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Religious Pluralism Revisited:
Discursive Patterns of the Ulama Fatwa
in Indonesia and Malaysia

Abstract: *As a long-established fundamental value of both Indonesia and Malaysia, religious pluralism has become a highly contested issue. A common tendency among the dominant Muslim groups in Indonesia and Malaysia, promoted by their fatwa bodies, has been to revisit religious pluralism. This article poses questions: how pluralism is defined, discussed and contested in both countries; why mainstream Islamic groups reconstruct the meaning of the term; which arguments are used by these groups; and what impact this has on legal discourse and legal practice in both countries. With these questions, this article focuses on fatwas issued by the Indonesian Council of Ulama and the National Fatwa Council of Malaysia. The article discusses the incorporation of fatwas into state policy in both countries, social disputes and contestation over fatwas. The theoretical frameworks used are taken from interdisciplinary discourses on transnationalism, pluralism, Islamic legal theory, legal pluralism and the public sphere.*

Keywords: Religious Pluralism, Sharia, Fatwa, Indonesia, Malaysia.

Abstrak: *Sebagai sebuah nilai yang sudah lama mapan di Indonesia dan Malaysia, pluralisme keagamaan menjadi isu yang sangat diperebutkan. Kecenderungan umum di kalangan kelompok Muslim yang dominan di Indonesia dan Malaysia, yang dipromosikan oleh lembaga-lembaga fatwa mereka, tengah melakukan peninjauan ulang atas pluralisme keagamaan ini. Artikel ini mengajukan beberapa pertanyaan: bagaimana pluralisme keagamaan itu didefinisikan, didiskusikan serta diperebutkan di kedua negara tersebut; mengapa kalangan kelompok Muslim arus utama ingin meninjau kembali makna istilah ini, argumen-argumen apa yang digunakan oleh kelompok-kelompok ini, serta apa dampaknya pada wacana dan praktik hukum di kedua negara tersebut. Dengan pertanyaan-pertanyaan tersebut di atas, artikel ini menfokuskan pada fatwa-fatwa yang dikeluarkan oleh Majelis Ulama Indonesia dan Lembaga Fatwa Malaysia. Artikel ini mendiskusikan penyertaan fatwa-fatwa ke dalam kebijakan negara di kedua negara, perdebatan dan kontestasi sosial atas fatwa-fatwa tersebut. Kerangka-kerangka teori yang digunakan di dalam artikel ini diambil dari wacana-wacana interdisiplin tentang transnasionalisme, pluralisme, teori hukum Islam, pluralisme hukum, dan ruang publik.*

Kata kunci: Pluralisme Agama, Syariah, Fatwa, Indonesia, Malaysia.

ملخص: أصبحت التعددية الدينية باعتبارها قيمة راسخة لكل من إندونيسيا وماليزيا قضية محل خلاف كبير. فهناك اتجاه عام بين الجماعات الإسلامية المهيمنة في البلدين، والتي تروج لها هيئات الفتوى، يقوم بإعادة النظر في هذه التعددية الدينية. والأسئلة المطروحة هنا هي: كيف يتم تعريف التعددية الدينية، ومناقشتها، والطعن فيها في البلدين؛ ولماذا تقوم الجماعات الإسلامية السائدة بإعادة النظر في مفهوم هذا المصطلح، وما هي الحجج التي تستخدمها، وما تأثير ذلك في الخطاب القانوني والممارسات القانونية في كلا البلدين. وانطلاقاً من هذه الأسئلة، يركز المقال على الفتاوى الصادرة عن مجلس العلماء الإندونيسي ومجلس الإفتاء الوطني الماليزي، ويناقش إدراج الفتاوى في سياسات الدولة في البلدين، وما يترتب عليها من المناقشات، والنزاعات الاجتماعية. أما الأطر النظرية المستخدمة في هذا المقال فكانت مأخوذة من خطابات متعددة التخصصات حول القومية، والتعددية، والنظرية القانونية الإسلامية، والتعددية القانونية، والمجالات العامة.

الكلمات المفتاحية: التعددية الدينية، الشريعة، الفتوى، إندونيسيا، ماليزيا.

This article re-examines the concept of religious pluralism, considered a core characteristic of both the Indonesian and Malaysian states. In the last decade, religious pluralism, perceived by both countries as a fundamental element of their sustainability, have gained critical and undesirable responses, especially from Muslim groups. The rising use of identity politics in everyday religious discourse has harmed the reception of religious pluralism among the people of Indonesia and Malaysia. Additionally, both Indonesia and Malaysia now find themselves riding a new wave of anti-pluralism, with rising conservatism in both countries evidenced by the mobilisation and enforcement of Islamic doctrine in the public and legal spheres of both countries. In the last five years, people have mobilized in order to enforce a homogenous, Islamic identity. In Indonesia, the Islamism-driven movements, such as the 212 movement,¹ have appeared in the public sphere to promote a single Islamic concept for the leadership of Indonesia. In Malaysia, for example, anti-pluralist tendencies culminated in the *Himpunan* 128 movement (December 2018) in Kuala Lumpur, which was convened in opposition to the ratification of the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD).

Works on religious pluralism in both Indonesia and Malaysia have been the concern of many experts. Abdur Rahman Embong (Malaysian expert) states that post-national building of Malaysia and market-making have contributed to the establishment of religious pluralism. The emergence of a multi-ethnic new middle class and enlightened secular and religious intellectuals have amplified spaces for the advancement of religious pluralism in Malaysia. Embong believes that inclusion and civility are two signs of pluralism that are advanced by an enlightened middle class—especially pluralist intellectuals—in Malaysia (Embong 2001). Referencing Kuala Lumpur, Yeoh Sing Guan states that in the capital city of Malaysia, religious pluralism is now at a crossroads of complex and complicated issues (Guan 2011). Rita Camilleri portrays that religious pluralism in Malaysia cannot be separated from the policy of ruling regimes. This thesis is based on her study on the role of three Malaysian prime ministers in handling the crisis of religious pluralism in Malaysia (Camilleri, 2013). The recent tendency of Malaysian Muslim scholars indicates that religious pluralism is a contested term, and they argue that the concept of religious pluralism in Islam—including in the

Malaysian context- is different from that of religious pluralism in the West (Shukri and Razak 2018). The works of religious pluralism in Indonesia are diversely published. John Bowen reflects that religious pluralism in Indonesia is part of normative pluralism (2005). Syafiq Hasyim indicates that religious pluralism in Indonesia experiences a lot of challenges from religious edicts issued by MUI (Hasyim 2015). Stewart Fenwick also demonstrates Islamic legal opinions issued by MUI as a serious challenge to religious pluralism in Indonesia (Fenwick 2016). Based on the aforementioned explanation, most studies of religious pluralism in both countries are done separately. Therefore, the position of this article is to discuss comparatively the religious pluralism of Indonesia and Malaysia by revisiting the established concept of religious pluralism, which has long been held by the people of both countries. This article specifically examines the circumstances of religious pluralism by referring to the role of fatwa bodies in both Indonesia and Malaysia. In this regard, this article pays more attention to discussion on fatwas that are issued to challenge religious pluralism in both countries.

This rising trend of anti-pluralism in both countries is ironic because, as countries with the largest Muslim populations in Southeast Asia, Indonesia and Malaysia are depicted internationally as the obvious models of moderate and progressive Muslim countries (Bruinessen 2009; Noor 2009; Widiyanto 2016). The moderateness and progressiveness of Indonesian and Malaysian Muslims is mainly evident in the reception of both countries to the idea of religious pluralism. Both countries embrace religious pluralism as part of state building and their respective national characters. Indonesian and Malaysian communities have also recognized religious pluralism as a shared tenet that can lead them to one *raison d'être*, to become the nation states of Indonesia and Malaysia. Religious pluralism is the main spirit of *Pancasila* and Indonesia's 1945 Constitution (Suryadinata 2018, 2). Malaysia derives pluralism from the philosophy of *Rukunegara*, which is not specifically referenced in its constitution but inspires and informs Malaysian public policy (Sajoo 1994, 48). C.W. Watson draws parallels between Indonesia's *Pancasila* and the *Rukunegara* of Malaysia, although the latter is not a main concern of the current Malaysian government (Watson 1996, 318). Indonesia's national motto is "unity in diversity" (*Bhinneka Tunggal Ika*), while Malaysia identifies as a melting pot of various ethnic and

religious groups. Referencing J.S. Furnivall, Robert Hefner concedes that the territory that is now Indonesia and Malaysia was once a place of pluralism in which various ethnic groups lived together (Hefner 2001a, 4).

