



ASIA-PACIFIC

Islam and law in Indonesia: the significance of symbols

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In Indonesia, disputes over Islam's political and moral role in public life are not new, but have a long history dating back as far as the constitutional debates of the 1940s. At that time, attempts by Muslim political groups to formally enshrine Islam within the new constitution were quashed, and *Pancasila* became the ideological foundation for the nation.¹ When President Suharto's thirty-two-year reign came to an end in 1998, debates over these issues emerged once again. Attempts to gain constitutional recognition of Islam as the national religion have failed repeatedly, as have the electoral aspirations of formalist Islamic political parties. However, in recent years, new debates have emerged regarding the possibility of an enhanced political and social platform for conservative Islam in Indonesia. The emergence of syariah inspired by-laws at the local government level, and the proposal of a new Anti-pornography bill (*Rancangan Undang-Undang Anti Pornografi dan Pornoaksi*, 'RUU APP') in 2006 sparked widespread debate over the influence of conservative Islamic values in Indonesia's public sphere.

These developments have been covered extensively in media and academic circles. The literature tends to be divided between those who argue Indonesia is experiencing a turn towards religious conservatism that is influencing public institutions and those who take a less alarmist approach, arguing that proponents of conservative Islam have always been part of Indonesia's complex political fabric, and that such forces have limited appeal and relatively little political power. This article examines these two alternative approaches to understanding the position of Islam in the Indonesian public sphere and their implications for politico-legal structures. It argues that although the introduction of syariah-influenced laws should not be read as proof that Indonesia is moving towards an Islamic state, it is not enough to simply examine political parties, government policies, and electoral results when considering their impact. Religious symbols, social discourse, and changes in other public institutions are also 'political', particularly when they impact upon the rights of women and minorities.

The post-Suharto period, or *Reformasi*, has created greater freedom of speech and association, and facilitated new levels of independence of the press. This new context has provided an opportunity for Islamic groups, long co-opted and controlled by Suharto's regime, to freely promote their Islamist agendas in the public sphere.² Although Islamist parties have been unable to gain majority representation in

parliament, debates about Islamic issues and the role of Islam in the Indonesian state include conservative Islamic perspectives and ideologies that have become part of mainstream public discourse.³ Islamist ideologies are not new to Indonesia and many contemporary right-wing organisations have their roots in the New Order era and the Sukarno period. However, in the context of *Reformasi*, they have become noticeably more vocal and visible, and their capacity to organise, campaign and boost their public profile has been enhanced by the process of democratic transition. As a consequence, conservative Islamic ideologies now have a greater presence 'in the public consciousness'.⁴

Decentralisation of political power in post-Suharto Indonesia has, in some instances, been accompanied by an increased emphasis on the legal and moral role of syariah in various communities throughout Aceh, West Java, Lombok, South Kalimantan, Bengkulu and West Sumatra. Many of these areas have a strong history of Islamic piety and support for Islamic law. As part of a new strategy to temper Acehese separatism, the Indonesian government introduced laws in 2001 allowing Aceh to implement syariah. Since syariah has been integrated into the Acehese legal code both officials and community groups have begun arresting or reporting people for disobeying new laws regarding Friday prayers, bans on gambling and alcohol, and attire not in keeping with the mandated Islamic code of dress.⁵ Local governments in other parts of Indonesia have since followed suit, introducing Islamic by-laws that, for example, enforce learning of the Qur'an, require city employees to contribute part of their salary as *zakat* (alms), or make wearing the *jilbab* (Islamic head scarf) compulsory and require women to be 'modest' in their dress. Without the jurisdiction to formally implement syariah, district authorities outside Aceh claim to be restoring moral order, and draw upon a discourse of religious or cultural authenticity to garner public support and implement their political goals.⁶ With the exception of Aceh, where national level politics have been the main force behind the introduction of syariah, these laws are being advanced predominantly by groups of Islamic conservatives or extremists, and politicians — both Islamic and secular — seeking a support base for local elections.

The divided community response to the proposed national Anti-pornography bill in 2006 illustrates the highly contested and sensitive nature of Islam's socio-political role in contemporary Indonesia. Indonesia's period of democratic transition has occurred within

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3. John Bowen, *Islam, law, and equality in Indonesia: an anthropology of public reasoning* (2003); Hosen, above n 2; Martin Van Bruinessen, 'Post-Suharto Muslim Engagements with Civil Society and Democratisation' (Paper presented at the Third International Conference and Workshop 'Indonesia in Transition', Universitas Indonesia, Depok, 24–28 August 2003).
4. Kamala Chandrakikna and Chuzaifah Yuniyanti, 'The Battle over a "New" Indonesia: Religious Extremism, Democratisation and Women's Agency in a Plural Society' (2004) (1)2 *ICIP Journal* 1–26.
5. Cut Hasniati, 'Syariat Islam di Aceh: Simbol atau Substansi', *Artikel Perempuan* <www.jurnalperempuan.com/yjp.jpo/?act=artikel%7C-54%7CX> at 12 June 2008; Suraiya Kamaruzzaman, 'Women and Syariat in Aceh' (2004) *Inside Indonesia* 79.
6. George Quinn, 'Coming Apart and Staying Together at the Centre: Debates over Provincial Status in Java and Madura' in Edward Aspinall and Greg Fealy (eds), *Local Power and Politics in Indonesia: Decentralisation & Democratisation* (2003); Rahima, 'Perempuan dalam Arus Formalisasi Syariat Islam (Sebuah Pengantar)' (Paper presented at Perempuan dalam Arus Formalisasi Syariat Islam: Belajar dari Tasikmalaya, Garut, Cianjur dan Banten, Jakarta (2004); Hana Satriyo, 'Decentralisation and Women in Indonesia: One Step Back, Two Steps Forward?' in Edward Aspinall and Greg Fealy (eds) *Local Power and Politics in Indonesia*.

