

Chapter 7: A Vision of *Shariah*–Led Prosperity: PKS Attitudes to the Implementation of Islamic Law

Political openings and opportunities, particularly after the end of Soeharto's New Order regime, have allowed activists of Jemaah Tarbiyah to promote their agenda of Islamisation with a broader target in view. Under the New Order they had remained outside the formal system and kept their distance from political activities, but after the resignation of Soeharto in 1998 they found a way to participate in the democratic system, transforming Jemaah Tarbiyah from an underground religious movement into a legal political party. The issue of the implementation of Islamic law in Indonesia has become an integral part of PKS's agenda to make Indonesia more religious in nature.

The question often arises about PKS's attitude towards *shariah*. What exactly is the party's stance towards its implementation in Indonesia? PKS has made no plain statement in its political platform but this does not mean that it has no desire to implement *shariah*. PKS has been ambivalent in responding to this sensitive issue. On the one hand PKS has tried to deny allegations that it has a hidden agenda to Islamise the state and on the other hand it also has insisted its commitment to the struggle of Islam, including to applying *shariah*.

This chapter analyses the broad question the formalisation of *shariah* in Indonesia. PKS's understanding of the issue has a significant place in this discourse; however, explaining it is not an easy task, since we must deal with political rhetoric and PKS's strategy for achieving broad support. What is the ultimate goal of PKS, and how will it bring about the "re-Islamising" of Indonesian society? Another important question that needs to be posed is "what makes PKS's idea of implementing *shariah* distinct from those of other Islamic parties in Indonesia?" In fact, the debate among Muslim scholars and leaders on the merits of *shariah* has made PKS avoid the issue. Its main concern is how to revise the image of *shariah* and to popularise it by stressing the goals of prosperity and justice for the Indonesian people.

A. The Pros and Cons of *Shariah* Implementation

Since Indonesian independence and during Soekarno's Old Order, the debate on *shariah* was carried out between secular and Islamic factions. The first group rejected the idea of the formulation of *shariah* and the second group promoted it. With the New Order, the debate was pushed aside; any discussion about reviving *shariah* as a broader source of law was discouraged. However, after the collapse of the New Order *shariah* discourses have re-emerged and have

inevitably sparked controversy. Disputes about the implementation of *shariah* no longer take place just between secular and Islamic factions but also among Muslims themselves. On an earlier political stage, for instance, M. Natsir (of *santri* background) would engage in confrontation with Soekarno (non-*santri* in orientation) in dealing with *shariah* issues. Nowadays the proponents of *shariah*, Hamzah Haz (PPP) and Yusril Ihza Mahendra (PBB) face challenges from their fellow devout Muslims, such as Abdurrahman Wahid, former leader of NU and Indonesian President from 1999-2000.¹ The *shariah* “pros” and “cons” debate is intensively discussed within the Muslim community itself.

1. Those Opposed to *Shariah*

Secular oriented Muslims argue that it is impossible to implement *shariah* comprehensively and successfully in Indonesia. Rather than a positive contribution to society, it is seen as a source of division. The secularists argue that the implementation of *shariah* would be counterproductive for society,² since Indonesian Muslims are not monolithic but embrace many orientations and interests. The diversity of religious practice and jurisprudential schools in Indonesian Islam is a significant factor to be considered.³ There is a main obstacle in determining which school should be preferred.

Some areas of dispute in the *shariah* discourse, which often draw criticism from scholars, revolve around issues concerning gender, criminal law and attitudes to non-Muslims. Muslim scholars who oppose the implementation of *shariah* claim that it brings inequality in the status of women and imposes over-severe punishments for the violation of moral laws and to the conversion to other religions. Any effort to implement *shariah* creates discrimination for Indonesian citizens who do not embrace Islam. Embracing a religion and upholding its obligations are individual choices and cannot be enforced. When Islam is imposed on others, it will lose its fundamental character of giving mercy to all creatures (*rahmatan li al-'alamin*).⁴ Finally, it is not feasible for a nation to have two different laws, one for Muslims and another for non-Muslims.

Ulil Abshar-Abdalla, a leading opponent of *shariah*-isation in Indonesia, argues that not all Islamic laws are created by God, so that when it comes to human matters, religion is to be understood and formulated by human nature. It follows that human perceptions open up debate and criticism. Ulil adds that many aspects of *shariah* must be questioned; for example, some do carry the potential for discrimination against women. In the case of witnesses in a trial, for example, two women are considered to be equal to one man. Furthermore, in Islam, if someone accuses another of committing adultery but is not able to show valid evidence of the charge, the accuser will be lashed 80 times for calumny. Four male witnesses must be provided in order to support the allegation. When a woman is raped and she is not able to bring the four witnesses, she will not get

justice. These questions are hardly discussed in Indonesia because “if we want to criticize, it will be seen as insulting *shariah* and religion itself.”⁵

