

STUDIA ISLAMIKA

INDONESIAN JOURNAL FOR ISLAMIC STUDIES

Volume 18, Number 3, 2011



NOT SECULAR ENOUGH? VARIATION IN ELECTORAL SUCCESS OF POST-ISLAMIST PARTIES IN TURKEY AND INDONESIA

Jourdan Khalid Hussein

FAITH ON THE MOVE: INSIDE OF THE IJTIMĀ‘ OF JAMA’AH TABLIGH IN PEKAN BARU

Kamaruzzaman Bustamam-Ahmad

YUSMAN ROY AND THE LANGUAGE OF DEVOTION— ‘INNOVATION’ IN INDONESIAN ISLAM ON TRIAL

Stewart Fenwick

STUDIA ISLAMIKA

STUDIA ISLAMIKA

Indonesian Journal for Islamic Studies
Vol. 18, no. 3, 2011

EDITORIAL BOARD:

M. Quraish Shihab (UIN Syarif Hidayatullah Jakarta)
Taufik Abdullah (LIPI Jakarta)
Nur A. Fadhl Lubis (IAIN Sumatra Utara)
M.C. Ricklefs (National University of Singapore)
Martin van Bruinessen (Utrecht University)
John R. Bowen (Washington University, St. Louis)
M. Atho Mudzhar (UIN Syarif Hidayatullah Jakarta)
M. Kamal Hasan (International Islamic University, Kuala Lumpur)
M. B. Hooker (Australian National University, Canberra)
Virginia M. Hooker (Australian National University, Canberra)

EDITOR-IN-CHIEF

Azyumardi Azra

EDITORS

Saiful Mujani
Jamhari
Jajat Burhanudin
Oman Fathurahman
Fuad Jabali
Ali Mumhanif
Ismatu Ropi
Dina Afrianty

ASSISTANT TO THE EDITORS

Testriono
Muhammad Nida' Fadlan

ENGLISH LANGUAGE ADVISOR

Melissa Crouch

ARABIC LANGUAGE ADVISOR

Nursamad

COVER DESIGNER

S. Prinka

STUDIA ISLAMIKA (ISSN 0215-0492) is a journal published by the Center for the Study of Islam and Society (PPIM) UIN Syarif Hidayatullah, Jakarta (STT DEPPEN No. 129/SK/DITJEN/PPG/STT/1976). It specializes in Indonesian Islamic studies in particular, and South-east Asian Islamic Studies in general, and is intended to communicate original researches and current issues on the subject. This journal warmly welcomes contributions from scholars of related disciplines.

All articles published do not necessarily represent the views of the journal, or other institutions to which it is affiliated. They are solely the views of the authors. The articles contained in this journal have been refereed by the Board of Editors.

STUDIA ISLAMIKA has been accredited by The Ministry of National Education, Republic of Indonesia as an academic journal (SK Dirjen Dikti No. 83/Dikti/Kep/2009).

© Copyright Reserved

Editorial Office:

STUDIA ISLAMIKA, Gedung Pusat Pengkajian
Islam dan Masyarakat (PPIM) UIN Jakarta,
Jl. Kertamukti No. 5, Pisangan Barat, Cirendeui,
Ciputat 15419, Jakarta, Indonesia.
Phone: (62-21) 7423543, 7499272, Fax: (62-21) 7408633;
E-mail: studia.islamika@uinjkt.ac.id
or studia.ppim@gmail.com. Website: www.ppim.or.id

Annual subscription rates from outside Indonesia,
institution: US\$ 75,00 and the cost of a single copy is US\$
25,00; individual: US\$ 50,00 and the cost of a single copy
is US\$ 20,00. Rates do not include international postage
and handling.

Please make all payment through bank transfer to:
**PPIM, Bank Mandiri KCP Tangerang Graha Karno's,
Indonesia**, account No. **101-00-0514550-1 (USD)**, Swift
Code: **bmriidja**



Harga berlangganan di Indonesia untuk satu tahun,
lembaga: Rp. 150.000,-, harga satu edisi Rp. 50.000,-;
individu: Rp. 100.000,-, harga satu edisi Rp. 40.000,-.
Harga belum termasuk ongkos kirim.

Pembayaran melalui **PPIM, Bank Mandiri KCP
Tangerang Graha Karno's, No. Rek: 128-00-0105080-3**

Table of Contents

Articles

- 389 *Jourdan Khalid Hussein*
Not Secular Enough? Variation in Electoral Success
of Post-Islamist Parties in Turkey and Indonesia
- 463 *Kamaruzzaman Bustamam-Ahmad*
Faith on the Move: Inside of the *Ijtima'*
of Jamā'ah Tabligh in Pekan Baru
- 497 *Stewart Fenwick*
Yusman Roy and the Language of Devotion–
'Innovation' in Indonesian Islam on Trial
- 531 *Suprpto*
Taḳālīd “Ḥarb” Topat: Ramz al-‘Alāqah al-Silmīyah
bayn al-Jamā‘at al-Mukhtalifah ‘Ariqīyā wa-Dīniyā
fi Jazīrat Lombok
- 569 *Husnul Fahimah Ilyas*
Al-Lontarā (al-Nuṣūṣ) al-Muktamilah li-Tāriḫ Wajo:
Nāzrah Jadīdah fi Awwal Dukhūl al-Islām ilā Wajo

Book Review

- 611 *Muhammad Adlin Sila*
Memahami Spektrum Islam di Jawa

Document

- 631 *Idris Thaha*
The Japan's Award for PPIM UIN Jakarta

Stewart Fenwick

Yusman Roy and the Language of Devotion– 'Innovation' in Indonesian Islam on Trial

Abstrak: *Artikel ini membahas perkembangan kontemporer kebebasan beragama di Indonesia dengan studi kasus penuntutan terhadap Yusman Roy pada tahun 2005 yang mempromosikan shalat dwi-bahasa. Tujuan artikel ini adalah mengkaji interaksi antara hukum dan agama dalam sebuah negara demokratis di mana agama memainkan peran signifikan dalam kehidupan publik.*

Artikel ini secara khusus fokus pada keputusan-keputusan di tingkat Mahkamah Konstitusi (MK) dan Pengadilan Negeri yang berkaitan dengan kebebasan beragama sebagai tempat pengujian baik bagi hak-hak asasi manusia maupun hukum kriminal. Keputusan dari pengadilan yang lebih rendah dalam kasus Roy memberi ruang untuk melihat secara lebih dekat penerapan dan penafsiran hukum yang mengatur serangan pada agama. Keputusan MK pada tahun 2010 tentang apa yang disebut undang-undang penodaan agama (PNPS 1/1965) memperlihatkan validitas wilayah hukum ini, dan menunjukkan penanganan Mahkamah kepada hak-hak individual dan komunal dalam ranah iman. Sebuah studi juga telah dilakukan terhadap konsep bid'ah yang menjadi dasar bagi kritik doktrinal MUI terhadap praktik-praktik Roy. Pada pendapat beberapa komentator ada kecenderungan bid'ah dilihat sebagai kemurtadan.

Kondisi kasus tersebut dan respons Pengadilan Negeri memberi gambaran menarik tentang praktik kebebasan beragama. Artikel ini membahas secara detail peran yang dimainkan oleh MUI di tingkat lokal dalam kasus tersebut, termasuk dengan mengeluarkan fatwá serta keterlibatannya dengan pejabat resmi negara dan dalam proses-proses hukum dan administratif. Peran

utama perwakilan MUI memperlihatkan bagaimana pandangan organisasi ini terhadap doktrin Islam mendukung pemerintah dalam berbagai aspek. Kaidah MUI dalam fatwá juga dipengaruhi secara langsung oleh polisi dan kejaksaan karena fatwá tersebut menjadi elemen kunci yang mendukung tuntutan terhadap Roy.

Artikel ini mengkaji bukti di pengadilan tentang isu kritis seputar shalat dwi-bahasa dan cara pengadilan merespons perbedaan-perbedaan dari kesaksian ahli. Pengadilan pada akhirnya tidak mendukung tuntutan penodaan agama, tapi keputusannya menunjukkan peran penting yang dimainkan oleh pengadilan dalam menyelesaikan persoalan-persoalan seputar agama. Artikel ini memperlihatkan bawah pengadilan tersebut pada akhirnya adalah sebuah pertarungan antara kelompok Islam konservatif dan Islam liberal, sebuah perdebatan yang tampil di arena publik secara lebih luas selama beberapa tahun.

Dalam kasus ini, Roy berhasil dituntut karena mempromosikan sebuah penafsiran praktis Islam yang tidak ortodoks, sementara perhatian terhadap bagaimana hak-haknya dapat dihargai relatif kecil. Artikel ini tidak mengkaji seluruh keputusan MK, tapi fokus pada keterangan dari MUI dan pertimbangan-pertimbangan pengadilan. MK yang mengambil metode konservatif dalam interpretasinya terhadap perlindungan konstitusional bagi hak-hak asasi manusia mengemukakan bahwa pasal 28J UUD 1945 mengizinkan pembatasan terhadap pengalaman individual dalam hak-hak asasi manusia khususnya ketika nilai-nilai agama dan keteraturan publik dipersoalkan. Interpretasi ini digunakan untuk mempertahankan status quo serta proses-proses hukum dan administratif pra-reformasi yang dibangun untuk memonitor kebebasan beragama dan ekspresinya dalam masyarakat.

Artikel ini berpendapat bahwa ketergantungan pada kaidah doktrinal oleh MUI dalam proses hukum memunculkan pertanyaan penting tentang watak demokrasi konstitusional di Indonesia. Akhirnya, situasi ini mengarah kepada pertanyaan penting tentang dasar negara dan penafsiran serta penerapan hak-hak dasar yang, dalam sebuah negara konstitusional, seharusnya tunduk pada interpretasi dan pengujian hanya oleh lembaga-lembaga negara yang tunduk pada pengawasan demokratis.

Stewart Fenwick

Yusman Roy and the Language of Devotion– 'Innovation' in Indonesian Islam on Trial

الخلاصة: يبحث هذا المقال في التطور المعاصر للحرية الدينية بإندونيسيا مع دراسة قضية التهمة الموجهة إلى يوسمان روي (Yusman Roy) عام ٢٠٠٥م، الذي كان يروج لفكرة إقامة الصلاة بلغتين؛ وكانت الغاية من المقال هي دراسة التفاعل بين القانون والدين في ظل دولة ديمقراطية يلعب فيها الدين دورا هاما في حياة العامة.

