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Fatwas and Democracy: Majelis Ulama Indonesia (MUI, Indonesian Ulema Council) and Rising Conservatism in Indonesian Islam

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Abstract

The role of Majelis Ulama Indonesia (Indonesian Ulema Council) in influencing the construction of democracy through its fatwas has fluctuated since its establishment in 1975. During the Suharto regime, which was characterised by authoritarian national leadership, MUI fatwas tended to serve the interests of the regime. Since the reform era, they have stimulated undemocratic circumstances in Indonesian Islam. This article examines MUI fatwas and their influence on democracy in the context of Indonesian Islam. The main argument of this article is that fatwas in themselves can improve or worsen the implementation of democracy. Fatwas may impede democracy if their contents are not aligned with democratic principles, while they may support the development of democracy if their contents promote democracy. Rising conservatism in Indonesia has been influenced by the issuance of fatwas that do not promote democratic values. In addition to examining the roles of fatwa givers and the methodology of fatwa issuance, this article analyses the social and political circumstances driving their issuance. This article presents examples of MUI fatwas that have democratic and undemocratic characteristics. It concludes that democratic circumstances can be achieved through opening spaces for fatwa issuance among additional fatwa institutions in Indonesia, as the monopolisation of fatwa issuance has created undemocratic tendencies in Indonesian Islam.

Keywords: fatwa; democracy; Indonesian Ulema Council; Indonesian Islam; Islamic law

Introduction

As the largest democratic Muslim country in the world, Indonesia is inevitably influenced by Islamic law, particularly by Islamic legal opinions called fatwas. Scholars and observers of Indonesian Islam have presented varying views on fatwas and their impact on Indonesia's democracy. Some have expressed scepticism that fatwas can positively impact and stimulate the development of democracy (Assyaukanie 2009; Gillespie 2007; Porter 2004). These scholars assert that, instead of enhancing democracy, fatwas tend to promote discrimination, acts of violence, and religious extremism. For example, the MUI (Majelis Ulama Indonesia, Indonesian Ulema Council) fatwa outlawing the Ahmadiyyah sect in 2005 prompted an attack on an Ahmadiyyah mosque in Parung, Bogor, West Java, by Indonesian Sunnis. Other scholars and observers have maintained that fatwas can contribute to efforts to strengthen democracy (Adams 2004, 2012; Hasyim 2015, 2016; Ichwan 2013; Sirry 2013); supporting examples include MUI fatwas outlawing terrorism and promoting good governance, anti-corruption efforts, and gender equality (MUI 2005, 2011: 393-394). I argue that fatwas themselves are neutral and that they can be utilised to either aid or harm democracy (Hasyim and Alim 2018b). This is because a fatwa's impact on democracy is determined not only by the content of the ruling itself but also by the actors who issue it.

In this regard, I focus my analysis on the MUI as the most important fatwa issuer in Indonesia. By analysing MUI, its fatwa methodology, and the social and political context surrounding the organisation, I demonstrate the organisation's promotion of conservative agendas through its fatwas, which are detrimental to the development of a strong and healthy democracy. However, I also show that this is not the only potential outcome

from a body like the MUI: if those drafting and issuing fatwas have a strong understanding of the relationship between Islam and democracy, use a different methodology for reaching their conclusions, and are aided by a supportive political and social environment, they can also produce fatwas that strengthen democracy.

Democracy understood here is Pancasila democracy, the values and practices of which are expressed in a particular local form in Indonesia (Intan 2006; Suryadinata 2018). Although Pancasila democracy adopts some elements of liberal democracy, it also imposes limits based on the five principles of Pancasila—monotheism (somewhat broadly defined but ultimately acknowledging six official religions: Islam, Protestantism, Catholicism, Hinduism, Buddhism, and Confucianism), humanism, the unity of Indonesia, social justice, and consensus-based decision-making. Pancasila democracy does not share liberal democracy's conception of tolerance (Guiora 2014; Rawls 2003: 190; Sullivan *et al.* 1982;). Given the prominent role of religion as the first of these principles, religious freedom remains a controversial issue in Indonesia (Darmaputera 1988; Human Rights Watch 2013; Setara Institute 2012; Suryadinata 2018), with Ahmadiyah and other local beliefs still struggling for acceptance in Pancasila democracy. According to Jeremy Menchik, the success of Indonesia's electoral and procedural democratic consolidation has not been accompanied by an increase in religious freedom for Indonesian citizens (2014: 619). Marcus Mietzner presents an even more critical view, arguing that Indonesia is trapped in an illiberal form of democracy that targets 'deviant sects' and other religious minorities (2018).

This article also examines the intersection of fatwas, Pancasila democracy, and the importance of upholding the rule of law. Pancasila democracy acknowledges the need to protect religious freedom and enable Indonesian citizens to express and practice their beliefs in the public sphere. In Pancasila democracy, this freedom is conceptually ensured through a strict commitment to the rule of law. In this regard, I agree with Mietzner's argument referring to the case of Germany that "strict adherence to the rule of law [...] can make militant democracy an effective paradigm to utilise against anti-democratic populists" (2018: 265). As a result, my study shows that the damaging effects that some fatwas have on democracy can be curbed through a strict commitment to enforcing the rule of law regarding the protection of religious freedom, which is an integral part of Pancasila democracy.

To date, there has been little analysis of MUI and the impact of its fatwas on democracy despite the organisation's relatively long history. Many studies on Indonesia and Islam often offer a more general analysis of the compatibility or incompatibility of Islam and democracy, rather than examining detailed aspects of Islam such as the impacts of fatwas on democracy (Effendy 2008; Hefner 2011; Ramage 2005). There is a lack of studies on the impact of fatwas, and particularly their impact on Pancasila democracy, in research on Indonesia and Islam (Ichwan 2005); this issue requires greater attention from scholars.

However, the issue of fatwas has begun to attract greater public attention following MUI's increased presence in the legal and public spheres since the resignation of Suharto in 1998. The MUI is now the key reference point for fatwas by state bodies and the Muslim community, taking precedence over other similar bodies such as the *Bahtsul Masa'il* of Nahdlatul Ulama (NU),¹ the *Majelis Tarjih* of Muhammadiyah,² and the *Badan Hisbah* of Persatuan Islam (Persis, the Unity of Islam)³ (Djamil 1995; Federspiel 2009; Zahro 2004). Many recent MUI fatwas have attracted particular attention because of their tendency to promote intolerance and support conservative views. As a result, some studies have analysed MUI from the perspectives of political, social, legal, and gender issues (Gillespie 2007; Hasyim 2014, 2016; Hosen 2004; Ichwan 2013, 2005; Lindsey 2012).

This article intends to enrich the findings of previous studies by focusing more closely on the relationship between MUI fatwas and the implementation of Pancasila democracy in Indonesia. Here, I understand Pancasila democracy in terms of the extent to which key concepts—such as human rights, religious freedom, and pluralism—are respected, rather than the more procedural elements of the democratic system.

¹Bahtsul Masa'il is an organ of Nahdlatul Ulama that is responsible for issuing fatwas. The organisational structure of Bahtsul Masa'il is found at each level of the Nahdlatul Ulama board, from the village to the national level. Nahdlatul Ulama was the first and remains the largest Muslim organisation in Indonesia, established in 1926.

²Majelis Tarjih is an organ of Muhammadiyah that is responsible for issuing fatwas. These fatwas are also issued for those who are not members of Muhammadiyah. This organisation is the second-largest Muslim organisation in Indonesia and was established in 1912.

³Majelis Hisbah is the body of Persatuan Islam that is responsible for issuing fatwas either for members of Persis or general fatwa seekers. Persatuan Islam, which was established in 1923, is the third-largest Muslim organisation in Indonesia and has most of its membership basis in West Java.

The Religious-Political Authority of MUI Establishment

Although it is not a state agency, the MUI wields significant religious, political, and legal authority in Indonesia. The organisation was established in 1975 by then-President Suharto as a quasi-official state organisation (Hefner 2012: 109; Ichwan 2005; Porter 2004;), and although its authority initially rested with the Suharto regime, it not only managed to survive the fall of the regime in 1998, but it in fact strengthened its position as a source of Islamic authority. MUI's initial establishment brought with it two key missions: first, strengthening the character of Indonesian Islam; and second, safeguarding the political position of Muslims (Adams 2004; Mudzhar 1993). The first mission engendered MUI's strong attachment to the ideology of Pancasila and other Indonesian democratic values,⁴ while the second mission positioned MUI as an umbrella organisation for the various Muslim organisations in Indonesia.