In the Suharto era, religious pluralism was important. Suharto's support for religious pluralism was evident in his preference for the *Pancasila* as Indonesia's sole state ideology. Unfortunately, Suharto's promotion of religious pluralism was more state-based than democratic in nature, insofar as Suharto defined the meaning of religious pluralism through his conservative and closed interpretation of the *Pancasila* (Hefner 2001b, 35; Ramage 2005). Horowitz writes that, since Suharto's resignation in 1998, Indonesian politics has become less authoritarian and more democratic (Horowitz 2013). This period of transition facilitated significant democratic reforms, but religious pluralism did not necessarily flourish. Since Suharto's demise, different religious and political groups, including those who disagree with the concept of a pluralist Indonesian state, have competed against one other in the legal and public spheres. As a consequence of rising conservatism, evidenced by the identity politics and populist Islamism used to mobilize the 212 "Action to Defend Islam" (*Aksi Bela Islam*) movement, religious pluralism in Indonesia finds itself in a rather critical state. With democracy in Indonesia still in a nascent state of being, the influence of unelected Islamic organizations, such as MUI, is increasingly prevalent *vis-à-vis* public morality and order, especially within the Muslim community.

Conversely, Malaysia experienced political and economic change as a result of the Southeast Asian financial crisis of the early 2000s, which influenced its reception of religious pluralism. Malaysia has consistently endeavoured to promote multiculturalism and diversity as part of its state identity. Malaysia professes to be well-versed in managing ethnic diversity, with a population comprising ethnic groups including Malays, Chinese, Tamils and others, all of whom ostensibly live together in peace and harmony (Camilleri 2013, 225; Krishnan 2010). Religious pluralism predates colonialism, making it an undeniable part of Malaysian history. The sources of Malaysia's history say that Malaysia has recognized the tradition of cosmopolitanism – a sign of pluralism – long before the coming of colonialism. The Indonesian and Malaysian archipelago has involved transnational and

international commerce networks either because of their strategic, geopolitical position or because of their emerging kingdoms in the region. Besides that, pluralism has been signalled by the presence of moderate and 'smiling' Islam in the region. Malaysian expert Abdur Rahman Embong argues that Malaysian pluralism has contributed to the creation of a multi-ethnic understanding and cooperation, softening ethno-religious extremism, civility and tolerance (Embong 2001: 60). Malay identity politics, however, namely a combination of ethnicization and Islamization, has experienced a revival due to an increasing majority of Muslim sentiment related to the economic, social and political gap between Muslim Malays, known as the 'sons of the earth' (*bumiputera*), and other Malaysian citizens, and the influence of global Islamic revivalism (Holst 2012; Liow 2009, 33-34).

A sceptical question on the implementation of religious pluralism in both Indonesia and Malaysia has increasingly surfaced over the last two decades. A shared tendency among the mainstream Muslim groups of both countries, who are represented by their respective fatwa bodies, is not to support but to reconstruct pluralism based on their state identity. The fatwa institutions of both Indonesia and Malaysia have impugned the importance of religious pluralism through their respective fatwas that outlaw religious pluralism. The tenet of religious pluralism is perceived by majority Muslim organizations in both Indonesia and Malaysia as being contrary to the religious doctrine of Islam (*'aqidah*). This rampant phenomenon is quite surprising because, thus far, both Indonesia and Malaysia have claimed, and have long been considered by the international community, to be the guardians of moderate Islam because of their conformity to the tenet of pluralism (G25 Malaysia 2016; Hefner 2011). By decreasing their respect of religious pluralism, however, means that they delegitimize their ascribed identity.

As mentioned, this article intends to answer the following questions: First, how is religious pluralism defined, discussed and contested in the Indonesian and Malaysian public and legal spheres? Second, why did the fatwa bodies of both countries issue fatwas denouncing religious pluralism? Third, what arguments are used and how have these anti-pluralism fatwas affected legal discourse and legal practice in both countries? Finally, what are the consequences of these fatwas for Indonesia and Malaysia as Muslim-majority countries that have long respected religious pluralism?

As Islamic legal opinions, fatwas play an influential role in challenging the established and agreed-upon values of religious pluralism in open and democratic countries with significant-sized Muslim populations. In the era of social media and deep connectivity, a fatwa is not only influential in the country in which it is issued, but it can also transcend state boundaries. The issuance of a fatwa in one Muslim country can therefore influence the issuance of a fatwa in another country, especially when corresponding discourses exist between countries. Indeed, fatwas in both Indonesia and Malaysia share a parallel discourse on pluralism at three levels: first, both countries revere their fatwa institutions; second, fatwa-issuing institutions in both Indonesia and Malaysia communicate either orally and directly or through media, including social media and other means of communication; and third, opposition toward some elements of pluralism also exists in the mainstream Muslim communities of both countries.

This article refers to analytical discourses of interdisciplinary knowledge, such as on transnationalism, especially Edward Said's travelling concept, as well as on pluralism, legal pluralism and sociological movements. Edward Said's often-celebrated travelling concept, as articulated in his book *The World, the Text and the Critic* (Said 1983), is useful in analysing a concept that travels from one person to another and from one place to another. Put differently, a notion or meaning is transplanted from one place and rearticulated in another place (Mandaville 2002a; Middell 2014) (Mandaville 2002b). This was the case with the respective fatwas issued by MUI in 2005 and by NFC in 2006, both of which declared a prohibition on religious pluralism. From the perspective of the travelling concept, what happens in one country can inspire and resonate in another country. This article also refers to theoretical discourses on religious pluralism from the perspective of existing religious studies, which is different from the definition of pluralism attributed by MUI and NFC (Eck 2010). Through contemporary religious studies discourse, religious pluralism can be understood differently from syncretism and relativism of religions. From discourse on legal pluralism, theoretical depictions of strong and weak legal pluralism are useful to explain whether the issuance of such a fatwa either strongly or weakly interferes with the making and unmaking of state law in both the Indonesian and Malaysian contexts (Berman 2012). A relatively general phenomena pertaining to

the shifting agenda of many Muslim countries, from establishing an Islamic state to tinting the existing state form with Islamic ethics, is a theoretical explanation taken from Asef Bayat's post-Islamism, which can be useful to portray the mushrooming tendency of fatwa-issuing bodies to issue fatwas articulating guidelines on public morality and Islamic ethics (Bayat 2007b; Bayat 2007a). The production of fatwas in this regard can substantively replace the position of establishing an Islamic state *per se*.

Fatwas in Indonesia and Malaysia

Unlike Egypt, Saudi Arabia, Malaysia, Brunei Darussalam, and even Singapore, all of which have official fatwa institutions, the issuance of fatwas in Indonesia is not monopolized by any particular fatwa-issuing body. The fatwa-issuing bodies of various Muslim organizations, such as NU, Muhammadiyah, Persatuan Islam, and many others, can issue their own fatwas, either for the limited use of their members or for Muslims in Indonesia in general. In this regard, MUI is one among many fatwa-issuing bodies. The Indonesian constitution and state law make no mention of the role of MUI or any other fatwa-issuing institutions. MUI is, in fact, defined as a civil society organization, although it was established under the Suharto regime in 1975. Until recently, MUI remained an independent Islamic organisation, the fatwa-issuing authority of which has increased to such a degree that its fatwas have now become a reference for both the state and the Muslim community. Although MUI receives an annual budget from the Indonesian government, through the Ministry of Religious Affairs (MORA), MUI tries to have a neutral position. To some extent, MUI often issues fatwa contrary to state interests.² Since *Reformasi* (era of political reform), however, MUI's role as fatwa-issuer has become increasingly dominant with regard to issues pertaining to Islamic finance (sharia economy), halal certification, and *'aqidah* (Islamic belief) (Assyaukanie 2009; Hasyim 2014; Ichwan 2013; Lindsey 2012)

The status of fatwas in Malaysia is different from that of fatwas in Indonesia, especially in terms of the legal standing. In the Malaysian system, as referenced by its Federal constitution, Islam is a matter of the states, meaning that religious affairs fall under the full authority of the country's various states (Kasan 2008; Shuaib n.d.). As a consequence, each state has its own fatwa body, which is appointed by the relevant

state ruler. At a practical level, the content of fatwas at the state level can be different from one state to another, even on a similar question (Rosele et al. 2013; Zaini 2005). A fatwa issued by the fatwa-issuing body at the state level should not have similar content to that of a fatwa issued by the National Fatwa Council of Malaysia (NFC). The complicated structure of Malaysian fatwa-making is a consequence of granting the states the right to regulate religion. Indonesia, conversely, pursuant to its own regional autonomy law (State Law No. 23/ 2014), ensures, at least in theory, that religion remains an issue regulated by the central government.

