

# Bottom Up-Sharia Formalization in Indonesia's Nation State

*by* Haedar Nashir

---

**Submission date:** 09-Jul-2019 12:31PM (UTC+0700)

**Submission ID:** 1150398631

**File name:** HN.\_B.12.pdf (826.46K)

**Word count:** 10789

**Character count:** 58228

## Bottom Up-Sharia Formalization in Indonesia's Nation State

352

Received: August 3, 2017  
Revised: August 14, 2017  
Accepted: August 28, 2017

**HAEDAR NASHIR**

*Department of Political Science Universitas Muhammadiyah Yogyakarta  
Haedar\_nashir@yahoo.com*

### ABSTRACT

This paper describes the bottom up-Sharia formalization in the Indonesian nation-state. The Islamic movement has been fighting for the Islamic Sharia in the provinces of South Sulawesi, West Java, and Aceh. Having started since the Reform Era, the Islamic Sharia in these areas also had fundamental Islamic political powers such as Syarikat Islam and Masyumi in the past. Based on the facts previously mentioned, this study is carried out by focusing on such three areas. This study used a sociology perspective on religious movements focusing on the study of human social life, groups, and societies. By using the sociology perspective, the aspects may be analyzed interpretatively given that according to Weber, sociology is the knowledge that sticks on the interpretative of social actions. The analysis above clearly shows the different dynamics of South Sulawesi, Aceh, and West Java. Aceh has more chance to implement Islamic Sharia through the legislation of the Law, Local Regulation (Perda), and Governor Decree since it leans more in the form of political "present" from the Central Government as the compensation of a prolonged conflict resolution. In South Sulawesi, the movement of Islamic Sharia implementation was born naturally through the efforts of various Muslim components which almost entirely and excitedly appeared from its capital province, Makassar (Ujung Pandang). While in the West Java, precise Islamic movement doesn't move in Bandung, but it grows and develops through the Muslims aspiration and the Regents in some rural area such as Cianjur, Tasikmalaya, Garut, and Indramayu.

Keyword: Shariah, Formalization, National State, Indonesia

### ABSTRAK

Paper ini menjelaskan formalisasi bottom up-Sharia di negara Indonesia. Gerakan Islam telah memperjuangkan Syariah Islam di provinsi Sulawesi Selatan, Jawa Barat, dan Aceh. Setelah dimulai sejak Era Reformasi, Syariah Islam di daerah ini juga memiliki kekuatan politik Islam fundamental seperti Syarikat Islam dan Masyumi di masa lalu. Berdasarkan fakta yang telah disebutkan pada penelitian ini, dilakukan dengan memusatkan perhatian pada tiga bidang. Penelitian ini menggunakan perspektif sosiologi tentang gerakan keagamaan yang berfokus pada studi kehidupan sosial manusia, kelompok, dan masyarakat. Dengan menggunakan perspektif sosiologi, aspek-aspek tersebut dapat dianalisis secara interpretatif. Mengingat menurut Weber, sosiologi adalah pengetahuan yang melekat pada interpretatif tindakan sosial. Analisis di atas jelas menunjukkan

---

dinamika yang berbeda antara Sulawesi Selatan, Aceh, dan Jawa Barat. Aceh memiliki lebih banyak kesempatan untuk menerapkan Syariah Islam melalui undang-undang Undang-undang, Perda, dan Keputusan Gubernur karena ia bersandar lebih dalam bentuk "hadir" politik dari Pemerintah Pusat sebagai kompensasi atas resolusi konflik yang berkepanjangan. Di Sulawesi Selatan, gerakan implementasi Syariah Islam lahir secara alami melalui upaya berbagai komponen Muslim yang hampir seluruhnya dan penuh semangat muncul dari provinsi tetangganya, Makassar (Ujung Pandang). Sementara di

Jawa Barat, gerakan Islam yang tepat tidak bergerak di Bandung, namun tumbuh dan berkembang melalui aspirasi umat Islam dan Bupati di beberapa daerah pedesaan seperti Cianjur, Tasikmalaya, Garut, dan Indramayu.

Kata Kunci: Syariah, Formalisasi, Negara Nasional, Indonesia

## INTRODUCTION

Since the Reform Era, the Islamic Sharia movement has been fighting for the implementation of Islamic Sharia in Indonesia. The beginning of this movement was triggered by the efforts of a group of Muslims to re-write the Jakarta charter in the amendment of 1945 Constitution at the 2000 MPR-RI (People's Consultative Assembly - Republic of Indonesia) Annual Session. The groups of Islam which incredibly fight for the Jakarta Charter were Mujahidin Indonesia (MMI), Hizbut Tahrir Indonesia (HTI), Front Pemuda Islam Surakarta (FPIS), Komite Persiapan Penerapan Syari'at Islam (KPPSI) Branch South Sulawesi. Also Persaudaraan Pekerja Muslim Indonesia, Front Hizbullah, Front Pembela Islam (FPI) and others. The Islamic political parties are Partai Bulan Bintang (PBB) and Partai Persatuan Pembangunan (PPP) ([Keadilan, 2000](#)). Partai Keadilan (PK), nowadays known well as Partai Keadilan Sejahtera (PKS) is also ensuring the implementation of Islamic Sharia. But different from PBB and PPP, PKS implicitly fights for Islamic Sharia. Some politicians of Partai Amanat Nasional (PAN) are also supporting this effort even though the more moderate attitude offering the changing of Section 29 of the 1945 Constitution is not limited to Muslims only ([PAN](#)).

This movement is considered as an active movement because the effort started in 1999 when MPR-RI held the first Special Session in the Reform era. Then, it was continued in the 2000 MPR Annual Session and then in the next Session on the amend-

ment of the 1945 Constitution. The primary goal of this movement was to insert the Jakarta Charter which contains seven sacred words to the preamble of the 1945 Constitution. The words to be exact are "Considering the implementation of Islamic Sharia as the law for the adherents." Unfortunately, its realization was a failure. Furthermore, the effort moves to the amendment of the body of the 1954 Constitution, i.e., Section 29 Subsection (1) which was also a failure because of the lack of strong political support in the parliament.

This Islamic group has strong faith in the history of the Jakarta Charter - in 1945 which failed on August 18, 1945, and the 1956-1959 Constituent Assembly, "in spirit the existence of the 1945 Constitution and an integral part of the 1945 Constitution" (PAN). Besides the historical aspect, the effort to bring the Jakarta Charter is becoming a sociological act and philosophical foundation for Muslims. It may drive to the implementation of Islamic Sharia in the form of law which is applied to Muslims in Indonesia.

The failure is not an ending, though. This movement developed in some areas through the policies of Local Government and the Local House of Representative Council. The areas are South Sulawesi, some regions in West Java (Cianjur, Tasikmalaya, Indramayu), Pamekasan and some parts in East Java, and Nanggroe Aceh Darussalam (NAD). This movement is officially not carrying the Jakarta Charter as the top priority, but its substance still promotes the implementation of Islamic Sharia for its adherents. The efforts are made by the assistance of the Local Regulation or the other regulations under Local Regulation which officially applied in every region.

In the Reform era, this phenomenon is very remarkable. This movement was almost simultaneous with the effort to carry out the Jakarta Charter in 2000 which conducted by the groups of Muslims in every Islamic organization. The Islamic movement that fights for the Islamic Sharia relatively run in South Sulawesi, West Java, and Aceh. According to Roy, the effort to apply Is-

lamic Sharia in every region in Indonesia categorized as the way to purify the society to the real Islam which known well as the Islamization from the bottom up. Also, the Islamization bottom-up according to Roy, has neo-fundamentalism feature, which is concerned on the endeavor (*ikhtiar*) of upholding the Islamic Sharia in this life.

In reality, the movement stands out in three regions, i.e., Nanggroe Aceh Darussalam (NAD), South Sulawesi, and West Java. Those three areas were known well as the source areas of DI/TII movement. The three regions were famous because of its fertile land and because often categorized as the areas which have good Muslims. The areas also had fundamental Islamic political powers such as *Syarikat Islam* and *Masyumi* in the past. Based on the facts mentioned before, this study is carried out by focusing on these three areas.