وينصب هذا المقال بصفة خاصة على القرارات في مستوى المحكمة الدستورية والمحكمة العامة، التي تتعلق بالحرية الدينية، كموضوع للاختبار سواء من ناحية الحقوق الإنسانية أم قانون الجرائم؛ كان قرار المحكمة في مستواها الأدنى في قضية روي يتيح فرصة لنظرة أقرب إلى تطبيق وتفسير القانون الذي يحدد مفهوم الهجوم على الدين، وكان قرار المحكمة الدستورية لسنة ٢٠١٠م بشأن ما كان يسمى بقانون (حرمة) إهانة الدين (PNPS 1/1965) تظهر صحة هذا القانون وتثبت معالجة المحكمة للحقوق الفردية والجماعية في حدود الإيمان، وهناك دراسة أيضا أجريت على مفهوم البدعة التي كانت سندا شرعيا لمجلس العلماء الإندونيسي في معارضته لممارسات روي؛ وفي بعض آراء المعلقين هناك اتجاه ينظر إلى البدعة على أنها ردة.

إن ظروف تلك القضية واستجابة المحكمة العامة لتعطي صورة مثيرة حول ممارسة الحرية الدينية، ويبحث هذا المقال بشكل مفصل الدور الذي يلعبه مجلس العلماء الإندونيسي على المستوى المحلي في تلك القضية، بما في ذلك إصدار الفتاوى وتورطه مع المسؤولين في الدولة وفي الاجراءات القانونية والادارية؛ ولقد أظهر الدور الرئيسي لممثل مجلس العلماء الإندونيسي كيف كانت رؤية هذا التنظيم للشرعية الإسلامية في تأييد الحكومة على مختلف الجوانب؛ وكانت أسس مجلس العلماء الإندونيسي متأثرة أيضا

بشكل مباشر بالشرطة والادعاء العام، لأن الفتاوى المشار إليها كانت تمثل عنصر المفتاح الذي يؤيد التهمة على روي.

يدرس هذا المقال الأدلة في المحكمة حول القضية الحرجة بشأن إقامة الصلاة بلغتين، وطريقة المحكمة في الاستجابة للاختلافات في شهادة الخبراء؛ ولم تؤيد المحكمة في النهاية تهمة إهانة الدين، ولكن قرارها يظهر الدور الهام الذي لعبته المحكمة في حل المشاكل المتعلقة بالدين؛ يبرز هذا المقال أن تلك المحاكمة كانت في نهاية الأمر صراعا بين الجماعة الإسلامية التقليديين والجماعة الإسلامية الليبراليين، وقد أثار جدلا واسعا لدى العامة منذ سنوات عديدة.

في هذه القضية ثبتت التهمة لروي لأنه روج لفكرة تفسير الإسلام خارجا عن المأثور، بينما الانتباه إلى الكيفية التي يمكن بها تقدير حقوقه صغيرة نسبيا، ولا يدرس هذا المقال جميع قرارات المحكمة الدستورية بل يتركز على البيئات المقدمة من مجلس العلماء الإندونيسي واعتبارات المحكمة؛ وكانت المحكمة الدستورية التي اتخذت المنهج القديم المحافظ في تفسيرها للرعاية الدستورية لحقوق الانسان تبرز أن البند ٢٨ ج من الدستور لسنة ١٩٤٥م. يسمح بفرض قيود على التجربة الفردية في مجال حقوق الإنسان، وخصوصا عندما أثرت مسألة القيم الدينية والنظام العام؛ ويستخدم هذا التفسير للحفاظ على الوضع الراهن والاجراءات القانونية والإدارية ما قبل الاصلاحات، التي تم إنشاؤها لرصد الحرية الدينية وحرية التعبير في المجتمع.

ويرى هذا المقال ان الاعتماد على القواعد الفقهية لمجلس العلماء الإندونيسي في الاجراءات القانونية يثير تساؤلات مهمة حول طبيعة الديمقراطية الدستورية في إندونيسيا؛ وأخيرا فإن هذا الوضع يؤدي إلى طرح أسئلة مهمة حول أساس الدولة، وتفسير وتطبيق الحقوق الأساسية التي هي في ظل دولة دستورية يجب أن تخضع فقط للتأويل والاختبار من قبل مؤسسات الدولة التي تخضع بدورها للرقابة الديمقراطية.

Religious freedom is an important field of contemporary public debate in Indonesia, and one that provides a particularly good opportunity to explore the coherence of the theoretical foundations of the modern Indonesian state. The research for this paper is drawn from a case study of religious freedom, the 2005 prosecution of Muchammad Yusman Roy for promoting the use of Arabic accompanied by translation into *bahasa Indonesia* during congregational worship (*shalat*).¹ The prosecution was inspired by *fatāwā* issued by branches of the *Majelis Ulama Indonesia* (MUI). MUI categorised Roy's approach as a 'deviant innovation' or *bid'ah sesat*² and contrary to Islamic teaching. This case is one of a number of similar examples understood to have been prosecuted in Indonesia in recent years, in which police, prosecutors and courts have been asked to respond to complaints based on doctrinal rulings by MUI. The Roy case was also raised by the applicants in the judicial review of the 'blasphemy law', Law 1/PNPS/1965. In its decision handed down in April 2010, the *Mahkamah Konstitusi* did not uphold the application, and the case adds to an emerging body of jurisprudence on the issue of religion and the state.³

With its basis in a dispute over language and religious devotion, the case study reflects issues arising in the practice of Islam in non-Arabic social and cultural settings. While the centrality of Arabic to Islamic practice is acknowledged, the intermingling of local language and ritual variation has been a marker for social and doctrinal divisions in Indonesia for centuries. In much of the rest of the Islamic world, the question of religious freedom is observed in cases of blasphemy and apostasy. In contrast, while informally labeled blasphemy in Indonesia, the subject here is an example of an intra-Islamic dispute based on doctrinal debate about innovation. It therefore throws a different light on the question of tolerance, pluralism and the modern state, which is more frequently seen as an inter-religious question.

In its linking of the quintessential Islamic document the *fatwā* and state legal processes, the case study also signals a change in the state of normative Islam in Indonesia. *Fatāwā* have not been formally recognised by the state courts, but the fact that courts are engaging with doctrinal subject matter presents special challenges particularly under Indonesia's human rights framework. With the recent elevation of the issue to the Constitutional Court, the issue has been recast in terms of

the *dasar negara* question.⁴ The notion of the secular state has been the subject of continual debate and contestation in modern Indonesia, and there has been – post-September 11 – a renewed interest in the issue of the compatibility of Islam and Western democratic models of governance. Indonesia has also experienced a particularly public and at times violent struggle between liberal and radical streams of political Islam. The previous distinction between the realms of Islamic and state law appears now to have been breached, and this is a significant development that has implications for the notion of Indonesian constitutionalism.

Background and Prosecution

Yusman Roy was the leader of a *pesantren* known as *Pondok Iktikaf Jamaah Ngaji Lelaku* (which could be translated as ‘Retreat for the Congregation of Valid Koranic Studies’), which he established in 1996. The evidence as to the size of the *pesantren* varies considerably,⁵ but there is no dispute about the key facts. Commencing in 2002 Roy instructed his followers that an Imam was obliged (*wājib*) to read the Qur’an using Arabic accompanied by translation into *bahasa Indonesia*. This approach was later detailed in a mission statement which declared the *pesantren’s* role was to ‘resolutely assist the government’s program in the education sector of noble character/national moral development’ with the objective being to ‘make – God-willing – the unitary state of Indonesia safe, calm, secure and prosperous’ (*Yayasan Taqwallah*, 2005). Accordingly, the *pesantren* took the initiative to:

pioneer and concentrate [on] improving the performance of leading congregational worship appropriately. That is [by] using the method of reciting the Arabic verses in the two prayer cycles (*raka’at*) delivered to the congregation for repetition, always accompanied by translation into *bahasa Indonesia* or into a communicative language in order that its meaning can be effectively received by lay members of the congregation/especially by those who have limited/no understanding of Arabic [Ibid].

Two brief publications and a VCD were produced to promote this teaching, and his followers distributed these materials in the surrounding districts. These actions lead on at least two occasions to disturbances including assaults on his *santri* and, later, to a more serious threats to the *pesantren*. Sub-national branches of MUI responded to Roy’s teaching in *fatāwá*, the first in January 2004 issued by the

District-level Malang branch, and the second in February 2005 by the Provincial-level East-Java branch. A national-level *fatwá* was also issued, coinciding with Roy's arrest.

On Friday, 7 May 2005 a police complaint was filed by a representative of MUI Malang, laying a charge under the public order provisions of the Criminal Code (Malang Police, 2005). Roy was charged with teaching in a manner considered to deviate from the law concerning worship in breach of art 156a [Ibid]. This article allows for a jail term of 5 years for the intentional expressing of sentiments, or committing an act that:

- a. fundamentally and by its nature is hostile [toward], abuses or disgraces (*penodaan*) a religion practiced in Indonesia
- b. with the intention that persons should not practice any religion at all that is based on belief in the One and Only God (*Ketuhanan yang Maha Esa*).⁶

The indictment (Attorney-General's Office Kepanjen, 2005) later added a further charge under article 157 of the Criminal Code which provides for 2½ years imprisonment for anyone who:

broadcasts, exhibits, or affixes writing or drawings in public, the contents of which contain statements of hostility, hatred or contempt between or towards groups in Indonesian society, with the intention that their contents be known or better known by the public.

The trial of the charges against Roy commenced one month after his arrest, in early June 2005 and the District Court judgment was delivered approximately two months later on 30 August 2005 (District Court Kepanjen, 2005). The Court found the first charge of disgracing a religion under art 156a not proven, on the basis that there were differences of opinion among the witnesses on the religious basis for Roy's actions. As to the second charge, the Court found that local religious leaders and members of the public were indeed offended by the contents of the publications, specifically the assertion that those who did not agree with Roy's teaching were cursed, and stupid. It also found that the material led to hostility arising among the *umat*, with violence indicating that the public were not pleased with the publications. The Court read the term 'group' (*golongan*) in article 157 widely in order that it could be interpreted to include a religious community (*kumpulan umat beragama*). It found, in conclusion, that

representatives of a religious community – specifically Sunni Muslims – were offended by the teachings in question, and being a group of Indonesian citizens within the meaning of the law, found the second charge proven.