Historically, and legally speaking, the NFC was created pursuant to *Perkara 11 Peraturan Majlis Kebangsaan Bagi Hal Ehwal Ugama Islam Malaysia* (Article 11 of the Rules of the National Council for Islamic Religious Affairs of Malaysia). The goal of the NFC creation is to accelerate, harmonize and synchronize fatwas issued by state-level fatwa bodies, as well as between fatwas issued by the NFC and state-level fatwa bodies. NFC's membership comprises the representative *muftis* of fourteen states and nine *ulama*, who are appointed by the *Majlis Raja-Raja* (the Council of Rulers) and a legal specialist. In *Akta Pentadibiran Undang-undang Islam* (Islamic Law Governing Act of Malaysia) 1993, it is said that fatwas are expected to bind Malaysian Muslims and, when adopted into state or federal law, all religious courts are to apply those fatwas. At the federal level, a fatwa issued by the National Fatwa Council is, in theory, legally binding on all Malaysians, but because Islam comes under the domain of the states, NFC fatwas do not always enjoy a positive reception from state *muftis* (Shuaib n.d.). NFC fatwas, however, are usually disseminated to the *Pihak Berkuasa Fatwa Negeri* (state *mufti*). When the *Pihak Berkuasa Fatwa Negeri* has determined the fatwa to be positive law, then the fatwa can be said to be part of state law (Zaini 2005).

The NFC's fatwa-issuing powers are based on two mechanisms, the first of which is a meeting of the *Majlis Kebangsaan Bagi Hal Ehwal Ugama Islam*, known as *Mudhākarah*. The meeting is conducted on behalf of the *Majlis Raja-Raja* to the NFC in order that a fatwa is issued in response to a discernible social problem. The issues are studied and presented at the *Mudhākarah*. The meeting results in a compilation of fatwas, which are presented to the *Majlis Raja-Raja* through the *Majlis Kebangsaan Bagi Hal Ehwal Ugama Islam*. This compilation of fatwas,

after receiving the assent of the *Majlis Raja-Raja*, are then disseminated to the state-level fatwa councils. Second, anybody has the right to request a fatwa from the NFC, before the request is studied and discussed at the *Mudhākarah*. The fatwa, determined at the *Mudhākarah*, is then sent to the state-level fatwa councils for consideration and/or adoption, as well as the *Majlis Raja-Raja*.³ This is the nature of fatwas in Malaysia and, to some extent, reflects the fact that legal pluralism is one tradition of the fatwa making process (Zaini 2005, 26-27).

Despite their different stances, fatwas in both Indonesia and Malaysia over the last two decades have become increasingly problematic for the sustainability of religious pluralism. Indeed, as much is evident in those MUI and NFC fatwas that have declared religious pluralism to be unlawful, notwithstanding that it forms part of the state ideology of both countries. Religious pluralism, for the drafters of these fatwas, represents a serious challenge and threat to the purity of their Islamic identity. Although both Indonesia and Malaysia are built on pluralist values and the pluralism of traditions, cultures, ethnicities and religions, the reality is that both countries comprise Muslim majorities whose religiosity has become increasingly conservative over the last two decades. For many of them, religion should be prioritised over other state affairs and notions of cultural, ideological and political identity. Now the Muslim majority populations of both countries tend to believe that pluralism endangers the purity of their faith and can fragment the unity of the *ummah* (Muslim community). That the NFC and MUI have both issued fatwas prohibiting adherence to pluralism is evidence that pluralism presents a serious hindrance for many Muslims. In 2005, MUI issued a fatwa declaring pluralism to be incompatible with Islam and subsequently the NFC issued a similar fatwa in 2006. The publication of these two fatwas demonstrates a parallel discourse and the existence of a mutual connection between Indonesia and Malaysia on fatwas opposing religious pluralism.

Perils of Pluralism: Travelling Fatwas in Indonesia and Malaysia

In 2005, MUI released a fatwa that prohibits Indonesian Muslims from adhering to pluralism, liberalism and secularism (MUI 2011, 87-95; MUI, n.d.). This fatwa, decided by MUI at its seventh National Congress, was issued in order to caution Indonesian Muslims about the prevalence of thought promoting religious pluralism among

Indonesian Muslims (MUI 2011). MUI deems pluralism a thought perilous to the Islamic faith. As a fatwa-issuer and the representative of the *ummah*, MUI believes that the spread of religious pluralism could potentially lead Indonesian Muslims away from pure Islam toward religious syncretism and relativism. MUI states:

“The MUI fatwa on religious pluralism is aimed at fighting the development of religious relativism (Indonesian: *relativisme agama*), that is, the truthfulness of religion becomes relative and not absolute. This fatwa seeks to clarify that each religion has the right to claim the truth over other religions but remains committed to respecting each other and to implementing harmonious relations among believers.” (MUI 2011, 95)

From MUI’s perspective, Indonesian Muslims have the right to be protected from the influence of dangerous thought, which can compromise their belief system – something about which MUI feels responsible to protect by issuing fatwas and recommendations (*tawsiyah*). MUI’s ability to monopolize the issuance of ‘*aqidah*-related fatwas resulted from Indonesia’s other significant Islamic organizations, such as Nahdlatul Ulama (NU) and Muhammadiyah, refraining from issuing ‘*aqidah*-related fatwas themselves. Rather, NU and Muhammadiyah place their trust in MUI, which is evident in the frequent use of MUI fatwa as the point of reference for law-making and court decisions in Indonesia. In addition, the MUI fatwas on blasphemy, halal and the sharia economy are very influential in the legal and public spheres of Indonesian Muslims. The majority of NU and Muhammadiyah elites argue that, in ‘*aqidah*-related affairs, the *ummah* should have only one voice as articulated by MUI. For the sake of solidarity among fatwa-issuing bodies, and out of the necessity of having just one voice on ‘*aqidah*, MUI has been accorded the privilege of issuing fatwas on ‘*aqidah*.

Notwithstanding its elementary understanding thereof, MUI uses a theological argument common to the Western tradition, namely that religious pluralism is blasphemous insofar as it permits religious syncretism and relativism. MUI’s position is that, as the religion of the country’s majority, state law should protect Islam from blasphemy. While it is problematic to associate the blasphemy of religion with the blasphemy of Muslims, Islam being a religion and religion not being a people, the narrative of blasphemy is nevertheless maintained in order to marginalize the notion of interreligious coexistence in Indonesia.

In the context of Indonesia, however, the blasphemy law constitutes a particular threat to the sustainability of religious pluralism. State Law No. 1/PNPS/1965 on blasphemy is often used by Muslim-majority groups in Indonesia to realize their political interests, namely to marginalize, even topple, minority groups with dissimilar opinions and positions on religious issues. Increasing conservatism and Islamic populism drives this move to disassociate religious pluralism from its historical and ideological context in Indonesia.

MUI's fatwa prohibiting religious pluralism remains influential to this day in Indonesia's public and legal spheres. Many Indonesian Muslims, as well as state law enforcement authorities – namely the police and the Attorneys-General – often refer to that fatwa when dealing with religious issues. Conservative and radical Muslim groups employ the fatwa as fundamental guidance to enforce their notion of mono-religionism. The fatwa, which states that pluralism is similar to syncretism, deconstructs the established notion that the Indonesian people have peacefully co-existed regardless of their religion and ethnicity. In this regard, MUI understands that, according to religious pluralism, all religions are the same and God grants the adherents of all religions passage to heaven. MUI states that if all religions are the same, when then has God created so many religions? MUI believes that this idea is not only mistaken (Indonesian: *kesalahan*), but also deviant (Indonesian: *kesesatan*). In this regard, MUI distinguishes *kesalahan* (mistake) from *kesesatan* (deviance). *Kesalahan* is a human error in understanding and practicing the order of God in the sense of *fiqh* (Islamic legal jurisprudence), while *kesesatan* is a mistake in the sense of one's belief (Arabic: *'aqidah*). Those who commit the former are *pendosa* (sinners), but those who commit the latter are guilty of *kekufuran* (infidelity). Therefore, MUI believes that the problems of pluralism are not an issue of *ijtihad* (legal reasoning) or *khilāfiyah* (dissenting opinions), but a matter of belief, which is immutable and taken for granted. In this regard, MUI deems anyone professing religious pluralism as *sesat* (MUI, n.d.; Hasyim 2016).

This fatwa has garnered criticism not only from secularists and non-Muslims, but also from Muslim groups. Many have been critical of the fatwa's statement questioning religious pluralism, which is a pillar of Indonesia. If religious pluralism is questionable, then the current state of Indonesia is also questionable. Questioning religious pluralism in Indonesia

is akin to questioning whether or not the nation-state of Indonesia ever existed (Intan 2006; Suaedy 2009). In response to public criticism of the fatwa, MUI issued an elucidation. In that elucidation, “*Penjelasan Fatwa tentang Pluralisme, Liberalisme, Sekularisme Agama*” (Elucidation of the Fatwa on Religious Pluralism, Liberalism, and Secularism), MUI states:

“...religious pluralism is different from “plurality of religion” because the latter means the diversity of religions. The various number of religions in Indonesia is a fact with which all religious communities should comply as a matter of necessity (Indonesian: *keniscayaan*) and respond with tolerance and peaceful coexistence. The plurality of religions is an undeniable historical fact in our daily lives.” (MUI 2011: 95)

Based on the quotation above, MUI prefers to use the term plurality rather than pluralism. MUI’s reason for prohibiting pluralism becomes clearer with the following quotation:

“The MUI fatwa on religious pluralism is aimed at fighting the development of religious relativism (Indonesian: *relativisme agama*), that is, the truthfulness of religion as being relative and not absolute. This fatwa seeks to clarify that each religion has the right to claim its truth but a commitment to respect each other and to implement harmonious relations among believers.” (MUI 2011: 95).