#### THEORETICAL FRAMEWORK

The study is using sociology perspective on religious movements that belong to the study area of social movement. The focus of sociology research is the study of human social life, groups, and societies ([Giddens, 1993](#)). In addition, sociology set the discipline and theory is the statistic study of human social life to understand the form, background, process, and implication of various social actions that grow and develop in society ([Usman, 2004](#)). By using the sociology perspective, the aspects may be analyzed interpretatively because according to Weber, sociology is the knowledge that sticks on the interpretative of social actions ([Weber, 1978](#)).

By using interpretative sociology approach, an understanding of the movement which contains the subjective meaning of social action will be achieved. In this matter, social action refers to the collective action in the religious movement which fights for implementing Islamic Sharia in Indonesia. The objectivity of study is firmly built by understanding the view of the group of Islamic Sharia, including its religious faith system. It is also be-

cause of such objectivity that interpretative sociology will not provide an explanation which contains positivistic in order to find the relationship pattern which significantly affects the Islamic Sharia movement as well as the studies of social knowledge with the evaluative and quantitative approach. In assessing the Islamic Sharia movement in Indonesia, this study discusses on three perspectives, i.e., the point of view of integralism, deconstructionism, and social movement as a way to analyze the Islamic movement which officially fights for the implementation of Islamic Sharia in Indonesia.

### **INTEGRALISM**

For a movement, the notion of Islamic integralism can be appointed to the Islamic revivalist movement with using the theme of “back to Al-Quran and As-Sunnah (*al-ruju’ ila al-Quran wa al-Sunnah*). The movement that wanted to restore Islam to the glorious age emerged in the 18<sup>th</sup> century to face social and moral degeneration. Furthermore, same movement in the 19<sup>th</sup> and 20<sup>th</sup> century resulting in the movement of Islamic modernism and Islamic jama’ah such as the Muslim Brotherhood (*Ikhwanul Muslimin*) offered an Islamic response to the challenges of the European colonialism and modernization ([Esposito, 2004](#)). These Islamic revivalist movements conducted revitalize to the Muslims societies through moral reconstruction that changed not only the religious but also the socio-political life of the Muslims.

The ideological philosophy of this Islamic revivalist covers the Islamic belief that:

- 1) The process of renewal needs tracing the revolution or first Islamic reform and paradigmatic conducted by Prophet Muhammad;
- 2) Religion is part of state and society;
- 3) Against the Islamic norm will drive to the divisions of the Ummah and lose the glory;
- 4) Recovering the wrong doing and taking the right path as gov-

- 
- erned by Sharia my drive the Ummah to the truth;
- 5) The decline of Muslims caused by the practice of syncretism the traditional Sufism, and *taklid*;
  - 6) The reform of Sufism has to be accompanied with *ijtihad*;
  - 7) The renewal is the task of the individuals and pilgrims;
  - 8) The true believers, perhaps, need to be dissociated to maintain the faith and make a better society;
  - 9) Jihad is a tool to reaffirmed the right of Islam in society; it requires a discipline even armed struggle;
  - 10) Muslims who are refusing the implementation of jihad cannot be recognized as Muslims; they included as the enemy of God ([Esposito, 2004](#)).

The view of Islamic integralism is linked with Islamic fundamentalism which occurred in the current era. Islamic fundamentalist aims to return the “fundamental” and “basic” of Islam, including politics. The use of fundamentalist perspectives that have been developed quite dominantly needs to be done critically, at least accepted. In current developments, the use of category and analysis of fundamentalism in West typology that contains the radicalism and negative things as dominant in studies of the contemporary Islamic movement considered ambiguous:

### DECONSTRUCTIVISM

The Islamic thinking which has deconstruction character related to the modern and liberalism thought in Islam ([Borton, 2003](#)), becoming a variant which often triggers a controversy. Even, there is a liberalism thought which tends to the “Islamic secularism.” This term is becoming debatable, is it true that Islam justifies the secularism terminology? Regarding the relation between religion and state, this school said that “Islam is a religion, in Western view, religion is separated from governance matters. According to the school of Prophet Muhammad, only a *Rasul* has a single task, i.e., inviting the people in choosing the right path, and Prophet Muhammad has no duty to establish or becomes a head of a state” ([Sjadzali, 1994](#)). The figure behind

this thinking are Ali Abd al-Raziq and Thaha Husein.

Furthermore, the perspective of deconstructionism which has new or liberalism and secularism character cannot be set as the only model for understanding the Islamic movement which has doctrinal ([Awwas, 2003](#)). The point of view of deconstructionism as developed by Abdullah Ahmed An-Na'im, is not far from critical opinion or weaknesses, whether from the material or methodology. The reason is An-Na'im view stated that Sharia is not the revelation from Allah, but a traditional *tafsir* or *nash* or text in certain Islamic history. In reality, the dominant of Muslims believed that Sharia is the command of Allah, while *Tafsir* of *Nash* is categorized as *fikih*, and it is not proper to think that Sharia and *fikih* as the same. The view of Na'im can unbind the faith in Islamic Sharia. As a consequence, it may lead to the negative behavior of Muslims. Na'im also known as the proponent of Human Rights or current norm as absolute universal law. It shows the tendency of anthropocentrism and secularism which lead to the adjustment of Sharia to the recent law made by a human. Also, An-Na'im also set *Makiyah* ayah above *Madaniyah* ayah and conducting reverse revision, i.e., *Makiyah* ayah against *Madaniyah* ayah as the basis of Sharia formulation which definitely different to the others dominant Islamic thinking ([Salikin, 2004](#)).

#### RESEARCH METHOD

This study used perspective approach ([Kartodirdjo, 1992](#)). It is using three views coherently to get a complete and comprehensive description and analysis of Islamic Sharia movement in Indonesia which complex and not linear. The analytical framework used for explaining the phenomenon of Islamic Sharia movement by finding the specified characteristic to know the roots, form of manifestation, and implication or the dynamic of movement which may occur. Then, the analysis of Islamic Sharia movement is confirmed with Islamic integralism perspective which based on a belief system and a *madzhab* or school to know



---

world-view which grows and embedded in Islam. Furthermore, the analysis continued by using deconstructionism perspective for giving critic or confirmation about world-view toward a group of Islamic Sharia to the other Islamic views. In the end, this may provide a comprehensive view of the diversity of Islam.

### RESEARCH FINDINGS

#### SHARIA FORMALIZATION IN SOUTH SULAWESI

The movement of implementing Islamic Sharia in South Sulawesi is reasonable because the majority of society is Islam and known well as fanatic Muslims, in another word, the citizen of South Sulawesi strictly run the command in Islam such as praying, fasting, and others. As well as in Aceh and West Java, South Sulawesi is a great land to develop Islamic movement which fights for upholding the Islamic Sharia. In addition, the Islamic movement which fights for the implementation of Islamic Sharia started in 2000, along with the movement in defending the Jakarta Charter in the amendment of the 1945 Constitution at MPR session. This movement began with several interactions and discussions of some Islamic figures and activists from many components in South Sulawesi. After the first Congress of Muslims South Sulawesi (*Kongres Umat Islam Sulawesi Selatan*) in 2000 and the second congress in 2001, there was a decision to establish the Committee for the Preparation of the Islamic Sharia Enforcement (*Komite Persiapan Penegakan Syariat Islam/KPPSI*).