The *Fatāwá*

The first *fatwá* (MUI Malang, 2004) carried the title ‘The Propagation of Deviant Teaching’ (*Penyiaran Ajaran Sesat*) at *Jalan Sumberwaras Timur* No 136, Kalirejo Sub-District, Lawang District’ (the street address of the *pesantren*). Its considerations section referred to the circulation of ‘a leaflet’ by Roy claiming that this had ‘upset society, particularly the Muslim community’ (*telah meresahkan masyarakat*), obliging it to make a determination of the legal issues involved. The *fatwá* also referred to a letter from the Lawang branch of MUI of 11 September 2003, and an undated letter from a group described as the ‘Religious Scholars’ Communication Forum’. The recitals made it clear that the *Fatwá* Committee made a ‘survey’ in the field, and met to discuss the matter on 30 September 2003.

The *fatwá* then determined (*menetapkan*) that:

1. The teaching disseminated by Roy through two leaflets [titles of leaflets] is deviant, and causes the Islamic community to deviate (*adalah sesat dan menyesatkan*) and damages Islamic law as taught by the Prophet.
2. Those who have followed this teaching whether consciously or otherwise should immediately show remorse.
3. Urges the Islamic community not to be inducted into this deviant teaching.
4. Relies on ‘*Ulamā*’ to give counsel and guidance to those who wish to repent.
5. Urgently invites the government take clear steps to prohibit teaching that deviates from Islamic law.

The document indicates that copies were distributed to a range of government representatives in the area, from both national and local government: the Regent of Malang (*Bupati*); the Malang District Police headquarters (*Polres*); the District Military Command (*Dandim*); the head of the District Prosecutor’s Office; the Chair of the District Court of Malang; the Chair of the Malang District

Parliament; and the head of the District office of the Department of Religion.

The second *fatwá* issued by the Provincial-level *fatwá* committee of MUI issued on 12 February 2005 (MUI East Java, 2005) was more extensive and a nine-page elucidation or clarification (*penjelasan*), including extensive religious commentary, was attached. The relevant considerations set out in the opening paragraphs of the document included the observation that using a language other than the revealed language:

... obviously creates a new model for the implementation of '*ibādah*' outside the guidance of Islamic law, particularly with reference to the guidelines on performing *shalat* as practiced by/exemplified by the Prophet. The creation of new matters in the implementation of '*ibādah mahdah*' (pure) are categorized as *bid'ah haqīqiyah* (*bid'ah senyatanya*) or *bid'ah dalālah* (an innovation that is erroneous and rejected).

The creation of a new model in the implementation of '*ibādah*' is a fact of deviation from Islamic law (*sharī'ah Islām*), which leads believers astray and at the same time disgraces the sanctity of Islam.

The *fatwá* determined:

1. The legal status of compelling the use of translation in leading Qur'anic recital by an Imam, in connection with communal prayer as taught/disseminated by ... [Roy] ... is classified as a practice that is a deviant innovation (*bid'ah sesat*) and is rejected. The aforesaid legal status is based on consideration that there is no guidance from Syariah argumentation (*dalīl sharī'ah*), principally the *sunnah* of the Prophet.
2. Worship that includes as a component deviant innovation clearly violates *sharī'ah* guidelines, and as a consequence it causes the communal prayer lead by an Imam and [of the] entire congregation to be corrupted (its legitimacy is rejected).
3. Efforts to entrench and spread procedures for group prayer according to the first finding are classified as *fāsiq* (sinful acts) because [of] the publication of violations against Islamic teaching (inciting disobedience) in the form of deviant innovations in the midst of believers.
4. Appeals to the community *Ngaji Lelaku, Yayasan Taqwallah*, to realise their error, repent their mistake and return to observing the correct teachings of procedure for communal prayer in

accordance with the guidance of Islamic law as exemplified by the Prophet and practiced by the Islamic community in general.

The clarification opened by stating that because *shalat* is a pure form of religious observance the method of carrying it out must follow guidelines established by the Prophet through the Qur'an or *sunnah*. In support of this a *hadith* was quoted: 'perform the *shalat* just as you all observed my method of performing the *shalat*. The clarification stated there should be tolerance for the possibility that people cannot yet understand the symbolic meaning of all the components of prayer nor the meaning of all readings used, including verses of the Qur'an. In this case, it noted, the agreed standard is the ability to utter the Arabic text of the readings. Although it is proposed that all Muslims should try to understand the meaning of prayer readings, it is not through the use of translation when conducting prayer, rather through studying Arabic. On the subject of recitation from the Qur'an, the clarification stated that all readings are sourced from the teachings of God and the Prophet. It went on to advise that the Qur'an is the word of God, God spoke Arabic to the Prophet and the meaning (therefore) comes from God – it then quoted the Qur'an 43:3 'surely we have made it an Arabic Qur'an so that you may understand'. It concluded that translations cannot be identified as the Qur'an, and so cannot be used to replace it during prayer.

The national-level *fatwá* – No 3/2005 – is titled *shalat* accompanied by Translations of its Readings' and referred in its preliminary paragraphs in passing to the existence of the practice of using translation, without referring specifically to Roy, and also briefly to the 2005 Provincial-level *fatwá*. In three operative paragraphs it declared *shalat* a pure form of religious observance that must be performed according to the guidance provided by God, as conveyed and exemplified by the Prophet; declared the practice to be invalid; and finally specifically categorised the practice of *shalat* at Roy's *pesantren* to be an innovation that is deviant and rejected.

Key Events in the Case Study

The events of the case study span approximately four years, from the time that Roy released his teaching on dual-language prayer in February 2002, to the rejection of his appeal by the Indonesian Supreme court in January 2006. Distributions of Roy's pamphlets were made at various

locations both nearby and at further distances from the pesantren; these include at Lawang itself, Singosari, the Malang bus interchange at Arjosari, Bantur and Tulungagung (District Court Kepanjen, 2005: 31). The distribution of leaflets in Singosari took place outside the Hizbullah mosque on the second anniversary of 9/11 (2003), when several members of the congregation ‘spontaneously’ caught and assaulted those distributing the leaflets, before handing them over to the local police (MUI Malang, 2005; Bashori, 2006). Roy’s teachings were also disseminated through the playing of the VCD in a seminar on 30 April hosted by the State Islamic University (IAIN) Sunan Ampel, Surabaya.⁸

By early January 2005 the situation was described by Roy as ‘conflict prone’ and ‘very urgent’⁹ and in February he stated that the situation as urgently demanded ‘that all parties be able to feel justice and security’.¹⁰ These concerns were reinforced by the head of the MUI Malang *fatwa* committee in his police statement. He informed police that on 5 April he received a telephone call from an Islamic community leader (*tokoh Islam*) from the neighbouring town of Pasuruan advising that ‘if [the] Malang people can’t handle this then we from Pasuruan will jump in’.¹¹ The same person called again at around 2.00 pm on 6 May after arriving at Lawang with a group from Pasuruan, but was prevented from taking any action due to a police presence at Roy’s pesantren.¹² Word was apparently received by MUI from the community at the neighbouring towns of Sukorejo, Kepanjen and several other locations, that they too planned to follow the lead of the mob of around 100 people from Pasuruan (MUI Malang 2005: 3; District Court Kepanjen, 2005: 19-20). National television stations ‘TVRI and ‘Trans TV’ carried interviews with Roy between 3-5 May.¹³ One witness described these media statements as ‘strong’ (*keras*), thereby creating increasing concern among the local population, fearful that unpleasant acts would take place.¹⁴

Aside from the key incidents described above, correspondence reveals that there was long series of discussions between key actors about the status of Roy’s teachings. In late 2003 the question of the ‘legalisation’ became formalised through a request in September of that year to the East Java government to ‘permit and facilitate’ the publications.¹⁵ The provincial government subsequently turned to the Department of Religion for assistance with this request, and the office forwarded the

request for authorisation to its research department for advice.¹⁶ In February 2005 – eighteen months after first approaching authorities – Roy received a reply from the provincial office of the Department of Religious Affairs on the subject of the *pesantren* mission statement.¹⁷ It was noted that the statement contained an error according to *shari'ah*, and therefore the Department was obliged to honour and give effect to the district-level *fatwá*. The correspondence also disclosed that MUI East Java was considering Roy's case,¹⁸ and referenced PNPS 1/1965. It then closed with the observation that, the religious problems under consideration could precipitate social unrest, and in the interest of maintaining regional stability, should cease.