This quotation shows that what MUI means by religious pluralism is not religious pluralism as it is commonly discussed in religious studies discourses. MUI intentionally locates the definition of religious pluralism within religious relativism and syncretism. Within the discourses of religious studies, pluralism is identified by mutual respect, peaceful co-existence among different religions and beliefs, and mutual tolerance, not with religious relativism and syncretism (Friedman 1989; McKnight 1996). In this regard, by defining religious pluralism, MUI is referring to the discourse of syncretism and relativism. Unfortunately, the Muslim grassroots organisations in Indonesia refer to the MUI’s definition and they are averse to using or hearing the term ‘pluralism’ in the Muslim public sphere. They not only prohibit themselves from using and hearing the term, but also consider those who use the term to be deviant. This phenomenon demonstrates that these people are more prepared to embrace the ideological rather than the scientific discourse on religious pluralism because they are still grappling with their own narrowed understanding thereof, notwithstanding the fact that it is scientifically out of date and needs to be revisited.

The Malaysian fatwa banning pluralism is entitled “Aliran Pemikiran Liberal: Hukum dan Implikasinya kepada Islam di Malaysia” (Liberal Thinking: Legal Status and its Implication for Muslims in Malaysia) (JAKIM 2015, 8-19). This fatwa was issued on the occasion of Muzakarah Jawatankuasa Fatwa Majlis Kebangsaan Bagi Hal Ehwal Ugama Islam Malaysia 74, on 25-27 July 2006, held one year after the issuance of the MUI fatwa. This fatwa covers two important topics. The first is the issue of creed (Arabic: *‘aqidah*), specifically the concept of religious pluralism, the incorrect assumption that human reason is revelation, and the scepticism regarding the authenticity of the Qur’an. The second is Islamic law (Arabic: *shari‘a*), namely the heterodoxy of interpreting the Qur’an and ḥadīth, encouraging a new interpretation of the concept of worship, questioning prophetic attributes, among several other issues. The National Fatwa Commission of Malaysia states that religious pluralism is a central doctrine of the liberal ideology. Therefore, Islam denounces pluralism because pluralism’s position is that all religions are similar before God.

The fatwa states:

“The concept of pluralism is the central doctrine of the liberal ideology. Religious pluralism means that every religion has its own unique concept, perception and response towards the Ultimate Reality. All religions are similar in status in reference to the Ultimate Reality.” (JAKIM 2015, 18-19).

From the quotation above, the concept of religious pluralism as adopted by the Malaysian fatwa is not much different from the concept of religious pluralism as adopted in the MUI fatwa. A small note: the National Fatwa Council of Malaysia did not provide the fatwa with detailed arguments derived from the primary sources of Islam (*dalil* [Islamic argument] from the Qur’an, Sunna and also the *ijtihad* [independent effort of legal scholars to invent Islamic law] of ulama) as provided in the Indonesian fatwa. The National Fatwa Council of Malaysia, in judging religious pluralism as deviant (*sesat*) from *‘aqidah* (Islamic doctrine) and sharia (Islamic law), is similar to the MUI fatwa (JAKIM 2015, 20). The Malaysian fatwa argues that the sole truth of religion for Muslims derives singularly from Islam. If Malaysian Muslims admit that the truth can be uncovered in religions other than Islam, they are, at least according to this fatwa, deviant or to some degree guilty of *riddah* (apostasy).

The former prime minister of Malaysia, Najib Razak, was supportive of this fatwa and reminded Malaysian Muslims to constantly resist

religious pluralism. From Najib's perspective, religious pluralism should be precluded from Malaysia because it places Islam on an equal footing with other religions (faith). Pluralism is non-Islamic.⁴ Najib endorsed the role of Malaysia's Islamic government agencies in socializing this idea among the broader public. He strongly rejected religious pluralism by stating, "to say all religions are equal before Allah is against the Islamic belief." From his perspective, religious pluralism has become an increasing menace for Malaysia's Muslim population, meaning that teachers, *mufitis* and imams should seriously consider how they make Muslims aware of its prevalence. At a public gathering attended by 10,000 teachers, imams and muftis, Najib reiterated his message to the country's Muslim population to eradicate religious pluralism. Najib stated, "pluralism, liberalism? All these 'isms' are against Islam and it is compulsory for us to fight these."⁵ In 2014, Najib stated that religious pluralism and liberalism are part of human rights-ism, which is contrary to Islam.⁶

If we see what Najib has attempted to dismantle, religious pluralism in Malaysia shows the extent to which the ruling regime has interfered with the right to religious freedom of Malaysia's citizens. While prime minister, Najib was not averse to talking about religious pluralism. His statements about Islam and religious pluralism were arguably divisive and marginalizing for Malaysia's religious minorities. In this context, the circumstances for religious pluralism in Indonesia are better. Indonesia's leaders, from Sukarno to Susilo Bambang Yudhoyono, never publicly denounced religious pluralism because they knew that religious pluralism was a fundamental pillar of Indonesia.

Following the NFC *Mudhākarah* fatwa, the Selangor Islamic Religious Council (*Majlis Ugama Islam Selangor*, MAIS) issued a fatwa declaring that "any persons or groups professing liberalism or religious pluralism" to be "deviant." The fatwa also states that those who have already embraced religious pluralism and liberalism should repent and abide by the true path of Islam. According to this fatwa, any publication that advocates liberalism or religious pluralism is unlawful and religious authorities have the right to seize those publications.

This fatwa was gazetted on 31 July 2014 and was challenged by Sisters in Islam (SIS), a prominent women's NGO in Malaysia. The challenge was filed with the Kuala Lumpur High Court by SIS, Zainah Anwar and the former minister of law, Datuk Zahid Ibrahim,

on constitutional grounds. MAIS does not want to be challenged by Sisters in Islam on this matter and has stated that fatwas are a religious issue and come under the jurisdiction of the Sharia Court (*Mahkamah Syariah*), not the High Court. Sisters in Islam challenged the fatwa at the federal court level and won on jurisdiction. Now, the case has been sent back to the High Court to be heard.

Transnational Dimension

Does a transnational dimension exist between the Indonesian fatwa and the Malaysian fatwa? From a transnational theoretical framework exchange and mutual influence perspective, it is possible, not only among the fatwa authorities but also among the beneficiaries of the fatwa in general, in both Indonesia and Malaysia. Those who reject religious pluralism in the Malaysian context state that religious pluralism (and liberalism) are not made by and in Malaysia but imported from other countries. In this regard, Malaysian Muslim scholars and activists believe *Jaringan Islam Liberal* (JIL, Liberal Islam Network) to be disseminator of this notion. From their perspective, JIL has intentionally and systematically exported the idea of pluralism from Indonesia to their counterparts in Malaysia, including through Sisters in Islam, the Islamic Renaissance Front (IRF) and several others. Calls by JIL are found in the media, Friday sermons, and virtual media, such as Facebook, Twitter and YouTube. In 2006, the Ulama Convention on *Purifying Islam from Liberalism and Pluralism* was held in Penang. Two speakers, Anis Miftah Toha and Adnin Armas, were invited to the forum. They are both Indonesian Muslim public scholars who have lived and studied in Malaysia and have actively promoted the denunciation of pluralism in the Indonesian public sphere. In 2014, the founder of JIL, Ulil Abshar Abdalla, was prohibited from entering Malaysia because of his plan to deliver a lecture at the Islamic Renaissance Front (IRF).

On the basis of the aforementioned explanation, I generalize that the discourse of religious pluralism in Indonesia and Malaysia is interconnected and intermingled. There are at least three shared discourses from both countries, which can be identified in discussions of religious pluralism. The first is a semantic debate over the meaning of pluralism among fatwa bodies and their contenders. The debates revolve around whether or not religious pluralism is religious syncretism and

relativism. The drafters of the Indonesian fatwa consider the meaning of pluralism as being parallel to the meaning of syncretism, which was evident in the 2005 MUI fatwa. After the fatwa was criticized by various elements of society, especially from nationalist, religious and secular groups, which claimed the fatwa was contrary to the character of Indonesia as a diverse and plural *Pancasila* state, MUI published an appendix that explained what they meant by the term pluralism. Here, MUI maintains its definition of pluralism as syncretism but clarifies that it does not deny that Indonesia is a plural and diverse country. From MUI's perspective, however, pluralism is not pluralism, but plurality (Indonesian: *pluralitas*). MUI states that if pluralism is *isme* or *paham* (ism), which is like religion and belief, plurality is a sociological, historical, and political realm, which is undeniably encountered by our society.