This movement followed by some political movements through the legislative process in DPRD, Local Government, and even DPR-RI to manifest the special autonomy in South Sulawesi contains the implementation of Islamic Sharia in the society as well as occurred in Aceh. The idea of defending the implementation of Islamic Sharia in South Sulawesi formed in an open dialogue on Mei 21, 2000 at the Hotel Berlian Bosowa Makassar, which also produced the Congress for of Muslims South Sulawesi. The first Congress of Muslims South Sulawesi held on October 19, 2000, at Haj Boarding House Sudikalang Makassar. The Con-

gress produced some decisions to uphold the Islamic Sharia in South Sulawesi by establishing a committee namely the Committee for the Preparation of the Islamic Sharia Enforcement (KPPSI). The primary task of KPPSI is “fighting for the realism of Special Autonomy contains the Implementation of Islamic Sharia in Province of South Sulawesi.” The first congress also created the Declaration of Makassar on 23 Rajab 1421 or October 21, 2000, M. The content of declaration is:

*“We the Muslims of South Sulawesi through the Congress of Muslims and in the name of Allah hereby declared that Muslims are ready for enforcing the Islamic Sharia in South Sulawesi. Matters which concern the mechanism of the Islamic Sharia implementation will be executed in the possible time constitutionally.”*

After the establishment of KPPSI in the first congress on 2000, the activists of KPPSI stated the pledge on 21 Muharram 1422 H / April 15, 2001, M. The promise contained the faith and willingness in enforcing the Islamic Sharia in South Sulawesi then, called as Muharram Declaration. There are five statements of Muharram Declaration as follow:

*Urgently pursue the government and DPR to follow up the Islamic Sharia enforcement in South Sulawesi through Special Autonomy. Seeking the government and DPR in every regional/city of South Sulawesi for issuing the Local Regulation on governing the implementation of Islamic Sharia as ruled by Al-Quran and As-Sunnah. For the government, DPR-RI, and the political elite, in order not to neglect the demands of the Islamic Sharia implementation in South Sulawesi which known as Serambi Madinah, when it was neglected then, it will create new problems for the Unitary Republic of Indonesia.*

*For all Muslims in Indonesia and South Sulawesi, it is hoped to support the effort in enforcing the Islamic Sharia for the good of people and in line with the aim of Islamic Sharia.*

*For those who disagree with this idea, it needs to be understood that this is a right and obligation of Muslims that have to be respected and recognized democratically.*

---

The organizers of the Committee of the Preparation of the Islamic Sharia Enforcement (KPPSI) South Sulawesi are some Islamic figures which represent the component of Muslim in these areas. The vision of KPPSI is the alliance (*tansiq*) which means to unify the potential of South Sulawesi Muslims for enforcing the Islamic Sharia. The mission of KPPSI is to uphold the Islamic Sharia in South Sulawesi officially through constitutional politics, democracy, and still in the framework of the Republic of Indonesia. The structural effort is getting Special Autonomy license which contains the permission to implement the Islamic Sharia as the reference in the life of individuals, society, nation, and state.

The strategy of KPPSI focuses on the fact that the majority of South Sulawesi Muslims is becoming the political inspiration and aspiration which may be reflected in the political decision that binding and governing the society as thought by Islamic teaching. The tactic of KPPSI is by implementing the political-dakwah in Parlemt together with *terbiyah* (education), and also jihad which mobilizes the entire potentials in all aspects. The KPPSI program is the revitalization and actualization of Islamic Sharia. It was carried out assertively and applicatively guided by:

- (1) *Fiqih nash* that is understanding of written/ideal text in Al-Quran and As-Sunnah (Saheeh hadith) and also a consideration.
- (2) *Fiqih waqi'* that is understanding the rules of reality / empirical society faced; towards the realization of the legitimacy of Islamic institutionalization as a teaching that brings grace based on the Islamic Sharia. While the operationalization of KPPSI is carrying out the socialization, consolidation, crystallization, and mobilization based on the mission carried out, as well as the movement with the combined structural political (vertical) and the culture of sociological (horizontal).

As a consequence of the first congress, the second congress was held on 29 - 30 December 2001 at the Haj Boarding House Sudikalang Makassar. The second congress was organized to

manifest the Special Autonomy as the mean to uphold the implementation of Islamic Sharia in South Sulawesi. Both in the first Congress, and second Congress, the effort of South Sulawesi Muslims pursued in a constitutional, democratic, and within the framework of the Unitary State of the Republic of Indonesia.

Many efforts run by KPPSI in the first Congress and second Congress among others, are to communicate and deliver the aspiration to the DPRD for demanding the legislation of Islamic Sharia and special autonomy. The next step is proposing the draft of Special Autonomy to the House of Representative Council of Indonesia and Central Government. On October 21, 2000, and April 16, 2001, KPPSI South Sulawesi delivering an aspiration and demand to the DPRD about the implementation of Islamic Sharia. The DPRD responded the proposal positively. Moreover, the result of the DPRD consultation meeting on April 23, 2001, was an agreement to recommend the implementation of Islamic Sharia to the Central Government to be followed up in accordance with the applied mechanism.

Based on the agreement of South Sulawesi Local House of Representative Council, there are several delegations sent. The delegations are Vice Chairman of DPRD with Chairman of DPRD of each Faction and the representatives of KPPSI South Sulawesi. The delegations sent to attend President of the Republic of Indonesia, i.e., Abdurrahman Wahid and Chairman of the House of the Representative Council, Akbar Tanjung in Jakarta. Also, on March 9, 2001, the South Sulawesi DPRD had sent a petition to ask the Local Government, represented by the Governor of South Sulawesi with the related institutions to examine and discuss the demand of Muslims in South Sulawesi. The Governor of South Sulawesi at that time was H.Z.B.

The response was reflected in the form of a decree. The Decree No. 601/X/2001 on October 9, 2001 contains the formation of a reviewer team for examining the implementation of Islamic Sharia in South Sulawesi. The team consisted of Islamic

---

and government figures, and also a scholar who had a task to prepare related materials to the implementation of the Concept Study of Islamic Sharia Enforcement in the South Sulawesi Province. The follow-up step run by the Local Government of South Sulawesi is to conduct a survey and was conducted by Balitbangda and the Review Team on the Concept of Islamic Sharia Enforcement (*Tim Pengkajian Konsep Pemberlakuan Syariat Islam / TPKPSI*). The focus of the survey was the Discourse on the Implementation of Islamic Sharia in South Sulawesi. The survey went from November 2011 to January 2012 which captured the opinions of the *Bupati* or Mayor, members of DPRD, religious figures, and public figures in the entire areas of Regional and City in South Sulawesi.

The entire efforts in implementing Islamic Sharia in South Sulawesi is still running without any official decisions. It can be seen through the absence of Sharia Law in the first level of South Sulawesi Province due to the lack of Special Autonomy declared by the House of Representative Council of the Republic of Indonesia and Central Government for South Sulawesi. Also, the political power in DPRD South Sulawesi in supporting the implementation of Islamic Sharia was weak unless from the political parties with an Islamic perspective advances it. Such happenstance became one of the obstacles in enforcing Islamic Sharia in the area. Fortunately, there was a substantial progress, i.e., there were some Local Regulation or *Bupati* decree applied in some areas of South Sulawesi such as Bulukumba, Maros, Gowa, Sinjai, and the others even though, the progress in the province level was stag. The Local Regulation and Government Policies

Level II contain limited Islamic Sharia enforcement, i.e., the prohibition of gambling and drinking alcoholic liquor, the ability to read Al-Quran as a must, and the socialization in wearing Moslems clothes in various events. Those implementations admitted as small progress, but it was positive and also becoming the success of the entire efforts run by Moslems in South Sulawesi.

This movement cannot be separated from the development

of politics in Indonesia. The nature of openness in the Reform era provides an opportunity for Moslems in order to fight for their aspirations. It was including the hope in enforcing Islamic Sharia in the social life and state. The movement in South Sulawesi had political context with some aspects. The first is related to the Moslems in national level who fight for the involvement of the Jakarta Charter in the 1945 Constitution at the momentum of the MPR ST in 2000 and the amendment of the 1945 Constitution in the next Annual Session of the MPR. The second relation is there was the same movement in Aceh, Banten, West Java, West Sumatra, Riau, and the others which fight for the implementation of Islamic Sharia, including the existence of KPPSI in some other areas. The third is the crisis condition which is considered as the weaknesses of the legal system and order system in the administration of governance that requires an alternative step and Islamic thought through Islamic Sharia. The last is the importance of political aspiration of the Ummah to be accommodated and the importance of special autonomy as the official form of South Sulawesi as Serambi Madinah. Related to the data above, KPPSI delivered some arguments as follow:

Islam cannot be separated from politics and state. The Islamic Sharia does not differentiate the individuals and society then, Islamic Sharia has to be implemented fully (*kaffah*) in the whole life aspect.