The Department also received advice from MUI East Java at about this time confirming its opinion that Roy's teachings were in error.¹⁹ MUI however went further and also expressed its desire that there be a 'coordination meeting' between the Department, the Attorney-General's Office (identifying 'PAKEM' as the appropriate agency),²⁰ and MUI itself. The purpose of this meeting would be:

in relation to anticipating/and or taking preventative or repressive steps in order that teachings or opinions of the sort that can mislead the religious community or moreover that can lead to disgracing of a religion do not break out.²¹

A copy of its 12 February *fatwá* accompanied the letter, with a request that it be distributed to appropriate parties via the Department's offices across the province:

... in order to be made known to the extent necessary and at the same time to prevent the possibility of the outbreak of other similar teachings ... or not ruling out the possibility that there are elements of other parties that would knowingly engage in regional destabilisation, and the like.²²

On the morning of 6 May 2005 a coordination meeting – *Muspida* – duly took place under the direction of the *Bupati*, together with representatives of MUI, religious leaders and the Regional Intelligence Community.²³ A decision was issued on the same day by the *Bupati* of Malang closing the *pesantren*, purporting to suspend activities at the *pesantren* and requiring the school's leadership to implement the *Bupati's* decision, failing which 'orderly steps and firm action consistent with prevailing laws and regulations would be taken' (Malang Regent, 2005).²⁴

Roy's case quickly came to public attention and became a subject of wider commentary. Support was provided by the former Indonesian President Abdurrahman Wahid who used his internet site to reject measures to monopolise religious interpretation, stating that prayer in languages other than Arabic is permitted.²⁵ The former President, together with other individuals and a range of civil society organisations, also declared in a statement that the Roy case amounted to persecution, that MUI should not act as a sole arbiter of religious doctrine, and called upon the state not to intervene in matters of worship (Wahid Institute, 2005).²⁶

Only a matter of days later the MUI Malang *fatwá* committee published a pamphlet titled 'Chronology [of] Why Yusman Roy Was Detained', in which Roy is described as acting arrogantly, and asserting that his arrest was the direct result of his provocation (MUI Malang, 2005: 8). This document highlighted the 'disturbance' in the community resulting from the distribution of leaflets, referring to the incident at Singosari. This incident is used to explain the strength of the feelings engendered by Roy's statement that those who failed to use translation when acting as Imam – something done by thousands of Muslims across Indonesia – were 'cursed', a claim which 'inflamed their emotions' (2005: 2). Moreover it suggested that the measures taken by the authorities were in order to prevent the occurrence of events similar to those in Poso (2005: 8).²⁷

The pamphlet also related that the publication of a photograph of Roy shaking hands with a German Shepherd he kept 'enraged' neighbours, and was further evidence that Roy was 'abusing' the institution of *pesantren* (MUI Malang, 2005: 3).²⁸ The publication noted support was received for the *fatwá* from a range of sources including the conservative Muslim organisations HTI, FPR, and MMI, as well as from the Bomb Bali Legal Team and the Islamic political parties PKS (Prosperous Justice Party) and PBB (Crescent Star Party) (2005: 7).

Expert Evidence at Trial

Two experts provided testimony for the prosecution on the religious issues raised by Roy's teachings, the head of the Malang office of the Department of Religious Affairs, and a representative of MUI East Java (District Court Kepanjen, 2005: 23-27). Evidence was received from the officer of the Department that in the contemporary world there had

never been a variation to the accepted teaching on prayer except during the time of Ataturk.²⁹ Further, evidence was provided that there had been no difference of opinion on this question since Islam arrived in Indonesia, and accordingly Roy's teaching stained Islam because prayer is a pillar of religion (*tiang agama*) and only the revealed language (*bahasa wahyu*) can be used.

The representative of MUI East Java stated that Roy's practices disgraced Islam, although acknowledged in his evidence that there had been instances in which alternative approaches to ritual prayer have been used. It was further claimed that the argument used by Roy in his pamphlets was 'only the opinion of Israelis or Jews who curse the Prophet'. While Roy's actions were described as sinful, being the acts of a person of faith who breaches the Qur'an (*fāsiq*), evidence also emerged that there was no regulation prohibiting the use of translation during prayer; rather that this arose as a matter of interpretation.

Evidence presented on behalf of the defence, including from the liberal Islamic commentator Ulil Abshar-Abdalla, noted that opinions among Muslims differed on prayer, and whilst Roy's teaching was incorrect (*salah*) it was not to be categorised as deviant because it still acknowledged God and the Prophet (Kepanjen District Court, 2005: 33-38). Although not agreeing with Roy's interpretation, the evidence proposed the situation called for dialogue, advice and 'development' (*pembinaan*), rather than a declaration of deviancy or criminalisation. Whilst Roy's views were not in accordance with the opinions of the majority of Sunni '*ulamā*', it was not a strange opinion and could still be accommodated within the area of *fiqh*.

Abdalla was the only expert to address the question of the status of the MUI *fatāwá*. He expressed the view that in Islamic law a *fatwá* was non-binding and merely a legal opinion and that MUI *fatwá* are of the same status as an individual *fatwá*, and therefore do not have the force of compulsion (*tidak dapat dipaksakan*).³⁰ In Abdalla's view the strength of a *fatwá* lies in the quality of its theoretical grounding and the categorisation of 'deviant' (*bid'ah*) is only used in matters of '*aqīdah*'.³¹ Whilst he did not agree that other '*ulamā*' could be obliged to use translation, in Abdalla's opinion differences on matters of *fiqh* should not be brought to a legal forum.

A note on innovation

The second *fatwá* describes Roy's teaching as 'bid'ah haqīqīyah' atau [or] 'bid'ah ḍalālāh' (bid'ah sesat dan tertolak) (MUI East Java, 2005).³² According to Oxford Dictionary of Islam *bid'ah* means:

Any modification of accepted religious belief or practice. Based on the *ḥadīth* 'Any manner or way which someone invents in this religion such that that manner or way is not part of this religion is to be rejected', the term has a negative connotation in Islam. Conservatives extend the prohibition beyond strictly religious matters to social practice, while more liberal thinkers condemn only innovation judged to substantially alter the core of Islamic teaching.³³

Innovation is also described by the Shorter Encyclopedia of Islam, yet more concisely, as "the opposite of *sunnah*".³⁴ The two positions that can be taken on innovation described above (conservative and liberal) reflect a classical approach and the nuances of the concept have, according to Abd-Allah, been 'largely forgotten' with the terms simply denoting 'extreme religious error' (2007: 10). The extent of the negative connotation carried by the term *bid'ah* is significant as it is understood as suggesting individual dissent up to the point of heresy or even unbelief (*kufṛ*) (Abd-Allah, 2007: 1).³⁵ Saeed and Saeed also note that heresy (Arabic – *zindiq*) and unbelief are concepts closely related to apostasy, with other related concepts being blasphemy and hypocrisy (Saeed and Saeed, 2004: 35).³⁶

Saeed and Saeed argue that there is, overall, a 'substantial degree of fluidity' among these terms and concepts, making specific or clear definitions extremely difficult to formulate (2004: 43). This fluidity has also resulted, historically, in the use of these terms by Muslims against other Muslims, when they held a belief that their position on Islam was the only authentic or true belief (2004: 43). Heresy has therefore historically been used by rulers to persecute opponents, and by 'ulamā' to attempt to eliminate others from rival schools (Saeed and Saeed, 2004: 40), an approach that has also been taken with the concept of *bid'ah* (Abd-Allah, 2007: 1).

There are numerous examples of the application of the concept of innovation in Indonesia. MUI itself has identified the issue of deviant religious sects as a matter of priority in its national conferences of 2000 and 2005 (Olle, 2006: 2), and has been described by Olle as playing a central role in an 'Islamic authoritarian movement' in which attacks

on heresy form a core approach (2006: 6-11).³⁷ Another national Islamic organization, Muhammadiyah, also historically pursued its reformist agenda by identifying innovation (*bid'ah*) and superstition (*khurafat*) as being 'the principle means by which the religious message of Islam has been subject to distortion' (Federspiel, 1970: 64). While minor parts of the ritual prayer were attacked as *bid'ah*, including the *uṣallī* (the voicing of intention at the commencement of prayer) Muhammadiyah accepted that the Friday sermon could be delivered in Indonesian (1970: 66).³⁸ Nonetheless 'it was recognised by nearly all orthodox Muslim groups that the general ritual of worship had to be in Arabic' (Federspiel, 1970: 66).³⁹

Bowen's work (1989) includes analysis of variation in ritual practice in Aceh in which allegations of *bid'ah* were made in relation to variations in prayer practiced in villages in the Gayo highlands of Aceh (1989: 604-606). These debates were driven by confrontation between modernist-inspired reformists, and Indonesian Muslims defending older practices (1989: 601).⁴⁰ In a more contemporary study, Zamhari (2010) explores not only the application of the concept of *bid'ah* in relation to *Majlis Dhikr* groups (for example arising from their practice of unison recitation), but also reviews the broader issue of the definition of the concept and ways in which different groups within Indonesian Islam identify with particular definitions (2010: 30-35). These observations in general reflect Bowen's proposal that worship functions as a 'primary sign of Muslim identity' and can serve to badge Muslim identity and – in the case of Indonesia – distinguishing among different Muslim identities (1989: 612). This conclusion reflects the historical discourse in Islam which holds that 'illegitimate innovation' (*bid'ah*) is not tolerated in acts of '*Ibādāt*' which leads to an 'overriding concern with conformity to ritual norms in carrying out central ritual duties' (Bowen, 1989: 611).⁴¹

The case study only serves to underline the way in which matters of ritual are of such 'intense interest' in Indonesian society (Hooker 2003: 90). The existence of the local-level MUI *fatāwá* in this case is not a cause for surprise in and of itself. Hooker describes the volume of rulings in matters of ritual and prayer as 'vast', and the question of innovation in prayer as 'perennial' (2003: 68, 90, 99). The ongoing need for *fatāwá* to explain doctrine to the *umat*, and to seek to reinforce 'exactness and absolute certainty in observance' (Hooker, 2003: 90)

speaks however of the reality of diversity and pluralism in Indonesian religious society. The traditional breadth of the subject of innovation and its relationship to more serious charges of violation of Islamic religious doctrine also suggests that the subject should be approached with caution. This is reinforced by the variety of opinions expressed by experts before the District Court, and in the commentary emerging after the events described. The question that arises is whether the boundaries of Indonesian state law are being stretched to accommodate a doctrinal dispute that in the opinion of some should remain within religious forums. Or put another way, do cases of criminal prosecution based on allegations of innovation operate as a *de facto* blasphemy regime?

Judicial Review of the 'blasphemy law'

In April 2010 the *Mahkamah Konstitusi* published its decision following an application for judicial review of Law 1/PNPS/1965 on the Prevention of Misuse and/or Disgracing a Religion. The case sought to challenge the legal framework underpinning the administration of religious freedom, on the basis that there was arguably a significant gap between constitutional protections and the policies and practices of government. The Roy case was one of several case studies referred to by the applicants and the Court rejected the challenge in an 8-1 majority decision. This Court did not address in any detail this or any other case studies of religious freedom in Indonesia, but the decision opens up the broader questions of the administration of religious freedom in Indonesia, and the nature of the *dasar negara*.