A narrow debate on the definition of pluralism and plurality is found in the Malaysian context. The pro-faction of the Malaysian fatwa insists that religious pluralism is liberalism and should be removed from Malaysia. Najib Razak, *Pertubuhan Muafakat Malaysia* (Muafakat), an Islamic civil society organization in Malaysia, and many others, assume that pluralism is religious relativism. They cannot accept the idea that pluralism says all religions are true. Pluralism and liberalism present real challenges to Malaysia because both offer an alternative to an Islamizing agenda. Sisters in Islam and other moderate groups are in the position of defending religious pluralism because Malaysia has a history of respecting religious pluralism.

The definition of religious pluralism in the contexts of Indonesia and Malaysia relies on the old discourses of religious studies that defined religious pluralism as having an inclination toward the syncretism of religion (Phan and Ray 2014). By insisting on following the old discourse, it becomes evident that MUI and NFC are alienated from the new discourse of this issue in religious studies. As fatwa makers they should arguably open their mind to any information relevant to issuing a succinct and proper fatwa. A new discourse on religious pluralism, for instance, is introduced by Diana L. Eck, Professor of Divinity School of Harvard University. Eck defines religious pluralism as being different from syncretism. Eck states that pluralism is respect for differences and syncretism is a creation of new religion by fusing several elements of other religions (2010, 45). Eck writes, "once again, pluralism, while

not a plurality, is based on plurality. A pluralist culture will not flatten out differences but has respect for differences and encounters with differences. Its aim is quite the opposite of syncretism.” (2010). In the context of the Indonesian and Malaysian fatwas, when this discourse has been offered as an alternative definition, the Indonesian and Malaysian fatwa authorities maintain their respective definitions. Their definitions are irrelevant insofar as academic pursuits are concerned, but are concerned instead with a contest against those of different faiths. In line with the Arabic expression, “*minnā wa minhum*,” their concern is “us versus them.”

The second commonality in the Indonesian and Malaysian contexts is the use of the blasphemy law as an underpinning concept to assault those who embrace religious pluralism. Former Prime Minister Najib states, “we respect other religions, we must not insult other religions, but they cannot be said to be as similar to Islam.” This statement is very obscure, but its intent is that if you do not want to be insulted by others, do not insult others. The question that follows, however, is who insults whom and what are the parameters used to determine if someone has insulted someone’s belief or if a religion insults another religion? This problematic question does not get resolved in the current context of Indonesian and Malaysian Islam because blasphemy laws continue to be used.

Najib also argued that Malaysian Christians should not use the word “Allah.” The Muslim Lawyers Society of Malaysia (PPPMM) then sought to reprimand the National Evangelical Christian Fellowship of Malaysia (NECF) because this Christian group continues to use the word “Allah.” The story starts with the church group’s Facebook message calling for its members to pray for “Allah’s blessing.” The PPPMM sees this as a form of blasphemy against Islam. The President of PPPMM, Datuk Zainul Rijal Abu Bakar, states:

“It is an offence for any party to deliberately and continuously use Allah and a few other words with roots from Islam in the context of a non-Islamic religion for any purpose. The NECF poster that has clearly misused the sacred name of Allah is obviously a criminal action and breaches the Schedule of (Section 9) Part I of the Enactment that forbids the use of the name of Allah as well as other Islamic terms by non-Muslims.”

Since 2005, Indonesia’s criminal courts have used the legal provision for blasphemy differently from Malaysia. Indonesia’s blasphemy law is

primarily used to convict those who subscribe to unorthodox beliefs that deviate from mainstream religions (*aliran sesat*). Since the post-reform era, the law has been increasingly used to punish ‘unorthodox’ brands of Islam since the reform era (Horowitz 2013). The leader of the Madurese Shi‘a, Tajul Muluk, for example, was sentenced by the Sampang State Court on the basis of this law (Report 2013). Basuki ‘Ahok’ Tjahaja Purnama, the former Governor of Jakarta, was also sentenced to two years’ jail pursuant to this law because of the pressure of MUI.

A third theme commonly discussed in Indonesia and Malaysia is the politicization of pluralism. What politicization means in this context is the capitalization of pluralism for a political agenda. In both countries, pluralism is often seen as a political commodity. Although this issue has sparked outrage and violence towards the places of worship of minority groups, it remains a very influential means by which Malaysian politicians have consolidated electoral support. Najib Razak, for example, attacked opposition parties for supporting pluralism and the LGBT (lesbian, gay, bi-sexual and transgender) community. One logical fallacy often used is to juxtapose the adherence of pluralism with other “sensitive issues” like free sex, LGBT issues, and many others. In the context of both Indonesia and Malaysia, a generalization is quite often made to judge those who believe in religious pluralism as also supporting gay marriage and homosexuality.

In a similar context, when the gubernatorial elections of Jakarta were conducted in 2012 and 2017, religious pluralism was also politicized. In the Malaysian context, the President of *Ikatan Muslimin Malaysia* (ISMA), Abdullah Zaik Abdul Rahman, stated that political parties that support pluralism and liberalism should not be supported by Muslim Malaysian voters. He referred to PKR and PAS, which formed a coalition with DAP (Democratic Action Party) in the Malaysian general elections of 2013.

In Indonesia, MUI used the spirit of anti-pluralism fatwas for campaigning a governor candidate that MUI assumed as a person who promoted the aspiration of Islam. MUI rejected Joko ‘Jokowi’ Widodo and Ahok as gubernatorial candidates in the 2012 Jakarta election because, notwithstanding the fact that Jokowi is a Muslim, Ahok is an ethnic Chinese Christian. For MUI, this was problematic because the governor and deputy governor of Jakarta are automatically

the coordinators of Islamic activities. In short, MUI does not want a non-Muslim leading Indonesia at any level of government. In this regard, MUI downgraded the discourse of leadership within classical Islam that favoured the quality of leadership rather than the actual persons in positions of leadership. Ibn Taymiyya (1263-1328) states clearly that, if presented with a just, non-believing leader and a despotic Muslim leader, the just, non-believing leader is definitely preferable (Ibn Taymiyya 1992, 3; Taymiyya 1983). Nevertheless, MUI has not learned from its previous mistake because the politicization of fatwas is not useful either for MUI or for the Muslim community in general.

Legal Pluralism

The presence of ideas that denounce pluralism is problematic for those states with legal systems influenced by several different legal orders (Berman 2012; Tie 1999). This is the case in Indonesia and Malaysia, where fatwas that reject pluralism have caused polarization among those who perceive fatwas as articulations of positive law. Now, due to the legitimacy of fatwas, some groups of Indonesian and Malaysian Muslims advocate for the supremacy of sharia because the pluralism of legal orders is understood in the context of the aspiration of Muslim majority groups.

Historically, the Malaysian legal system, which is based on the British model, has comprised plural elements since the formation of the Malaysian Federation. This is evident by the various legal orders and systems that have inspired the national Malaysian legal system. Federal law regulates most areas of Malaysian life, but state law, that being sub-federal law, permits the implementation of sharia law at the local level.

Malaysia appeared to have a serious problem with this system of law when the country experienced a wave of Islamization in the 1970s, during which time certain Islamic factions sought the expansion of sharia not only at the state level, but also at the federal level (Liow 2009; Shuaib n.d.: 86). Before the broader Islamization of Malaysia occurred, the diverse sources of law in this country were relatively well coordinated and implemented (Camilleri, 2013).

Islamization has been more significant in Malaysia because sharia law has been institutionalized to a greater extent than it has been in Indonesia. As mentioned above, at a constitutional level, Islam enjoys a special status as the official religion of the Federation of Malaysia

and as a matter for the states. In addition, Article 160 of the Malaysian Constitution delineates a “Malay” as each person whose religion and language are Islam and Malay. The Constitution also grants special status to the Malay language as the national language (Article 152) and the rights of Malays as above the rights of other ethnic groups (Article 153) (Krishnan 2010: 402). Here, Islam has a multifaceted embodiment and channel to exist in the Malaysian public sphere. Rita Camilleri’s study demonstrates that the national leadership of Malaysia has contributed to the creation of a space for the presence of an Islamic retrogressive movement (Camilleri, 2013). Mahathir Mohamad used the notion of an Islamic state (Islamization) for Malaysians to consolidate the vote for the United Malays Organisation (UMNO) against PAS in the early period of his time in Malaysian politics. Mahathir has placed Islam at the core of Malaysians (Camilleri, 2013: 228). At least, in this era, sharia was gradually adopted by Malaysians in their daily lives (Camilleri, 2013: 29). Abdullah Badawi introduced *Islam Hadhari* (Civilizational Islam) as a way of seeking to compromise the demand of Islamic militancy and modernity. To some extent, his agenda was effective insofar as it enhanced the multi-ethnic and multicultural characteristics of modern Malaysia, but it was ineffective in curbing the effect of religious authorities. In 2009, the National Fatwa Council of Malaysia issued a fatwa reminding Muslims not to send greetings to their Christian counterparts, claiming that to do so would be contrary to Islam (Camilleri, 2013: 231). Prime Minister Najib Razak introduced the concept of *wasatīyah Islam* to reflect that Islam is not liberal but conservative (Majid 2012). By *wasatīyah Islam*, Najib means that Islam rejects those human rights not in line with the sharia, including international human rights. For Najib to create a discourse that Malaysia is respectful of legal pluralism is, therefore, arguably political rhetoric and nothing else.