Some Local House of Representative Council level II in South Sulawesi and Islamic Community Organization and the *dakwah* institution and Islamic teaching have had full support in enforcing the Islamic Sharia entirely (*kaffah*) based on Al-Quran and Hadist. The DPRD South Sulawesi as the legislative has delivered Recommendation No. 160/309/DPRD/2001. The recommendation was the implementation of Islamic Sharia which was supported by the entire political power that has representation in DPRD South Sulawesi. Those political forces are FPG (Golkar), FPP (PPP), FPDIP, FKK (Kesatuan Bangsa), FAU (Amanat Umat), and Military/Indonesian National Police (TNI/Polri). Even then,

the members of House of Representatives Council of the Republic of Indonesia as the representation in the South Sulawesi election has already established a Working Team in order to formulate and fight for that aspiration.

The important fundamental values in implementing the law are the fairness and moral values. The Pattern of South Sulawesi Province Development based on the religious foundation is one of the things that is very synchronous with the implementation of Islamic Sharia. The entire citizen of South Sulawesi, especially, Bugis, Makassar, and Toraja tribes were known as a component the Indonesia which has strong influence in the development of Islamic teachings, Serambi Medinah as one example.

The citizens of South Sulawesi realized that the Reform era is the time to implement the Islamic Sharia. The resident of South Sulawesi stated that from the period of independence to this current time, the law enforcement in Indonesia is unsatisfied. Based on the phenomenon mentioned before, a solution to the problem solving is needed.

The aspiration of the citizen of South Sulawesi needs a warm welcome from the government. The permission of implementing Islamic Sharia through special autonomy is the proper solution also becoming the nation's adhesive tool, and an effort to expand the participation of South Sulawesi citizen in developing the state especially South Sulawesi.

For some Muslims elite in South Sulawesi, the enforcement of Islamic Sharia has an ideological link with the experience of Moslem in the period of Kahar Muzakkar in 1950<sup>th</sup>. At that time, some areas like Sinjai, Pinrang, Paloppo, and the other areas of "de facto power" already applied the Sharia Law like; stoning law for adultery. It is because those areas included as "Daar al-Islam." Even, KPPSI admitted that there is a correlation between historical-ideology in enforcing the Islamic Sharia and the Kahar Muzakkar movement as stated in a statement in the Result of Decision of the Second Congress of South Sulawesi Muslims. Those results are: "DI/TII under the leadership of Colonel Abdul

Qahhar Mudzakkar, a citizen of South Sulawesi has committed a jihad by implementing the Islamic Sharia as a form of rejection toward the invalidation of seven words in the Jakarta Charter and the colonialism influences in South Sulawesi in the early of 1951”.

In 1950, the establishment of DI/TII movement lead by Kahar Muzakkar not only shows the activity of armed hero toward Central Government but also the effort in enforcing the Islamic Sharia in the areas of de facto power DI/TII. There some notes from *Harian Fajar* in reviewing the implementation of the First Congress of South Sulawesi Moslems, as follow:

*“Historically, the effort in enforcing the Islamic Sharia in South Sulawesi was not a new phenomenon. A few years ago, hundred even thousands of society in South Sulawesi lead by Kahar Muzakkar has also fought for the enforcement of Islamic Sharia. Even, those movements prepared to escape from the sovereignty of Indonesia and establishing a new state namely Sulawesi Islamic State (Negara Islam Sulawesi). Unfortunately, it was a failure. As a consequence, some of them have to be arrested because of the anti-governmental action.*

*The correlation between the effort in enforcing the Islamic Sharia and Kahar Muzakkar movement admitted by KPPSI have been mentioned in one statement of the Result of the Second Congress South Sulawesi Muslims. The Result shows that “DI/TII under Colonel Abdul Qahhar Mudzakkar, a citizen of South Sulawesi has committed jihad in order to implement the Islamic Sharia as a form of rejection toward the invalidation of seven words in the Jakarta Charter and the colonialism in South Sulawesi on the early 1950”. There was a participant in the first Congress of Muslims South Sulawesi stated that “actually, this Islamic Sharia enforcement effort is a reincarnation of Kahar Muzakkar movement.”*

That statement was debated by Azis Kahar, the Head of Tanfidziah KPPSI South Sulawesi – son of Kahar Muzakkar; it was not the reincarnation of Kahar Muzakkar movement. It was



a debatable statement, but the movement in South Sulawesi has stated that the movement of Kahar Muzakkar recognized in the Second Congress a year after the First Congress as mentioned in the previous discussion above. This phenomenon may lead to the indication of ideology movement, which tends to a sacred belief, even a religious movement. In this matter, the Committee of Preparation of Islamic Sharia Enforcement (KPPSI) South Sulawesi delivering an argument that:

*The Islamic Sharia has applied and run well in South Sulawesi since the 17<sup>th</sup>-19<sup>th</sup> Century AD, but this implementation was stopped by VOC-Dutch Colonial since its entry South Sulawesi, followed in the period of Independence of the Republic of Indonesia until now.*

*When national movement with Islamic organizations like Syarikat Islam, Muhammadiyah, Nahdlatul Ulama, and the other organizations which applied Islamic Sharia in South Sulawesi.*

*DI/TII under Colonel Abdul Qahhar Mudzakkar, a citizen of South Sulawesi, has committed jihad, i.e., enforcing the Islamic Sharia as a form of rejection toward the invalidation of seven words in the Jakarta Charter and the colonialism in South Sulawesi on early 1951. According to the history, the Congress of South Sulawesi Community Development that joined in Malino on 7 – 11 December 1957 sponsored by King Gowa, also supported by the Army Chief KDMSST, and the Governor Military SST in order to enforce Islamic Sharia in South Sulawesi and North Sulawesi.*

From the data mentioned above, Kahar Muzakkar was recognized as the person who conducted jihad in the form of imposing Islamic Sharia, not a rebel. Kahar Muzakar has a strong influence in South Sulawesi even; there was a myth that Kahar are still alive. Coincidentally, one of a prominent figure in KPPSI is Azis Kahar - son of Kahar Muzakkar, the Chairman of *Tanfidziyah* KPPSI South Sulawesi and the member of the Local House of Representatives Council (DPD) on 2004. It strengthened the correlation between the enforcement of Islamic Sharia and the movement of DI/TII lead by Kahar Muzakkar.

The effort in implementing Islamic Sharia in South Sulawesi was becoming so intense and widespread. It is apparently due to the fact that it has already entered the territory of the ideology of Islam. The religious, political struggle called by the KPPSI activists as a form of political-*dakwah* is through democratic and constitutional political efforts. It can be concluded that the primary strategy in enforcing the Islamic Sharia in South Sulawesi is focused as political effort or structural efforts, not on a cultural path. The structural approach means “the power of the state has to be held by people who are committed to Islamic teaching and ready to impose the Islamic Sharia in social-state then, the state might be ruled in line with the law of Allah SWT.”

Also, the cultural approach is related to the practice of Islamic Sharia in the daily life as run by Islamic organizations. Why not take a cultural approach? Those things caused by the arguments of KPPSI activists that the implementation of Sharia that is cultural or *dakwah*, in general, have been conducted by the other Islamic organizations, i.e., Muhammadiyah, Nahdlatul Ulama, and the others. For KPPSI, “the effort of KPPSI in enforcing Islamic Sharia officially committed to implementing political-*dakwah* and *dakwah*-politics in line with the *tarbiah* and jihad in accordance with the constitutional and democracy in the framework of the Unitary State of the Republic of the Indonesia and sincerely because of Allah SWT.” This movement aims to realize the legitimacy (officially) institutionalization of Islam in the form of Special Autonomy in order to implement Islamic Sharia in South Sulawesi Province. For scholars, experts, leaders of human and leaders of Islamic institutions fill the political house with rules, *manhaj*, laws based on Al-Quran and As-Sunnah then, the efforts run simultaneously and synergy”.