The MUI was born in a time of significant political turmoil, particularly in relation to the Muslim community. During the 1970s and 1980s, Suharto faced the dual threat of the potential re-emergence of political Islam on the one hand and the Indonesian Communist Party (Partai Komunis Indonesia, PKI) on the other (Hasyim 2014; MUI 1982; Mudzhar 1993). It was against this backdrop that Suharto sought to establish an umbrella group to bring together various longstanding Muslim organisations, such as Nahdlatul Ulama (established in 1928, Indonesia's largest Muslim organisation), Muhammadiyah (established in 1912, the country's second-largest Muslim organisation), and others such as Persatuan Islam (Persis, the Union of Islam) and Persatuan Tarbiyah Islamiyah (Perti, the Islamic Education Union). The relationship between Suharto and these Muslim groups was symbiotic: the merger of these Muslim organisations enabled Suharto to consolidate and maintain his power, while the Muslim organisations needed the support of the ruling regime to bolster them against the re-emergence of their old communist foes. Hamka (d. 1981), the first chairman of the MUI, declared that the Indonesian Muslim community should accept the formation of the MUI as a means of safeguarding their interests against the perceived latent threat of communism. Suharto, for his part, was content to have fixed patronage with a Muslim group that was not part of political Islamic movements (MUI 1982; Hasyim 2014).

The MUI was designed as a semi-official body that could accommodate the interests of both the Suharto regime and Muslim organisations. This role is reflected, for instance, in MUI's key mission of "enjoining that which is right and forbidding that which is wrong" (Arabic: *al-amr bi al-mar'uf wa al-nahy an al-munkar*), functioning as an intermediary agency to translate the government's national and regional development plans for Muslim communities, guiding and mobilising those communities, and offering Islamic opinions and advice to the government (Hasyim 2014; Ichwan 2013; MUI 1990: 51–2). The MUI was expected to become an institution that would promote the peaceful coexistence of 'Indonesianness' (*keindonesiaan*) and 'Islamness' (*keislaman*), where the former was understood by the Suharto regime to represent the values of both the nation and the state. This role is best expressed through MUI's title as 'guardian of the state' (*khādim al-ḥukūmah*).

However, following Suharto's resignation in 1998, the MUI shifted from serving as a state collaborator to becoming a much more independent actor (Hasyim 2014; Ichwan 2005: 46)—transforming from 'guardian of the state' (*khādim al-ḥukūmah*) to 'guardian of the Muslim community' (*khādim al-ummah*). Interestingly, this change in orientation gave MUI far greater bargaining power than it had before. This position was strengthened further by Susilo Bambang Yudoyono (Indonesian President from 2004–2014), who frequently praised MUI as a policing body for 'aqidah (Islamic belief) and morality and offered very little criticism of the organisation. These statements, coming as they did from the President, contributed to strengthening MUI's authority in the state and society while also weakening democratic attitudes in Indonesian Islam. Emboldened by this turn of events, the MUI became more forward-leaning in its fatwas, even though some stood in stark contrast with democratic values. These included fatwas that directly challenged democratic concepts such as freedom of religion—particularly related to MUI's rulings on Ahmadiyah and Shi'a. Thus, during the Yudoyono presidency, MUI's fatwas came to dictate state policy on various social and moral issues, such as pornography, blasphemy, and 'deviant faiths' (Indonesian: *aliran sesat*).

⁴Indonesian democratic values are derived from universal and local experiences in Indonesia. Indonesian discourse asserts that Indonesian democracy differs from universal democracy because it is nurtured by Pancasila and the local traditions of Indonesia.

Fatwa Making in the MUI

Since the beginning of the reform period, fatwas have taken different and sometimes contradictory trajectories in relation to democracy in Indonesia. Some fatwas produced by MUI have been difficult to reconcile with democracy, such as those outlawing pluralism, secularism, and liberalism (Gillespie 2007; Hasyim 2014; Ichwan 2013). However, some MUI fatwas have shown support for democracy, such as the fatwa prohibiting terrorism (Fatwa Majelis Ulama Indonesia No. 2/2004) and another endorsing the reverse burden of proof in corruption cases (Fatwa Majelis Ulama Indonesia No. 01/MUNAS-VIII/MUI/2010) (MUI 2011: 547–554). It is worth questioning how MUI can produce fatwas that in some instances oppose democracy and in others support it. I argue that the methodology by which fatwas are produced influences the degree of their democratic content—the deliberative methodology of fatwa issuance, in this regard, can produce democratic fatwas. Within the MUI, the key fatwa-producing body is the Fatwa Commission, which comprises men and women who have high-level qualifications in producing fatwas. Many members of the Fatwa Commission have degrees from Islamic Studies departments of both Indonesian and international universities in Egypt and Saudi Arabia. Many members of the Fatwa Commission have received intensive training in Islamic sciences from reputable *pesantrens* (traditional Islamic boarding schools) in Indonesia. These qualifications include mastery of the traditional disciplines of Islamic science, such as knowledge of the Qur'an and *ḥadīth* (the sayings and actions of the Prophet Muhammad), Islamic legal theory, and Islamic jurisprudence among others (Masud *et al.* 1996; Şalāh 1986; MUI 2011).

The fatwas produced by the MUI can be placed into five broad categories: Islamic doctrine (Arabic: *'aqidah*) and deviant sects (Indonesian: *aliran sesat*); religious practices, including issues such as the payment of religious alms (Indonesian: *zakat*); social and cultural issues, including human rights, underage marriage, and so forth; halal issues, such as the prohibition of alcohol in foods, cosmetics, and medicine (Hasyim 2014; MUI 2011); and sharia economics, which deals with banking and finance (Dewan Syariah Nasional MUI-Bank Indonesia 2006). In all of these categories, fatwas can assume pro- or anti-democratic tendencies. To date, the MUI Fatwa Commission uses a deliberative decision-making process to produce fatwas, involving several discussions and debates among the members of the Fatwa Commission as well as non-MUI members who have been asked by MUI to provide their ideas and positive contributions for the issue in question. When a request for a fatwa is sent to the Commission, a discussion is scheduled involving the Commission chairman, a majority of the commission members, and several invited experts (Adams 2004: 116; Mudzhar 1993: 68;). This request can come from an individual, the Indonesian government, societal groups, or internally within the MUI—such as from other commissions or bodies or from MUI's provincial or district branches. A Fatwa Commission meeting is usually held over one day, though some fatwas have required discussions running over multiple days (Adams 2004). Following discussions, the fatwa is devised and presented in the form of an Islamic legal decree (Adams 2004: 69). The fatwa that results from a Commission meeting is then submitted to the executive board of the MUI at the appropriate level—national, provincial, or sub-regional—where the relevant board then formulates the fatwa in the official format of *Surat Keputusan Penetapan Fatwa* (Letter of Fatwa Decision) (MUI 1990: 106–107). If the Fatwa Commission fails to reach a consensus or is unable to provide textual evidence (*maqālah*) from ulama to support its recommendations, the publication of the fatwa is postponed until a consensus is reached. This postponement mechanism (Arabic: *mawqūf*) reflects a sense of openness and inclusiveness and the contestation of ideas present in the fatwa-making process. The process emphasises the need for strong evidence and arguments, as well as consensus among ulama, before a fatwa is officially published. The highest form of this consensus-based approach is the Ulama Consensus Meeting (*Ijtima' Ulama*) fatwa, in which almost 2000 expert members of the MUI are involved in discussing and producing a fatwa.

In terms of their *ijtihad* (Islamic reasoning) method, MUI's Fatwa Commission largely refers to the mainstream schools of Sunni Islamic law (*madhhab*), particularly the Shāfi'ī school, which is the most common stream among Indonesian Muslims. An eclectic approach (Adams 2004: 116; Mudzhar 1993) combining the diverse opinions of different schools of Islamic law has also been used from time to time; for example, when the Fatwa Commission was led by Ibrahim Hosen from 1981 to

2000, there was no obligation to embrace one specific *madhhab* (school of Islamic law).⁵ What is most important in these cases is that the arguments are coherent and based directly on the sources of the Qur'an and *hadith*, while also accommodating the opinions of ulama—regardless of their *madhhab* affiliation—as supporting evidence. This method, of course, provides greater freedom of thought because it does not restrict outcomes to one *madhhab*.