Like Malaysia, Indonesia is also a state with diverse and divergent sources of national law. The *Pancasila* is a national umbrella ideology comprising the differing and plural systems of existing legal sources. Within *Pancasila*, the different sources of law include *adat* (customary law), Islam, and Dutch colonial law. During the New Order era – 1966–1998 – different legal systems in Indonesia’s national law was relatively well off. Following Suharto’s resignation in 1998, the stability of Indonesia’s legal pluralism has been challenged. The late Abdurrahman

Wahid, who served as President of Indonesia from 1999 to 2001, estimated that Indonesia had more than 3,000 judicial rulings, the content of which is contradictory. One of the reasons for this is the prevalence of sharia-inspired local regulations or bylaws. The 2005 MUI fatwa that prohibits pluralism contributes to this problem rather than reducing it. Arguably, it makes Indonesia's legal system weaker because different groups in Indonesia have, as a result, sought the inclusion of their own laws at the national level. As a consequence, the law of majority groups, namely conservative Sunni Muslims, will most likely continue to dominate national Indonesian law. It is true that Indonesian law recognizes six religions, namely Islam, Protestantism, Catholicism, Hinduism, Buddhism, and Confucianism, but sharia continues to have a dominant influence on national law. It is from here that the crisis of legal pluralism in Indonesia becomes most conspicuous because laws are being established based on the dominant legal aspirations of Indonesia's Muslim majority. Interestingly, in the case of a weak and fragile legal system like Indonesia's, the role of non-state law-making agencies, such as the role of MUI and its allies, become increasingly dominant and powerful. Berman writes, "in places where the state is weak or non-existent, the non-state law-making communities tend to have great powers" (2012, 42). He continues, "non-state norms can create forceful obligations in and of themselves, and even harden into formal law" (Berman 2012, 43). Indeed, MUI fatwas have been able to influence the drafting of many national laws.

Public Sphere

Since religious pluralism, in theory, involves public respect for a multiplicity of beliefs and religions, fatwas that denounce religious pluralism are bizarre symptoms in the Indonesian and Malaysian public spheres. Within the public sphere, all elements of society should, regardless of religion, gender, and ethnicity, be able to participate equally and freely, while receiving religious freedom protections (Baxter 2011; Fraser 1992). Here, a fatwa outlawing religious pluralism is contrary to the notion of a pluralistic public sphere because, within this notion, religious groups are granted comprehensive rights to practise and administer their religion or beliefs. The concept of a public sphere promotes no single, dominant religious organization that controls religious life. The implementation of such a belief in this perspective of

the public sphere is often contested because each believer is protected in respect of their freedom to practice their religion. The position of the state is neutral in keeping a fair distance from religion (Rawls 2011; Tagore 2010). Besides assisting with the harmonization of different religions in the public sphere, the tenet of religious pluralism is also helpful in maintaining the idea of separating religion from politics. This fits literally into the generic definition of religious pluralism, which is intended as a term to oppose “monolithic state power” (Filaly-Ansari 2009, 1).

As I have argued, both the Indonesian and Malaysian fatwas on the prohibition of pluralism have had an adverse impact on the public sphere in both countries. To abolish religious pluralism would be to restrict access to a free public space in which people of both countries can think, discuss and practise their religions. Although Indonesia prioritizes “belief in Almighty God” (*Ketuhanan Yang Maha Esa*) as the first tenet of its state philosophy, Indonesia’s state administration appears more compatible with a secular system than it does a theocratic system. Since Indonesia declared independence in 1945, it has had a Ministry of Religious Affairs (MORA), but the role of this ministry was not to regulate religious beliefs per se, as it would be in a sharia-based state. Instead of dictating a particular practice of religion or belief, Indonesia’s Ministry of Religious Affairs functions to enable religious adherents to practise their religions by providing, for example, transportation for those performing the *ḥājj* (pilgrimage to Mecca), a national marriage registry, funding for the construction of places of worship and the establishment of religion-based schools (Stephan and Kuenkler n.d.). This is similar to the role of the state in Germany, where the government collects church (religious) taxes for state-registered religions.

During the Suharto era, religious diversity in the public sphere was maintained, but not in a democratic manner. All religious adherents enjoyed equal opportunities to express and practise their religions and beliefs publicly, although these were all subject to the strict regulation of the New Order regime. The Malaysian public sphere has, for a long time, been regulated by the ruling regime in such a way that acknowledges religious plurality, notwithstanding the fact that the Federation of Malaysia formally recognizes Islam as its official religion due to the supremacy of Malay history. Based on the cases of Indonesia

and Malaysia, religious pluralism, which is not fully under democracy, is usually instrumentalized to legitimize the interests of the ruling regime.

The challenge of implementing religious pluralism in the public spheres of both Indonesia and Malaysia is an increasing demand of dominant Muslim groups to enforce the notion of *al-amr bi al-ma'rūf wa al-nahy 'an al-munkar* (commanding right and forbidding wrong). The phrase, which commands right and forbids wrong, is regularly used as the doctrinal vehicle of Islamic activism (Abdelsalam 2005; Cook 2003; Wagemakers 2011). Through this doctrine, Indonesian and Malaysian Muslims are entitled to force their Islamic-ness on the public sphere, notwithstanding the fact that the public sphere is a place for many religions and beliefs. This tendency has periodically increased over the last two decades. The increasing presence of Islamic vigilante organizations, such as *Front Pembela Islam* (FPI, Islamic Defenders' Front) and *Front Umat Islam* (FUI, the Islamic People's Front), both of which conduct themselves ostensibly pursuant to *al-amr bi al-ma'rūf wa al-nahy 'an al-munkar*, is evidence of this development in the Indonesian public sphere. In Malaysia, the emergence of Islamic organizations such as ISMA (*Ikatan Muslimin Malaysia*) and *Skwad Badar* – a Kedah-based Islamic organization that aspires to become the country's moral police – is a new phenomenon in Malaysia, where the role of such non-state organizations to enforce Islamic public morality has become increasingly tolerated. These organizations, in both Indonesia and Malaysia, have generated a public uneasiness because they perceive religious pluralism as constituting public immorality. Generally speaking, those who demand the enforcement of public morality can be divided into two models: first, those who follow the model of Ibn Taymiyya, and second, those who follow the model of al-Ghazālī. The former argues that something that deviates from religion is part of the public interest, while the latter argues that mistakes or wrongdoings of other Muslims must remain private (Zubaida 2009, 22). The majority of Indonesian and Malaysian Muslims follow the model of Ibn Taymiyya. This is evident by the manner in which they deal with people who believe in the notion of religious pluralism. In both Indonesia and Malaysia, proponents of religious pluralism are not only reminded verbally, but also with persecution in order to make them disappear from the public sphere. This is because, as mentioned, religious pluralism for these Islamist vigilante groups is not only a

mistake (Indonesian: *kesalahan*), it is also a form of religious deviance (Indonesian: *kesesatan*). Moreover, Islamic law orders that those who deviate from Islamic orthodoxy are to receive a firm punishment. To some extent, if deviant sects do not repent for their theological faults, their conduct can be seen as being akin to apostasy (*riddah*). Whatever the degree of their deviance, whether at a preliminary level or genuine apostasy, from the perspective of FPI and other similar organizations, these deviants can become objects of moral policing. An example thereof: on 1 June 2008, FPI and members of other Islamic paramilitary groups attacked members of a coalition called the National Alliance for the Freedom of Religion and Faith (AKKBB: Aliansi untuk Kebebasan Beragama dan Berkeyakinan). The incident became known as the ‘Monas Incident’ (*Insiden Monas*), which occurred after members of AKKBB marched in the name of religious pluralism by Indonesia’s national monument in the centre of Jakarta. FPI and other groups later justified their violent actions by claiming that AKKBB also sought the protection of the Indonesian Ahmadiyah Community (*Jemaat Ahmadiyah Indonesia*) and other “deviant” religious groups (Hasani and Naipospos 2011; Jahroni 2008) Front Pembela Islam (FPI).

In Malaysia, interestingly, the JAKIM targets so-called deviant groups as part of its main program of implementing Islamic public morality. The establishment of *Jawatankuasa Menangani Ajaran Sesat Peringkat Kebangsaan* (JAPAS, Department of Deviant Sects) and Panel Kajian Akidah (PKA) are evidence that, in Malaysia, challenges to religious pluralism not only come from the community but also from government. This paints a pessimistic picture for the future of religious pluralism in Malaysia. The position of anti-pluralist organizations is stronger because of the support they enjoy from the ruling regime.