In the KPPSI fighting strategy, it stated that “Islamic Sharia includes three systems of life, i.e., personal area, family area, and social-state life area. The enforcement of Islamic sharia in the struggle of KPPSI is referred mainly in the form of Islamic sharia implementation demands in the field of social-state life which

---

means fighting for the implementation of Islamic Sharia in the nation and state life. So, it formed the just and prosperous nations under the forgiveness of Allah SWT, especially in South Sulawesi in the shape of special autonomy'. The enforcement of Islamic sharia is marked by some indicators, i.e.

- a) The government authority is in the hand of people with the commitment to enforce Islamic sharia,
- b) The national policy must be in accordance with the law of Allah SWT in managing the societal life, and
- c) Human civilization is built upon the Islamic culture civilization.

Another political context from the fighting for enforcement Islamic Sharia in South Sulawesi seems related to the local people's mindset about the political ideology as the influence of political parties in the past portrayed in the general election of 1955 until New Order and Reformation era. In the General election of 1955, Islamic parties dominated and became related big parties in this region, i.e., *Majelis Syuro Muslimin Indonesia* or *Masyumi* (39, 73%) at the same time being the first winner. Then, it was followed by *Nahdlatul Ulama* (17, 24%) and *Partai Syarikat Islam* or *PSII* (12, 28%).

However, since the New Order, the map of past Islamic political strength has changed with the appearance of *Golongan Karya* (GOLKAR) which became the main power party in 1971 until the end of the New Order regime. The party of *Partai Persatuan Pembangunan* (PPP) occupied the second place, and the party of *Partai Demokrasi Indonesia Perjuangan* (PDIP) held the third place in the Christian basis regions such as Toraja, besides the city area such as Makassar and Pare-Pare. In the General Election of 1999, the gaining of political parties in South Sulawesi was still dominated by the party of Golkar (66.48%). Then, followed by PPP (8.41%), PDIP (6.61%), *Partai Amanat Nasional* party (3.48%), *Partai Kebangkitan Bangsa* (1.59%), *Partai Bulan Bintang* (1.38%), *Partai Ikatan Pendukung Kemerdekaan Indonesia* (1.29%), *Partai Daulat Rakyat* (0.96%), *Partai Demokrasi Kasih Bangsa* (0.90%),

*Partai Keadilan dan Persatuan* (0.82%) and others (8.08%).

In the general election on April 5<sup>th</sup>, 2004, again, the *Golkar* party had the biggest voice of 44.34%, even though compared to previous elections it severely decreased which marks the shrinking of its local society belief toward the New Order Legacy. Moreover, it shows that local people's orientation and political affiliate were getting more fragmented. Furthermore, from the 24 parties of general Election in 2004, the order of the parties which obtain the biggest to the smallest voice, as follows:

*Partai Keadilan dan Sejahtera* (7,30%), *Partai Demokrasi Kerakyatan* (6,65%), *Partai Persatuan Pembangunan* (6,56%), *Partai Amanat Nasional* (6,40%), *Partai Demokrasi Indonesia Perjuangan* (4,55%), *Partai Demokrat* (3,04%), *Partai Bintang Reformasi* (2,93%), *Partai Bulan Bintang* (2,73%) and *Partai Merdeka* (1,91%).

With that position, the efforts to fight for Islamic Sharia in South Sulawesi were politically having some obstacles in the provincial legislation as well as to obtain special autonomy to the Islamic Sharia enforcement. It is because the political power is in the hands of political parties which do not agree with the Jakarta Charter and Islamic sharia Institutionalization, i.e., *Golkar* party and other like-minded parties. Most of the Islamic basis parties such as PKB, PAN and PKS do not obtain any supports. Only PPP and PBB which support the movement of Islamic sharia in South Sulawesi, though not persistent, get some supports.

#### SHARIA FORMALIZATION IN ACEH

Different with South Sulawesi, the enforcement of Islamic Sharia in Aceh is more colored by the political dynamic between Aceh and Central Government. The movement of Islamic Sharia enforcement is not entirely pure grow from the social movement but more because of the accommodation and political policy in the context of prolonged conflict resolution in this area since New Order era. That political conflict has historical root since the beginning of the independence of Indonesia until the old Order which bore the tension or conflict in the extensive and

---

old scale. In another word, the formal enforcement of Islamic Sharia in Aceh is more to political policy of the Central government to Aceh rather than purely from a religious movement, although the movement factor also involves.

However, whatever the character is, the enforcement of Islamic Sharia in Aceh has its characteristic, and it influences or prompts another region to do the same thing, such as South Sulawesi, West Java, and others. Even, Aceh had the special character as the heroic Islamic basis region and known as Mecca's Porch, as a portraying of the close relation of Aceh with Islam. The enforcement of Islamic Sharia in Aceh is so broad that various aspects with the support of the legislation (*perundang-undangan*) and complete institutional apparatus make Islamic sharia unite in the governance. Although, it is still there in the special autonomy frame work and nationally, in the Unitary State of the Republic of Indonesia.

The Local Regulation of 2000 section 5 subsection (2) (*Perda Nomor 5 Tahun 2000 Pasal 5 ayat (2)*) stated that the enforcement of Islamic Sharia in Aceh includes the whole aspects. The aspects are *aqeedah*, *ibadah* (worship), *mu'amalah* (the rules of earthly business), *akhlak* (morality), Islamic education, Islamic *da'wah*, *baitul mal* (an institution which manage Muslim's money), societal issues, Islamic *syi'ar*, Islamic advocacy, *qadha* (fate), *jinayat* (Islamic crime law), *munakahat* (marriage), and *mawaris* (legacy)<sup>16</sup>. With the constitutional background of those Law No. 44 and Law No. 18 of 2001 on Special Autonomy of the Nanggroe Aceh Darussalam Province. Also, the Presidential Decree Number 11 of 2003 (*Keputusan Presiden Nomor 11 Tahun 2003*) about Sharia Court, Islamic Sharia enforcement is managed operationally through the Local Regulation (*Perda*) or *Qanun* and other regulations (Decree, Letter, and NAD Governor Instruction) in some Islamic Sharia aspects.

Some *Perda* or *Qanun* have been decided. They are about main rules of the implementations of Islamic Sharia, Education, and the life custom. While the *Qanun* produced is about Islamic

Sharia Judiciary; the implementation of Islamic Sharia in the field of *Aqeedah*, *ibadah* (worship), and Islamic *syi'ar*; the prohibition of Alcohol and the like, the ban of *Maisir* (gambling), about *khalwat* (bawdy/immoral deed), and followed by various draft of other *Qanun* such as the use and payment of *Diyat*, the duty and function of Attorney in the Islamic Sharia enforcement, *Zakat* (alms-giving) management, and the implementation of Mosque activities<sup>17</sup>.

The whole implementation of Islamic sharia in NAD is related to the implementation of custom and culture life which is integrated with the Islamic Sharia (*Perda No. 7/Th. 2000* and *Qanun No. 12/Th. 2004*), i.e., in the field of *Aqeedah*, *ibadah* (worship), and Islamic *syi'ar* (*Qanun No. 11/Th, 2000*, the prohibition of Alcohol and the like (*Qanun No. 12/Th. 2003*), a ban on *Maisir* or gambling (*Qanun No. 13/Th. 2003*). Also, a ban on *khalwat* or bawdy/immoral deed (*Qanun No. 14/Th. 2003*); the management and payment of *Zakat* (*Qanun No. 7/Th. 2004* dan *Surat Gubernur No. 4451.12/1227370/2002*). Furthermore, the implementation of Mosque or *meunasah*, smaller mosque activities (*Instruksi Gubernur No. 05/INSTR/2000*), the necessity to reciting Al-Qur'an and understanding the local custom to the Elementary school students (*Instruksi Gubernur No. 02/INSTR/1990*), the implementation of zakat of each employee salary in the governmental area (*Instruksi Gubernur No. 02/INSTR/2002*), the prohibition of gambling and the like (*Instruksi Gubernur No. 04/INSTR/2002*), the rules of *khalwat* or relationship of man and woman (*Instruksi Gubernur No. 05/INSTR/2002*) have been observed. The last is the implementation of *shalat berjama'ah* in the office/institution/ Bureau government (*Instruksi Gubernur No. 06/INSTR/2002*)<sup>18</sup>.

