme dan Kebebasan Pers*, First Edition, (Jakarta: Penebit Buku Kompas, 2001), p. 45

<sup>27</sup> 2000 is the year when the decentralization initiated although the implementation of decentralization scheduled to begin in January 2001.

### a. The *Kompas*

*Kompas* was founded by two Catholic journalists, Jakob Oetama and Petrus Kanisius Ojong (P.K. Ojong), on 28 June 1965.<sup>28</sup> *Kompas* was established by Catholic journalists and initiated by the Catholic Party, consequently during its earliest history *Kompas* showed its close connection with the Catholic Party. After the Catholic Party was affiliated into the *Partai Demokrasi Indonesia* (PDI, Indonesian Democratic Party) in 1973, *Kompas* has struggled to be an independent newspaper. However, its close connection with Catholic elements in the past often colored its position in political debates, especially related to Islamic politics.<sup>29</sup>

By implementing self-censorship and caution in dealing with sensitive political issues, *Kompas* managed to avoid being banned by the government in the 1970s, when the government closed down many newspapers. In 1997, Kompas Company was the biggest media company in Indonesia. Under the Kompas-Gramedia Group, it owned 14 newspapers and expanded its business outside the press.<sup>30</sup>

*Kompas* provides page 4 in each edition to opinions of editors and readers. The page is divided into three parts: editorial, article and column, and letter to the editors. Since the whole page is opinion, the page is called the *Opinion page*. In each edition, more articles than columns are published on page 4, the *Opinion page*.<sup>31</sup>

### b. The *Republika*

The daily *Republika* was first published on 4 January 1993 by the *Ikatan Cendekiawan Muslim Indonesia* (ICMI, The Indonesian Muslim Intellectual's Association).<sup>32</sup> Officially, *Republika* declares it is an Islamic newspaper which claims to present news based on the Islamic perspective. Obviously, its relationship with the ICMI strongly colors the character of *Republika* news and its political orientation.<sup>33</sup>

It is mentioned on its website, that *Republika* wants to further its principles, by creating a harmonious, tolerant, peaceful, and intelligent society, and stress its role in keeping the national unity and defending Muslims' interests, all on the basis of

<sup>28</sup> St. Sularto (ed.), *Humanisme dan Kebebasan Pers: Menyambut 70 Tahun Jakob Oetama*, (Jakarta: Penerbit Buku Kompas, 2001), p. xi

<sup>29</sup> Bimo Nugroho et al., *Politik Media Mengemas Berita: Habibie dalam Pemberitaan Kompas, Merdeka dan Republika*, (Yogyakarta: Institut Studi Arus Informasi, 1999), p.7

<sup>30</sup> Krishna Sen and David T. Hill, *Op.cit.*, p. 69

<sup>31</sup> Jakob Oetama, *Op.cit.*, p. 154

<sup>32</sup> "Tentang Kami" <http://www.republika.co.id/iklan/index.html>, last accessed on 10 April 2008.

<sup>33</sup> Bimo Nugroho, *Op. cit.*, p. 7

*Rahmatan Lil Alamin* (Blessing for the whole world). *Republika* tries to create and enliven an effective and efficient management which is professionally liable. Previously, *Republika* was managed and published by PT Abdi Bangsa Tbk, but in 2004 it was taken over by PT Republika Media Mandiri (RMM), with PT Abdi Bangsa as its holding company.<sup>34</sup>

Based on data in 2007 from its official website, 90% of its readers are Muslims. This phenomenon is inline with its affiliation with the ICMI as one of Muslim organizations in Indonesia, and with its vision, stated above. As a national newspaper 53% of its readers live in Jakarta, while only 11% of the copies are distributed to readers outside Java. In short, 89% of its readers are Java inhabitants.<sup>35</sup>

#### D. Sharia Contested

##### a. The Islamic State

Islam in Indonesia has been seen since the independence era as the opponent of the state ideology, Pancasila.<sup>36</sup> Those who are in favour of the application of sharia argue that the best way to apply sharia is through the *khilafah* system, as introduced by the Prophet.<sup>37</sup> This idea is based on the concept that in Islam there is no separation between state and religion.<sup>38</sup> Moreover an Islam state will assure prosperity of the citizens in the all aspects such as economy and education.<sup>39</sup> In short, according to sharia proponents, Islam provides complete guidance for the establishment of a state.