Populist Issues

In the last decade, the increasing prevalence of populist Islamism has presented a serious threat to religious pluralism in Indonesia (Hadiz 2014; Mietzner 2018). I use the term populist Islamism because the main cause of this movement is belief in the properness of political Islam. Populist Islamism has long-existed in Indonesia but it has increased its momentum significantly from 2012 onwards. Politics has been a triggering factor. The promotion of Basuki Tjahaja Purnama as the governor of Jakarta in 2014, after Jokowi became president, has

revived an anger among Muslim groups in Jakarta, who were unhappy with the governorship of Jokowi and Ahok since 2012. They believed that Ahok's governorship constituted an anti-Islamic leadership. Their disappointment then manifested itself as a populist Islamist agenda, which sought to capitalize on issues of social and economic injustice. The *umma*, however, continues to be used as a tool for political expression. The central concern of populist Islamists is not to formulate a system of political Islam in Indonesia, but rather to increase criticism of governance and state policy (Hadiz 2014; Hadiz 2016). From this perspective, advocating religious pluralism tends to protect the interests of minority groups, not the interests of the majority. The task of governance should, therefore, be to prioritize and promote the Muslim majority, with minorities learning to adjust themselves in line with the interests of the majority.

The rise of populist Islamism presents an obvious threat to religious pluralism because it challenges the democratic system, which provides fertile soil for religious diversity and multiplicity. Islamist organizations, such as *Front Pembela Islam*, *Hizbut Tahrir Indonesia* and Salafi-Wahhabi-affiliated movements, use the narratives of social, political and economic injustices, but they are not interested in the injustices done to minority groups in Indonesia. In many places, they campaign about the marginalization of the *umma*, the criminalization of *ulama* and the stigmatization of Islam, but they never campaign against attacks on the Ahmadiyah or Shia. In this regard, MUI has contributed by providing an Islamic argument about populist Islamism through its role in fatwa making. Thus far, MUI has actively endorsed populist Islamism through its 'Religious Opinion and Stance' (*Pendapat dan Sikap Keagamaan*) on Ahok's remarks regarding the Qur'anic verse *Sūrah al-Mā'idah* 51 on Pramuka Island, declaring those remarks to be blasphemous. In Malaysia, populist Islamism was used by UMNO and other Islamic political parties to maintain the support of Malaysia's *ummah*. UMNO has been a home for Islamist groups, namely Salafi-Wahhabi groups, in the last decade because UMNO, under Tun Najib Razak, promised a safe place for the aspiration of Islamist groups. JAKIM tended to support populist Islamism through its capacity for issuing Islamic edicts that strengthen Islamism among Malaysian Muslims. PAS in particular relies on the issue of the *ummah* to challenge religious pluralism in Malaysia (Noor 2014). The most recent issue that has relied on populist

Islamism revolves around the controversy surrounding the ratification of the ICERD (The International Convention on the Elimination of Racial Discrimination). UMNO and PAS have used this issue to delegitimize Mahathir Mohamad and his promise at the United Nations General Assembly to ratify the ICERD. Because the Malaysian *umma* has supposedly rejected the ratification of the ICERD, the government of Mahathir Mohamad reneged on its promise to ratify this international covenant. This reflects the fact that populism in the new Malaysian government is used to mobilize the support of the Malaysian *umma*. On one hand, the Mahathir government seems to have promised to become more inclined to the values of religious pluralism, but, on the other hand, the political reality of Malaysia is that Islamic ideas enjoy a stronghold on daily Malaysian politics.

Both Indonesia and Malaysia show us that the popularity and prevalence of religious pluralism is closely connected with the political aspirations of the Muslim majority. If both countries' Muslim majorities adopt the politics of the *ummah*, neither will require religious pluralism in their political lives. Religious pluralism in both Indonesia and Malaysia is understood by the proponents of populist Islamism as the problem of elites, not the problem of the *ummah*. Thus far, religious pluralism is only used to support the conformity and integration of the politics of the ruling regime, not the politics of the *ummah*. In these circumstances, the proponents of populist Islamism offer narratives and agendas that are different from the narratives and agendas of the ruling regimes. Both ruling regimes appear unprepared to deal with the interests of the *ummah* on the one hand, and the interests of the non-*ummah* on the other. In fact, inclinations to either side of interest can lead to a similar consequence endangering religious pluralism. The communicative dialogue and action of both groups in which the ruling regimes play the role of liberating facilitator would offer an alternative solution.

Concluding Remarks

Having learned from the cases of fatwas prohibiting pluralism in both Indonesia and Malaysia, semantic preferences employed to realize an Islamizing agenda require careful consideration. The choice of appropriate terminology, such as religious pluralism or pluralism per se, as buzz words to advocacy for a peaceful religious co-existence,

diversity, and a multiplicity of religions and beliefs, can be problematic and counter-productive. MUI rejects the use of ‘religious pluralism’ (*pluralisme agama*) or ‘pluralism’ (*pluralisme*), as do FPI, *Majelis Mujahidin Indonesia* (MMI, Indonesia’s Mujahidin Council), and *Hizbut Tabrir Indonesia*, because this term was invented by and in the Western, non-Islamic tradition. A similar perception exists in Malaysia, whereby the National Fatwa Commission and other Muslim groups reject pluralism because it denotes the relativism and syncretism of religions. In this regard, both the Indonesian and Malaysian fatwa-issuing bodies propose the use of plurality rather than pluralism. In a different camp, certain moderate Muslim groups in Indonesia are also divided: first, there are those who continue to use the term ‘pluralism’, but with their own perspective and definition, which is different from that of MUI and its allies; and second, those who propose the term ‘multiculturalism’ as an alternative. According to the latter group of moderate Muslims, the notion of multiculturalism is a safer option ideologically.

The discursive debates on religious pluralism in both Malaysia and Indonesia involve greater levels of politicization than pure discussion on religious pluralism from the legal and theological perspectives. Both groups reject and promote pluralism, while narrowly adhering to their own understanding of religious pluralism, claiming that their own definitions are both accurate and appropriate. What we have therefore seen thus far is a type of mutual rejection and labelling. Based on this, the discourse of conspiracy theory or post-truth seems to become the chosen framework of both fatwas as they seek to depict their preferred meaning of the term ‘religious pluralism’ in public debate.

Pluralism in Indonesia and Malaysia, both with their own local dynamics, provides a space for the state to intervene. It is evident in the socialization of these fatwas that both states ensure sufficient space to manoeuvre towards their respective interests. State intervention generally happens because of two factors. First, the fatwa-issuing bodies of both countries are not implementing agencies; rather, they are authorized to issue a fatwa. In the case of Malaysia, if the fatwa is agreed by the local state government, that fatwa is binding because it is already part of law. In Indonesia, conversely, a fatwa will only bind the Indonesian *ummah* if it is transformed into state law, either through national legislation or through a judicial decision. Second, there remains

a lot of resemblance or mutual influence between fatwas on one hand and existing state laws on the other. In both Indonesia and Malaysia, the content of some laws derives from fatwas issued by MUI and the NFC. Notwithstanding the fact that neither Indonesia nor Malaysia are Islamic states, the implementation of sharia is becoming increasingly prominent. The rise of populist Islamism will only strengthen this development, particularly at the grassroots level in both countries. The 212 movement in Indonesia and *Himpunan* 812 in Malaysia will also continue to ensure that the implementation of sharia is closely related to social and economic injustices facing the Muslim people. In this regard, religious pluralism provides a promising model of state life for both countries.

Finally, I submit that, as Muslim-majority countries, Indonesia and Malaysia find themselves in precarious positions to the extent that they are impartial to the influence of their respective Muslim majorities. This is what we have seen in some state rulings in both countries that directly or indirectly reflect the need of the fatwa.