Although various Local Regulations, *Qanun* and Governor's Instruction, have been validated in Nanggroe Aceh Darussalam, according to Al Yasa' Abubakar (the Chief of the Agency of Islamic Sharia Implementation in NAD), still, there are obstacles. Central Government in the era of Abdurrahman Wahid aswell

as Megawati Soekarnoputri until their last authority on the Election in 2004, hadn't issued the Central Government Regulation as a legal protection in the national stage to enforce the Islamic Sharia with the components of the institutions which supervising and implement it. Thus, some ambivalence or the difficulties in the implementation of Islamic Sharia in Nanggroe Aceh Darussalam. For example are the existence and the function of the judiciary, prosecutors, police, that have a primary line with the similar institutions in the central stage<sup>19</sup>.

Al Yasa' admits that there is a worry about the frontal enforcement of Islamic sharia in NAD, from its content as well as its way of implementation. However, that kind of concern should not appear, especially in an excessive way, because there are some principles which is present in Islamic Sharia enforcement. The first is that the content of Islamic Sharia is more in the Islamic aspect, in the mean of comprehensive Islam, not the formality aspect, so it's not narrow. The second is that Islamic Sharia is implemented in the context of Aceh culture which indeed attaches to an Islamic school, not the Islamic sharia and Arabic culture. Therefore, the context itself is still in the structure of the State of Indonesia. The third is that the enforcement of Islamic Sharia occurs step by step, not immediately forcing the whole implementation. The effort of socialization and giving the understanding of Islamic school to the Aceh's society is made in an educative way and continually<sup>20</sup>.

However, the enforcement of Islamic sharia in NAD after the Privilege Law and Special Autonomy Law had been issued, still, has a lot of problems because the central government itself looks like half-heartedly giving Aceh the authority to ultimately implement it. In the Al Yasa's view, the government half-heartedly and not letting Aceh to fully implement Islamic Sharia as what the Aceh's Muslims demand. History repeats in a *different form*, i.e., *the in harmony between Aceh peoples demand and the central government in the field of Islamic sharia implementation in the province which has a lot of turmoils*. Though symbolically, this region has

been named as Nanggroe Aceh Darussalam with the status of Special Autonomy which implements Islamic sharia in its people live. Yet, the Aceh's people steps based on the Privilege Law, Special Autonomy and the Presidential Decree (*Keputusan Presiden No.11/Th.2003*) on the Sharia Court, and the legislation support of many Local Regulations (*Perda*), *Qanun*, and Instruction as well as Governor decree, are not slower and has kept on moving in factual implementing Islamic sharia.

The most concrete way and prompting controversy among the Jakarta's people about the implementation of Islamic Sharia in NAD, is the implementation of Whipping Law (whipping as punishment) which started in June 2005 in Bireuen regency to 20 (twenty) peoples who is the gambler, adulterer, and prostitute that is stated guilty by the Sharia Court. Those whipping Law enforcement followed the signing of the Decree of NAD Governor, Azwar Abubakar, in the Meulaboh on Friday, June 10<sup>th</sup> 2005 to tether the perpetrators of gambling, adultery, and prostitution. Governor's Decree as the replacement of the Local Regulation (*Perda/Qanun*), According to Azwar Abubakar, is a proof of the will of Aceh's Local Government and Aceh's people to implement Islamic Sharia in *kaffah*<sup>21</sup> way (entirely/wholly).

The implementation of whipping Law in Aceh received various responses. To some factions, the implementation of the whipping law is less or doesn't mirror the sense of justice as the tool and content of Islamic Sharia because it is just affecting the perpetrators in small crimes, doesn't affecting the big crime cases. Most of the twenty people sentenced to be whipped in Bireueun receive the punishment as obedience to the Islamic Sharia. However, some of them want that the whipping law and another sharia law are also implemented in the gambling and other offenses of Sharia rules, so it is fair enough<sup>22</sup>.

#### SHARIA FORMALIZATION IN WEST JAVA

The movement of Islamic sharia in West Java appeared in 2000, developed in Cianjur, Garut, Tasikmalaya, Indramayu, and



Banten which was separated from West Java to become a new Province. From the several regions in West Java, there are three quite rough areas in their partially Islamic sharia implementation, i.e., Cianjur, Garut, and Tasikmalaya. This Islamic Sharia implementation, as in the other areas, is limited in the Islamic teachings such as the obligation of reciting Al-Qur'an, praying in *Jama'ah* (together), dressing in Muslim way to the government officials, gambling eradication, liquor or alcohol elimination, and implementing the absolute Islamic moral (*akhlaq*) in the public life which its particular aspects are unclear, just as a standard symbols such as Islamic writings or Islamic symbols.

According to Abdul Halim, the head of MUI (Indonesia Ulema Council) in Cianjur, the Implementation of Islamic sharia in Cianjur doesn't refer to the legal issues but more related to the societal life in accordance with "Gerbang Marhamah" programs. It aims to build a healthy society in Cianjur, i.e., the community of "Sugih Mukti Tur Islami." To the head of MUI in Cianjur, the society of *Sugih Mukti Tur Islami* mirrors the *baladatum toyyibah Warobbun ghafur*, the real state or society forgiven by God (Allah) that portrays an ideal society aspired by Islam. To realize the important and strategic Islamic purpose, Local Government of Cianjur even formed a particular structural institution to review and make some technical efforts to implement the Islamic sharia in Tasikmalaya. The implementation of Islamic Sharia through the local government in the executive as well as in legislative is done to produce the Local Regulation as the legal protection. The Local government of Tasikmalaya has issued the Local Regulation No.1 of 2000 (*Perda Nomor 1 Tahun 2000*) which prohibits the prostitution and immoral deeds. This implementation is done by the police and local Islamic movements, i.e., through the *Lembaga Pengkajian dan Pengembangan Islam (LPPI)* or the Institution of Islamic Study and Development.

## DISCUSSION

The analysis above clearly shows the different dynamic of

South Sulawesi, Aceh, and West Java. Those three regions have a strong spirit to fight for the formalization of Islamic Sharia in public areas, in the social life as well as in the government. Aceh has more chance to implement Islamic Sharia through the legislation of the Law, Local Regulation (*Perda*), and Governor Decree; its form leans towards a political “present” structure from the Central Government as a mechanism of compensation for a prolonged conflict resolution. The institutional components to implement the Sharia are Consultative Council of Indonesian Ulama (*Majelis Permusyawaratan Ulama/ MPU*), Sharia Court, and *Wilayatul Hisbah* (Local *Hisbah*). In this ‘porch of Mecca’ region, the whipping of law to the Islamic sharia offender has been implemented.

In South Sulawesi, the movement of Islamic sharia implementation was born naturally through the efforts of various Muslim components which almost entirely and excitedly appeared from its capital province, Makassar (Ujung Pandang). Thus, this movement represents the primary wave of Muslims in this region. However, the legislative effort through the Local Regulation’s draft and the effort to make the area has Special Autonomy Status hasn’t succeeded. The implementation of Islamic sharia in South Sulawesi is still limited in some regions such as in Bulukumba, Sinjai, and Maros which aspects only include certain elements such as the obligation of reciting and writing Al-Qur’an, praying in *Jama’ah* (together), dressing in Muslim way, gambling prohibition, and alcohol/liquor prohibition. This movement is still running through the Congress of Muslims to implement the Islamic sharia which has been occurring three times.