Furthermore, the collective *ijtihad* method in the MUI also utilises the concept of *maṣlahah* (public interest), which provides more opportunities for democratic thought. *Maṣlahah* allows the thoughts and interests of human beings to be considered alongside the words of God and the Prophet as a vital part of reaching a legal opinion (Masud *et al.* 1996; Opwis 2005). This of course can lead the fatwa-making process in the MUI down more liberal and relativist paths. The MUI has agreed to the implementation of *maṣlahah* since 2005, but its use in the issuance of fatwas is not yet visible (MUI 2011: 486–490). The reinvention of collective *ijtihad* by MUI also reflects a spirit of *tajdid* (Islamic renewal) within the organisation.

That said, *maṣlahah* and collective *ijtihad* are a double-edged sword—they can also be used as an instrument to accommodate the ruling regime's interests. This is because collective *ijtihad* enables the absorption of all possible contextual and textual interpretations, including political and economic considerations, in drafting a fatwa. For example, the moderatism (Arabic: *wasatīyyah*) that was reflected in MUI fatwas during the Suharto era was largely designed to legitimise the interests of the ruling regime rather than reflect democratic concerns. MUI fatwas supported liberal concepts within Islam, but this support was contained within a broader endorsement of the Suharto regime's national policy of modernisation. In this instance, the political environment provided MUI with the opportunity to develop moderate Islam, but Suharto also benefitted from MUI's modernist Islamic thinking, which provided religious support for his undemocratic regime. This helps explain why, perhaps paradoxically, liberal fatwas could have emerged during an undemocratic period in Indonesia.

As a national organisation,⁶ the MUI seeks to ensure uniformity in the fatwa-making process between Fatwa Commissions at various levels. The central MUI board has a mandate to issue fatwas related to national and local issues, but a fatwa on a specific local issue should also align with rulings in other regions. Regional MUI branches are permitted to issue fatwas on local concerns only after consulting with the central board. This system is designed to avoid conflicts between the central MUI board and regional branches, which were common before the authority of branches was curtailed in 1983. Since then, regional branches have been permitted to issue fatwas only on themes that have not been covered by the central board's Fatwa Commission. Besides ensuring conformity between the centre and branches, this approach may have also been motivated by the state's desire to ensure greater control over all levels of the MUI. This 'harmonisation' between the national and sub-national levels of the MUI helped to limit MUI's role in democratic movements in Indonesia.

Despite these efforts to ensure uniformity between MUI Fatwa Commission levels, there are still many instances of clashes between the centre and regions regarding some fatwas. For example, the case of the Shi'a community in Sampang, Madura, and those of other locations, led to conflicting fatwas between the central board and the East Java branch of MUI. While the central board has never prohibited Shi'a Islam—having only issued a warning against Shi'a excess—the East Java MUI branch issued a blanket ban of Shi'a (MUI, n.d.). Overlapping and conflicting fatwas highlight the ongoing disorder and disharmony of MUI and, should such problems persist, could delegitimise MUI's credibility as a fatwa institution and create the impression that many MUI members are unaware of their own organisation's regulations.

Another striking phenomenon in fatwa-making in the post-reform era that could impede democracy is the apparent bias favouritism towards fatwas issued by MUI. While MUI's pre-dominance in the public sphere is largely unavoidable, it diminishes the legitimate role of other fatwa-makers such as the NU and Muhammadiyah. The dominance of the MUI becomes a problem for democracy because it can result in monolithic fatwas, leaving Indonesian Muslims with fewer choices and reference points. This can be

⁵Interview with Hasanuddin 2010, Jakarta. (Feener 2007a; 2007b). Regarding Ibrahim Hosen see <https://iiq.ac.id/index.php?a=artikel&d=3&id=231>, accessed on 28 February 2019.

⁶The MUI is a very large organisation with branches representing the provinces, districts, and sub-districts of Indonesia.

seen in MUI's monopoly on fatwas regarding *'aqidah*, blasphemy, and *aliran sesat* (deviant sects), which reduce the space for the democratic expression of religious rights and pluralism.

Democratic and Undemocratic Fatwa

This section moves beyond the process through which the MUI produces fatwas and examines the content of fatwas themselves and the degree to which they reflect democratic values. Fatwas and democracy represent two different concepts: the former is an Islamic legal opinion based on the reasoning of an individual or a group of *mufti* (fatwa givers) or a fatwa institution (Hasyim 2016; Masud *et al.* 1996), while the latter is a worldly system resulting from human thinking that refers to the traditions of Western society (Held 1991). Despite their differences, fatwas and democracy can be reconciled, as both involve human reasoning. The role of human agency can influence the implementation of fatwas, as occurs during the implementation of democracy at the practical level. Indonesian Muslims often face a choice between following recommendations from fatwas or from democratic institutions, although reconciling the two is entirely possible.

Generally speaking, some MUI fatwas are compatible with democracy, while others are not. Democratic fatwas respect human rights, prohibit violent extremism and corruption, and respect plurality in society (Hasyim and Alim, 2018a, 2018b), while undemocratic fatwas oppose pluralism, minority rights, and human rights. This section outlines examples of both types of fatwas produced by MUI, highlighting the organisation's various tendencies, as well as the intersection between the two types.

Pancasila State is Final

An example of the democratic tendencies of certain MUI fatwas can be seen with regard to the structure of the Indonesian state. According to one fatwa, the MUI accepts Pancasila as the final form of the Indonesian state, meaning that any attempt to alter the basis of the state—for example, by transforming it into an Islamic state—will be challenged and refused by the MUI. The organisation argues that the Pancasila state is acceptable because it offers space for Indonesian Muslims to practice their religion within democratic boundaries. When I asked the former MUI chairman and Vice-President Ma'ruf Amin whether Indonesia should become a sharia-based state, he said that creating a sharia-based state was not an urgent issue for the MUI. Ma'ruf Amin is serving as both the General Chairman of the MUI and the General Chairman of the Sharia Body of Nahdlatul Ulama (with both terms lasting from 2015 to 2020), and he was chosen as the running mate of Joko Widodo in the 2019 Indonesia Presidential Election. He added that sharia is a positive source for Indonesian law, similar to the positions of *adat* law (Arabic-Indonesian expression for customary law) and Western law.⁷ However, the organisation does not support an exclusively sharia-based state because the Pancasila state represents the outcome of a consensus-based decision made by the Indonesian nation, and according to Islamic teachings this consensus should be respected. Amin referred to Indonesia as a *dār al-mu'āhadah* (a consensus-based state) (Amin 2011).

MUI declared its support for the Pancasila state during the 2006 Ulama Congress in East Java (MUI 2011: 833–834), at which MUI outlined six points of *tawsiyyah* (Islamic recommendations, which are similar to fatwas) related to the Pancasila state: first, the Pancasila state or *Negara Kesatuan Republik Indonesia* (NKRI, Unitary State of the Indonesian Republic) aims to respect religion and the social welfare that bind all members of the nation; second, the NKRI is the final form of the Indonesian state; third, because Muslims are the majority, they should protect the state from treason or separatism; fourth, in order to avoid treason and separatism, the state should make serious efforts to implement social justice and prosperity; fifth, anyone involved in treason or separatism is declared a 'rebel' (Arabic: *bughāt*) and the state has the right to fight against them; and sixth, all social organisations and institutions that explicitly or implicitly tend towards treason and separatism are declared *bughāt* (rebels) (MUI 2011: 834).

These recommendations have become the fundamental standard guiding MUI's understanding of Islam and politics. Although MUI's acceptance of Pancasila is a reasonable approach with regards to

⁷Interview with Ma'ruf Amin, Jakarta, 2010.

the existence of the modern nation-state, it has attracted criticism from some quarters that claim it represents a compromise with the ruling (non-theocratic) regime in Indonesia (Porter 2004: 61–62). Other criticism has targeted the absolutist tone of MUI's acceptance of the Pancasila state—best exemplified by the popular Indonesian slogan '*NKRI Harga Mati*' (NKRI is non-negotiable)—because this could be used by the majority to silence democratic freedom of expression.

Sharia without a Sharia State

Although MUI has agreed that Indonesia is not a theocratic state, its fatwas generally support the idea of practising sharia without the establishment of a sharia state. Thus, while Indonesia remains a Pancasila state, the MUI argues that there should be room for the implementation of sharia within the bounds of the state. One could say that the MUI is on a post-Islamist trajectory, which implies that the most important issue in the struggle of Islamism does not concern the formation of an Islamic state, but the substance of Islam, such as its ethics and morality (Bayat 2007, 2010).