The law in question originated in a 1965 *Penetapan Presiden* which was a brief instrument of only five paragraphs establishing procedures for the control of religious activities, and creating a related criminal offence by inserting article 156a into the Criminal Code.⁴² The instrument, later raised to the status of law, was concerned with prohibiting the promotion of interpretations of religion or otherwise imitating religious activities in a way considered to deviate from the central teachings of the religion in question. The criminal offence, as has been seen, related to acts considered to disgrace a religion, and/or inciting people to abandon their faith. The administrative procedures were to be implemented jointly by the Minister for Religion, Attorney

General and Minister for the Interior. The joint Ministerial team⁴³ had the authority to warn individuals or organisations considered to be conducting deviant activities, with failure to heed a warning leading to criminal sanction, and a recommendation to the President to disband any organisation involved.

MUI was one of a large number of related parties engaged in the case before the MK. Given its prominence as a national Islamic organisation, and the role of branches of the organisation in the Roy case, it is valuable to consider its submission to the Court, which is quoted in full in the judgment.⁴⁴ The submission opened with the observation that the field of religious freedom in the *Reformasi* era presented both opportunities and challenges. It considered the promotion of Islam (*da'wah*) had progressed well, but that numerous sects had arisen promoting approaches that conflict with Islamic teaching, and that there had been many cases of the abuse and disgracing of Islam.⁴⁵ Accordingly it noted that MUI was obliged to take an active role guarding Islamic values and protecting the Islamic community (*umat*).

The submission went on to consider Islam and human rights. It stressed the influence of Western thinking and philosophy in international human rights instruments, and observed that Western beliefs on religion are generally influenced by secular thinking. Human rights, in an Islamic perspective, on the other hand cannot be separated from the responsibility to respect the rights of others. The MUI submission then noted that freedom of religion under the Constitution can be restricted by law under article 28J.⁴⁶ In connection with this, MUI submitted that Indonesians held the view that human rights had to possess Indonesian characteristics, and that any right had to be balanced with the responsibility to respect the rights of others.

The submission further observed that in the fulfillment of human rights in Indonesia, as a democratic rule of law state (*negara hukum yang demokratis*), there were no absolute freedoms – absolute freedoms give rise to extraordinary danger and disorder, especially because religious matters carry significant sensitivity. According to MUI, the revocation of Law 1/PNPS/1965 could give rise to even more extraordinary turmoil. The law, in MUI's opinion, does not generally restrict interpretations of faith and religious activities, it only addresses that which deviates from fundamental religious teachings for the sake of creating order in society, the nation and the state, and to protect

religion itself. Accordingly, the restrictions of the law were consistent with article 28J of the Constitution. In short, MUI feared chaos would ensue should the law be revoked. Unrestricted, people would promote religious interpretations or conduct activities deviating from fundamental religious teachings and this would destroy the religious calm (*ketenteraman beragama*) of Indonesian society. Should this be destroyed, it followed that the result would be the destruction of public order.

In its opinion (*Pendapat Mahkamah*)⁴⁷ the Court dealt at length with the relationship between the Constitution, the state and religion. It commenced this exploration by noting that the philosophical basis of the Indonesian state was the result of a compromise between two streams of thought – secular and Islamic, both of which were rejected.⁴⁸ The Court then observed that the *negara hukum* needs to be distinguished from the *rechstaat* and the concept of the *rule of law*. This is based upon the fact that the Constitution places *Ketuhanan yang Maha Esa* as the leading principle which together with religious values, underpins the life of the people and state.⁴⁹ It further concluded that the Constitution doesn't allow for a campaign for freedom to not hold a religion, nor an anti-religion campaign.⁵⁰ As a result, the Court determined that in the conduct of matters of state, formation of the law and the conduct of government business including justice, the basis of *ketuhanan* and religious teachings and values are the yardstick for ensuring good law or bad law, and for ensuring constitutional or unconstitutional law.⁵¹

On the question of the human rights provisions in the Constitution the Court noted that freedom of belief cannot be forcibly restricted, nor adjudicated, but also observed that article 28J (2) provides for limiting rights, including on the basis of religious values.⁵² The freedom to express thoughts and attitudes consistent with one's conscience can be restricted, as it concerns relations with others in society, but only by law, and solely with the objective of guaranteeing the recognition and acknowledgment of the freedom of others.⁵³ The Court then paused to remark upon the significance of the Constitutional amendments introduced during *Reformasi*. While the case involved religion, a matter sacred to Indonesians, the Court also considered it necessary to take note of the fact of the expanding current of affirmation of human rights following the Constitutional amendment process had brought to the

surface a new discourse concerning the relationship between the state and religion.⁵⁴

The Court went on to state that although interpretations of faith are a personal matter, they must be consistent with fundamental religious teachings using appropriate methodology based on relevant religious sources, such as the respective holy books.⁵⁵ Interpretations not based on recognized methodologies can give rise to reactions that threaten security and public order if pronounced or conducted in public – the Court identified this position as consistent with article 18 of the International Covenant on Civil and Political Rights which allows for such limitations to freedom to manifest religion or belief as are necessary to protect public safety, order, health or morals or the fundamental freedoms or rights of others.⁵⁶

The Court further stated that a deviation in interpretation is based on the opinion of relevant religious authorities.⁵⁷ When an interpretation considered deviant is publicly promoted, clearly this can disturb the religious peace in the relevant religious community leading to unrest because that community feels stained (or disgraced) (*dinodai*). The Court concluded that the state would not be fulfilling its responsibility to create security and order in society because of the reactions that can arise in religious communities. Thus, legal provisions which prohibit publishing interpretations differing from those adhered to are a form of preventive action against the possibility of horizontal conflict in the community.⁵⁸ The Court then stated that religious parent organisations (*organisasi keagamaan yang induk*) – without identifying any by name – are capable of becoming partners with the state in creating order in religious society. Indeed the Court also observes that not only are the boundaries of religious values as communal values constitutionally valid, the religious tradition in Indonesia is unique and is something in which the state cannot intervene.⁵⁹

Almost in passing, and in response to an argument raised by the applicants, the Court considered the question of the extent to which Law 1/PNPS/1965 sustains the commonly held assumption that Indonesian law recognizes only six religions (Islam, Protestantism, Catholicism, Hinduism, Buddhism and Confucianism). Turning to the clarification (*penjelasan*) to the law, the Court noted that the law does not prohibit the recognition or protection of any more than these six religions, but rather all religions practiced in Indonesia.⁶⁰ The

clarification to the law observes that even Judaism, Zoroastrianism, Shintoism and Taoism are fully protected so long as they do not breach the provisions in the law. Indeed the Court appeared to agree with the applicants that the Circular Letter of the Minister of the Interior on which the process of identifying religions on citizen's identity cards was based is discriminatory.⁶¹

Observations on the events

The local events need to be considered in the context of the unfolding political and security situation in Indonesia post-9/11, which include significant indicators of overall social and political change. It is also useful to try to identify why the events in and around Lawang evolved over a long period of time before coming to a head in a relatively short space of time during 2005. The first publication was developed within 6 months of 11 September 2001, and the events at the Singosari mosque took place in 2003 on the second anniversary of 9/11 and it seems reasonable to conclude that the distribution of leaflets on this date was deliberate. Significant terrorist incidents also occurred in Indonesia in parallel to the events unfolding in Lawang. The first Bali bombing occurred in October 2002, and the Australian Embassy (or Kuningan) bombing took place in August 2004.

Another important development may have been the conduct of the *Kongres Umat Islam Indonesia* between 17-21 April 2005. One outcome of the conference was a renewal of MUI's earlier decision in 2000 to deal with heresy as a matter of priority, and that following this conference there were a series of attacks against Islamic groups accused of being heretics (Olle, 2009: 95-96).⁶² The longstanding enmity between MUI and Islamic liberals, and specifically Ulil Abshar Abdalla, is also of interest.⁶³ This apparent assertiveness by Roy in promoting his views speaks of his personal drive and commitment, but falls short of a comprehensive social or political agenda. Despite this, and the absence of any sign of affiliations with major Islamic organisations, the case attracted the support of high profile Indonesian Islamic liberals. This arguably elevated Roy's case to the status of a proxy for a broader conflict in contemporary Indonesia between proponents, variously, of conservative and liberal approaches to Islam.

The first *fatwá* appears to have been issued in response to the events at the Singosari mosque. It is worth noting that Roy's teachings had

otherwise been underway at this stage since 2001. This means that either MUI was not aware of his activities at the *pesantren*, or that if aware of them, believed that a *fatwá* was not required. If the former, it indicates that there was no, or insufficient ‘unrest’ in the community to justify acting. If the latter, it indicates that the (mere) existence of a doctrinal difference did not justify the issuing of a ruling. The timing of the second *fatwá* is harder to explain on the information available. Given that the Department of Religion had notice that the Provincial branch was considering the issue of Roy’s teaching there would seem to have been communication between the Department of Religion and MUI East Java around the time the *fatwá* was produced. The evidence also shows that there had been steadily increasing social tension during this period, and both these factors may have played a part in the development of the second ruling. The timing of the national-level *fatwá* is particularly interesting given that it was issued precisely on the day the police complaint was lodged, although there is no indication as to why it was produced when it was.

The question remains as to why state enforcement action was initiated. The answer would seem to be that the emergence of threats of violence from neighbouring communities and the protest in Lawang on Friday 7 May convinced the police to take action. It is by no means clear, but the conduct of the *Muspida* one day prior to the protest suggests authorities may have been concerned that events were becoming increasingly unstable. Why a decision of the *Bupati* was considered necessary is not clear though, nor is the legal basis for closing the *pesantren* necessarily strong. The evidence shows that a group making threats were in contact with MUI Malang, which may be an explanation for the timing. What is even less clear though is what prompted the police report, which was probably a necessary step toward justifying Roy’s arrest. It need not go without saying that Roy and his followers were under threat from others at this time, and there is no information to suggest that they were causing any physical threat themselves. Roy’s media appearances may have helped to drive events in the lead up to his arrest by publicising, nationally, what had previously been a local issue. Prior to the carriage of Roy’s interviews in national electronic media in early May 2005, it appears the greatest public exposure his teaching had received was in the seminar at the IAIN Sunan Ampel in Surabaya.

