

Democratic Decline in Indonesia: The Role of Religious Authorities

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ABSTRACT

The Council of Indonesian Islamic Scholars (MUI) has exerted increased political influence in Indonesian politics since the fall of Suharto. Constituted by representatives from various Muslim civil society organizations, the council was originally intended by Suharto to serve as a political representative for Indonesia's two largest civil society organizations, the Muhammadiyah and the Nahdlatul Ulama. This article argues that in addition to its own non-democratic structures and its fatwas opposing democratic values, the MUI has contributed to Indonesia's democratic stagnation and decline in two ways: by undermining the authority of elected state representatives through its anti-pluralist stance and its epistocratic claims, and by imperiling the fragile but functioning balance of religion and the state through its undermining of long-established religious civil society organizations.

Keywords: Islam, democracy, religious authorities, Indonesia, authoritarianization

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Introduction

Twenty years after the fall of the military dictator Suharto in 1998, Indonesia has not fallen into the hands of Islamist extremists via elections, nor did the country's oligarchs succeed in passing the presidency from one former military officer (Susilo Bambang Yudhoyono) to another (Prabowo Subianto) in the 2014 election. The former furniture entrepreneur Joko Widodo, called Jokowi, who became Indonesia's first

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elected president without a military background, was even comfortably re-elected in 2019. If we restrict our view to the electoral process and freedom of speech, Indonesian democracy appears to be in comparatively good health.¹ The country's post-authoritarian trajectory illustrates the constructive role religious actors can assume during processes of democratic transition² and consolidation.³ From an institutional perspective, curbing the military and allowing Islamist parties to contest elections seems to have been the right choice: rather than gaining extra-parliamentary veto power, Islamist parties, particularly the modernist Prosperous Justice Party (PKS), which reminded many observers of the Muslim Brotherhood and of Tunisia's Ennahda, were forced to shed their special supra-political appeal in the daily business of electoral competition. The PKS toned down its Islamist rhetoric, transformed into a conservative party, and integrated into the party system through coalition building.

But despite these successes, Indonesia's democratization has come to a halt⁴ and even begun to regress.⁵ Religious actors have played a significant part in this process of deterioration. This article provides an interpretation of the strategies and political positioning of the Council of Indonesian Islamic Scholars (MUI) and connects it with the growing literature on democratic regression in Indonesia. The council is a crucial actor to understand because it has served as the main "link between radical groups and the state"⁶ at a time when these groups have polarized the electorate around religious issues, shifted political debates to identity and creed,⁷ and challenged the largely

¹ Two major democracy indices, Freedom in the World (by Freedom House) and the Bertelsmann Transformation Index, have found Indonesia relatively democratic: Freedom House ranked Indonesia "free" between 2006 and 2013, after which it continually graded it "partly free." The BTI attested Indonesia's relative continuity: in 2016, it found "Indonesia's achievements to be robust and resilient." See Freedom House, "Freedom in the World 2017," accessed 16 April 2019, <https://tinyurl.com/y2w5jno8>; Bertelsmann Stiftung, *BTI 2016 – Indonesia Country Report* (Gütersloh: Bertelsmann Stiftung, 2016).

² Mirjam Künkler and Julia Leininger, "The Multi-Faceted Role of Religious Actors in Democratization Processes: Empirical evidence from five young democracies," *Democratization* 16, no. 6 (2009): 1058–1092.

³ Michael Driessen, *Religion and Democratization: Framing Religious and Political Identities in Muslim and Catholic Societies* (New York: Oxford University Press, 2014).

⁴ Dirk Tomsa, "Indonesian Politics in 2010: The Perils of Stagnation," *Bulletin of Indonesian Economic Studies* 46, no. 3 (2010): 309–328; Marcus Mietzner, "Indonesia's Democratic Stagnation. Anti-reformist Elites and Resilient Civil Society," *Democratization* 19, no. 2 (2011): 209–229.

⁵ Thomas P. Power, "Jokowi's Authoritarian Turn and Indonesia's Democratic Decline," *Bulletin of Indonesian Economic Studies* 54, no. 3 (2018): 307–338; Marcus Mietzner, "Fighting Illiberalism with Illiberalism: Islamist Populism and Democratic Deconsolidation in Indonesia," *Pacific Affairs* 91, no. 2 (2018): 261–282; Vedi R. Hadiz, "Indonesia's Year of Democratic Setbacks: Towards a New Phase of Deepening Illiberalism?" *Bulletin of Indonesian Economic Studies* 53, no. 3 (2017), 261–278.

⁶ Mietzner, "Fighting Illiberalism," 269.

⁷ Marcus Mietzner, Burhanuddin Muhtadi, and Rizka Halida, "Entrepreneurs of Grievance: Drivers and Effects of Indonesia's Islamist Mobilization," *Bijdragen tot de taal-, land- en volkenkunde / Journal of the Humanities and Social Sciences of Southeast Asia* 174, nos. 2–3 (2018): 180; Ian Wilson, "Jakarta: Inequality and the poverty of elite pluralism," *New Mandala*, 19 April 2017, accessed 16 April 2019, <https://www.newmandala.org/jakarta-inequality-poverty-elite-pluralism/>.

popular president, Joko Widodo. More generally, the wider Indonesian case indicates the potential dangers inherent in the increasing bureaucratization of religion⁸ coupled with intense competition and political mobilization. This article maps the strategies of a key religious actor, the conditions under which these strategies have thrived, and the consequences they have had for the young democracy.

Following the introduction and a literature review that situates the MUI in the wider discussion of Islam and democracy in Indonesia, the subsequent section substantiates the article's main arguments and elaborates on the ways epistocratic privileges and the claim for interpretive authority counter democratic values, damaging Indonesia's young electoral system. The next section then traces the unhindered rise of the MUI and lays out how the MUI used a multi-faceted strategy to reach its position, which was only successful because of alliances with parts of the state. Finally, the last section illustrates the main points, focusing on the 2016 mass demonstrations and the subsequent ousting of Governor Basuki Tjahaja Purnama, known as Ahok, which opened the 2019 presidential election campaign and ushered in "a new phase in Indonesian politics, in which Islamist mass mobilization is set to offer alternative pathways to political influence outside of the established party system."⁹

The central argument of this article is that, in addition to its own non-democratic structures, and its fatwas opposing democratic values, the MUI has contributed to Indonesia's democratic stagnation and decline in two ways: by undermining the authority of elected state representatives through its anti-pluralist stance and its epistocratic claims, and by imperiling the fragile but functioning balance of religion and the state and undermining the long-established religious civil society organizations Muhammadiyah and Nahdlatul Ulama (NU), which have constituted the backbone of Indonesian civil society.¹⁰ With their approximately 50 and 30 million members respectively, they are among the world's largest civil society organizations. Both were mostly supportive of democracy during the fall of the old regime and the transition period. But the mass protests of late 2016, during which at least 500,000 protesters took to the streets,¹¹ showed that the organizations

⁸ Richard T. Antoun, "Fundamentalism, Bureaucratization, and the State's Co-Optation of Religion: A Jordanian Case Study," *International Journal of Middle East Studies* 38, no. 3 (2006): 369–393; Mirjam Künkler, "The Bureaucratization of Religion in Southeast Asia: Expanding or Restricting Religious Freedom?" *Journal of Law and Religion* 33, no. 2 (2018): 192–196, <https://doi.org/10.1017/jlr.2018.38>; Dominik M. Müller and Kerstin Steiner, "The Bureaucratization of Islam in Southeast Asia: Transdisciplinary Perspectives," *Journal of Current Southeast Asian Affairs* 37, no. 1 (2018): 3–26.

⁹ Mietzner, Muhtadi, Halida, "Entrepreneurs of Grievance," 159–187.

¹⁰ Robert Hefner, *Civil Islam: Muslims and democratization in Indonesia* (Princeton: Princeton University Press, 2000); Jeremy Menchik, *Islam and Democracy in Indonesia: Tolerance without Liberalism* (New York: Cambridge University Press, 2016).

¹¹ Greg Fealy, "Bigger than Ahok: Explaining the 2 December Mass Rally," *Indonesia at Melbourne*, 7 December 2016, accessed 16 April 2019, <https://tinyurl.com/y2uqjc4k>.

have been undermined by the Council of Indonesian Islamic Scholars (MUI) and its alliance with more extremist actors, most importantly the Islamic Defenders Front (FPI).