In this regard, the MUI has a different perspective on the supremacy of the sharia system compared to the mainstream discourse of *fiqh al-siyāsī* (the discipline of Islamic jurisprudence on politics). Since its inception in 1975, the MUI has prioritised Pancasila as its ideological basis, even though the two largest Islamic organisations, Nahdlatul Ulama and Muhammadiyah, used Islam as the ideological basis for their organisations during that period. The use of Pancasila as MUI's ideological basis was in line with the overall vision of the ruling regime in that era that wanted the MUI to serve as the main partner of the government of Indonesia. The NU changed its ideology from Islam to Pancasila in 1984 and Muhammadiyah followed in 1995. Although MUI's ideological basis moved from Pancasila to Islam at the start of the reform era in 1998, this change has not altered the organisation's support for the Pancasila state. The MUI argues that the establishment of an Islamic polity is not necessary for the implementation of sharia—sharia can also be practised through a democratic political system.

This approach can be seen in MUI's fatwa on the inclusion of Islamic family law in the Indonesian legal structure via the *Kompilasi Hukum Islam* (KHI, Compilation of Islamic Law), which deals with Muslim personal and family laws concerning marriage, inheritance, and Islamic endowment (*waqf*). The MUI had a strong role in the drafting of the KHI: MUI leaders from 27 provinces were invited to a workshop organised by the Ministry of Religious Affairs and the Supreme Court of Indonesia on KHI, and the KHI has also been heavily influenced by MUI fatwas and *tawsiyyah* (Mawardi 2003: 130). The KHI was ultimately introduced via Presidential Instruction No. 1/1991 for Religious Courts (Indonesian: *Pengadilan Agama*).

The KHI is a fascinating example of the implementation of sharia without the presence of a sharia state. It was drafted because it is almost impossible for Indonesia to holistically implement sharia in a secular national court system (Bowen 1998: 56). The compilation sought to accommodate 'Indonesianness', as the drafting committee consulted with ulama from different regions throughout the country with the aim of considering both local traditions and more general sharia concepts (Mawardi 2003: 131).

Through the KHI and provisions of religious courts, we once again see the interplay of fatwa with the broader political environment, with both MUI and the Suharto regime as beneficiaries. On the one hand, MUI's support of the implementation of KHI in religious courts served as an affirmation of the Suharto regime, while on the other, the KHI was a political concession offered by Suharto to obtain support from Indonesian Muslims.

Some of the most forthcoming examples of the implementation of sharia in the absence of a sharia state are MUI fatwas on halal goods and economic issues. Over the last three decades, the MUI has produced a large number of fatwas on halal labelling and sharia economics. As a part of these efforts, the organisation has also established a special institute for halal certification, LPPOM-MUI, and a special institute for sharia economics, *Dewan Syariah Nasional* (DSN, National Sharia Council). The MUI has initiated halal labelling for food, drink, medical and cosmetic products, as well as for other raw materials and even tourism. In 2014, the Indonesian government agreed to establish a state body to regulate halal certification. In broader economic life, MUI's fatwas on sharia banking and finance have had a direct impact on increasing the numbers of vendors offering sharia-compliant financial and insurance services.

Policing Belief and Religious Freedom

The most obvious examples of undemocratic MUI fatwas are those concerning restrictions on religious freedom, particularly related to so-called ‘deviant’ or ‘heretical’ groups. Over the two last decades, heretical groups have become a more visible and controversial feature of the Indonesian public sphere and discourse. The increasing incidence of these groups may be related to three factors. First, religious groups are able to more openly express their faith and beliefs because of an increase in civil liberties and political liberalisation in the reform era. Second, the Indonesian media has greater freedom and independence in reporting on religious freedom. Third, the scrutiny of international institutions and media has contributed to the appearance of this issue at the global and transnational levels.⁸ However, from MUI’s perspective, these groups must be eliminated because they may threaten the correct practice of Islam. On this basis, the MUI and its allies assert that deviant groups violate the rights of Muslims. They also believe that tolerating the presence of these groups may lead to social unrest. The MUI claims that roughly fourteen fatwas were issued banning heretical groups in Indonesia between 1971 and 2007 (MUI 2011: xiii-xiv; n.d.: 1), but for the purpose of this article, emphasis will be given to several prominent cases only. From the early days of its formation, the MUI has had a particular obsession with outlawing and restricting groups it considers ‘heretical’. For the MUI, this term implies that targeted groups have deviated from the path of ‘pure Islam’—which is often understood as orthodox Sunni Islam. Those who uphold orthodoxy often consider heretical groups to be ‘parasites’ to the mainstream religion (Köstenberger and Kruger 2010). In the context of modern Islam in Indonesia, the MUI believes that these heretical groups should be brought back to ‘true Islam’, and as a result the organisation sees itself as waging a constant struggle against such groups (Olle 2009). The first MUI fatwa against so-called heretical groups was issued in 1978—just three years after the organisation’s formation—targeting a group known as Jama’ah Muslim Hizbullah. Later in 2005, the MUI published a compilation of fatwas that outlawed various heretical Islamic groups, which it infamously referred to as *kelompok sesat* (Hasyim 2014; MUI 2011, n.d.). These fatwas set the stage for a series of persecutions of minority Islamic sects for years to come.

The MUI takes the drafting and publication of fatwas on heretical groups particularly seriously because the status of one’s religious beliefs is one of the most fundamental issues in Islam. As a result, the MUI has developed a detailed framework for determining whether a group can be defined as heretical by involving the fulfilment of at least one of the following ten criteria: first, rejecting one of the six foundations of Islamic belief (Indonesian: *rukun iman*) and one and the five foundations of Islamic pillars (Indonesian: *rukun Islam*); second, believing in and obeying a faith that is not in accordance with the teachings of the Qur’an and *ḥadīth*; third, believing in revelations that arrived after the Qur’an; fourth, rejecting the authenticity of the Qur’an’s content; fifth, interpreting the text of the Qur’an without referring to the principal foundation of the science of exegesis; sixth, refusing to acknowledge Prophet Muhammad’s words and actions as an Islamic source; seventh, humiliating, harassing, and denigrating Prophet Muhammad; eighth, refusing to acknowledge that Muhammad is the final prophet in Islam; ninth, changing, adding, or reducing any fundamental part of worship as determined by sharia, such as asserting that pilgrimages should not be made to Mecca or that the five daily prayers are not compulsory for Muslims; tenth, declaring other Muslims to be non-believers (Arabic: *kuffār*) without presenting a strong argument based on sharia (MUI n.d.; Hasyim 2016). The following five steps are then taken if a group is accused of heresy. First, the status of heresy is determined by MUI based on the Qur’an, *ḥadīth*, ulama consensus (Arabic: *ijmā’*) and legal reasoning (Arabic: *ijtihad*), and on the majority opinion of the ulama (Arabic: *jumhūr*) within the Sunni tradition. Second, the decision should be responsive (a fatwa is issued to provide an answer to the problem), pro-action (the fatwa should be pro-active, not only responsive), and anticipation (the fatwa should anticipate what will happen in the future). Third, the fatwa is issued collectively through an official meeting involving MUI board members, the Research Commission, and the Fatwa Commission. Fourth, a distinction must be made between errors

⁸See <http://www.humanrights.asia/resources/journals-magazines/eia/eiav4a1/7-indonesia-freedom-of-religion-not-protected>, accessed on 4 March 2013, <http://www.hrw.org/news/2012/05/15/indonesia-rights-record-under-scrutiny-un>, accessed on 4 March 2013, and see also the executive summary on religious freedom of Indonesia at <http://www.state.gov/j/drl/rls/irf/religious-freedom/index.htm#wrapper>, accessed on 4 March 2013.

(Indonesian: *kesalahan*) and heresy (Indonesian: *kesesatan*); the former refers to an incorrect understanding and practice related to an aspect of sharia, which is categorised as committing a sin (Arabic: *ma'ṣiyah*), while the latter is a false understanding of a central tenet of faith or sharia, which is characterised as apostasy. Fifth, a ruling is made when a group insists on believing in matters of false faith and sharia as true teachings. Ultimately, the resulting fatwa applies only to the member organisations within the MUI. As the council has no legal authority under Indonesia's basic constitution to judge the truth of other Islamic organisations' beliefs, these above categories and principles are not legally binding for all Muslims in Indonesia.

The MUI arrives at its fatwas on heresy after a detailed investigation process. This involves in-depth research, hearings with experts, and clarifications received directly from those who are accused of being members of a heretical group. In this regard MUI's Research and Review Commission is responsible for conducting research to provide information for the Fatwa Commission and the executive board of the MUI regarding such suspected cases of heresy.