In relation to matters of government policy and implementation, there are a number of indications that MUI either assumed a position in the field of administration or at least sought to lobby actively in this area. The first *fatwá* was copied to a list of key legal and administrative officials, consistent with those later engaged in the decision-making process of the *Muspida*. It also included in its operative section a direct call upon the civil administration to take action to uphold Islamic law. The second *fatwá* cross-referenced the key legal instrument, PNPS 1/1965, and the language adopted in MUI's response to the Department echoed early New Order-era policy in relation to religious tolerance. The reference to 'other parties' that might knowingly engage in destabilisation closely resembles Soeharto's statements that the remains of G-30-S/PKI planned to play groups in society off against one another in an effort to sow disunity (Department of Religion 2007: 2-3). MUI's submission to the Constitutional Court reflected this same set of concerns, minus only the suggestion that destabilisation was a strategy orchestrated by a particular group in society.

Over a period of eighteen months correspondence was exchanged between a range of parties as to the validity of Roy's publications. Ultimately the Department of Religious Affairs and MUI declared Roy's teaching invalid, and that he was not entitled to express his interpretation of doctrine, nor to actively promote it. There is no obvious explanation for the extremely long time before a formal response was provided, but apparently neither the Department nor MUI considered engagement an appropriate strategy (with the result being activism). What the process reveals is that the Department aligned itself with MUI, or rather adopted MUI's judgment upon the material. This cooperation appears to be accepted as given on both sides, and there is a congruence of approach, particularly in relation to the adoption or promotion of national security policy. The relationship identified here between MUI and the state appears to mirror precisely the views of a member of MUI at the sub-national level described by Olle, in which MUI and the state are seen as partners (2009: 103-108). The fact that MUI considered it appropriate – or at least opportune – to request the Department to distribute the second *fatwá* through its office network may well suggest that MUI considers itself the superior in the relationship. The comments of the MK in relation to partnership between religious organizations and the state not only

reflect the relationships seen in the case study, they offer endorsement and a form of constitutional authority for such collaboration.

Observations on the dasar negara question

One of the most fundamental issues arising from the events, and a threshold question relating to the *dasar negara* question, is exploring how the state legal institutions responded in the Roy case. A useful starting point is Hooker's view that in modern Indonesia traditionally the realm of the *fatwá* and the realm of 'official' Islam have been distinct normative regimes (2003: 245).⁶⁴ In the Roy case we see the police, Attorney-General's Office and general courts engaged directly in matters of religious doctrine through the vehicle of *fatāwá*, with the *fatāwá* themselves being referenced in legal documents. The Attorney-General's Office possesses legal backing for an active role in relation to managing religious freedom not only through the arrangements established in Law 1/PNPS/1965, but also found in article 30(3) Law 16/2004. This provision in the foundation law for the agency empowers the Attorney-General's Office to maintain peace and good order in a number of ways, including through monitoring belief systems and preventing misuse or disgracing of religion. Whether it is appropriate for a public prosecution service to possess such broader repressive powers is an issue that remains to be addressed.

One explanation for referencing Islamic legal rulings may be that in a case concerning religious issues (remembering that the law in question is not Islamic law, and is not cast in terms of any specific religion) there must be some means of obtaining information about religious standards. In dismissing the first charge of 'staining' a religion, the trial court arguably deliberately withdrew from the religious debate, supporting this stance by reference to the variation in opinions of expert witnesses. However, it also made no comment on the role of the *fatāwá*, and its finding in relation to the second charge relied upon a finding about Roy's teachings and activities causing a disturbance among a group it identified as Sunni Muslims. Inevitably this finding implies a categorization of Roy's Islam, and a privileging of orthodox religious doctrine over local variants.

As a core state obligation, maintaining public order is not open to challenge as such, rather it is the critical linkage to disputes about doctrine that makes this inquiry more complex. The law itself is not

phrased specifically in terms of protecting Islam: it is generally applicable, and resembles religious vilification law found internationally (Fenwick, 2011). However the case does not reveal the courts providing clear and familiar legal boundaries to the nature of these inquiries. Instead the courts offer a kind of legal syllogism: a variant interpretation of doctrine may cause offence – the offence may lead to unrest – the unrest is a result of the variant interpretation. The question of defining the offence falls to religious experts, and mainstream religious doctrine thereby becomes a trump card in cases of public disturbance giving state authorities – including courts – the capacity to sanction those who do not conform. In endorsing the role of parent religious organisations as partners with the government in creating stability the Constitutional Court legitimizes MUI's role as arbiter of Islamic doctrine.

More significantly the Court defines faith as the yardstick in determining the validity of laws. This approach then sustains its other conclusions about the nature of freedom of religion under the Constitution. A key step is the prominence given by the Court to the first component of the *Pancasila* – belief in the One and Only God – reinforced by its repeated acknowledgement of the special role of religion in Indonesian society, and the importance of communal values. This approach arguably inserts a clear hierarchy into the five *sila*, which may signal a change of emphasis in the way the court approaches the application of this fundamental concept of state. After establishing this foundation, the Court is then able to apply a relatively straightforward solution to the question at hand: as the Constitution allows rights to be curtailed in certain circumstances, laws seeking to manage 'deviant' activity are valid. There is a form of legality in the thinking behind this approach, however there is little or no discussion about objective boundaries to the implementation of the powerful legal tool available to the state under the Constitution.

The Court's efforts to distinguish the *negara hukum* from other fundamental notions that prevail in the West – *rechstaat* and the rule of law – is particularly significant. While falling short of MUI's critique of Western philosophical ideas underpinning human rights, it provides an important legal counterpoint to this conservative Islamic critique of rights and secular governance. It will be interesting to watch how the Court explores the definition and priority of collective rights in the future. This approach arguably stands in contrast to the Court's claim

that the tide of human rights has brought a new discourse on state and religion in post-*Reformasi* Indonesia. However it should be noted – and celebrated – that the Court observed that there is no legal basis to the restriction on the number of ‘official’ religions in Indonesia, which is a finding that indicates the Court is conscious, at some level, of the reach of the constitutional protections of freedom of religion and belief.

Conclusion

Claims relating to innovation are important because of their close association with notions of blasphemy and apostasy. None of these categories are currently recognized in the Indonesian legal system. However the framework of laws that relate to religious freedom and the management of sects provide an avenue for faith-based claims to be managed by the state. It is not clear precisely what dynamics play out at the local level in cases such as Roy’s. Representatives of MUI are however clearly active participants in both administrative and policy processes and, significantly, in legal processes by facilitating the handling of religious grievances in the state court system. This appears to reflect a conscious effort to access available legal mechanisms to pursue Islamic doctrinal agendas. This arguably reflects dissatisfaction with, and contestation of, the boundaries between Islam and the state. But this contestation sits within a social setting which constantly reminds us that tensions arise ‘between the requirements of dogma and the realities of its practice’ (Hooker, 2003: 88). Religious pluralism and variation in beliefs and ritual practices are a fact of life. The question is how and when some of the vast number of variations in ritual practice become classified as deviant, and how this classification comes to enter the formal state legal process.

The current approach to religious freedom acknowledges both unity and diversity, and seeks in some way to honour both. However while notionally respecting the diversity of belief in Indonesian society, the scope of any individual’s experience is restricted by reference to orthodox interpretation of faiths, and broader community expectations. Indeed the assertion of the priority of communal values may mark new boundaries for the character and operation of the human rights framework in Indonesia, beyond the subject of religious freedom. Moreover, the priority accorded to national stability reflects a pre-*Reformasi* concept of governance in which the interests of security and

order are promoted in priority to individual rights. At the same time as preferencing state control, formal acknowledgement has now been given to the function of religious authorities not only as guardians of faith, but as partners in promoting religious values and social harmony. This acknowledgement provides a new legitimacy to MUI in its role as the preeminent authority on matters of Islamic doctrine.

On one level these developments do not necessarily demonstrate a clear step away from the prevailing normative framework, whereby Islamic law only exists as a source of law to the extent it has been clearly adopted by the state. The developments do however appear to mark a further stage in the evolving debate about religion and the state. The approach to the existence and enjoyment of fundamental freedoms appears to fall short of the promise of a new ‘discourse’ on religion and the state, as the law leaves important issues to be determined in dialogue with religious authorities. As Nasution explains, constitutional government is based on a procedural ethic in which the objective is the protection of rights and the regulation of power (Nasution 1992, 410-412). The risk attached to placing such a significant emphasis on faith as a touchstone of constitutional legitimacy – be it Islam or any other faith – is that it threatens the coherence of a liberal constitutional model. This is because important fields of public inquiry are quarantined from legal scrutiny and from the transparency and contestability associated with the standards of democratic governance.

Endnotes

1. References to events or legal process in this paper are based on documents including police statements and court materials in the author's possession; translations are the author's own. The author acknowledges the generous help of members of the YLBHI community in assisting with research and field work.
2. The concept of innovation will be discussed further below. Spellings of the Indonesian term in this paper vary according to source and context.
3. Putusan 140/PUU-VII/2009, delivered on 19 April 2010. See Butt (2010) for a discussion of the Court's decisions in the areas of polygamy and the Religious Courts.
4. One of the most comprehensive sources being Nasution (1992), especially Chapter 2.
5. The numbers in attendance varies from a dozen (according to one of Roy's critics) to around 300 (according to Roy's testimony).
6. There is no conjunction between these two sub-paragraphs and thus it is not clear from the text whether these are alternatives, or both form elements of the crime.
7. The religious duties of worship including the pillars of Islam, striving to live in the path of God, the condition of purity required for worship, and Qur'anic recitation; *Ibadah*' Oxford Dictionary of Islam (2003) <<http://www.oxfordreference.com/views/ENTRY.html?subview=Main&entry=t125.e911>>
8. Police Statement, 6 May, 2005, p 2.
9. Letter Roy to Minister of Religion, 3 January 2005 (copied to the President, Vice-President, and Komnas HAM); letter Roy to Malang Police Chief, 13 January 2005.
10. Letter Roy to National Chief of Police, 3 February 2005.
11. Police Statement, 6 May 2005, p 3
12. Ibid.
13. Police Statement, 6 May 2005, p 2.
14. Police Statement, 7 May 2005, p 2.
15. Letter *Yayasan Taqwallah* to the Head, Agency for National Unity and Protection of Society (BAKESBANGLINMAS) 30 September 2003.
16. Letter Department of Religion East Java to Department of Religion Research and Development Agency, 7 October 2003.
17. Letter Department of Religion East Java to Roy, 7 February 2005.
18. The second, provincial-level *fatwá*, was issued 5 days after the date of this correspondence, on 12 February, so how it came by this information is not clear.
19. Letter MUI East Java to Department of Religious Affairs East Java 21 February 2005.
20. *PAKEM* is the acronym for *Pengawasan Kepercayaan Masyarakat* (Monitoring of Beliefs in Society) and refers to the inter-agency group established to manage sects; discussed further below, n43.
21. Ibid, n19.
22. Ibid; '... tidak menutup kemungkinan ada unsur-unsur dari fihak lain yang sengaja ingin mengacaukan daerah, dan sebagainya'.
23. *Muspida* is the acronym for the regional leadership forum. Around thirty people are reported to have attended the meeting which took place at the Malang *pendopo*, with attendees described as having agreed that Roy's teaching was disturbing the community and had the potential to lead to mass riots (Bashori, 2006: 93).
24. The only specific power referred to in the *Bupati's* decision is art 27(1) of Law 32/2004 on Regional Government, said to provide the local administration with the authority to '... maintain peace and social order, where peace and security along with order constitute things desired by the public'. The document also references PNPS 1/1965, the *fatāwá* and correspondence from the Department of Religious Affairs and MUI.
25. Defence Statement (*Pleidooi*) on behalf of Yusman Roy by *Tim Pembela Kebebasan Beragama*, 23 August, 2005, p 22.
26. 'The Wahid Institute, NGO's Reject the Criminalization of Two Languages in Sholat', together with 'Joint Statement: A Rejection of Criminalizing of the Use of Two