The council is constituted by representatives from Muhammadiyah and the NU, along with various smaller organizations such as the Persatuan Islam, Syarikat Islam, Mathla'ul Anwar, Persatuan Tarbiyah Islamiyah, and al-Washliyah,¹² many of which are more Islamist in orientation than the NU and Muhammadiyah. These organizations have much smaller member bases, but the council has offered these vocal minorities an invaluable platform. Further, they have been able to use the council in order to forge alliances with similarly oriented NU and Muhammadiyah members. The council has become the dominant religio-political authority¹³ since 1998 and one that threatens a fragile and delicate religious-political balance.

In its successful claim to represent so-called “mainstream Islam,” the MUI has begun to undermine the two giants of Indonesian civil society, and to reshuffle the relationship between Islam and the state. Despite decades of military rule, and widespread designations of being “secular,”¹⁴ the Indonesian state has from its early beginnings rested on strong Islamic foundations. Much of the anticolonial resistance was framed in religious terms, and Islamic organizations assumed key roles in education and health care before the postcolonial state was formed.¹⁵ These Islamic foundations, albeit far from being harmonious and without tension, were characterized by diversity, for instance by the widely accepted, yet different methods by which Muhammadiyah and the NU determine the beginning of Ramadan.

The original *raison d'être* of the Muhammadiyah and the NU, founded in 1912 and 1926 respectively, was to define Islam in response to incoming reformist Islamic currents from the Middle East. Since then, two broad approaches to Islam have been in competition. Both organizations run schools, universities, and hospitals and are deeply ingrained in Indonesian society. While the two organizations competed over resources allocated through the ministry of Religious Affairs, and local rivalries ensued in various places, the existing differences did not necessarily lead to major publicly visible tensions on the national level. The two organizations co-existed in a fragile but functioning balance. It is largely owing to the balance between

¹² Syafiq Hasyim, “Council of Indonesian Ulama (Majelis Ulama Indonesia, MUI) and its Role in the Shariatization of Indonesia” (Freie Universität Berlin, Institute of Islamic Studies, 2013).

¹³ Tim Lindsey, “Monopolising Islam? The Indonesian Ulama Council and State Regulation of the ‘Islamic Economy,’” *Bulletin of Indonesian Economic Studies* 48, no. 2 (2012): 253–274.

¹⁴ Saiful Mujani and R.W. Liddle, “Muslim Indonesia’s Secular Democracy,” *Asian Survey* 49 (July/August 2009): 575–590.

¹⁵ Harry Benda, *The Crescent and the Rising Sun: Indonesian Islam under Japanese Occupation, 1942–1945* (The Hague and Bandung: W. van Hoeve Publishers, 1958); George M. Kahin, *Nationalism and Revolution in Indonesia* (Ithaca, New York: Cornell University Press, 1952); Michael F. Laffan, *Islamic Nationhood and Colonial Indonesia: The Umma Below the Winds* (London, New York: Routledge Curzon, 2003).

these organizations that the diversity of Indonesian Islam has prevented any variant from becoming a state-endorsed version.¹⁶

But as Indonesia began rapid urbanization in the 1960s, the previous distinctions between urban and rural practices became blurred, and competition increased. By the 1990s, the two organizations contributed to the erosion of authoritarian power and to “the acceptance of a democratic alternative.”¹⁷ But many of the NU and Muhammadiyah members were also skeptical of religious pluralism and agreed with some of the MUI’s harsher fatwas, such as those against controversial organizations within Islam and against inter-faith marriage.¹⁸ More importantly, during the post-1998 reshuffling, the organizations proved unable to adjust to the new political circumstances, in which extra-parliamentary religious influences began to thrive. Faced with a determined and well-organized MUI, with its quick online dissemination of fatwas, the NU and Muhammadiyah also failed to adjust their own fatwa-issuing bodies to the new climate of competition and pervasive mass media. The leaders of the NU and Muhammadiyah continued to hold a broad variety of opinions and to offer a wide range of interpretations on issues pertaining to Islamic law. Their advice was often locally specific and embedded in a particular context, as much of Islamic law has been for centuries.¹⁹ The MUI leaders on the other hand offered seemingly coherent and clear advice, void of ambiguity,²⁰ and easily disseminated across the country. By the 2009 election, voters were less likely to heed the advice of the NU and Muhammadiyah.²¹ The authority of the two organizations had by no means been dissolved, but it had markedly decreased.²² This made room for a more expansive role for the MUI.

¹⁶ Alfred C. Stepan and Charles Taylor, *Boundaries of Toleration* (New York: Columbia University Press, 2014), 280.

¹⁷ Künkler and Leininger, “The Multi-Faceted Role” ; Künkler, “The Bureaucratization of Religion.”

¹⁸ Jeremy Menchik, “Muslim Moderates and Democratic Breakdown in Indonesia,” *Asian Studies Review* (forthcoming).

¹⁹ M.B. Hooker and Virginia Hooker, “Sharia” in *Voices of Islam in Southeast Asia*, eds. Greg Fealy and Virginia Hooker (Singapore: Institute of Southeast Asian Studies), 137–206; Wael B. Hallaq, *An Introduction to Islamic Law* (Cambridge: Cambridge University Press, 2009).

²⁰ In this sense, the MUI’s apparent clarity is part of a larger trend of modern religiosity. For details on how Islam became intolerant of ambiguity, see Thomas Bauer, *Die Kultur der Ambiguität. Eine andere Geschichte des Islams* [The Culture of Ambiguity – An Alternative History of Islam] (Berlin: Verlag der Weltreligionen, 2011).

²¹ Rizal Sukma, “Indonesia’s 2009 Elections: Defective System, Resilient Democracy,” in *Problems of Democratization in Indonesia: Elections, Institutions and Society*, eds. Edward Aspinall and Marcus Mietzner (Singapore: Institute of Southeast Asian Studies, 2010), 71; Jaqueline Hicks, “The Missing Link: Explaining the Political Mobilisation of Islam in Indonesia,” *Journal of Contemporary Asia* 42 (February 2012): 39–66; Edward Aspinall and Marcus Mietzner, eds., *Problems of Democratization in Indonesia: Elections, Institutions and Society* (Singapore: Institute of Southeast Asian Studies, 2010).

²² Moch Nur Ichwan, “MUI, Gerakan Islamis, dan Umat Mengambang” [Islamist Movements and a Floating Umma], *Maarif* 11, no. 2 (2016): 87–104.

The first way that the MUI has contributed to Indonesia's democratic decline is by means of the epistocratic claims the council makes with regard to its expertise in determining matters of creed. Claiming to represent not only the majority of Indonesia's Muslims, but also its Islamic scholars, the MUI demanded and recommended that the legislature of the young democracy turn the content of several MUI fatwas into positive law (see below). It is not merely the anti-pluralist content of the fatwas themselves that is democratically problematic, but rather the larger, more comprehensive claim of the council to be an expert authority, whose views and verdicts cannot be challenged by political authorities. This claim and its acknowledgement through political leaders sharply distinguishes the MUI from religious councils elsewhere, such as in Tunisia, Mali, Senegal, and Niger,²³ where councils serve similar intermediary roles, but are either de facto extensions of the state apparatus, or have their influence curbed through "principled distance"²⁴ and "twin tolerations."²⁵ In Indonesia, state and civil society actors in the post-Suharto years, especially under Yudhoyono, missed the opportunity to craft a comparable institutional design.

The second way the council contributed to democratic decline was by legitimizing extremist actors, such as the FPI, by cooperating with them²⁶ and offering them a stage. For decades, such groups had been denied a forum to propagate their views. Their new prominence, supported by the MUI, thereby undermined the authority of the NU and Muhammadiyah as religious gatekeepers. This shift was most visible in the "Defend Islam" rallies in late 2016, during which thousands of Indonesian Muslims took to the streets to demand that the Christian-Chinese governor of Jakarta step down after making allegedly blasphemous remarks. Many protesters joined the rally against the explicit advice of NU and Muhammadiyah leaders (see below).