First, the Research and Review Commission collects data, information, evidence, and witness interviews regarding the notions, thoughts, and activities of groups that are under suspicion of heresy. It then obtains further details by conducting hearing sessions with the suspected heretical groups. While these hearing sessions are often aimed at encouraging the target groups to abandon their perceived heretical beliefs, MUI's efforts to bring groups back to a 'correct' understanding of Islam through these hearings are generally unsuccessful. This may be because the proceedings are directed entirely by MUI; although MUI describes the process as a 'dialogue', the alleged heretical groups appear to have no rights when arguing for their faith—the experience of Lia Eden and Akhmad Musadiq are examples of this one-way dialogue.

The second stage of the investigation process is a legal and theological examination of the case. In this step, experts on the thoughts and activities of the deviant groups are consulted. The framework used is derived from Sunni Islamic thought—experts whose beliefs differ from those of MUI are not eligible to serve as witnesses. This investigation process functions as a means of proselytising (Arabic: *da'wah*), another attempt to encourage heretics to return to the 'right path'; thus, the process is one of indoctrination rather than a philosophical or open debate.

Third, leaders of the heretical group are invited to meet with the knowledgeable experts for verification (Arabic: *taḥqīq*) and confirmation (Arabic: *tabāyun*) about the data, information, and evidence related to the heretical group's thoughts and activities. If theological evidence of heresy is found, the last step in this process is to deliver a recommendation regarding the heretical group. The purpose of doing this, once again, is to bring the group back to the 'proper' faith and abandon their previous convictions and activities. The fourth step of the investigation is to submit the research findings to MUI's leadership or board members. The fifth and final step, if required, is for the leadership and board members to issue an instruction to the fatwa commission to hold further discussions. On the basis of these discussions, the commission can issue a fatwa (Hasyim 2011).

Signs of Rising Conservatism

Suharto's resignation and the beginning of the reform period in 1998 was a watershed moment for MUI and its fatwas, as the organisation shifted from justifying the state's agenda (regimist) to serving as a much more independent body. It is almost undeniable that during the Suharto era, the ruling regime gained greater benefits from MUI's Fatwa Commission than did the *umat* (Indonesian: the Muslim community). As outlined by Donald J. Porter, the establishment of the Fatwa Commission itself was part of MUI's efforts to serve as a more effective source of support for the regime's agenda (2004: 78). Along with the increasingly independent position of MUI, however, the organisation's fatwas also began to change, as the Fatwa Commission now had the ability to provide rulings without considering the ruling regime's aspirations. An early example of this clash of interests was the 2001 polemic between MUI and then-Indonesian President Abdurrahman Wahid (also a respected NU scholar) regarding the halal status of the Japanese food seasoning producer Ajinomoto. Later, in 2005, the MUI issued several fatwas, one of which banned secularism, pluralism, and liberalism, which ran against the country's principle of religious

freedom. In another instance, the MUI circulated a fatwa on female circumcision that contradicted the official policy of the Ministry of Health.

The early signs of MUI's new critical position could be seen in the emergence of Ma'ruf Amin. Under his leadership, the Fatwa Commission became more forward-leaning, in some cases diverging wildly from the state's agenda. Amin is a member of the mainstream NU organisation and is highly regarded for his in-depth expertise on Islamic jurisprudence (*fiqh*) and Islamic legal theory (*uṣūl al-fiqh*). Since 2015, Amin has served as the chairman of NU's sharia advisory body, a very prestigious and important position within this organisation. He is the only person with a background in politics—having been a parliamentarian from the National Awakening Party (PKB)—to have held this respected position. In the 2019 presidential election, Ma'ruf Amin served as Joko Widodo's running mate. Although the NU does not seek to formalise sharia in Indonesian law, this was certainly one of Amin's goals during his time as general chairman of the MUI.⁹ Amin continues to be portrayed as a Muslim cleric who promotes 'peaceful Islam', but he also frequently promotes sharia principles such as halal consumption and a 'sharia economy'.¹⁰ Ma'ruf's approach is emblematic of MUI's agenda in seeking the implementation of sharia in the Indonesian public sphere.

The first expression of the increasingly conservative tendency of MUI fatwas can be traced to the publication of new guidelines for the issuance of fatwas in 2001. The 2001 guidelines minimise the use of liberal methodologies, which can be seen through (1) MUI's revision of the fatwa method from a consideration of various perspectives to the sole examination of the Qur'an and *ḥadīth* and (2) its push for rulings to be based on one specific *madhhab*—essentially supporting the practice of *taqlīd* (blind adherence to a school of thought) and diminishing the practice of *talfīq* (an eclectic approach to Islam). This change can be seen most clearly in the process of examining the opinions of Islamic jurists, which are scattered throughout many classical Islamic sources, before referring to the Qur'an and *ḥadīth*. For issues that are clearly addressed in the Qur'an and *ḥadīth* (Arabic: *al-aḥkām al-qaṭ'iyyah*), the Fatwa Commission's role is now merely to express the relevant sections in MUI's fatwa format. This principle is in accordance with the consensus of prominent Muslim jurists who oppose any efforts to reinterpret the established concept of *al-aḥkām al-qaṭ'iyyah* (fixed Islamic regulation). In *al-Risālah*, al-Shāfi'ī construes, "*kullu mā aqāma al-llāhu bihi al-ḥujjata fi kitābihi aw 'alā lisāni nabiyyihi maṣṣūṣan bayyinan lā yaḥillu al-ikhtilāf fihi liman 'alimahu,*" meaning "for all things that God has considered a legal foundation through the Qur'an or through the tongue of the Prophet, and which are explicitly stated, there shall be no dissenting opinions" (Al-Shāfi'ī, n.d.: 560). In this regard, undertaking new interpretations is forbidden. Regarding *al-khilāfiyya fi al-madhāhib* (dissenting opinions within the school of Islamic law), also referred to as *ta'arūḍ fi al-madhāhib* (contradictions in the school of Islamic law), the MUI first offers the method of *al-jam'u wa al-tawfīq* (compile and reconcile). However, this method tends to squeeze out minority opinions, diminishing the tradition of Islamic legal pluralism.

Another example of conservative tendencies in MUI fatwas can be seen in the use of *maṣāliḥ al-ummah* (public interest) and *maqāṣid al-sharī'ah* (goals of God law) as methods for *ijtihād*. In 2005, the MUI issued a specific fatwa on the definition of *maṣlaḥah*, stating that the fatwa was issued for internal reasons as well as to counter the liberal approach taken by some Muslim intellectuals and activists, such as the *Jaringan Islam Liberal* (JIL, Liberal Islam Network) and other groups,¹¹ who were using the notion of *maṣlaḥah* for their aims. The MUI asserted that the use of these two Islamic legal concepts in many of JIL's publications was misleading and subsequently categorised JIL as an *ifrāṭī* (extremist) group. As a result, the MUI was obliged to draft a specific legal opinion on the tenet of *maṣlaḥah*.¹² The MUI ultimately based its fatwa on three key foundations. First, the MUI argued that the concept of *maṣlaḥah* is often employed by some groups to express an Islamic legal opinion without adhering to the appropriate limits and regulations laid out by classical ulama of *uṣūl al-fiqh* (*bilā*

⁹Interview with Ma'ruf Amin, Jakarta 2010.

¹⁰See *Jurnal Halal*, No. 74/2008: 28. This journal is regularly published by MUI.

¹¹The Wahid Institute, International Centre for Islam and Pluralism (ICIP), the Rahima Foundation, Jaringan Intelektual Muda Muhammadiyah (JIMM: Network of Young Muhammadiyah Intellectual), and many others have been accused of making excessive use of the *maṣlaḥah* and *maqāṣid al-sharī'a* concepts.

¹²See the MUI's answer to a question posted by Abdullah on 4 July 2009.

hudūd wa ḍawābīṭ, no limit and control). Second, the MUI argued that the misuse of this tenet by some groups has led to mistakes in the drafting of fatwas, resulting in confusion in the Muslim community. Third, the MUI considered that it had the responsibility to outline the criteria of *maṣlaḥah* in order to ensure the proper maintenance of sharia.