the context of significant economic hardship, poverty and associated social problems. Community and political leaders have responded by presenting social and economic challenges as the result of a national 'moral crisis'. The proposed bill was presented by its proponents as key to overcoming this moral crisis. It contained articles outlawing a wide range of actions associated with pornography, and included bans on kissing in public, sensual dance or erotic media content, as well as clauses that stipulate that 'sensual' body parts (for women, areas such as stomach, thighs, hips and breasts) must be covered in their entirety. It implied an association between moral decay and female sexuality, and attempted to place restrictions upon women's dress and movement.

Both the local government regulations and the Anti-pornography bill emphasise visual manifestations of piety, such as enforcing the *jilbab*, or modest dress. This indicates a symbolic rather than substantive role of Islamic principles in these public institutions.⁷ According to McGibbon,⁸ this, as well as the uneven implementation of some local laws, means there is little to indicate conservative Islam is gaining greater influence in political or legal circles. McGibbon contends that in most cases economic and security issues were the real force behind the religious by-laws; some of the politicians who introduced them were not even Islamists, hence 'motives other than religion were at work'.⁹ There are indeed reasons to be cynical about the significance of the Anti-pornography bill and local syariah-inspired by-laws. Many of the clauses in the Anti-pornography bill were already included in existing laws. Further, the bill remains under consideration, and healthy democratic debate has required it to be renegotiated. During its review by a special committee in the Indonesian government, the bill was reduced from 93 to 29 clauses. In fact, one could conclude from an examination of these facts alone that the anti-pornography debates are simply democracy in action. Further, even if there were some legitimately religiously inspired regulations, as McGibbon claims, this would be 'unremarkable' given Indonesia's well-documented increase in community piety.¹⁰

There has, however, been a strong response from human rights and women's groups, as well as academics, who consider both the formal and symbolic elements as significant and concerning, and perceive them to be a threat to women's basic freedoms and the broader process of democratisation. A range of NGOs, NGO networks and civil society institutions such as Rahima, Liberal Islam Network (*Jaringan Islam Liberal*), Legal Aid Organisation of Indonesian Women's Association For Justice, (*Lembaga Bantuan Hukum Asosiasi Perempuan Indonesia untuk Keadilan-LBH APIK*), Women's Journal Foundation (*Yayasan Jurnal Perempuan*), National Commission Against Violence Towards Women (*KOMNAS Perempuan*), and Women's Coalition for Justice and Democracy (*Koalisi Perempuan Untuk Keadilan dan Demokrasi*) contest the conservative Islamic position implied in the Anti-pornography bill and have criticised the by-laws as they rely on arbitrary interpretations of women's appearance, particularly their dress. These commentators suggest that the

laws and accompanying discourse of Islamic morality, have important repercussions for women and religious minorities whose cultural practices do not align with conservative Islamic principles.¹¹

Without ascribing to the alarmist approach taken by more extreme proponents of this argument, it is important to recognise that religious symbolism is a powerful tool, particularly when mobilised in a politico-legal context. The nation-wide debates over the cultural, moral and socio-political role of Islam generated by these syariah-inspired laws suggest that it is necessary to go beyond an analysis of formal legal and political structures into the realm of everyday practices and smaller public institutions — where religious symbols, practices and moral codes are highly politicised — in order to understand the changing political significance of Islam in Indonesia. One of the most powerful examples of this trend is how Muslim dress is now presented as an indicator of moral quality in some public institutions such as local governments, and on university campuses.¹² The use of Islamic symbols for political means, and the public regulation of social practices and norms based on conservative Islamic principles are occurring in unprecedented and important ways in post-Suharto Indonesia. The unpopularity in Indonesia of formalist Islamic political parties and aspirations does not mean these new trends are not political, nor are they 'unremarkable'.

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7. Rahima, 'Perempuan dalam Arus Formalisasi Syariat Islam (Sebuah Pengantar)' (Paper presented at the Perempuan dalam Arus Formalisasi Syariat Islam: Belajar dari Tasikmalaya, Garut, Cianjur dan Banten, Jakarta (2004); Michelle Ann Miller, 'The Nanggroe Aceh Darussalam Law: A Serious Response to Acehese Separatism' (2004) (5)3 *Asian Ethnicity* 335–51.

8. Rodd McGibbon, 'Indonesian Politics in 2006: Stability, Compromise and Shifting Contests Over Ideology' (2006) (42)3 *Bulletin of Indonesian Economic Studies* 321–40.

9. Ibid 334

10. Ibid

11. Ross McLeod and Andrew MacIntyre (eds), *Indonesia: Democracy and the Promise of Good Government* (2007).

12. The Muslim veil has become a more politicised religious symbol in post-Suharto Indonesia. On university campuses, women feel more pressure to wear the *jilbab* than before. Islamic universities have also begun regulating Muslim dress on campus and enforcing veiling for all students regardless of religious persuasion. Eve Warburton, 'No Longer a Choice' (2007) *Inside Indonesia* 89; Eve Warburton, *Private Choice or Public Obligation: Institutional and Social Regimes of Veiling in Contemporary Indonesia* (2006) University of Sydney Honours Thesis.