Democracy, Islam, and the MUI

Extremist religious actors have shown mobilizational power on a scale not seen since the ousting of Suharto. In his account of political resources, Jeffrey Winters underlines the importance of mobilizational power: "there is no social force more overwhelming than mobilized masses. No matter how difficult they are to sustain, even 'mobilizations of the last minute' are explosive enough to briefly trump all the other power resource categories combined."²⁷ Mobilizational power is closely linked to other concepts, such

²³ Freedom House, "Freedom in the World 2017."

²⁴ Rajeev Bhargava, "Can Secularism be Rehabilitated?" in *Secular States and Religious Diversity*, eds. Bruce Berman, Rajeev Bhargava, and André Laliberté (Vancouver: UBC Press, 2013), 69–96.

²⁵ Alfred C. Stepan, *Arguing Comparative Politics* (Oxford: Oxford University Press, 2001).

²⁶ Ian D. Wilson, "As long as it's halal: Islamic Preman in Jakarta," in *Expressing Islam. Religious Life and Politics in Indonesia*, eds. Greg Fealy and Sally White (Singapore: Institute of Southeast Asian Studies, 2008), 192–210.

²⁷ Jeffrey Winters, *Oligarchy* (Cambridge University Press, 2011), 17.

as resource mobilization,²⁸ moral authority as a power resource,²⁹ and moral power.³⁰ Always an integral part of politics, William Davies has convincingly argued that mobilization has been on the rise globally since the early 2000s. Throughout many democratic systems today, feelings and emotions trump arguments and reason, boosting the importance of mobilization vis-à-vis representation.³¹

In the case of Indonesia, observers have discussed the growing influence of religious hardliners, particularly concerning local legislatures and wider societal attitudes.³² Others have focused on extremism³³ and terrorism.³⁴ Scholars of religion and democratization have rightly cited Indonesia's transition as an example of the positive and constructive influence of religious organizations.³⁵ After 1998, a range of new parties under the banner of Islam emerged, such as the modernist Prosperous Justice Party (PKS). These new parties failed to win over large majorities. Their meager performance was owing to multiple factors: their weak party structures,³⁶ the absorption and co-option of their Islam-themed positions by the larger parties which undermined the appeal of strictly Islamist programs,³⁷ and the series of corruption scandals that engulfed them.³⁸

²⁸ John D. McCarthy and Mayer N. Zald, "Resource Mobilization and Social Movements: A Partial Theory," *The American Journal of Sociology* 82, no. 6 (1977): 1212–1241.

²⁹ Rodney B. Hall, "Moral Authority as a Power Resource," *International Organization* 51, no. 4 (1994): 561–622.

³⁰ Jal Mehta and Christopher Winship, "Moral Power," in *Handbook of the Sociology of Morality*, eds. Steven Hitlin and Stephen Vaisey (New York: Springer, 2013), 425–438.

³¹ William Davies, *Nervous States: How Feeling Took Over the World* (London: Jonathan Cape, 2018).

³² Michael Buehler, "Subnational Islamization through Secular Parties: Comparing Shari'a Politics in Two Indonesian Provinces," *Comparative Politics* 46, no. 1 (2013): 63–82; Martin van Bruinessen, ed., *Contemporary Developments in Indonesian Islam* (Singapore: Institute of Southeast Asian Studies, 2013); Andreas Harsono, "No Model for Muslim Democracy," *New York Times*, 21 May 2012; Luthfi Assyaukanie, *Islam and the Secular State in Indonesia* (Singapore: Institute of Southeast Asian Studies, 2009).

³³ Ian D. Wilson, *The Politics of Protection Rackets in Post-New Order Indonesia: Coercive Capital, Authority and Street Politics* (New York: Routledge, 2015).

³⁴ Julie Chernov Hwang, "The Disengagement of Indonesian Jihadists: Understanding the Pathways," *Terrorism and Political Violence* 29 (2017), 277–295.

³⁵ Hefner, *Civil Islam*; Miriam Künkler, "Zum Verhältnis Staat-Religion und der Rolle islamischer Intellektueller in der indonesischen Reformasi" [On Religion-State Relations and the Role of Islamic Intellectuals in the Indonesian Reformasi] in *Religion in Diktatur und Demokratie: Zur Bedeutung religiöser Werte, Praktiken und Institutionen in politischen Transformationsprozessen* [Religion in Dictatorship and Democracy – On the Relevance of Religious Values, Practices, and Institutions], eds. Simon Fuchs and Stephanie Garling (Münster: Lit Verlag, 2011), 84–102; Künkler and Leininger, "The Multi-Faceted Role"; Douglas Webber, "A Consolidated Patrimonial Democracy? Democratization in post-Suharto Indonesia," *Democratization* 13, no. 3 (2006): 396–420.

³⁶ Michael Buehler, "Islam and Democracy in Indonesia," *Insight Turkey* 11, no. 4 (2009): 51–63.

³⁷ Marcus Mietzner, "Comparing Indonesia's Party Systems of the 1950s and the Post-Suharto Era: From Centrifugal to Centripetal Inter-party Competition," *Journal of Southeast Asian Studies* 39, no. 3 (2008): 431–453; Sunny Tanuwidjaja, "Political Islam and Islamic Parties in Indonesia: Critically assessing the evidence of Islam's political decline," *Contemporary Southeast Asia* 32, no. 1 (2010): 29–49.

³⁸ Andreas Ufen, "Mobilising Political Islam: Indonesia and Malaysia Compared," *Commonwealth & Comparative Politics* 47, no. 3 (2009): 308–333.

But all the while, Islamist-influenced laws began to seep into the political and legal systems through sharia bylaws³⁹ which were enabled by the post-1998 decentralization that also unleashed more competition, fragmentation, and corruption—adding to the residue of corruption left over from the New Order.⁴⁰ Democratization came with a new, “untamed” oligarchy.⁴¹ The significance of religious actors likewise grew. This was partly due to technical developments such as (digital) mass dissemination of religious advice, now condensed and reproducible rather than locally bound in elaborate personal conversations, and due to the continued global rise in the public visibility of Islam, but also because of weaknesses on the part of other authorities in Indonesian public life.⁴² From the increasingly popular headscarves among female politicians and pop stars, to mushrooming prayer niches in shopping malls and “Islamic banking,” Islam had become synonymous with modernity and moral superiority. Both mainstream politicians as well as religious authorities did their best to align themselves with Islam’s renewed ascendance in public life.

For its part, the Council of Indonesian Ulama, which benefited from already having a seat at the political table in Jakarta, began to style itself as a quasi-state-mufti, a position neither stipulated in the Indonesian constitution nor ever envisioned by the large Muslim organizations. Scholarship on the post-reform MUI has largely focused on its puritanical turn and its controversial fatwas,⁴³ its internal structures and dynamics,⁴⁴ and on its rising

³⁹ Buehler, “Subnational Islamization.”

⁴⁰ Aspinall and Mietzner, *Problems of Democratization*; Gerry van Klinken and Edward Aspinall, eds., *The State and Illegality in Indonesia* (Leiden: Brill, 2011); Michael Buehler, “Elite Competition and Changing State-Society Relations: Shari’a Policymaking in Indonesia,” in *Beyond Oligarchy: Wealth, Power, and Contemporary Indonesian Politics*, eds. Michele Ford and Thomas B. Pepinsky (Ithaca, New York: Southeast Asia Program Publications, Cornell University, 2014), 157–175; Michael Buehler, *The Politics of Shari’a Law: Islamist activists and the state in democratizing Indonesia* (Cambridge: Cambridge University Press, 2016); Jamie S. Davidson, *Indonesia’s Changing Political Economy* (Cambridge: Cambridge University Press, 2015); Marcus Mietzner, “Party Financing in Post-Soeharto Indonesia: Between State Subsidies and Political Corruption,” *Contemporary Southeast Asia* 29, no. 2 (2007): 238–263; Edward Aspinall, “A Nation in Fragments,” *Critical Asian Studies* 45 (January 2013): 27–54.

⁴¹ Winters, *Oligarchy*, 181.