Endnotes

1. The 212 movement refers to the Islamic mobilisation on 02 December 2016, which protested against Ahok. He was convicted for blasphemy following a police investigation. This mobilisation was intended to pressure the Indonesian government, especially President Joko Widodo, not to intervene in Ahok's case.
2. This is Indonesia's state tradition of budgeting that provides incentive funding for religious organisations, both Islamic and non-Islamic organisations. The amount of funding is small. In the case of MUI, it receives 3 billion Indonesian Rupiah per year.
3. See http://e-smaf.islam.gov.my/e-smaf/fatwa/latar_belakang/penubuhan, viewed on 28 November 2018.
4. See <https://forum.lowyat.net/topic/1759164/all>, viewed on 26 November 2018.
5. <http://www.themalaysiantimes.com.my/najib-warns-against-liberalism-pluralism/>, viewed on 26 November 2018.
6. <https://www.thestar.com.my/news/nation/2014/05/13/najib-human-rightsism-against-muslim-values/>, viewed on 26 November 2018.
7. <https://www.malaymail.com/s/773695/muslim-womens-group-to-challenge-fatwa-against-liberalism-pluralism>, viewed on 26 November 2018.
8. <https://sg.news.yahoo.com/muslim-women-group-challenge-fatwa-against-liberalism-pluralism-225000078.html>, viewed on 26 November 2018.
9. <https://sg.news.yahoo.com/muslim-women-group-challenge-fatwa-against-liberalism-pluralism-225000078.html>, viewed on 26 November 2018.
10. <https://www.bharian.com.my/berita/kes/2018/09/478063/mais-tegas-fatwa-di-bawah-kuasa-mahkamah-syariah>, viewed on 26 July 2018.
11. Interview with Zainah Anwar (Founder of Sister in Islam), December 2018.
12. See <http://www.youtube.com/watch?v=ygw7aJK2-dw>, http://www.youtube.com/watch?v=r2hSp_GzWdk, viewed on 9 December 2018.
13. <http://www.thestar.com.my/story.aspx?file=%2f2006%2f6%2f13%2fnation%2f14517183&sec=nation>, viewed on 11 September 2013.
14. <https://www.malaysiakini.com/news/277309>, viewed on 4 September 2018 and see also <https://www.theaustralian.com.au/news/world/malaysia-slaps-ban-on-liberal-muslim-scholar/news-story/4ebe1271767ae396a919bef185fa85d2>, viewed on 9 December 2018.
15. http://ww1.utusan.com.my/utusan/Rencana/20130423/re_02/Perangkap-pluralisme-agama, viewed on 9 December 2018.
16. <http://www.themalaysianinsider.com/malaysia/article/najib-warns-muslims-against-religious-pluralism/>, viewed on 04 September 2013.
17. <https://www.ucanews.com/news/muslim-lawyers-see-red-over-christian-prayer-to-allah/68260>, and <https://www.malaysia-today.net/2013/05/14/muslim-lawyers-see-red-over-christian-allah-prayer-poster-on-facebook/>, viewed on 8 December 2018.
18. <https://themalaysianinsider.wordpress.com/2013/04/29/najib-attacks-pkr-as-lgbt-party-says-malays-chinese-reject-dap-pas/amp/>, viewed on 8 December 2018.
19. http://ww1.utusan.com.my/utusan/Pilihan_Raya/20130411/px_15/Tolak-parti-sokong-pluralisme, & see also, <https://www.malaysia-today.net/2014/07/14/ismatingatkan-anak-melayu-waspada-dengan-dap/>, viewed on 8 December 2018.
20. <https://www.malaymail.com/s/953837/najib-putrajaya-will-defend-human-rights-but-only-in-the-context-of-islam>, viewed on 14 December 2018.
21. The obligation of the state of Germany in collecting the church tax is found in Article 137 (6) of Weimar Constitution which is integrated into the current Constitution of Germany. It states: "Religious communities that are public corporations shall be entitled to levy taxes in accordance with Land (state) law on the basis of the civil

- taxation” (Monisma and Soper 2009: 185).
22. The AKKBB was a coalition of different NGOs, secular and Islamic, that was established to campaign against the crisis of multiculturalism and pluralism in Indonesia. Those affiliated with the AKKBB included the Wahid Institute, ICRP (International Conference on Religion and Peace), Jaringan Islam Liberal, and the International Centre for Islam and Pluralism.
 23. The preferred date – 1 June 2008 – was intentionally determined by the AKKBB to coincide with Pancasila Day, a public holiday designated to commemorate the birth of the Pancasila.
 24. http://ww1.utusan.com.my/utusan/Rencana/20120717/re_01/Memerangi-kumpulan-ajaran-sesat-di-Malaysia, viewed on 2 December 2018.
 25. <http://www.atimes.com/article/political-islam-populist-appeal/>, viewed on 4 December 2018.
 26. <https://www.freemalaysiatoday.com/category/nation/2018/12/02/icerd-why-rally-when-malay-rights-already-guaranteed-ex-mp-asks/>, viewed on 4 December 2018.

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Guidelines

Submission of Articles

S*tudia Islamika*, published three times a year since 1994, is a bilingual (English and Arabic), peer-reviewed journal, and specializes in Indonesian Islamic studies in particular and Southeast Asian Islamic studies in general. The aim is to provide readers with a better understanding of Indonesia and Southeast Asia's Muslim history and present developments through the publication of articles, research reports, and book reviews.

The journal invites scholars and experts working in all disciplines in the humanities and social sciences pertaining to Islam or Muslim societies. Articles should be original, research-based, unpublished and not under review for possible publication in other journals. All submitted papers are subject to review of the editors, editorial board, and blind reviewers. Submissions that violate our guidelines on formatting or length will be rejected without review.

Articles should be written in American English between approximately 10,000-15,000 words including text, all tables and figures, notes, references, and appendices intended for publication. All submission must include 150 words abstract and 5 keywords. Quotations, passages, and words in local or foreign languages should

be translated into English. *Studia Islamika* accepts only electronic submissions. All manuscripts should be sent in Ms. Word to: <http://journal.uinjkt.ac.id/index.php/studia-islamika>.

All notes must appear in the text as citations. A citation usually requires only the last name of the author(s), year of publication, and (sometimes) page numbers. For example: (Hefner 2009a, 45; Geertz 1966, 114). Explanatory footnotes may be included but should not be used for simple citations. All works cited must appear in the reference list at the end of the article. In matter of bibliographical style, *Studia Islamika* follows the American Political Science Association (APSA) manual style, such as below:

1. Hefner, Robert. 2009a. "Introduction: The Political Cultures of Islamic Education in Southeast Asia," in *Making Modern Muslims: The Politics of Islamic Education in Southeast Asia*, ed. Robert Hefner, Honolulu: University of Hawai'i Press.
2. Booth, Anne. 1988. "Living Standards and the Distribution of Income in Colonial Indonesia: A Review of the Evidence." *Journal of Southeast Asian Studies* 19(2): 310–34.
3. Feener, Michael R., and Mark E. Cammack, eds. 2007. *Islamic Law in Contemporary Indonesia: Ideas and Institutions*. Cambridge: Islamic Legal Studies Program.
4. Wahid, Din. 2014. *Nurturing Salafi Manhaj: A Study of Salafi Pesantrens in Contemporary Indonesia*. PhD dissertation. Utrecht University.
5. Utriza, Ayang. 2008. "Mencari Model Kerukunan Antaragama." *Kompas*. March 19: 59.
6. Ms. *Undhang-Undhang Banten*, L.Or.5598, Leiden University.
7. Interview with K.H. Sahal Mahfudz, Kajen, Pati, June 11th, 2007.

Arabic romanization should be written as follows:

Letters: ' b, t, th, j, ḥ, kh, d, dh, r, z, s, sh, ṣ, ḍ, ṭ, ḏ, ḡ, f, q, l, m, n, h, w, y. Short vowels: a, i, u. long vowels: ā, ī, ū. Diphthongs: aw, ay. *Tā marbūṭā*: t. Article: al-. For detail information on Arabic Romanization, please refer the transliteration system of the Library of Congress (LC) Guidelines.

ستوديا إسلاميكا (ISSN 0215-0492; E-ISSN: 2355-6145) مجلة علمية دولية محكمة تصدر عن مركز دراسات الإسلام والمجتمع (PPIM) بجامعة شريف هداية الله الإسلامية الحكومية بجكرتا، تعنى بدراسة الإسلام في إندونيسيا خاصة وفي جنوب شرقي آسيا عامة. وتستهدف المجلة نشر البحوث العلمية الأصيلة والقضايا المعاصرة حول الموضوع، كما ترحب بإسهامات الباحثين أصحاب التخصصات ذات الصلة. وتخضع جميع الأبحاث المقدمة للمجلة للتحكيم من قبل لجنة مختصة.

تم اعتماد ستوديا إسلاميكا من قبل وزارة البحوث والتكنولوجيا والتعليم العالي بجمهورية إندونيسيا باعتبارها دورية علمية (رقم القرار: 32a/E/KPT/2017).

ستوديا إسلاميكا عضو في CrossRef (الإحالات الثابتة في الأدبيات الأكاديمية) منذ ٢٠١٤، وبالتالي فإن جميع المقالات التي نشرتها مرقمة حسب معرف الوثيقة الرقمية (DOI).

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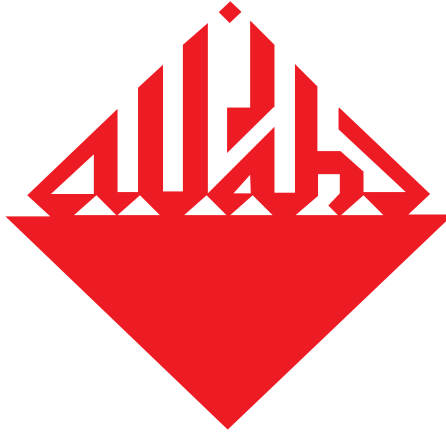
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بين مسلمي Lombok و Sumatera

دراسة في ثقافة ومخطوط Sasak

جمال الدين