- Languages in Performing the *Ṣalat*, 17 May 2005.
27. This appears to be a reference to the intense horizontal conflict between Muslims and Christians in this province leading to thousands of deaths (see for example International Crisis Group, 2002).
 28. The picture was carried by *Nurani* an Islamic affairs journal that had originally planned to host a public seminar on Roy's teachings in April 2005 but which was replaced by the event at IAIN Surabaya after protest from MUI East Java.
 29. Atatürk encouraged the use of Turkish during worship, causing 'controversy which has lasted to this day' (Mango, 1999: 497); Abd-Allah (2007: 6-8) relates a very early historical example of an innovation in prayer introduced by the second caliph 'Umar.
 30. On the status of *fatāwā* see for example Hooker, 2003: 1 and Fealy and Hooker, 2006: 197.
 31. *ʿAqīdah* refers to matters of Islamic creed, or core matters of faith (Newby, 2002: 30), as opposed to *fiqh* which is, broadly, the process of understanding obligations of faith.
 32. *Ḥaqīqiyah* is related to *ḥaqīqah*, a word derived from Arabic meaning facts or truth, especially divine truth; '*ḥaqīqah*', Stevens and Schmidgall-Tellings 2004: 343 (*Ḥaqqah*, Arabic for 'The Truth', is the 69th Chapter of the Qur'an (2004: 349)). The alternate offered of *dalālah* is a version of *dilalah*, which is a Javanese corruption of the Arabic *takdir Allah* or predestination, *taqdīr* being Arabic for fate or destiny (predestination is the theological doctrine that all events are the will of God); '*dilalah*' and '*takdir*', Stevens and Schmidgall-Tellings (2004: 244, 987).
 33. 'Innovation' *Oxford Dictionary of Islam* (2003) <<http://www.oxfordreference.com/views/ENTRY.html?subview=Main&entry=t125.e1037>>
 34. '*Bid'ah*' Gibb and Kramers 1974: 62. *Sunnah* is the term given to the second of the four acknowledged sources of *Shari'ah*. The Provincial-level *fatwā* in fact argues specifically that Roy's practices were not supported by *sunnah*.
 35. This term is related to *kāfir* or unbeliever; '*Kafir*', Gibb and Kramers, 1974: 62, 205.
 36. There are numerous 'apostasy lists' circulating among Muslims which identify behaviour considered unacceptable, including for example denial of one of the fundamentals of Islam, such as that a particular proscribed form of worship is required for a particular prayer session, such as four units of prayer for the late afternoon prayer (Saeed and Saeed 2004: 36-37; 44-48).
 37. Along with LPPI (Lembaga Penelitian dan Pengkajian Islam) and FPI (the Islamic Defenders Front).
 38. Hooker (2003:104) notes the 'intense debates' on this subject, fuelled by a literalist position that the sermon forms part of *ṣalat* and so should be in Arabic.
 39. Ricklefs observes that Muhammadiyah's early position in relation to local customs was 'tolerant and incremental', due to the influence of its founder Ahmad Dahlan – a Javanese (2007: 223).
 40. The subject of social categories is not taken up in this paper. Fealy and Hooker (2006:41), for example, discuss the changing profile of traditionalist and modernist approaches, and suggest the previous differences may now be regarded as 'inconsequential'. This appears to leave open the question of how to characterise the activities of MUI in the field of innovation.
 41. *Ibādāt* is the plural form of '*ibādah*).
 42. The dissenting opinion of Constitutional Court Justice Maria Farida includes a thorough discussion of the legislative mechanics behind the law, at pp 312-322.
 43. *BAKORPAKEM* (the national Coordinating Body) is complemented by regional teams and is lead by the intelligence division of the Attorney-General's Office. It coordinates with other agencies to monitor belief systems to ensure that the principle of *Ketuhanan Yang Maha Esa* is maintained, and that they do not endanger society (Attorney-General 1984; *PAKEM* 2008). There is an important distinction however between religions and belief systems in Indonesia and the way in which they are monitored by the state; see for example Alfitri, 2008: 15-17.

44. At pp 139-151, (paragraph 2.6).
45. Further research is required to determine whether sectarianism is more common in democratic Indonesia compared to previous eras. Data from the *Kejaksanaan*, for example, would assist in demonstrating how frequently repressive action was taken against sects prior to *Reformasi*.
46. Article 28I(1) provides that the right to freedom of religion is non-derogable ('cannot be limited under any circumstances') and article 28J(2) provides that every person, when exercising their rights, 'shall have the duty to accept restrictions established by law for the sole purpose of guaranteeing the recognition and respect of the rights and freedoms of others and of satisfying just demands based upon considerations of morality, religious values, security and public order in a democratic society'.
47. At pp 274 to 306 of the judgment (paragraphs 3.34-3.74).
48. Paragraph 3.34.7.
49. *Prinsip Negara hukum Indonesia harus dilihat dengan cara pandang UUD 1945, yaitu negara hukum yang menempatkan prinsip Ketuhanan Yang Maha Esa sebagai prinsip utama, serta nilai-nilai agama yang melandasi gerak kehidupan bangsa dan negara ...*; paragraph 3.34.10.
50. Paragraph 3.34.11.
51. *Ibid*; '*... dalam pelaksanaan pemerintahan negara, pembentukan hukum, pelaksanaan pemerintahan serta peradilan, dasar ketuhanan dan ajaran serta nilai-nilai agama menjadi alat ukur untuk menentukan hukum yang baik atau hukum yang buruk, bahkan untuk menentukan hukum yang konstitusional atau hukum yang tidak konstitusional*'.
52. Paragraphs 3.51, 3.34.11.
53. Paragraph 3.34.11.
54. Paragraph 3.36.
55. Paragraph 3.52.
56. *Ibid*.
57. Paragraph 3.55.
58. Paragraph 3.58.
59. *Ibid*; '*... pembatasan mengenai nilai-nilai agama sebagai nilai-nilai komunal (communal values) masyarakat adalah pembatasan yang sah menurut konstitusi. Tradisi keagamaan di Indonesia memang memiliki kekhasan dan keunikan yang memang tidak dapat diintervensi oleh negara ... organisasi keagamaan yang induk ... yang pada akhirnya mampu menjadi mitra negara dalam menciptakan ketertiban masyarakat beragama ...*'.
60. Paragraph 3.54.
61. *Surat Edaran Mendagri* dated 18/11/78, forming item of evidence P-12 in the judicial review case.
62. MUI's *fatwa* against Religious Pluralism, Liberalism and Secularism (MUI, 2005) was not produced until July 2005, but also forms an important part of the ongoing promotion by MUI of its interpretation of Islam during this period.
63. See for example Gillespie, 2007: 237-239.
64. 'Official' Islam in Indonesia includes a bureaucratic element, in the Department of Religious Affairs, and a state-endorsed Compilation of Islamic Law applied in Religious Courts, which form part of the state judicial system (see for example Hooker, 2003: 244).

Bibliography

Primary Sources

- Bupati Malang* [Malang Regent], 2005. *Keputusan Bupati Malang*, Nomor: 180/783/KEP/421.012/2005.
- Constitution of 1945, Secretariat General of the Constitutional Court, 2003.
- Jaksa Agung* [Attorney-General] *Republik Indonesia*, 1984. *Keputusan Tentang Pembentukan Team Koordinasi Pengawasan Aliran Kepercayaan Masyarakat* [Decision/Decree On the Establishment of the Coordination Team for Supervision of Religious Sects in Society], NOMOR: KEP-108/J.A/5/1984, 11 May 1984.
- Kejaksaan Negeri Kapanjen* [Attorney-General's Office Kapanjen], 2005. *Surat Dakwaan* [Indictment], NO.REG.PERK: PDM-462/KPJEN/06/2005.
- Mahkamah Konstitusi, Putusan Nomor 140/PUU-VIII/2009* [Blasphemy Law Case]
- Majelis Ulama Indonesia, Fatwá Nomor: 7/MUNAS VII/MUI/11/2005*, 28 July 2005 *Tentang Pluralisme, Liberalisme dan Sekularisme Agama* [Fatwá Concerning Religious Pluralism, Liberalism and Secularism].
- Majelis Ulama Indonesia Jawa Timur*, 2005. *Keputusan Fatwa*, Nomor: Kep-13/SKF/MUI/JTM/H/2005.
- Majelis Ulama Indonesia Kabupaten Malang*, 2004. *Keputusan Fatwa*, Nomor: Kep.02/SKF/MUI/KAB/I/2004.
- PAKEM*, 2008. *Hasil Rapat Bakor Pakem* [Result of the Meeting of the Coordinating Body for Pakem – the Monitoring of Belief Systems in Society], 16 April 2008.
- Penetapan Presiden Republik Indonesia* [Presidential Decree], 1965. *Tentang Pencegahan Penyalahgunaan Dan/Atua Penodaan Agama*, Nomor 1 Tahun 1965.
- Pengadilan Negeri Kapanjen* [District Court Kapanjen], 2005. *Putusan* [Decision] Nomor: 461/Pid.B/2005/PN.Kpj, 1 September 2005.
- Polres Malang* [Malang Police], 2005. *Laporan Polisi* [Police Report], NO.POL.: LP/143/V/2005/Polres.
- Yayasan Taqwallah*, 2005. *Misi dan Visi Yayasan Taqwallah, Pondok Trikatf Jama'ah Ngaji Lelaku* [Mission Statement], 3 January, 2005.
- Wahid Institute, 2005. 'The Wahid Institute, NGO's Reject the Criminalization of Two Languages in Sholat', together with 'Joint Statement: A Rejection of Criminalizing of the Use of Two Languages in Performing the *Sholat*', 17 May 2005, at <http://www.wahidinstitute.org/Agenda/Detail/?id=336/hl=en/The_Wahid_Institute_NGOs_Reject_The_Criminalization_Of_Two_Languages_In_Sholat>