⁴² Francis Robinson, “Crisis of Authority. Crisis of Islam?” *Journal of the Royal Asiatic Society* 19, no. 3 (2009): 339; Peter Mandaville, “Reimagining Islam in Diaspora,” *Gazette* 63, nos. 2–3 (2001): 169–186; Dale F. Eickelman and Jon W. Anderson, eds., *New Media in the Muslim World. The Emerging Public Sphere* (Bloomington, IN: Indiana University Press, 2003); Hew Wai Weng, “The Art of *Dakwah*: Social Media, Visual Persuasion, and the Islamist Propagation of Felix Siauw,” *Indonesia and the Malay World* 46, no. 134 (2018): 61–79; James B. Hoesterey, *Rebranding Islam: Piety, Prosperity, and a Self-Help Guru* (Stanford, CA: Stanford University Press, 2016).

⁴³ Moch Nur Ichwan, “Towards a Puritanical Moderate Islam: The Majelis Ulama Indonesia and the Politics of Religious Orthodoxy,” in *Contemporary Developments in Indonesian Islam*, ed. Martin van Bruinessen (Singapore: Institute of Southeast Asian Studies, 2013); Mun’im Sirry, “Fatwas and Their Controversy: The Case of the Council of Indonesian Ulama (MUI),” *Journal of Southeast Asian Studies* 44, no. 1 (2013): 100–117; Pradana Boy Zulian, *Fatwa in Indonesia. An analysis of dominant legal ideas and mode of thought of fatwa-making agencies and their implications in the post-new order period* (Amsterdam: Amsterdam University Press, 2017).

⁴⁴ Syafiq Hasyim, “The Council of Indonesian Ulama (Majelis Ulama Indonesia, MUI) and Religious Freedom,” *IRASEC Discussion Papers* 12 (2011).

influence,⁴⁵ especially from a legal perspective.⁴⁶ Jeremy Menchik has argued that the MUI transformed its once charismatic and expert authority into regulatory authority, using agenda-setting, lobbying, mass mobilization, and the threat of violence.⁴⁷ However, the most significant aspect of the MUI's rise has to do with how these elements, taken together, have given rise to an institution that commands forms of allegiance that claim to transcend politics, and which, in its use of Islamist currents, has opened the door to the legitimization of religious actors that threaten the fragile balance between religion and the state in Indonesia.

The origins of the council as a brainchild of military dictator Suharto, who established the MUI in 1974–1975 to coopt Muslim elites, would not seem to have boded well for its future fortunes. Yet after 1998, the council found new goals to pursue, the primary one being survival.⁴⁸ It has local branches as well as a national umbrella chapter. Both levels issue fatwas and other types of advice on a range of issues.⁴⁹ In their agenda-setting capacity, they widely disseminate the fatwas via their own media outlets and the press.

The NU and Muhammadiyah retained their own fatwa committees but quietly ceased issuing fatwas on matters of creed and “allowed [the] MUI to take the lead.”⁵⁰ One reason for this is that after the death of Abdurrahman Wahid in 2009, no prominent figure rose to unite pluralist Muslims. More importantly, the organizations were internally too diverse to counter the unified and strategically operating MUI. Eventually, the MUI's fatwas became the most authoritative, almost official.⁵¹ By the end of the 2010s, the MUI held a near-monopoly on fatwas pertaining to Islamic creed.⁵² As a result, the council's claim to be the most legitimate decision maker over questions

⁴⁵ John Olle, “The Majelis Ulama Indonesia versus ‘Heresy’: The Resurgence of Authoritarian Islam,” in *State of Authority: The State in Society in Indonesia*, eds. Gerry van Klinken and Joshua Barker (Ithaca, New York: Cornell University Press, 2009), 95–116; Moch Nur Ichwan, “Towards a Puritanical Moderate Islam.”

⁴⁶ Stewart Fenwick, *Blasphemy, Islam and the State: Pluralism and Liberalism in Indonesia* (London, New York: Routledge, 2017); Lindsey, “Monopolising Islam?”; Daniel Peterson, “Blasphemy, Human Rights, and the Case of Ahok,” in *The Asian Yearbook of Human Rights and Humanitarian Law*, eds. Javaid Rehman and Ayesha Shahid (Leiden, Boston: Brill/Nijhoff, 2018), 52–94.

⁴⁷ Jeremy Menchik, *The Politics of the Fatwa* (essay presented at the annual meeting for the Association for Asian Studies, Washington, DC, March 22–25, 2018).

⁴⁸ See Syafiq Hasyim's work on MUI's plans to unite Indonesian Muslims (Hasyim, “Council of Indonesian Ulama,” 5) and Piers Gillespie, “Current Issues in Indonesian Islam: Analysing the 2005 Council of Indonesian Ulama Fatwa No.7 Opposing Pluralism, Liberalism and Secularism,” *Journal of Islamic Studies* 18, no. 2 (2007): 202–240.

⁴⁹ Nico J. Kaptein, “The Voice of the ‘Ulamā: Fatwas and Religious Authority in Indonesia,” *Archives de Sciences Sociales des Religions* 49 (January 2004): 115–130; Julian Millie and Linda Hindasah, “Regional Aspects of the Indonesian Ulama Council's Ideological Turn,” *The Asia Pacific Journal of Anthropology* 16, no. 3 (2015): 260–281.

⁵⁰ Hasyim, “Council of Indonesian Ulama,” 81.

⁵¹ Piers Gillespie, “Current Issues in Indonesian Islam: Analysing the 2005 Council of Indonesian Ulama Fatwa No.7 Opposing Pluralism, Liberalism and Secularism,” *Journal of Islamic Studies* 18, no. 2 (2007): 202–240.

⁵² Moch Nur Ichwan, “Ulama, State and Politics: MUI after Suharto,” *Islamic Law and Society* 12, no. 1 (2005): 45–72; Hasyim, “The Council of Indonesian Ulama”; Lindsey, “Monopolising Islam?”

of faith has not only eroded the authority of parliament in this domain, but also that of wider social formations, particularly the two civil society giants which have held authority on Islamic matters in Indonesia for almost a century.

Epistocratic Privileges and Interpretive Authority in a Fragile Electoral Democracy

The ways in which the MUI has assumed its influential position impair democracy in two ways: first, the council derives parts of its power from its semi-official position; second, the council has centralized and simplified authority on issues pertaining to creed, thereby undermining the large and internally diverse civil society organizations. The council is neither elected nor accountable. It is not held responsible for failures and thus retains a perpetually renewable supply of moral superiority. In this sense, the rise of the MUI is comparable with that of agencies and experts in other electoral democracies, particularly in the realm of political economy. The influence of advisors and of lobbyists who have not been democratically elected, has, especially since the Great Recession of 2008, provoked criticism and accusations of betraying democratic principles.⁵³ When extra-parliamentary agencies become influential in designing laws passed by parliaments, they assume the role of quasi-legislators.

Two main bodies of literature discuss the way in which such extra-parliamentary power undermines democratic procedures: scholarship on lobbying, and scholarship on epistocracy, “the rule of the knowers.” If trust⁵⁴ and randomness⁵⁵ are essential parts of democracy, opaque elite influences on decision makers are a threat to democratic functioning. Democracy does not normatively privilege individuals or groups on the grounds of expert knowledge.⁵⁶ In Indonesia, the MUI’s semi-official position is arguably even more threatening to standard democratic procedure than economic advisers in many of the established democracies for two reasons: first, religion enjoys a status of moral superiority. With their constant public demands from the state, the MUI scholars call into question the moral competence of parliamentarians. Second, when the MUI began its public demands, Indonesia’s electoral democratic system was still young, without having had much time to gain legitimacy through performance.

⁵³ Craig Holman and William Luneburg, “Lobbying and Transparency. A comparative analysis of regulatory reform,” *Interest Groups & Advocacy* 1, no. 1 (2012): 75–104.

⁵⁴ Tom W.G. van der Meer, “Political Trust and the ‘Crisis of Democracy,’” in *Oxford Research Encyclopedia of Politics*, ed. William R. Thompson (Oxford University Press, 2017), <https://tinyurl.com/yvvgtyle>.

⁵⁵ David Runciman, *How Democracy Ends* (London: Profile Books, 2018).

⁵⁶ Runciman, *How Democracy Ends*, 178.