The content of this fatwa concerned three main issues. First, the concept of *maṣlaḥah* according to Islamic law is focused on the protection of the *al-ḍarūriyyāt al-khamsah* (the five necessities of Islam): religion (*al-dīn*), reason (*al-‘aql*), life (*al-ḥayāt*), property (*al-māl*), and offspring (*al-nasl*). Second, the MUI confirmed that the notion of *maṣlaḥah* must be understood in relation to the main textual sources of Islam (the Qur’an and *ḥadīth*), meaning that any use of this concept that contradicts the Qur’an and *ḥadīth* is unjustifiable. Third, only an organisation that has competency in the field of sharia and utilises collective *ijtihād* has the authority to set the criteria of what constitutes *maṣlaḥah*. All of these arguments were based on the Qur’an and *ḥadīth* and the opinions of Islamic classical Muslim scholars such as al-Khawārizmī (780–850), al-Ghazālī (b. 1058–1111), and al-Shātībī (1320–1388).

MUI’s conservative tendencies can also be seen in its inflexibility regarding issues around food and drink. In 2001, the MUI devised systems and procedures for determining the status of halal products in support of the work of the Institute for Assessment of Food, Medicine and Cosmetics (LPPOM), which is responsible for issuing halal certificates. In the introductory section of the document outlining systems and procedures, the MUI explained that a formal process to determine halal status was needed in order to respond to the rapid advances of science and technology, the increase of religious consciousness among Indonesian Muslims (MUI 2011: 941), and the large volumes of food, medicine, and cosmetics in Indonesia. Ensuring the *halal* nature of products has been one of MUI’s key concerns, particularly considering the importance placed on the concept of halal in Islam (MUI 2011: 941). As a result, the MUI initially categorises all manufactured commodities as *shubḥāh* (of unclear status), especially when they are made and packaged in non-majority Muslim countries, until their halal status can be tested and proven in a laboratory (MUI 2011: 943). The *ijtihād* method undertaken in the creation of this halal fatwa system and procedure refers to the 2001 fatwa guidance. Amin’s leadership of the Fatwa Commission gave it a prominent role in strengthening the formalisation of sharia in Indonesian state law and established the MUI as a body with greater independence. This can be seen in at least two instances: first, Amin’s tenure as the leader of the Fatwa Commission extended beyond his initial term (scheduled to end in 2005) to 2007; and second, Amin successfully cultivated an image of the MUI as an outspoken source of fatwa and *tawṣiyyah*, which often ran counter to the state’s interests. Since the introduction of the 2001 guidance document, the Fatwa Commission and the MUI more generally have taken on an increased role in Islamic public discourse. During this period, many of MUI’s fatwas and *tawṣiyyah* took on Islamist overtones; for instance, fatwas were published against pornography, banning Ahmadiyah (2005), and prohibiting pluralism, secularism, and liberalism (2005). Some of MUI’s fatwas also appeared to have a direct influence on state legislation. Most importantly, the Fatwa Commission tried to link its fatwas with broader social issues and trends, providing religious foundations for Islamist social movements. This represented a new incentive for giving fatwas; fatwas no longer had to serve as a response to a specific group or individual seeking a fatwa (Arabic: *mustaftī*) on a specific issue, as the conventional literature on Islamic legal jurisprudence suggests, but could be published more broadly for Muslim society as a whole.

In short, MUI’s conservative tendencies are evident not only at the discursive level but also at the level of social movements. During the reform era, the MUI has very enthusiastically endorsed the promotion of sharia through street politics—for example, the MUI led demonstrations in support of the anti-pornography law, which contributed to its eventual enactment in 2008. This incident also highlighted some self-awareness on MUI’s part regarding the limits to which it could push sharia in legislation. The law itself showed that religious conceptions of morality have an increasing influence on Indonesian positive law, but the law nonetheless still considered local norms, particularly around dress codes. In this regard, as a fatwa agency, the MUI recognises the limits of attempts to enforce the totality of sharia in Indonesian state law (Hasyim 2011; Ichwan 2013; Fenwick 2017: 94).

Populist Orientation of MUI Fatwas

The first hint of MUI's populist orientation could be seen immediately after Suharto's resignation, when the organisation declared its shift from *khādim al-ḥukūmah* (the guardian of the state) to *khādim al-ummah* (the guardian of the Muslim community). Since then, the MUI has often claimed to serve as a representative of the Muslim community (*ummah*), rather than tying itself to the Indonesian state, a role that Vedi R. Hadiz considers a form of "new Islamic populism" (Hadiz 2016). In this regard, the MUI is still committed to upholding the Unitary State of the Republic of Indonesia but prioritises the 'marginalised' Muslim community in its activities. In this way, the MUI uses the concept of *ummah* (Arabic) as a tool to criticise the state and ruling regime, but also as a language through which to engage it. MUI's approach in this regard is in line with the populist approach of articulating the aspirations of grassroots society (Jati 2016: 23–25). The MUI can use its authority to facilitate the "homogenising of political identities," to borrow Hadiz's words, among Muslim groups to establish a movement (2016: 5).

The MUI most effectively honed its populist voice during the administration of President Joko Widodo. Tensions between the MUI and Widodo existed prior to his ascent to the presidency; Widodo was first exposed to the MUI in 2012 when he was running for Jakarta governor alongside Basuki Tjahaja Purnama (Ahok). At that time, the MUI—through then-acting chairman Ma'ruk Amin—publicly endorsed Widodo's opponent, Fauzi Bowo, in the race, saying that Bowo had a strong commitment to Islam, was close to the ulama, and was the head of the Jakarta branch of the MUI.¹³ After Widodo won the governorship, he did not take any action against or introduce any policies that harmed the position of MUI's Jakarta branch, but tensions between the two persisted through to the 2014 presidential elections, in which many important MUI figures backed Widodo's opponent, Prabowo Subianto. However, this support for Prabowo was generally not publicly expressed because of the presence of Widodo's then-running mate, Jusuf Kalla, who had previously enjoyed positive relations with the MUI.

Relations between MUI and the Widodo administration during the latter's first two years in power were marred by prejudice and misunderstanding on both sides. Tensions first emerged because of misunderstandings over a budget system for social funds, which outlined that social subsidies cannot be delivered to any private institution or organisation in the form of block grants. During the previous ten years under the Susilo Bambang Yudoyono (SBY) administration (2004–2014), the MUI had received social funds from the state budget in the form of block grants.¹⁴ While the Widodo administration still provides social funds for religious mass-based organisations, it requires that such funds are distributed with detailed budgets based on the actual needs of organisations, including the MUI. In the SBY period, social funds were provided to the MUI through the office of *Bimbingan Masyarakat Islam* (Bimas Islam, the Islamic Community Guidance Directorate General) in the Ministry of Religious Affairs as a part of the block grant scheme. When this new system was introduced by the Widodo administration, the Directorate General asked the MUI to provide a detailed budget to be submitted to the Ministry of Finance.¹⁵ As the MUI was not familiar with this new system, it submitted its budget late to the Ministry of Religious Affairs in the first fiscal year of the Widodo administration. Although Widodo may not have intentionally designed the regulations to impact MUI in this way, and MUI board members eventually came to understand the new system (they received back-paid funds in the second fiscal year), the issue was nonetheless politically instrumentalised to criticise the administration, painting Widodo as anti-Islam.¹⁶ MUI activists claimed that their organisation was the most prominent symbol of the Muslim community and its interests and that if Widodo did not support the MUI, he was denigrating Indonesian Muslims. This would become one of the most common attacks against Widodo.

Relations between the MUI and Widodo plummeted to their lowest point during the 2017 Jakarta gubernatorial elections. The candidate backed by Widodo, his former deputy Ahok, was a double

¹³<https://m.tempo.co/read/news/2012/09/19/230430364/mui-akui-dukung-foke-nara>, see also <http://megapolitan.kompas.com/read/2012/08/31/16302276/dukung.foke.ketua.mui.tak.wakili.lembaga>, accessed on 6 September 2017

¹⁴Interview with Muhammad Machasin, Former Director General of Bimas Islam, Jakarta, 2015.

¹⁵Interview with Muhammad Machasin, Former Director General of Bimas Islam, Jakarta, 2015.

¹⁶<http://nasional.republika.co.id/berita/nasional/umum/15/03/12/nl30va-pemerintah-hentikan-bantuan-dana-untuk-mui>, accessed on 7 September 2017.

minority—ethnic Chinese and a Christian—making him an easy target for stigmatisation. During a campaign speech in 2016, Ahok made comments about the Qur'an that the MUI perceived as blasphemous, prompting a hateful reaction from conservative Muslim groups against Ahok as well as Widodo.¹⁷ In this regard, these groups used Ahok as a symbolic target to attack Widodo's national leadership (Mietzner 2018).