While in the West Java, precise Islamic movement doesn’t move in Bandung, but it grows and develops through the Muslims aspiration and the Regents in some rural area such as Cianjur, Tasikmalaya, Garut, and Indramayu. As well as in South Sulawesi, although the Sharia movement implementation in West Java is quite prominent, its legislative effort through the Local

TABLE 1. SHARIA FORMALIZATION

SHARIA CATEGORY	EMBODIMENT
<p><b>Fiqh of worship</b> Based on the rules of the people devotion to the God. The sanction related to the hereafter or heaven and hell (sins). The formulations are the compulsory worships such as <i>Zakah</i> and Hajj. The state only manages the governance, not the validity of the worship. Also, Sunna worships such as <i>infaq</i>, <i>shodaqoh</i>, reciting Al-Quran, and <i>wakaf</i>.</p>	<ul style="list-style-type: none"> <li>• PP 28/1977 is about <i>Wakaf</i>.</li> <li>• UU 17/1999 is about Hajj.</li> <li>• UU 38/1999 is about <i>Zakah</i>.</li> <li>• UU 41/2004 is about <i>Wakaf</i>.</li> <li>• Local Regulations of <i>Zakah, Infaq, Shodakohin</i> Bulukumba, East Lombok, and Aceh.</li> <li>• <i>Qanun</i> 11/2002 Sharia of the worship (<i>Ibadah</i>), <i>Aqeedah (Akidah)</i> field, and Syi'ar Islam in Aceh.</li> </ul>
<p><b>Ahwal Syahshiyah</b> The law offamily or certain civil law, such as marriage, legacy, will (<i>wasiat</i>), and grant (<i>hibah</i>).</p>	<ul style="list-style-type: none"> <li>• UU 1/1974 is about the wedding, confirms the validity of the marriage based on the religion (not only Islam).</li> <li>• UU 7/1989 is about Religious Court, certain civil law for the Muslim people (marriage, legacy, will (<i>wasiat</i>), grant (<i>hibah</i>), donation (<i>wakaf</i>), and charity (<i>shodaqoh</i>)).</li> <li>• President Instruction 1/1991 about Islam Law Compilation, as a legal reference of materially religious court. Right now it is being proposed to be the RUU (law draft) of the applied law of the religious court.</li> </ul>
<p><b>Fiqh of Muamalat</b> The rules of economy-business, transact, buying and selling, rentals, with the Islamic principle such as anti-interest</p>	<p>UU 7/1992 jo UU 10/1998 dan UU 23/1999 tentang Bank Indonesia yang menugasi BI menyiapkan peraturan Daphny fasilitas penunjang untuk operasional bank syariah.</p>
<p><b>Hudud Crime</b> The crime which its kind and sanction have been decided in the Qur'an and <i>Hadist</i>. For example, adultery (<i>Zina</i>), accuses of adultery (<i>qadzaf</i>), drinking alcohol (<i>khamar</i>), stealing, murdering, robbing, out of Islam (<i>murtad</i>), and rebellion.</p>	<ul style="list-style-type: none"> <li>• <i>Qanun</i> 12/2003 is about <i>Khamar</i> di Aceh</li> <li>• <i>Qanun</i> 13/2003 is about gambling di Aceh</li> <li>• Village Regulation (<i>Perdes</i>) Padang Bulukumba, Sulsel (2005) about <i>Zina, Qadzaf, Khamar</i>, and gambling.</li> <li>• <i>Hudud</i> crime hasn't been found just the way it is, in the National Stage.</li> <li>• Field practice in the name of <i>hudud</i> crime is ever done by jihad troop (<i>Laskar Jihad</i>), the stoned adulterer in Maluku. Bandung Ulama ever say <i>murtad</i> crime (death penalty) in the Islamic Liberal Network (JIL).</li> <li>• In the form of the draft: the proposal of Mujahidin Assembly.</li> </ul>
<p><b>Qishash Crime</b> The crime which its sanction is accordingly to its sin. There are two forms: murder and persecution.</p>	<p>Village Regulation (<i>Perdes</i>) Padang, Bulukumba Regency, Sulsel (2005) about persecution.</p>
<p><b>Ta'zir</b> This kind of crime and its sanction are decided by the authority, which aim is to teach and to guide. It can apply to the <i>hudud</i> crime which does not fulfill the optimal requirements. For example, an adultery which doesn't have four witnesses. The wicked deed is often taken to be <i>ta'jir material</i>, such as <i>khalwat</i> (having a romance before married) and pornography. Moral (<i>Akhlaq</i>) field is also under the <i>ta'zir</i> law.</p>	<ul style="list-style-type: none"> <li>• <i>Qanun</i> 14/2003 is about <i>khalwat</i> in Aceh.</li> <li>• Local Regulation (<i>Perda</i>) Islamic dressing in Bulukumba.</li> <li>• <i>Bupati</i>/Major degree on Islamic dressing suggestion in Cianjur and Tasikmalaya (West Java).</li> <li>• Local Regulation (<i>Perda</i>) on the prohibition of alcohol in Pamekasan, Tangerang, Bulukumba.</li> <li>• Local Regulation (<i>Perda</i>) is about the ban on Prostitution in Tangerang.</li> <li>• The Local Regulation Draft of <i>Antimaksiat</i> in Depok, DKI Jakarta, and Mataram. And also the draft of Anti-Pornography law (<i>RUU Anti-Pornografi</i>)</li> </ul>

Source: GATRA Magazine, Nomor 25 Tahun XII (6 Mei 2006), hal. 22.

Regulation's draft unless it is limited through Regent's Decree in Cianjur and Tasikmalaya. In West Java as well as in South Sulawesi, there are no institutional components of the implementation of Islamic Sharia. This description shows the variant of maps, process, and actualization of Islamic sharia enforcement movement which is quite varied in Indonesia.

### CONCLUSION

An Islamic Sharia movement fights for Islamic Sharia formalization until the state of the caliphate is formed, it is only until this creation that a movement can be categorized as "Salafist ideology." It is literary, tracing back to the ideal Islam in the past generation, at the same time, it is built under political ideals based on Islamic Sharia. The following are the main characteristics of the "Salafist ideology" movement:

- 1) Make Islam of the Prophet Era and *Salaf al-Shalih* generation as the ideal example of the Islam format of the modern era. By making Islamic Sharia as the main theme of the movement reproduced literary as the Islam style in the past.
- 2) Having the Islamic world view which is sharia mindedness or *shari'asme* with the religious characteristic and orientation which is legal-formal, doctrine, and militant.
- 3) Make an agenda of the enforcement Islamic sharia formally as an institution in the state and further building Islamic caliphate which based on and enact the Islamic Sharia.
- 4) Having a link of theology and ideology with the Islamic Revivalism, especially in the *Wahhabiyah* movement or "*Salafiyah radical*" *Rasyid Ridha*, while in this advanced era, resembling or having similarity with the Islam *Neorevivalism* movement showing "traditional" and "conservative" characteristic such as *Ikhwanul Muslimin* in Mesir, *Jama'at -i-Islami* in Pakistan, and *Taliban* in Afganistan.
- 5) Having characteristic which is closer or similar to the "political Salafist" but with the concern which integrates Islamic teachings (*Sharia* and *Aqeedah*) into the politic system, it isn't

---

solely interest to the politics rather than *aqeedah* so its characteristic is more “ideological” rather than “political” because it doesn’t involve too far in political activism as the Ikhwanul Muslimin or any Islamic political parties.

- 6) Because of its literal, legal-formal, and doctrinal character, having a difference with “Salafist Reformist” as shown in Muhammadiyah which is moderate and accommodative toward the values progress from the outside, although most of its activists are from the ideology of reformism movement / Islamic modernism.
- 7) Because of entering the ideology-politic world to enforce the Islamic sharia inside the state institution, even envisioned the Islamic State (Islamic Caliphate State), “Salafist ideological” movement also different with the main stream “Salafist jama’ah-jama’ah” which is solely fight for Islamic purity (Islamic *Aqeedah*) and make a distance with the involvement of political activities.

### IMPLICATION

Primarily, this study contributes to the Islamic movement phenomenon - the Sharia formalization - which has been a critical phase in Indonesian society. Crisis cycle portrays the structural condition which is full of turmoil, then, it prompts many groups in society, including Sharia Islamic group, to rise as a step to benefit the situation and at the same time, offering Islam especially Sharia as an alternative system to the life of people and nation in multidimensional crisis. The crisis is interpreted or framed not only by pragmatic attitude and solution such as how to make breakthrough steps out from the crisis but also in the form of “theology mobilization” or “religious system, “ i.e., back to Islamic Sharia.