Three chief factors make the MUI a threat to democracy, rather than just one legitimate interest group among many: its alliances with extremist actors (see below); its rejection of pluralism⁵⁷ and its counter-pluralist populist⁵⁸ claims to alone represent Indonesia's Muslims and Islamic truth; and the recognition that the MUI receives from a large number of state representatives, who have demonstrated their intensive cooperation with the MUI on several occasions (see below).

The Unhindered Rise of the MUI

The oligarchs who managed to survive the post-Suharto transition seem to have looked upon the dictator's sudden interest in Islam as something that appeared to be too little, too late to save him. They seemed determined to be accused of neither religious extremism, nor religious indifference. Demonstratively opening their ears to the growing number of pious Muslims, post-1998 politicians on the national as well as the increasingly important provincial and local levels were eager to cooperate with the MUI, which included members of most Muslim civil society organizations. Instead of submitting the MUI to the new and fragile democratic structures as Jokowi later attempted,⁵⁹ the lingering New Order personnel⁶⁰ sustained their positions, inter alia, by gaining moral credibility from their good relations with Muslim leaders. Their eagerness to cooperate partly explains their failure to protect significant areas of power, such as the growing halal and haj industries, from the MUI. The MUI enlarged its influence and further expanded its claim to moral superiority amidst politicians who failed to deliver on their promises of reducing corruption and nepotism, and by comparison with established religious organizations that proved unable to channel their spectrum of values into unified voices.

The MUI distinguished itself from other actors: it had the legitimization of serious scholarship from both the traditionalist NU and the modernist Muhammadiyah; it combined this with a lean structure and clear advice, oriented towards lay persons; and it forged strategic alliances with state actors on one side and with extremists on the other, thereby compensating for its lack of a mass base. As Menchik has argued, partnership with vigilante groups has allowed the MUI to use the threat of violence.⁶¹ More importantly, the

⁵⁷ Moch Nur Ichwan, "Towards a Puritanical Moderate Islam"; Syafiq Hasyim, "Majelis Ulama Indonesia and Pluralism in Indonesia," *Philosophy & Social Criticism* 41, nos. 4–5 (2015): 487–495.

⁵⁸ Jan-Werner Müller, *What Is Populism?* (Philadelphia: University of Pennsylvania Press Inc, 2016).

⁵⁹ Mietzner, "Fighting Illiberalism," 270.

⁶⁰ Buehler, *The Politics of Shari'a Law*, 82–89.

⁶¹ Menchik, *The Politics of the Fatwa*. See also Kikue Hamayotsu, "Moderate-radical Coalition in the Name of Islam: Conservative Islamism in Indonesia and Malaysia," *Kyoto Review of Southeast Asia*, 23 (2018), accessed 8 May 2019, <https://kyotoreview.org/issue-23/conservative-islamism-indonesia-malaysia>.

council skillfully fashioned its new relationship with the state. It presented itself as a non-parliamentary religio-political opposition, and as a government critic.

The council's strategy rested on four main pillars: (1) issuing more hard-line and more controversial statements than the NU and Muhammadiyah; (2) creating a perceived distance and autonomy from the government through a rhetoric of demands and critique; (3) monopolizing the industry of halal certifications in an effort to secure financial resources and suggest even greater financial independence; and (4) establishing a notion of "True Islam" and claiming to define and represent it.

Beginning in 2005, the MUI weighed in with severe statements on subjects from liberalism to interfaith marriage. This was also the year in which the MUI recruited leaders from Islamist organizations to occupy key positions, and excluded liberal voices from its ranks.⁶² Before that, during the presidencies of Habibie, Megawati, and Abdurrahman Wahid, the MUI had remained in the background and languished. For his part, Abdurrahman Wahid went so far as to restrain the MUI from gaining primacy among the country's fatwa-giving councils.⁶³ By contrast, Yudhoyono embraced and boosted the MUI's importance. In Yudhoyono's speech during the opening ceremony of the MUI's 2005 National Congress, he said that not all matters related to state affairs could be resolved through formal legal channels: "We want the MUI to play a central role ... the state should listen to the fatwa from MUI and the ulama."⁶⁴ Yudhoyono's approval cleared the ground for three controversial fatwas: against the Ahmadiyya, against interfaith marriage, and against secularism, pluralism, and liberalism. Each fatwa provoked the desired publicity. Whether one sees causal links between these fatwas and incidents of physical violence⁶⁵ or whether one highlights the many steps in between, as is the case among right-wing populists elsewhere in the world, the MUI harnessed controversies to increase its own significance as an arbitrator, while collaborative state representatives decided, for a variety of reasons, not to stand in its way.

The council's second main strategy was to appear autonomous of the government. Despite good relations with politicians and despite its public funding, the council managed to ensure that the public perceived it as a nonconforming critic of the establishment.⁶⁶ In this sense, the MUI benefited from the disagreements with then-President Abdurrahman Wahid, and it achieved this aloofness by framing its positions as criticism, demands, and

⁶² Moch Nur Ichwan, "Towards a Puritanical Moderate Islam."

⁶³ Hasyim, "Council of Indonesian Ulama," 133.

⁶⁴ Ahmad Suaedy, "The Inter-Religious Harmony (KUB) Bill vs Guaranteeing Freedom of Religion and Belief in Indonesian Public Debate," in *Religion, Law and Intolerance in Indonesia*, eds. Tim Lindsey and Helen Pausacker (London: Taylor & Francis, 2016), 163.

⁶⁵ Luthfi Assyaukanie, "Fatwa and Violence in Indonesia," *Journal of Religion and Society* 11 (2009): 1–29.

⁶⁶ Syafiq Hasyim, personal conversation in Makassar, 24 March 2010.

advice. An example is the often-repeated reminder to the government of its obligation to prohibit the activities of the Ahmadiyya congregation. In prompting the government to act upon its alleged responsibility, the MUI distanced itself from the government and stepped onto a putatively higher moral ground. At the same time, the MUI ensured that it did not suffer reputational damage from the alliance with politicians, many of whom the Indonesian public considers vulnerable to corruption.

The third strategy operated in the terrain of economy. In a triple stroke, the MUI outwardly underlined its independence, gained actual financial means outside state funding and donations from the mass organizations, and put its foot on another marker of morality when it secured the monopoly on halal certification.⁶⁷ The precise numbers of the MUI's budget are not readily available, but many Indonesians consider the MUI independent from the government despite the large financial transfers⁶⁸ from the state that the MUI receives. The council ensured its *perceived* independence from government funding, while the government itself failed to concentrate the haj and halal industries in its own hands. Since 1989, the council has commanded a near-monopoly in halal certification for almost three decades. After 1998, instead of putting these important areas under the ministries of Health and Religion, the government allowed the MUI to use them to boost its influence.⁶⁹ Only in 2017 did the Ministry of Religious Affairs manage to concentrate this authority in the newly established Halal Products Certification Agency. However, the agency still depends on MUI fatwas to issue halal certificates.⁷⁰ Also in 2017, the ministry of Religious Affairs handed the management of pilgrimage funds to the new Hajj Fund Management Agency,⁷¹ but at the same time introduced two new bodies that dilute the ministry's once comprehensive authority in this area.⁷² One of these is the Indonesian Haj Supervisory Commission, of whose nine members six must be members of the MUI or other Muslim social organizations. Thus, in the key areas of halal certification and haj management, the government concedes important tasks to the MUI, thereby collaborating in signalling the MUI's authority to the public.

⁶⁷ Lindsey, "Monopolising Islam?"; Hasyim, "Council of Indonesian Ulama," 15, 41.

⁶⁸ Martin van Bruinessen, "Comparing the Governance of Islam in Turkey and Indonesia: Diyanet and the Ministry of Religious Affairs" (Singapore: RSIS Working Paper Series 312, 3 May 2018), <https://tinyurl.com/y3dbbfza>; Marcus Mietzner and Burhanuddin Muhtadi, "Explaining the 2016 Islamist Mobilisation in Indonesia: Religious Intolerance, Militant Groups and the Politics of Accommodation," *Asian Studies Review* 42, no. 3 (2018): 491.

⁶⁹ Miriam Künkler and Alfred C. Stepan, "Indonesian Democracy in Theoretical Perspective," in *Democracy and Islam in Indonesia*, eds. Mirjam Künkler and Alfred C. Stepan (New York: Columbia University Press, 2013), 3–23.