In response to this incident, the MUI issued a fatwa in the form of *Sikap dan Pendapat Keagamaan* (Religious Opinion and Stance) declaring Ahok to be a blasphemer and prohibiting Muslims from supporting non-Muslim leaders in Jakarta. Although the *Sikap* was issued in accordance with MUI's procedures, the organisation considered it to have an even higher status than a fatwa. Besides delegitimising Ahok, the *Sikap* served as a means of boosting the legitimacy of the populist Islamist mobilisations being undertaken by *Gerakan Nasional Pengawal Fatwa Majelis Ulama Indonesia* (GNPF-MUI, the National Guardian Movement for the MUI Fatwa). This newly established forum adeptly consolidated groups into a series of mobilisations, referred to as *Aksi Bela Islam* (ABI, Action to Defend Islam), to pressure the government to lay charges against Ahok. They were met with success, as Widodo ordered National Police Chief Tito Karnavian to hasten the legal proceedings against Ahok.

The GNPF-MUI ultimately proved to be a successful movement on two counts.¹⁸ First, Ahok was defeated in the 2017 gubernatorial election on the back of a massive campaign fuelled by the blasphemy case and anti-Chinese racial sentiment. Second, Ahok was sentenced to two years in jail, highlighting the ability of Islamist mobilisations to force a clear backward step in religious freedom in Indonesia.

After the Ahok case, Widodo concluded that if he did not provide special treatment for the MUI and its related movements, they could pose a threat to his re-election prospects in 2019. Thus, he cast aside his once-ally Ahok and began to make overtures to the MUI, particularly Ma'ruf Amin, who was then serving as the general chairman of the MUI and had led the 212 movement that brought down Ahok. Widodo offered to involve Ma'ruf in a government programme on asset redistribution reform—a large-scale project from which the MUI could benefit.¹⁹ Since October 2019, Ma'ruf Amin has served as Jokowi's Vice President, although his position does not ensure that the MUI will become a supporter of the Jokowi government; the internal consensus of the MUI is that Ma'ruf cannot lead the MUI while serving as Vice President. Thus, his grip on the organisation may lessen, although he may remain influential if he is able to choose the future board members of the MUI.

MUI reconciled with Widodo to a certain extent, although the impacts on Indonesian democracy were clear. While Widodo's approach to the MUI may be politically understandable—particularly in terms of accommodating the aspirations of his Muslim constituents—it also ceded ground on religious freedom. The political accommodation of the MUI in fact ultimately legitimised the use of fatwas for undemocratic aims.

Conclusion

MUI's fatwas do not inherently aid or hinder democracy in Indonesia—examples of both can be found throughout the organisation's history and its body of work. For many Indonesians, however, the yardstick by which this commitment to democracy is judged is still very procedural rather than substantive. For many, as long as fatwas remain broadly within the guidelines of supporting Indonesia's Pancasila state, they are deserving of public support from Muslims. However, this inevitably includes fatwas that clearly run counter to the more substantive goals of democracy, such as rulings on blasphemy, LGBTQ issues, and abortion.

¹⁷In his speech, Ahok stated that many people who were considering voting for him were afraid that choosing him would send them to hell (Indonesian: *neraka*). He attributed this attitude to Muslim clerics' manipulation of the people through their interpretation of the al-Mā'idah 51, which states that Muslim people cannot choose *kāfir* (non-believers) as their leaders. Ahok stated that such an interpretation is wrong and misleading. The MUI and its supporters used this as a legal reason to sue Ahok for blasphemy, charging him with humiliating the Qur'an and ulama. See <https://www.bbc.com/indonesia/indonesia-3799660>, and <https://www.berita168.com/soal-pidato-di-kepulauan-seribu-hakim-cecar-ahok/>; see also <https://news.detik.com/berita/d-3496447/kisah-pidato-di-pulau-seribu-yang-bawa-ahok-ke-cipinang>, accessed 20 August 2018.

¹⁸See <https://news.detik.com/berita/3347439/polri-ahok-segera-diperiksa-proses-penyidikan-bakal-cepat>, accessed on 22 January 2019.

¹⁹See <https://mui.or.id/berita/buka-kongres-ekonomi-umat-presiden-paparkan-program-redistribusi-aset-dan-kemitraan/>, accessed on 22 January 2018.

Since MUI's founding in 1975, some of its fatwas have been open and moderate, while others have expressed strong exclusivism and conservatism. While the MUI produced many moderate fatwas during the Suharto era, their value as democratic products was reduced because they were produced in support of an undemocratic regime. Paradoxically, since the beginning of the reform era—a period marked by increased political openness—MUI's fatwas have taken on more conservative and radical characteristics. The organisation's increased independence from the state and the conservative turn of its fatwas have led it to promote shariatisation—the implementation of sharia in the legal and public sphere of Indonesia—rather than democracy.

However, this conservative turn is not the only possible result for organisations like MUI in the reform era (Ichwan 2013; van Bruinessen 2013). New open-minded and more inclusive fatwas either from MUI itself or from other organisations such as Nahdlatul Ulama and Muhammadiyah could play an important role in public debates. MUI's dominance in the fatwa-making process could be avoided if all fatwa-producing bodies competed in the public sphere, as this would create a balanced and inclusive field for the contestation of fatwas. On the other hand, increasing state favouritism for MUI fatwas could have a perilous impact on Indonesian democracy. Democracy in Indonesia will be much stronger if it is built with the support of democratic fatwas, which arise from an open, inclusive, and competitive religious space.

References

- Adams Wahiduddin.** 2004. *Pola Penyerapan Fatwa Majelis Ulama Indonesia (MUI) Dalam Peraturan Perundang-Undangan 1975–1997*. Jakarta: Departemen Agama.
- Adams Wahiduddin.** 2012. "Fatwa MUI dalam prespektif hukum dan perundangundangan." In *Fatwa Majelis Ulama Dalam Perspektif Hukum Dan Perundang-Undangan*, edited by Nahar Nahrawi, Nuhrison M Nuh, Asrorun Ni'am Sholeh, and Abidin Zainal, 3–17. Jakarta: Puslitbang Kehidupan Keagamaan Badan Litbang dan Diklat Kementerian Agama RI.
- Al-Shāfi'ī.** n.d. *Al-Risāla*. Beirut: Dār al-Kutūb al-'Ilmiyyah.
- Amin Ma'ruf.** 2011. *Harmoni Dalam Keberagaman, Dinamika Relasi Agama-Negara*. Jakarta: Dewan Pertimbangan Presiden.
- Assyaukanie Luthfi.** 2009. "Fatwa and violence in Indonesia." *Journal of Religion and Society* 11: 1–21.
- Bayat Asef.** 2007. *Making Islam Democratic: Social Movements and the Post-Islamist Turn*. Redwood City, CA: Stanford University Press.
- Bayat Asef.** 2010. *Life as Politics: How Ordinary People Change the Middle East*. Amsterdam: Amsterdam University Press.
- Bowen John.** 1998. "Qur'ān, justice, gender: Internal debates in Indonesian Islamic jurisprudence." *History of Religions* 38(1): 52–78.
- Bruinessen Martin van.** 2013. "Introduction: Contemporary developments in Indonesian Islam and the 'conservative turn' of the early of twenty-first century." In *Contemporary Developments in Indonesian Islam: Explaining the "Conservative Turn,"* edited by Martin van Bruinessen, 1–20. Singapore: ISEAS.
- Darmaputera Eka.** 1988. *Pancasila and the Search for Identity and Modernity in Indonesian Society: A Cultural and Ethical Analysis*. Leiden and Boston: Brill.
- Dewan Syariah Nasional MUI-Bank Indonesia.** 2006. *Himpunan Fatwa Dewan Syariah Nasional MUI*. Jakarta: Dewan Syariah Nasional Majelis Ulama Indonesia.
- Djamil Fathurrahman.** 1995. *Metode Ijtihad Majlis Tarjih Muhammadiyah*. Jakarta: Logos.
- Effendy Bahtiar.** 2008. "Islam and democracy." In *Islam Beyond Conflict, Indonesian Islam and Western Political Theory*, edited by Azyumardi Azra and Wayne Hudson, 41–46. Hampshire and Burlington: Ashgate.
- Federspiel Howard M.** 2009. *Persatuan Islam: Islamic Reform in Twentieth Century Indonesia*. Singapore: Equinox Publishing.
- Feener R. Michael.** 2007a. "Construction of religious authority in Indonesian Islamism: 'The way and the community' reimagined." In *Islamic Legitimacy in a Plural Asia*, edited by Anthony Reid and Michael Gilsenan, 139–153. New York: Routledge.
- Feener R. Michael.** 2007b. *Muslim Legal Thought in Modern Indonesia*. Cambridge, MA: Cambridge University Press.
- Fenwick Stewart.** 2017. *Blasphemy, Islam and the State: Pluralism and Liberalism in Indonesia*. London and New York: Routledge.
- Gillespie Piers.** 2007. "Current issues in Indonesian Islam: Analysing the 2005 Council of Indonesian Ulama Fatwa No. 7 opposing pluralism, liberalism and secularism." *Journal of Islamic Studies* 2(18): 202–240.
- Guiora Amon N.** 2014. *Tolerating Intolerance, The Price of Protecting Extremism*. Oxford and New York: Oxford University Press.
- Hadiz Vedi R.** 2016. *Islamic Populism in Indonesia and the Middle East*. Cambridge: Cambridge University Press.
- Hasyim Syafiq.** 2011. "The Council of Indonesian Ulama (Majelis Ulama Indonesia, MUI) and religious freedom." *Irasec's Discussion Papers*, 12.
- Hasyim Syafiq.** 2014. "Council of Indonesian Ulama (Majelis Ulama Indonesia, MUI) and its role in the shariatisation of Indonesia." Berlin: PhD dissertation at Freie University, Berlin.
- Hasyim Syafiq.** 2015. "Majelis Ulama Indonesia and pluralism in Indonesia." *Philosophy and Social Criticism* 41(4–5): 487–95.
- Hasyim Syafiq.** 2016. "The Council of Indonesian Ulama (MUI) and Aqīda-based intolerance, A critical analysis of its Fatwa on Ahmadiyah and 'Sepilis.'" In *Religion, Law and Intolerance in Indonesia*, edited by Tim Lindsey and Helen Pausacke, 211–233. London and New York: Routledge.