Books, Articles, Reports

- Abd-Allah, Umar F, 2007. 'Creativity, Innovation and Heresy in Islam', in Vincent J Cornell and Omid Safi (eds) *Voices of Islam*, Vol 5, Praeger Publishers.
- Alfitri, 2008. 'Religious Liberty in Indonesia and the Rights of "Deviant" Sects', *Asian Journal of Comparative Law*, 3(1), Vol , Article 3.
- Bashori, Luthfi, 2006. *Musuh Besar Umat Islam* [The Grand Enemy of the Islamic Community], *Lembaga Penelitian dan Pengkajian Islam*.
- Bowen, John R, 2003. *Islam, Law and Equality in Indonesia: An anthropology of public reasoning*, Cambridge.
- Butt, Simon, 2010. 'Islam, the State and the Constitutional Court in Indonesia', *19 Pacific Rim Law & Policy Journal*, 279.
- Department of Religion, 2007. *Kompilasi Peraturan Perundang-Undangan Kerukunan Hidup Umat Beragam* [Compilation of Laws and Regulations on Harmonious Living for Religious Communities] 9th Edition, Research Development and Training Institute, Jakarta.
- Fealy, Greg and Hooker, Virginia (eds), 2006. *Voices of Islam in Southeast Asia: A Contemporary Sourcebook*, ISEAS, Singapore.
- Federspiel, Howard, 1970. 'The Muhammadiyah: A Study of an Orthodox Islamic Movement in Indonesia', *Indonesia*, Vol 10 (Oct 1970), pp 57-79.
- Fenwick, S, 2011. 'Between Innovation and Intolerance: an International Perspective on Religious Freedom in Indonesia', *Jurnal fatwá*, Vol 1, No 1, pp 91-106.
- Gibb, H A R, and Kramers, J H, 1974. *Shorter Encyclopaedia of Islam*, E J Brill.
- Gillespie, Piers, 2007. 'Current Issues in Indonesian Islam: Analysing the 2005 Council of Indonesian 'Ulamá' Fatwá No 7 Opposing Pluralism, Liberalism and Secularism', *Journal of Islamic Studies* 18:2, pp 202-240.
- Hooker, Barry, 2003. *Indonesian Islam: Social Change Through Contemporary Fatāwá*, Allen and Unwin.
- International Crisis Group, 2002. 'Indonesia: The Search for Peace in Maluku', *Asia Report* No 31, 8 February.
- Mango, Andrew, 1999. *Ataturk*, John Murray.
- Majelis Ulama Indonesia Kabupaten Malang*, 2005. *Kronologi Mengapa Yusman Roy Ditahan* [Chronology of Why Yusman Roy Was Detained], Law and Fatwáh Committee, 20 May.
- Nasution, Adnan Buyung, 1992. *The Aspiration for Constitutional Government in Indonesia: A Socio-legal Study of the Indonesian Konstituante 1956-1959*, Pustaka Sinar Harapan.
- Newby, Gordon, 2002. *A Concise Encyclopedia of Islam*, Oneworld.
- Olle, John, 2006. 'The Campaign against "Heresy" – State and Society in Negotiation in Indonesia', paper presented at 16th Biennial Conference of the

Asian Studies Association of Australia, Wollongong, June.

_____, 2009. "The Majelis Ulama Indonesia versus "Heresy": The Resurgence of Authoritarian Islam" in Gerry van Klinken and Joshua Barker (eds) *State of Authority: The State in Society in Indonesia*, Cornell Southeast Asia Program, pp 95-116.

Ricklefs, Merle, 2007. *Polarizing Javanese Society: Islamic and other visions, 1830-1930*, NUS Press.

Saeed, Abdullah and Saeed, Hassan, 2004. *Freedom of Religion, Apostasy and Islam*, Ashgate.

Stevens, Alan M and Schmidgall-Tellings, A Ed., 2004. *A Comprehensive Indonesian-English Dictionary*, University of Ohio Press.

Zamhari, Arif, 2010. *Rituals of Islamic Spirituality: A Study of Majelis Dhikr Groups in East Java*, ANU E Press.

Stewart Fenwick is a research student at the Centre for Islamic Legal Studies, University of Melbourne. He currently works in judicial administration in Sydney.

حقوق الطبعة محفوظة
عنوان المراسلة:

Editorial Office:
STUDIA ISLAMIKA, Gedung Pusat Pengkajian
Islam dan Masyarakat (PPIM) UIN Jakarta,
Jl. Kertamukti No. 5, Pisangan Barat, Cirendeu,
Ciputat 15419, Jakarta, Indonesia.
Phone: (62-21) 7423543, 7499272, Fax: (62-21) 7408633;
E-mail: studia.islamika@uinjkt.ac.id or studia.ppim@gmail.com.
Website: www.ppim.or.id

قيمة الاشتراك السنوي خارج إندونيسيا:
لسنة واحدة ٧٥ دولارا أميركا (للمؤسسة) ونسخة واحدة قيمتها ٢٥
دولارا أميركا، ٥٠ دولارا أميركا (للفرد) ونسخة واحدة قيمتها ٢٠
دولارا أميركا. والقيمة لا تشمل على النفقة للإرسال بالبريد الجوي.

رقم الحساب:
خارج إندونيسيا (دولار أميركا):
PPIM, Bank Mandiri KCP Tangerang Graha Karno's, Indonesia
account No. 101-00-0514550-1 (USD).

داخل إندونيسيا (روبية):
PPIM, Bank Mandiri KCP Tangerang Graha Karno's, Indonesia
No Rek: 128-00-0105080-3 (Rp).

قيمة الاشتراك السنوي داخل إندونيسيا:
لسنة واحدة ١٥٠,٠٠٠ روبية (للمؤسسة) ونسخة واحدة قيمتها
٥٠,٠٠٠ روبية، ١٠٠,٠٠٠ روبية (للفرد) ونسخة واحدة قيمتها
٤٠,٠٠٠ روبية. والقيمة لا تشمل على النفقة للإرسال بالبريد الجوي.



ستوديا إسلاميكا

مجلة إندونيسيا للدراسات الإسلامية
السنة الثامنة عشر، العدد ٣، ٢٠١١

هيئة التحرير:

- م. قريش شهاب (جامعة شريف هداية الله الإسلامية الحكومية جاكرتا)
توفيق عبد الله (المركز الإندونيسي للعلوم)
نور أ. فاضل لوبيس (الجامعة الإسلامية الحكومية سومطرة الشمالية)
م.ش. ريكليف (جامعة سينجافورا الحكومية)
مارتين فان برونيسين (جامعة أتريخه)
جوهن ر. بووين (جامعة واشنطن، سانتو لويس)
م. عطاء مظهار (جامعة شريف هداية الله الإسلامية الحكومية جاكرتا)
م. كمال حسن (الجامعة الإسلامية العالمية كوالا لومبور)
م. ب. هو كير (جامعة أستراليا الحكومية كانبرا)
م. فركنيا م. هو كير (جامعة أستراليا الحكومية كانبرا)

رئيس التحرير:

أزيوماردي أزا

المحررون:

- سيف المجاني
جمهاري
جاجات برهان الدين
عمان فتح الرحمن
فؤاد جبلي
علي منحنف
إسماتو رافي
دينا أفريظي

مساعد هيئة التحرير:

- تسطينيونو
محمد نداء فضلان

مراجعة اللغة الإنجليزية:

ميليسا كروش

مراجعة اللغة العربية:

نورصمد

تصميم الغلاف:

س. برنكا

ستوديا إسلاميكا (ISSN: 0215-0492) هي مجلة دورية يصدرها مركز البحوث الإسلامية

والإجتماعية (PPIM) جامعة شريف هداية الله الإسلامية الحكومية جاكرتا (STT/DEPPEN NO 129/DITJEN/PPG/STT/1976)، وترتكز للدراسات الإسلامية في إندونيسيا خاصة وآسيا جانوبي شرقي لإهمالا. تقل هذه المجلة على إرسال مقالات

المتفقيين والباحثين التي تتعلق بمنهج المجلة. والمقالات المنشورة على صفحات هذه المجلة لا تعبر عن هيئة التحرير أو أي جمعية التي تتعلق

بها. لكنها مرتبطة ومنسوبة إلى آراء الكاتبين. والمقالات المحتوية في هذه المجلة قد استعرضتها هيئة التحرير. وهذه المجلة قد أقرها وزارة

التعليم القومي أهما مجلة علمية (SK Dirjen Dikti No. 23a/DIKTI/Kep/2004).

ستوديا اسلاميا

سثوديا اسراميا

مآلة إنءونيسية للءراساء الإسلامية

السنة الثامنة عشر، العءء ٣، ٢٠١١



ءقالء «ءرب» ءوباء: رمز العلاءة السلمية
بين الجماعات المءءلفة عرقيا وءينيا
في آزيرة لومبوك

سوبراءءو

اللواءءرا (النصوء) المءءملة لءاربخ واءو Wajo:
نظرة آءيءة في أول ءءول الاسلام إلى واءو
ءسنول فهمة إلباس