##### b. The New Messiah

The idea of Islam as an integrated totality leads to the idea of the implementation of sharia as a total solution to all problems in life. Ahmad Najib Burhani suspects the rising of demand for the application of Islamic law in Indonesia is another form of the hope for the Messiah. Instead of waiting for the Messiah to make a personal appearance, some Muslim groups lay their hopes in the legalisation of sharia. The

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<sup>34</sup> "Tentang Kami" <http://www.republika.co.id/iklan/index.html>, last accessed on 10 April 2008.

<sup>35</sup> "Tentang Kami" <http://www.republika.co.id/iklan/index.html>, last accessed on 10 April 2008.

<sup>36</sup> Bahtiar Effendy, *Islam and the State in Indonesia*, (Singapore; Institute of Southeast Studies, 2003), p. 1

<sup>37</sup> Abdul Manaf, "Quo Vadis Syariat Islam di Aceh?" *Republika*, 19 December 2000, p. 6

<sup>38</sup> Hadimulyo, "Islamophobia", *Republika*, 15 August 2000, p. 6

<sup>39</sup> MR Kurnia, "Di Bawah Syariat Islam", *Republika*, 12 July 2002, p. 5

belief that sharia is the solution to the multidimensional crisis in Indonesia implies that sharia has taken the place of the Messiah.<sup>40</sup>

It is said that in Muslim societies human agency is seen as a casualty, since social equilibrium is created under the aegis of a Just King. In other words, the significance of the rule of law pales against the charismatic authority of the ruler.<sup>41</sup> Among Javanese society, the idea of the Savior has always been popular. During the Java War, for example, Prince Dipanagara tried to live up to the popular expectation of him as the Javanese "Just King" (*Ratu Adil*).<sup>42</sup>

The idea of sharia as the total solution for the Indonesian crisis is clearly stated by the proponents of the formalisation of sharia. Fauzan Al-Anshari claims that Islam is a religion which concerns itself with all human matters<sup>43</sup>, and that the existing law cannot be compared to sharia which is originally the word of *Allah*.<sup>44</sup> Sharia is also believed to be the solution to certain practical problems, such as floods<sup>45</sup> and poverty.<sup>46</sup>

Another author mentions the success of the Prophet in establishing an Islamic state in Medina as evidence of the might of sharia.<sup>47</sup> This argument is difficult to acknowledge since there is no historical document that supports this idea. By defining the state as "a set of political institution resting on a conception of legal authority", Donner proves that the existing documents explain that the Islamic state did not exist earlier than the time of Mu'awiyah ibn Abi Sufyan (A.D. 661-680). Moreover, the Islamic states which serve as models for Islamic politics are the Umayyad and early Abbasid states.<sup>48</sup> The advocates of the application of sharia contend that the *khilafah* system is the best way to apply sharia.<sup>49</sup>

<sup>40</sup> Ahmad Najib Burhani, "ratu Adil Bernama Syariat Islam", *Republika*, 19 November 2004, p. 5

<sup>41</sup> Aryn B. Sajoo, "Introduction", in Aryn B. Sajoo (ed.), *Civil Society in the Muslim World: Contemporary Perspective*, (London, New York: I.B. Tauris Publishers, 2002), p. 2

<sup>42</sup> Peter Carey, "Waiting for the 'Just King': The Agrarian World of South-Central Java from Giyanti (1755) to the Java War (1825-30)", *Modern Asian Studies*, Vol. 20, No. 1, (1986), pp. 59-137

<sup>43</sup> Fauzan Al-Anshari, "Agama Islam Beku, Akal Terus Berkembang", *Kompas*, 4 December 2002, p. 6

<sup>44</sup> Fauzan Al-Anshari, "Koreksi Atas Tafsir Liberal Syariat Islam", *Republika*, 31 August 2001, p. 6

<sup>45</sup> Fahmi AP Pane, "Banjir, Buah Menentang Syariah", *Republika*, 16 January 2002, p. 6

<sup>46</sup> Fahmi Amhar, "Mengentas Kemiskinan dengan Syariah", *Republika*, 7 March 2003, p. 5

<sup>47</sup> MR Kurnia, "Di Bawah Syariah Islam", *Republika* 12 July 2002, p. 5