⁷⁰ Marguerite Afra Sapiie, "Govt takes over halal label," *The Jakarta Post*, 14 October 2017.

⁷¹ Undang-Undang Republik Indonesia Nomor 34 Tahun 2014 Tentang Pengelolaan Keuangan Haji: Uu 34/2014 [Law of the Republic of Indonesia Nr. 24 Year 2014 About the Management of Pilgrimage Funds], 2014.

⁷² Lindsey, "Monopolising Islam?"

Finally, the MUI assumes the role of the overall representative of Muslim organizations, and thus “acts as the arbiter of mainstream Islam in Indonesia.”⁷³ The MUI benefits from the notion of “True Islam.” An example is a news report by Antara, Indonesia’s official news agency, issued almost a month after the Cikeusik attack on Ahmadis in early 2011. The report cites the former president of the PKS, Hidayat Nur Wahid, calling on the Ahmadiyya to return to the path of “True Islam.”⁷⁴ This notion did not come about accidentally, but was instead constructed by the MUI itself: aiming to curb frictions within Islam and striving for unity among Muslims, the MUI long planned to unite Muslims⁷⁵ and to function as their “coordinator, synchronizer, and synergiser.”⁷⁶ Rather than relativizing this notion, governmental officials strengthened it by emphasizing their collaboration with the MUI, as for instance after the killing of three Ahmadis in West Java in 2011, when politicians promised “to resolve the Ahmadiyya problem together with MUI leaders.”⁷⁷ When a group of Nahdlatul Ulama (NU) leaders promoted the term “Islam Nusantara” in 2015, they highlighted the tolerance of local Islam.⁷⁸ A controversial debate ensued. Jokowi supported the concept, while the West Java branch of the MUI issued a fatwa against it.⁷⁹ In a public statement in 2018, the council’s Deputy Chairperson Zainut Tauhid Sa’adi stressed the council’s unifying role.⁸⁰

The council’s most powerful tool remains its fatwas. Disseminated directly, via the media, as well as by politicians citing them, the political influence of the MUI fatwas can be traced on three levels: in the making of laws and policy, in the judiciary, and in shaping public attitudes. For law and policy, one example is the 2005 fatwa against the Ahmadiyya congregation. It not only declared the Ahmadiyya congregation non-Muslim, but it also demanded that the state take action. It declared the government was “obliged to prohibit

⁷³ Syafiq Hasyim, “Majelis Ulama Indonesia,” 495.

⁷⁴ Antara News, “Hidayat Imbau Ahmadiyah Kembali ke Islam” [Hidayat calls on Ahmadis to return to Islam], *Antara News*, 4 March 2011.

⁷⁵ Majelis Ulama Indonesia, *Kumpulan hasil-hasil Kongres Umat Islam Indonesia, Jakarta, 3–7 November 1998: Umat Islam menyongsong era Indonesia baru* [Collection of results of the Indonesian Muslim congress, Jakarta, 3–7 November 1998: Muslims welcome the new Indonesian era], 1999; Majelis Ulama Indonesia, *Himpunan Fatwa MUI Sejak 1975* [Collection of fatwas of Indonesian Ulama Council since 1975] (Jakarta: Erlangga, 2011).

⁷⁶ Hasyim, “Council of Indonesian Ulama,” 5.

⁷⁷ Detik News, “Gubernur Banten: Penyerangan Terhadap Warga Ahmadiyah Adalah Musibah” [Governor of Banten: Attack against Ahmadi citizens is a disaster], *Detik News*, 7 February 2011; Ministry of Religious Affairs, “Menag Tawarkan Empat Solusi Selesaikan Masalah Ahmadiyah” [Minister of Religion Offers Four Solutions to Resolve Ahmadiyya Problems], 8 February 2011, accessed 17 April 2019, <https://tinyurl.com/y5hbrmjc>.

⁷⁸ Alexander R. Arifianti, “Islam Nusantara & Its Critics: The Rise of NU’s Young Clerics,” (Singapore: RSIS Commentary 018, 2017), accessed 17 April 2019, <https://tinyurl.com/yxqlrak9>.

⁷⁹ Syafiq Hasyim, “Islam Nusantara’ and its Discontents,” (Singapore: RSIS Commentary, 2018), accessed 17 April 2019, <https://tinyurl.com/y4cvvhvj>.

⁸⁰ Tempo, “MUI: Islam Nusantara Hanya Istilah, Tidak Perlu Dibesarkan” [MUI: Islam Nusantara is just a term, no need to exaggerate], *Tempo*, 27 July 2018, accessed 17 April 2019, <https://tinyurl.com/y6yyxqfw>.

the spread of Ahmadiyya teachings in Indonesia, and to freeze the organization as well as to close all its activities.”⁸¹ State authorities eventually did succumb to the pressure by initially turning a blind eye to violent attacks led by the FPI against a 2008 demonstration for religious freedom (which Ahmadiis co-organized). Only weeks after the attack, the minister of Religious Affairs, the attorney general and the minister of the Interior issued a joint ministerial decree to regulate the alleged deviance of the Ahmadiyya. It prohibited violence against the Ahmadiis, but also outlawed their “activities,” de facto banning the congregation.⁸²

Another much-discussed example of the MUI’s wide-ranging influence is the the 2008 Anti-Pornography Law. In the early 2000s, for instance, the MUI influenced the draft of the so-called “anti-pornography law” on the basis of its fatwa of 2001.⁸³ At first President Megawati moved to prevent the legislation, but her successor Yudhoyono went on to accommodate Islamist aspirations and allowed them legislative influence. A poignant example of the MUI’s influence on the application of positive law appeared in 2010. A coalition of human-rights activists and liberal intellectuals challenged the so-called blasphemy law, Article 156a of the Criminal Code, which prohibits disgracing any religion. The Constitutional Court consulted with a large number of experts, including members of the MUI. Eventually, the judges upheld the law, arguing that Indonesia was not a secular or atheist country, but a “godly country.”⁸⁴ It was this same blasphemy law that judges applied against Ahok in 2016, after accusations of alleged blasphemy.⁸⁵ Although prosecutors had only asked for Ahok to be charged with “insulting language” and “spreading hate,” the judges found him guilty of the graver charge of “insulting religion.” Melissa Crouch has convincingly argued that the judge’s decision was an example of how “Indonesia’s judges are fiercely protective of their independence to a point that it now borders on a gross lack of accountability.”⁸⁶ It is a sign of the MUI’s influence and its successful

⁸¹ MUI Fatwa No. 11 2005, “Tentang Aliran Ahmadiyah” [about the Ahmadiyya sect].

⁸² SKB3, “Tentang Peringatan Dan Perintah Kepada Penganut, Anggota, Dan/Atau Anggota Pengurus Jemaat Ahmadiyah Indonesia (Jai) Dan Warga Masyarakat” [About warning and orders to adherents, members, and/or members of the board of Ahmadiyya Indonesia (Jai) and citizens], 6 August 2008.

⁸³ Fatwa No. U-287 (2001); Stephen Sherlock, “Parties and Decision-making in the Indonesian Parliament: A Case Study of RUU APP, the Anti-pornography Bill,” *Australian Journal of Asian Law* 10, no. 2 (2008): 159–183; Novelia Musda, “Pornography in Diversity: A Study of the MUI’s Fatwa on Pornography,” *Afkaruna* 9 (2013): 95–111; Helen Pausacker, “Morality and the Nation: law, pornography and Indonesia’s Islamic Defenders Front” (PhD dissertation, the University of Melbourne, 2013).

⁸⁴ Constitutional Court Decision 140/PUU-VII/2009.

⁸⁵ Daniel Peterson, “Blasphemy, Human Rights, and the Case of Ahok,” in *The Asian Yearbook of Human Rights and Humanitarian Law*, eds. Javid Rehman and Ayesha Shahid (Leiden, Boston: Brill/Nijhoff, 2018), 52–94.

⁸⁶ Melissa Crouch, “Ahok, Indonesia’s ‘Nemo,’ Sentenced to Jail,” *Asia and the Pacific Policy Society*, 10 May 2017.

management of its perception of being independent from the government that the judges adhered to the MUI's assessment of Ahok's statement in their attempt to prove their own independence from the executive.