- Hasyim Syafiq, and Fahmi Syahirul Alim, eds. 2018a. *Moderatisme Fatwa, Diskursus, Teori Dan Praktik*. Jakarta: ICIP.
- Hasyim Syafiq, and Fahmi Syahirul Alim, eds. 2018b. *Demokratisasi Fatwa*. Jakarta: ICIP.
- Hefner Robert W. 2011. *Civil Islam: Muslims and Democratization in Indonesia*. Princeton, NJ: Princeton University Press.
- Hefner Robert W. 2012. "Islamic radicalism in a democratizing Indonesia." In *Routledge Handbook of Political Islam*, edited by Shahram Akbarzadeh, 105–118. London and New York: Routledge.
- Held David. 1991. "Democracy, the nation-state and the global system." *Economy and Society* 20(2): 138–172.
- Hosen Nadirsyah. 2004. "Behind the scenes: Fatwas of Majelis Ulama Indonesia." *Journal of Islamic Studies* 15(1): 147–179.
- Human Rights Watch. 2013. *In Religion's Name, Abuses against Religious Minorities in Indonesia*. New York: Human Rights Watch.
- Ichwan Moch Nur. 2005. "'Ulamā', state and politics: Majelis Ulama Indonesia after Suharto." *Islamic Law and Society* 12(1): 45–72.
- Ichwan Moch Nur. 2013. "Towards a puritanical moderate Islam: The Majelis Ulama Indonesia and the politics of religious orthodoxy." In *Contemporary Developments in Indonesian Islam: Explaining the "Conservative Turn"*, edited by Martin van Bruinessen, 60–104. Singapore: ISEAS.
- Intan Benyamin Fleming. 2006. *Public Religion and the Pancasila-Based State of Indonesia: An Ethical and Sociological Analysis*. New York: Peter Lang.
- Jati Wasisto Raharjo. 2016. "Dari Umat Menuju Ummah? Melacak Akar Populisme Kelas Menengah Muslim Indonesia." *Maarif: Arus Pemikiran Islam Dan Moral* 12(1): 22–36.
- Köstenberger Andreas Johannes and Michael J. Kruger. 2010. *The Heresy of Orthodoxy: How Contemporary Culture's Fascination with Diversity Has Reshaped Our Understanding of Early Christianity*. Illionis: Crossway.
- Lindsey Tim. 2012. "Monopolising Islam? The Indonesian Ulama Council and state regulation of the 'Islamic economy.'" *Bulletin of Indonesian Economic Studies* 48(2): 253–274.
- Masud Muhammad Khalid, Brinkley Messick, and David S. Powers. 1996. "Muftis, fatwas and islamic legal interpretation." In *Islamic Legal Interpretation*, edited by Muhammad Khalid Masud, Brinkley Messick, and David S. Powers, 3–32. Cambridge and London: Harvard University Press.
- Mawardi Ahmad Imam. 2003. "The political backdrop of the enactment of the compilation of Islamic laws in Indonesia." In *Shari'a and Politics in Modern Indonesia*, edited by Arskal Salim and Azyumardi Azra, 125–147. Singapore: ISEAS.
- Menchik Jeremy. 2014. "Productive intolerance: Godly nationalism in Indonesia." *Comparative Studies in Society and History* 56(3): 591–621.
- Mietzner Marcus. 2018. "Fighting illiberalism with illiberalism: Islamist populism and democratic deconsolidation in Indonesia." *Pacific Affairs* 91(2): 261–282.
- Mudzhar Muhammad Atho. 1993. *Fatwa of the Council of Indonesian Ulama: A Study of Islamic Legal Thought in Indonesia 1975–1988*. Jakarta: INIS.
- MUI. n.d. *Mengawal Aqidah Umat: Fatwa MUI Tentang Aliran-Aliran Sesat Di Indonesia*. Jakarta: Sekretariat Majelis Ulama Indonesia.
- MUI. 1982. *Majelis Ulama, Ummat Dan Pembangunan*. Jakarta: Sekretariat Majelis Ulama Indonesia.
- MUI. 1990. *15 Tahun Majelis Ulama Indonesia*, edited by H. S. Prodjokusumo. Jakarta: Sekretariat Majelis Ulama Indonesia.
- MUI. 2005. *Fatwa Majelis Ulama Indonesia Tentang Terorisme*. Jakarta: Majelis Ulama Indonesia.
- MUI. 2011. *Himpunan Fatwa MUI Sejak 1975*. Jakarta: Erlangga.
- Opwis Felicitas. 2005. "Maslaha in contemporary Islamic legal theory." *Islamic Law and Society* 12(2): 182–223.
- Olle John. 2009. "The Majelis Ulama Indonesia versus 'Heresy': The resurgence of authoritarian Islam." In *State of Authority: The State in Society in Indonesia*, edited by Geert Arend van Klinken and Barker Joshua, 95–116. Ithaca, NY: Cornell South East Asia Publication.
- Porter Donald J. 2004. *Managing Politics and Islam in Indonesia*. London and New York: Routledge Curzon.
- Ramage Douglas. 2005. *Politics in Indonesia, Democracy, Islam and the Ideology of Tolerance*. London and New York: Routledge.
- Rawls John. 2003. *The Theory of Justice*. Cambridge, MA: The Belknap Press of Harvard University Press.
- Şalāh Ibn. 1986. *Fatāwā Wa Masā'il Ibn Şalāh Fi al-Tafsīr Wa al-Ḥadīth Wa al-Uṣūl Wa al-Fiqh Wa Ma'ahu Adab al-Muftī Wa al-Mustaftī*, edited by 'Abd al-Mu'ti Amin Qal'aji. Beirut: Dār al-Ma'rifa.
- Setara Institute. 2012. *Presiden Tanpa Prakarsa, Kondisi Kebebasan Dan Berkeyakinan Di Indonesia*. Jakarta & Kuala Lumpur: Setara Institute.
- Sirry Mun'im. 2013. "Fatwas and their controversy: The case of the Council of Indonesian Ulama." *Journal of Southeast Asian Studies* 44(1): 100–117.
- Sullivan John L., James Piereson, and George E. Marcus. 1982. *Political Tolerance and American Democracy*. London: The University of Chicago Press.
- Suryadinata Leo. 2018. *Trends in Southeast Asia 2018 #14: Pancasila in the Challenge of Political Islam: Past and Present*. Singapore: ISEAS.
- Zahro Ahmad. 2004. *Tradisi Intelektual NU: Lajnah Bahtsul Masa'il, 1926–1999*. Yogyakarta: PT LKIS Pelangi Aksara.