<sup>48</sup> Fred M. Donner, "The Formation of the Islamic State", *Journal of the American Oriental Society*, Vol. 106, No. 2, (Apr. - Jun., 1986), pp. 283-296

<sup>49</sup> Abdul Manaf, "Quo Vadis Syariah Islam di Aceh?", *Republika*, 19 December 2000, p. 6

### c. Pluralism

Ghazali suggests that Indonesians look at the history of Indonesian independence. One day after the Independence, the founding fathers of Indonesia agreed to annul the seven words from the Jakarta Charter, which granted the application of Islamic law for Muslims; this Ghazali called a “*pilihan cerdas*” (a smart decision). To raise the same issue after three decades of independence, according to Ghazali, reflects negligence of Indonesian history.<sup>50</sup> Plurality was chosen by the founding fathers of Indonesia in order to save Indonesia from its destruction.

Differently from Ghazali, Lukito argues that the time has come to study the relationship between state and religion in Indonesia.<sup>51</sup> The idea of plurality as the basis of the state is strongly rejected by the proponents of the implementation of sharia. Y Herman Ibrahim, in his article, considered pluralism to be a threat to Islam, without any further explanation of his argument, other than that pluralism is an idea invented by Westerners in order to destroy Islam.<sup>52</sup>

### d. Deconstruction of Sharia

A static interpretation of sharia will reduce the substance of sharia that encourages diversities and flexibilities in understanding laws. Hence, deconstruction of a static interpretation of sharia is significant to prevent the limitation of sharia. The restriction of points of reference only from Middle Eastern countries is also problematical, since the ideas from these countries are unsuitable for Indonesians. What has been done by people from *Jaringan Islam Liberal* (The Liberal Islam Network) is simply giving an alternative reading to the fundamentalists'. In the end, dialogue between the two parties, fundamentalist and liberalist, is necessary towards educating society.<sup>53</sup>

The opponents of the implementation of sharia are afraid that the formalisation of sharia is no more than the symbolisation of religions which is one of two major challenges to religious harmony in Indonesia – a euphemism for religious radicalism.<sup>54</sup> On the other hand, the idea of re-interpretation of sharia is often rejected by the

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<sup>50</sup> Abdul Rohim Ghazali, “*Kompas*, 1 March 2002

<sup>51</sup> Ratno Lukito, “Hubungan Agama dan Negara”, *Kompas*, 17 May 2002, p.6

<sup>52</sup> Y Herman Ibrahim, “Islam Substantif adalah Tegaknya Syariat Islam”, *Kompas*, 13 December 2002, p.6

<sup>53</sup> Zuhairi Misrawi, “Sekali Lagi, Dekonstruksi Syariat Islam”, *Republika*, 21 September 2001, p. 6

<sup>54</sup> Khamami Zada, “Tantangan Kehidupan Beragama Kita”, *Kompas*, 13 December 2002, p.6

ponents of sharia based on the idea that sharia is “the word of Allah”,<sup>55</sup> or that the nature of sharia is divine law based on humanism.<sup>56</sup>

#### e. Deprivatisation of Religion

Deprivatisation of religion may be used as another solution to prevent the symbolisation of religion. The core concept of the deprivatisation of religion is that religions should remain at the level of morality, common good and good life. Furthermore, religions are the guard of morality and ethics.<sup>57</sup>

Jose Casanova, the New York sociologist, identifies a “deprivatization” of religion in the 1980s when churches in many places in the world could not be confined to the space assigned to them in classical secularization theories. Casanova differentiates among three dimensions of secularization: institutional differentiation, decline in beliefs and practices, and the confinement of religion to a private sphere.<sup>58</sup>

Casanova was the first to note that by the late 1970s religious movements, identities and practices would no longer be marginalized due to several developments. These were the Iranian revolution, the rise of the Solidarity movement in Poland, the role of liberation theology in political movements throughout Latin America, and the return of Protestant fundamentalism as a force in American politics.<sup>59</sup>

#### f. Humanism of Sharia

The demand for the application of Islamic sharia in Indonesia, in the form of Islamicizing the laws, is similar to what happened in the Middle East. The calls for application of sharia in the Middle East in the 1960s and 1970s were presented by symbolic commitments to Islamicizing law. Sharia which is understood as a set of identifiable rules has become the most widely accepted indicator of the degree to which a society and political system are Islamic.<sup>60</sup>