On the level of public attitudes, the MUI and its fatwas have been omnipresent in the media coverage of cases of alleged deviance.⁸⁷ Representatives of the council advised the government and oversaw religious ceremonies such as conversions from marginalized Muslim organizations to more "mainstream" ones. An example is a conversion ceremony in West Java in May 2013, which was overseen by various local religious authorities and attended by then Minister of Religious Affairs Suryadharma Ali. Images and reports of the conversion ceremony circulated widely in the media, and the fatwa was amply referenced.⁸⁸

The position of fatwas in Indonesia's legal and moral system is complex. Other than agreements of international law, whose status as "soft law" often renders them weaker than (mostly national) "hard law,"⁸⁹ the low regard for politicians and the lack of law enforcement lets fatwas assume a powerful position: their law is to be enforced not by the state with its weak rule of law,⁹⁰ but by individuals and the community. In Islamic legal traditions, fatwas were decentralized: for hundreds of years, they were issued mostly locally. The bureaucratization of Islam in nation-states centralized legal procedures and authority.⁹¹ In Indonesia, fatwas began to be issued by collective bodies rather than by individuals.⁹² The two giants the NU and the Muhammadiyah issued parallel opinions: any advice in the form of a fatwa was relativized by the existence of a different fatwa. Even though the NU and Muhammadiyah retain much of their influence and Islamic advice remains a contested field,

⁸⁷ I was living in Yogyakarta at the time of the killing, conducting fieldwork on the "aliran sesat" [deviant sects] debates. In my discussions with my host family, with passengers of the Trans Jogja, and on UGM campus that day and the following days, the MUI was highlighted as a central actor in the debate. My regular reading of local newspapers confirmed the notion that the MUI was the main authority to be cited in this case. One of the first newspaper articles on the issue also placed the MUI prominently: Tempo, "Enam Jamaah Ahmadiyah Tewas Diserang Warga Cikeusik" [Six members of the Ahmadiyah died after being attacked by citizens/locals of Cikeusik] *Tempo*, 6 February 2011, accessed 21 February 2019, <https://nasional.tempo.co/read/311404/enam-jamaah-ahmadiyah-tewas-diserang-warga-cikeusik>.

⁸⁸ Nashih Nashrullah, "Ratusan Jamaah Ahmadiyah Tasikmalaya Bertobat" [Hundreds of Ahmadiyah in Tasikmalaya repent], *Republika*, 13 May 2013.

⁸⁹ For a classic discussion of why soft law is in many instances preferred to hard law, see Kenneth W. Abbott and Duncan Snidal, "Hard and Soft Law in International Governance," *International Organization* 54, no. 3 (2000): 421–456.

⁹⁰ Winters, *Oligarchy*, 19, 210.

⁹¹ R. M. Feener and Mark Cammack, eds., *Islamic Law in Contemporary Indonesia: Ideas and Institutions* (Cambridge Massachusetts: Harvard University Press, 2007); Wael B. Hallaq, *An Introduction to Islamic Law* (Cambridge: Cambridge University Press, 2009); M.B. Hooker, *Indonesian Islam: Social Change through Contemporary Fatawa* (Honolulu: University of Hawai'i Press, 2003); M.B. Hooker and Virginia Hooker, "Sharia," in *Voices of Islam in Southeast Asia*, eds. Greg Fealy and Virginia Hooker (Singapore: Institute of Southeast Asian Studies, 2006), 137–206.

⁹² Kaptein, "The Voice of the 'Ulamâ'."

this relativization has faded in the shadow of the MUI, whose influence on shaping positive law is well documented even beyond issues pertaining to creed.⁹³

On the basis of the moral superiority sustained by the MUI's fatwas, as well as the willingness of many politicians to cede authority to the MUI or cooperate with it, many Indonesians perceive the MUI as both autonomous from and influential on the state. This is not to suggest that the MUI's authority is uncontested,⁹⁴ nor that the NU and Muhammadiyah are fading from public view or influence. However, for the first time in Indonesian history, one centralized Muslim authority has been acknowledged by both the state apparatus as well as large parts of civil society.

Mobilizing Against Ahok

The ouster of Ahok in 2016/2017, in a prelude to the 2019 presidential election campaign, illustrates how the MUI connects to the new high mobilization potential of religious issues. The protest "constituted the preliminary climax of a long build-up of Islamist groups since the beginning of the Indonesian Republic."⁹⁵ Marcus Mietzner has shown how in this build-up, the Indonesian government failed to "deal with radical populists" in a sustainable way.⁹⁶ The rise of Islamist and populist powers was the unsurprising result of Yudhoyono's accommodation rather than confrontation of Islamist groups, and of Jokowi's subsequent attempts to ignore and ban them. Beyond Mietzner's focus on the shortcomings of state actors to curb the alliance of Islamists with populists and militants, the 2016 protests also illustrate the effect these alliances had on the undermining of the authority of the grand old Muslim society organizations.

In 2016 and 2017, a campaign of blasphemy accusations resulted in the ouster of the largely popular governor Ahok. Ahok was the vice governor and close ally of President Jokowi, whom he succeeded when the latter became president in 2014. Ahok was also the city's first non-Muslim governor of Chinese origin since the early 1960s. He had made a comment during his campaign for re-election that his opponents declared blasphemous. Calls for Ahok's resignation, imprisonment, and death resounded on Indonesian social media. Senior MUI members, most importantly chairman Ma'ruf Amin, quickly issued a statement deeming Ahok's utterance blasphemous and reminded the government of its responsibility to keep harmony and to

⁹³ Andi Fariana, "Urgensi Fatwa MUI dalam Pembangunan Sistem Hukum Ekonomi Islam di Indonesia" [The importance of MUI Fatwas in the Development of an Islamic Economic Law System in Indonesia], *Al-Ihkam: Jurnal Hukum & Pranata Sosial* 12 (2017): 87.

⁹⁴ Tempo, "Gus Mus: MUI Itu Sebenarnya Makhhluk Apa?" [Gus Mus: What kind of creature is the MUI?], *Tempo*, 1 April 2015, accessed 17 April 2019, <https://tinyurl.com/y2qod5gr>.

⁹⁵ Mietzner, "Fighting Illiberalism," 267.

⁹⁶ Mietzner, "Fighting Illiberalism."

prevent any desecration and sacrilege of the Koran and Islam. This statement was technically not a fatwa, but it was treated as such in the media.⁹⁷ A few days after this, Ahok's opponents organized a demonstration demanding Ahok's imprisonment. One of the chief organizers was the FPI founder Rizieq Shahib. Rizieq himself was convicted and imprisoned for inciting violent attacks twice (in 2003 and 2008). Ahok's opponents fashioned themselves as the National Movement to Guard the MUI Fatwa (GNPF-MUI). Another key figure was Bachtiar Nasir, known for hardline positions. Besides steering his own small organization, the Council for Young and Intellectual Islamic Scholars of Indonesia, Bachtiar Nasir also sits on the central board of the MUI and on that of the Muhammadiyah. This and other overlaps in personnel show that the GNPF group was not a sudden new formation, but rather an alliance between representatives of established organizations and hitherto relatively marginal hardliners.

The group seized the momentum and announced another demonstration for November. Designated as *Aksi Bela Islam II* (Defending Islam Action II), the demonstration marched from Istiqlal Mosque to the presidential palace near the National Monument. Many protesters brought Indonesian flags, and posters declaring a *Jihad Konstitusi*, a holy struggle for the Constitution. A broad range of actors, from former Parliament Speaker Amien Rais (once an important pro-democratic figure during the 1998 transition),⁹⁸ to Vice-Speakers of Parliament Fahri Hamzah and Fadli Zon and several celebrities, attended the protest. Jokowi cancelled a planned visit to Australia, but otherwise tried to give the rally as little attention as possible. For this, he received much criticism from public figures, including Islamic pop preachers accusing him of not responding to people's anxieties.⁹⁹

Ahead of the next gathering, scheduled for early December, Jokowi met with NU and Muhammadiyah leaders.¹⁰⁰ His efforts bore fruit: they discouraged their followers from joining. But despite these efforts, almost a million participants attended the rally. It was the biggest demonstration since the fall of Suharto, and possibly the largest religious mass gathering in the history of Indonesia. Faced with the sheer mass of protesters, Jokowi succumbed. After his initial reluctance to respond to the protest, Jokowi joined the Friday prayer held at the protest. He eventually shared the stage with Rizieq, and even ended up listening to a sermon delivered by Rizieq.