Secondly, it contributes to the phenomenon of “spiritual revitalization” movement, i.e., conditions in which religion must rise. (1) A global status in the form of infiltration and penetration of the western culture and politics which threaten Islam is

another form of “fever” civilization conflict. (2) In the national stage, the situation of the transitional regime power and the life crisis are the factors that greatly affect. Thirdly, it contributes to the conflict phenomenon. The birth of Islamic movement fighting for Islamic Sharia formalization was born in the sociological condition which contains “structural tension” and “cultural pressure” potential. These possibilities are described in some points. (1) Structurally, it is a contentious movement which is ideological toward the nation and international (west) seen as the source of another ideology to the people and hostile interests which are contrary to Islam. (2) The fundamental tension on the national stage is colored by the political conflict and ideology in filling the new space of reformation, as a form of “backflow” after the Islam marginalization by the state in the New Order era. (3) In the Cultural context, it shows conflict spirit or rivalry with the other communities (Islamic or non-Islamic groups viewed as the “proxy force” of the virus of hostile ideology) bringing the ideology which is categorized as Atheism, Liberalism-Capitalism, Communism, Secularism, Zionism, Catholicism, Syncretism, Paganism, etc. The fourth contribution would be the discussion of sectarian response. The condition of full threatening to Islam make Islam adherents give the theology, ideology, and sociology legitimation to the Islamic sharia movements to begin to act “saving the condition” as the religious movement with “redemptive” or “Endogenous Movement.” Lastly, this paper contributes to the knowledge about the social marginalization phenomena. In line with the theory of “relative-deprivation,” the birth of Islamic Sharia is a kind of expression from the feeling of being eroded of its rights compared to the other communities being a reference (reference groups). As the belief in this community, the removal of the seven words in the Jakarta Charter in 1945 (*Piagam Jakarta*) is betrayal to the secular-nationalist community and the non-Muslim minority.

---

## ENDNOTES

1. *FORUM Keadilan*, Edition no. 39 (Desember 31, 2000) p. 8-19. The primary news in this tabloid is the movement in imposing the Islamic Sharia by some Islamic groups entitled " *Mengapa Tidak Negara Islam.*" See also *TEMPO*, Edition no. 36/XXX/5 (November 11, 2001) p. 17 and p. 20-26, this tabloid also provides a special news about the movement in upholding the Jakarta Charter from Islamic group entitled " *Siapa Mau Syariat Islam.*"
2. PAN issuing a formulation "the obligation to run the provisions of religion for those who belief"
3. The historical argument on the reason of upholding the Jakarta Charter in the MPR session for the amendment of the 1945 Constitution done by *Partai Persatuan Pembangunan* (PPP), see also *Forum Keadilan* (No. 39, December 31, 2000), p. 8.
4. The thought issued by *Partai Bulan Bintang* (PBB) Fraction in MPR/DPR. The point is that Islamic groups want to bring the Jakarta Charter back to the 1945 Constitution. It was also reflected the hope of nation founder lead by Mohammad Hatta when deleting the seven words from the Jakarta Charter in the PPKi session on August 18, 1945. Also, based on the preamble of the Presidential Decree 1959, the Jakarta Charter is inseparable from the 1945 Constitution, see *Tempo* (No. 36/XXX/5, November 11, 2001) p. 20.
5. Anthony Giddens, *Sociology* (Cambridge: Polity Press, 1993), p. 7.
6. Sunyoto Usman, *Sosiologi: Sejarah, Teori dan Metodologi* (Yogyakarta: CIReD, 2004), p. 99.
7. Max Weber, *Economy and Society: An Outline of Interpretive Sociology*, Editor Guenther Roth and Claus Wittich (Berkeley: University Of California Press, 1978), p. 4. According to Weber, "Sociology... is a science concerning itself with the interpretive understanding of social action and thereby with a causal explanation of its course and consequences."
8. John. L. Esposito, *Islam Warna Warni*, translation (Jakarta: Paramadina, 2004), p. 144.
9. Greg Borton, " *Islam, Islamisme dan Politik*", The Introduction of Zainal Abidin Amir, *Peta Islam Politik Pasca Soeharto* (Jakarta: LP3ES, 2003), p. xix. Borton prefers the concept of *Islamisme* in referring the Islamic movement which fights for the implementation of Islamic Sharia as the foundation of political ideology rather than fundamentalism or radicalism.
10. The terminology of liberal Islam is the contemporary discourse that is very full of contentious debates. According to Charles Kurzman, the liberal Islam concept is a tool to analyze the elements of liberal in Islamic teaching without depend on the Western Liberalism and not categorized as negative nomenclature. See also Charles Kurzman, *Wacana Islam Liberal: Pemikiran Islam Kontemporer tentang Isu-isu Global*, translation (Jakarta: Paramadina, 2003), p. xiii. Greg Barton refers to the liberal Islam as a new movement which progressive and pluralistic i.e. movements or ideas of Islamic neo-modernism. See also Gereg Barton, *Gagasan Islam Liberal Dengan Indonesia*, translation (Jakarta: Paramadina, 1999), p. 13-14.
11. Munawir Sjadzali. 1994. *Reaktualisasi Ajaran Islam*. Bandung: PT Remaja Rosdakarya.
12. Irfan S. Awwas – Chairman of *Tanfidziyah Majelis Mujahidin Indonesia*, in various articles giving hard criticism toward the parties who construct and reject the formalization of Islamic law, even labeling those parties as radical or fundamentalism. According to Awwas, is it a mistake to make Islam as the basic of life? In reality, without Sharia there will be no religion. See also Irfan S. Awwas, " *Islam Radikal di Mata Kaum Sekuler*", in *Tempo* (Edition Januari 12, 2003), p. 51. Also, Irfan accused the Islamic figures who rejected the implementation of Islamic Sharia in Indonesia as "proxy force" or the henchmen of America and the enemy of Islam who bring the interest of

---

Zionism, Secularism, Liberalism, Imperialism, and others. See also Irfan S. Awwas, the introduction to Luthfi Bashari, *Musuh-Musuh Besar Ummat Islam* (Yogyakarta: Wihdad Press, 2003), p. ix.

13. Salikin, Adang Djumhur, *Reformasi Syariah Dan HAM dalam Islam, Bacaan Kritis Terhadap Pemikiran An-Naim*, Yogyakarta: Gama Media, 2004.

14. The word Perspective means the use of perspective is more than one. It's used for reviewing a phenomenon or social problem, see footnote: Sartono Kartodirdjo, *op.cit*,

p. 220.

### REFERENCE

- Awwas, I. S. (2003). *Islam Radikal di Mata Kaum Sekuler*. Yogyakarta: Wihdad Press.
- Borton, G. (2003). *Islam, Islamisme dan Politik*. Jakarta: LP3ES.
- Esposito, J. L. (2004). *Islam Warna Warni*. Jakarta: Paramadina.
- Giddens, A. (1993). *Sociology*. Cambridge: Polity Press.
- Kartodirdjo, S. (1992). *Pendekatan Ilmu Sosial dalam Metodologi Penelitian Sejarah*. Jakarta: PT Gramedia Pustaka Utama.
- Keadilan, F. (2000, Desember 31). Mengapa Tidak Negara Islam. *Siapa Mau Syariah Islam*, pp. 20-26.
- PAN. (n.d.). the obligation to run the provisions of religions for those who belief.
- Salikin, A. D. (2004). *Reformasi Syariah dan HAM dalam Islam*. Yogyakarta: Gama Media.
- Sjadzali, M. (1994). *Reaktualisasi Ajaran Islam*. Bandung: PT Remaja Rosdakarya.
- Usman, S. (2004). *Sosiologi: Sejarah, Teori dan Metodologi*. Yogyakarta: CIREDA.
- Weber, M. (1978). *Economy and Society: An Outline of Interpretive Sociology*. Berkeley: University of California Press.



# Bottom Up-Sharia Formalization in Indonesia's Nation State

---

## ORIGINALITY REPORT

---

0%

SIMILARITY INDEX

%

INTERNET SOURCES

0%

PUBLICATIONS

%

STUDENT PAPERS

---

## PRIMARY SOURCES

---

Exclude quotes On

Exclude matches < 1%

Exclude bibliography Off