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<sup>55</sup> Fauzan Al-Anshari, “Koreksi Atas Tafsir Liberal Syariat Islam”, *Republika*, 31 August 2001, p. 6

<sup>56</sup> Muhammad Iqbal, “Menepis Kesan Angker Syariat Islam”, *Republika*, 16 May 2001, p.6

<sup>57</sup> Ratno Lukito, “Syariat Islam dalam Ruang Polisentrisme Hukum”, *Kompas*, 22 April 2002, p.6

<sup>58</sup> Chris Hann, “Problems with the (De)Privatization of Religion”, *Anthropology Today*, Vol. 16, No. 6, (Dec., 2000), pp. 14-20

<sup>59</sup> Dale F. Eickelman and Armando Salvatore, “Public Islam as an Antidote to Violence?”, in J. Craig Jenkins and Esther E. Gottlieb (eds.), *Identity Conflicts: Can Violence be Regulated?*, (New Brunswick, London: Transaction Publishers, 2007), p. 80

<sup>60</sup> Nathan J. Brown, “Sharia and State in the Modern Muslim Middle East”, *International Journal of Middle East Studies*, Vol. 29, No. 3, (Aug., 1997), pp. 359-376

Brown argues that the calls for Islamicizing the law is actually a form of resistance toward the abandonment of sharia since the 19<sup>th</sup> century. Since that century, the Muslim world has created centralized and secular legal systems borrowed from European sources. Consequently, they tended to abandon sharia or rendered it irrelevant except in personal matters.<sup>61</sup>

In Indonesia, the demand for the application of sharia is not always a call for Islamicizing laws. For example, in Cianjur the idea of the application of sharia put emphasis on the attempt to objectify Islamic values into state regulations<sup>62</sup>, or on the development of morality.<sup>63</sup> This method of implementation of sharia is an example of the sharia humanism movements.

However, there are some groups which demand only the legalisation of certain parts of sharia, such as the proposal from several parties in the Assembly concerning the Jakarta Charter, while other calls for a total application of sharia, for instance the Indonesian Mujahedeen Council (MMI), which aims for the establishment of an Islamic state. Some of the proponents of formalisation of sharia call for jihad should the People's Consultative Assembly (MPR) rejected the sharia.<sup>64</sup> *Jihad*, they argue, is the only way to apply sharia if *da'wa* has failed.<sup>65</sup>

## E. Conclusion

Discourse on the implementation of sharia in Indonesia in *Kompas* and *Republika* 2000-2004 covers very broad topics. The issues discussed concern both theoretical and practical matters regarding the implementation of sharia in Indonesia. Some people argue that the application of sharia will solve problems in life such as floods and poverty. Some authors concern themselves with the implementation of sharia at the regional level while others focus on the application of sharia at the national level.

The debate between the proponents and opponents of the formalisation of sharia in Indonesia is mostly the debate between liberal and fundamental Islamic groups. Both the articles in favour and against the formalisation of sharia are written by Muslims. The difference in the number of articles published in either *Kompas* or

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<sup>61</sup> *Ibid*

<sup>62</sup> Saeful Millah, "Syariat Islam di Cianjur", *Republika*, 14 December 2001, p.6

<sup>63</sup> Saeful Millah, "Mengkaji Ide Islam Humanis", *Republika*, 24 December 2002, p.4

<sup>64</sup> Tgk Fauzi Hasbi Gendong, "Penegakan Syariat Islam di Aceh", *Republika*, 14 December 2000, p.6

<sup>65</sup> Fauzan Al-Anshari, "Koreksi Atas Tafsir Liberal Syariat Islam", *Republika*, 31 August 2001, p.5

*Republika* is very significant. Most of the opinions in *Republika* were written by the proponents of sharia, while only one-fourth of them are against the implementation of sharia. On the other hand, *Kompas* is almost balanced in the proportion of articles. There are eight articles which support the application of sharia compared to eleven articles against it.

Surprisingly, *Kompas*, which has a Catholic background, gives space to those who are in favour of the implementation of sharia, to express their ideas. The general subject of the articles in *Kompas* and *Republika* is the relationship between state and religion, a much debated problem since the Independence era. The issues at stake in this relationship include democracy, religious freedom, and fundamentalism. The views are also presented in the debates on the Jakarta Charter, legal systems and morality.

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