⁹⁷ For discussions of the hierarchical relationship between fatwas and statements, see Peterson, "Blasphemy, Human Rights, and the Case of Ahok," and Moch Nur Ichwan, "MUI, Gerakan Islamis, dan Umat Mengambang."

⁹⁸ Alfred Stepan and Mirjam Kunkler, "An Interview with Amien Rais," *Journal of International Affairs* 61, no. 1 (2007): 205–218.

⁹⁹ Mochamad Zhacky, "Habib Bahar: Lebih Baik Busuk di Penjara daripada Minta Maaf" [Habib Bahar: Rather to prison than apologize], *Detik News*, 1 December 2018, accessed 17 April 2019, <https://tinyurl.com/y26k8ng6>.

¹⁰⁰ "Jokowi to meet MUI, Nahdlatul Ulama, Muhammadiyah," *The Jakarta Post*, 1 November 2016, accessed 17 April 2019, <https://tinyurl.com/y2wmj2em>.

Jokowi sat cross-legged and with a lowered face, while an agitated Rizieq angrily gesticulated behind a lectern. The Islamist extremist hurled political demands in the president's direction. The image that circulated in Indonesian media was humbling: the first Indonesian post-Suharto president without a military background, listening to the sermon of a notorious and convicted hate preacher. Rizieq prevailed as "the man of the hour"¹⁰¹ and gained popularity.¹⁰² The following April, when Anies Baswedan, a former educational minister, won the gubernatorial election against Ahok, he appointed Rizieq to lead the prayer for the victory celebrations.¹⁰³ The protest organizers continued to meet for smaller rallies, but Rizieq was eventually hindered from continuing his leadership of the protest group after the police started investigating a pornography charge against him. He went into self-exile to Saudi Arabia and is presently honoured from afar as the "Great Imam" by an FPI-led group of Islamists aligned with the Prabowo campaign team.¹⁰⁴ Despite the ostracization of Rizieq, the extremists have successfully pressured the government into acknowledging them as a political force.

In addition to the government, the NU and Muhammadiyah suffered a loss of authority. Their leaders had advised Muslims to not attend the rally and it was a blow to their authority that their members flocked to the rally in great numbers. All they could do was watch, and appeal to protesters not to use the organizations' symbols and flags.¹⁰⁵ As a result, the rallies strengthened the visibility of extremist Islam, and they weakened the two organizations that had characterized Islam in Indonesia for almost a century.¹⁰⁶

In the aftermath of the protests and during Ahok's trial, debates ensued as to whether the protest targeted Ahok solely for his alleged blasphemy, or whether they were motivated by the political aim of weakening Jokowi ahead of the 2019 elections.¹⁰⁷ This and varying attitudes within the MUI leadership towards Rizieq resulted in a name change of the core group.¹⁰⁸ Now called

¹⁰¹ A.S. Hikam, "Has Jokowi handed a strategic victory to radicals?" *New Mandala*, 5 December 2016.

¹⁰² Mietzner, "Fighting Illiberalism."

¹⁰³ "Anies celebrates victory with conservatives at Istiqlal Mosque," *The Jakarta Post*, 20 April 2017, accessed 17 April 2019, <https://tinyurl.com/y24kcuve>.

¹⁰⁴ Azis Anwar Fachrudin, "Notes on 212 in 2018: more politics, less unity," *New Mandala*, 10 December 2018, accessed 17 April 2019, <https://tinyurl.com/yxp3r3g7>.

¹⁰⁵ Ahmad Najib Burhani, "Aksi Bela Islam: Konservatisme dan Fragmentasi Otoritas Keagamaan" [Defend Islam Action: Conservatism and the Fragmentation of Religious Authority] *Maarif* 11 (January 2016): 15–30.

¹⁰⁶ Moch Nur Ichwan comes to a similar conclusion, "MUI."

¹⁰⁷ North Jakarta State Court Decision No. 1537/Pid.B/2016/PN.Jkt Utr, 142; 612.

¹⁰⁸ Ahmed Najib Burhani and Deasy Simandjuntak, "The Ma'ruf Amin Vice-presidential Candidacy: Enticing or Splitting Conservative Votes?" *ISEAS Perspective*, 51 (September 2018); Rina Ayu Panca Rini, "GNPF MUI Berubah Nama Jadi GNPF Ulama untuk Perjuangan Misi yang Lebih Luas [MUI GNPF Changed the Name to GNPF Ulama in order to Fight for a Broader Mission]," *Tribun News*, 13 March 2018, accessed 8 May 2019, <http://www.tribunnews.com/nasional/2018/03/13/gn-pf-mui-berubah-nama-jadi-gn-pf-ulama-untuk-perjuangan-misi-yang-lebih-luas>.

GNPF Ulama, the group recommended that the former military officer Prabowo enhance his religious credentials for his bid for presidency in 2019 by picking a religious scholar as his running mate. In a surprising preemptive countermove, it was then Jokowi who announced MUI chairman Ma'ruf Amin as his running mate. Ma'ruf Amin was part of the group initiating Ahok's downfall and also a supporter of the fatwas against liberalism and against the Ahmadiyya. This new alliance reshuffled the political competition and indicates once more that the stable loyalties to the large mass organizations are, at least in the urban centres, being replaced with more pragmatic and "essentially unstable alliances"¹⁰⁹ between religious and political authorities and believers.

The council is a key actor whose strategies, supported by politicians, have levelled the way for religious extremists to enter the centre of the electoral contest. The contest itself is shifting from a focus on patronage and representation to one of mobilization: the main question seems not to be who can legitimately represent people in an elected parliament and other democratic institutions, but who can gather the largest and loudest crowd in the streets, and who holds more religious credibility. In many ways, this results in a re-politicization of an electorate whose interest in elections seemed to be waning in recent years, if declining voter participation is an indicator.¹¹⁰ As elsewhere, the increased mobilization and reintegration of people into political participation could lead to a strengthening of democracy, but it could also lead to a new form of authoritarianism.¹¹¹

Concluding Remarks

The MUI's alliances with religious extremists and their mobilizing potential have brought religion to the centre stage of a contest that has shifted from long-entrenched forms of patronage and representation to one of short-lived alliances and sudden mass mobilizations. In its capacity as a semi-official advising institution, the council has undermined Indonesia's young and fragile parliament through its epistocratic claims and by damaging the public standing of established civil society organizations, whose competition had ensured a low degree of centralization of religious interpretative authority for many decades. The strategies of the council have thrived in an

¹⁰⁹ Martin Slama, "Jokowi and the Preachers: an ambiguous pre-election relationship," *New Mandala*, 8 April 2019, accessed 17 April 2019, <https://www.newmandala.org/jokowi-and-the-preachers-an-ambiguous-pre-election-relationship>.

¹¹⁰ Andre Barahamin, "Indonesia election: unimpressed with both Jokowi and Prabowo, 31 organisations urge people to abstain from voting in #SayaGolput movement," *South China Morning Post*, 9 April 2019, accessed 17 April 2019, <https://tinyurl.com/yxtf24la>.

¹¹¹ Murat Somer, "Understanding Turkey's democratic breakdown: old vs. new and indigenous vs. global authoritarianism," *Southeast European and Black Sea Studies* 16, no. 4 (2016): 481–503.

environment in which competition between various Muslim organizations has become tied to political voting blocs seeking to outdo each other in professions of “true” or “mainstream” Islam. As the global trend of popular mobilization begins to occupy the former space of political parties and coalitions, the failure of the Indonesian state to integrate rising religious authorities into the political system in a transparent and democratic manner when they had the chance to do so is all the more glaring. Whether this process can be reversed, or whether extra-state religious authorities will continue to nourish extremist factions, remains to be seen. Either way, the case of Indonesia will be worth watching for those interested in how young and fragile democracies can cope with ambitious religious authorities and entrepreneurs.

Humboldt University of Berlin, Germany, April, 2019

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