According to the secular-minded group, in order to prevent the violation of individual human rights, *shariah* must not be implemented in Indonesia beyond family law. Any effort to bring religion into an organic relation with the state must be rejected. If Indonesian Muslims want to live in accordance with *shariah*, they may, as long as they do not use the state to back up their will. All religions are equal before the state and each religious adherence must respect all others equally, making no exceptions regarding Islam.⁶

The rejection of the implementation of *shariah* varies from the strictly secular groups who promote a total separation of state and religion to the moderate secularists who merely oppose the formalisation of *shariah* into the Indonesian legal system. The first believe that a secular system is the appropriate solution for Indonesia, which is of a diverse socio-cultural nature, whilst the latter does not fully support the idea of radical secularism, but attempts to promote universal human values derived from Islam. Both share common ideas in their rejection of any effort leading to the formalisation of *shariah* in Indonesia. For the opponents of formalisation, secularism is a blessing for all religions, since it prevents conflict among different religious adherences and any opposition between religion and state power.⁷ Liberal Muslims contend that pluralism, understood as the acknowledgement of the truth in all religions, is most appropriate for Indonesian society. When Muslims are ready to accept and practice democracy, they also need to adhere to the principle of pluralism. The group led by Ulil Abshar-Abdalla has promoted its commitment to secularism and pluralism with this renowned slogan: “In the name of Allah, the entirely merciful, and especially merciful, the Lord of all religions.”⁸

2. Those For *Shariah*

Islamist groups believe that *shariah* must be implemented in order to bring about justice and to end the Indonesian multi-dimensional crisis. Those who believe in the role of *shariah* in solving Indonesian problems are divided into two orientations. The first group contends that the Indonesian people not only need *shariah* but that it should also be implemented immediately. They see *shariah* as a kind of “generic medicine” to cure all social, economic and political ills in the country. Indeed, crisis has occurred because of the very absence of *shariah*. They also believe that the entire political system of Indonesia and its institutions must be Islamic.⁹

The “immediate” *shariah*-oriented group comprises hardliner Islamists who usually appeal to non-political organisations, such Hizbut Tahrir, Salafi Groups and MMI but draw benefit from the issue of the autonomy of the provinces and districts. They have also appealed to the central government to implement *shariah*

at the national level. According to this group, the secular system is responsible for all crises in Indonesia. A partial solution will not bring any benefit to the country; rather it will produce other problems in the future. The radical and fundamental solution lies in the upholding of *shariah* so that the Indonesian people live according to Islamic laws.¹⁰

This group also views the present application of cultural aspects of *shariah* in family affairs and regulations of Islamic charity (*zakat*) as insufficient.¹¹ *Shariah* must be implemented comprehensively, *kaffah*, meaning that the Islamic criminal laws must also be applied, since for this group the fundamentals of *shariah* lie in the application of such laws. Proponents of this idea often criticise the role of the mainstream Islamic organization in Indonesia, such as NU and Muhammadiyah, which have no intention to observe a comprehensive practice of *shariah*, including its Islamic criminal laws.¹²

Salafi movements and Hizbut Tahrir have become well known for their demand to implement a total *shariah* but not through democratic means. They do not believe there are any benefits in following a democratic system since it is against Islam. Other groups associated with Darul Islam, such as Majelis Mujahidin Indonesia (MMI) and Komite Persiapan Penegakan Syariah Islam (KPPSI) in South Sulawesi have worked consistently to push the central government and provinces to implement Islamic law.

The second pro-*shariah* group are moderate Islamists arguing that *shariah* is an alternative for Indonesia but that its implementation must be through a long term democratic process, using constitutional means. The re-emergence of Islamic parties in Indonesia after Soeharto's resignation is a response to accommodate this demand. PPP, PKS, PBB and other smaller Islamic parties have worked to promote the implementation of *shariah*. Even though this group share the one ideal of the significance of *shariah*, it differs in terms of its views of the methods of implementation.

PPP and PBB, for instance, stress the significance of promoting *shariah* in Indonesia through the acknowledgment of special status for Muslims by reviving the idea of the Jakarta Charter (Piagam Jakarta) as it was initiated by their predecessors. A constitution that explicitly recognises the status of *shariah* is a crucial issue. In contrast, PKS has sought a different approach in promoting *shariah* and no longer regards the Jakarta Charter as important. For PKS, the implementation of *shariah* should not rely on the constitution but must begin with the individual, family, society and the state.¹³ A Constitution specifying the status of *shariah* is not a priority in gaining formal recognition from the state. The state must not be designed in the way that privileges Islam, since the 1945 Indonesian Constitution and the state ideology of Pancasila ensure the rights of all religions.¹⁴

Whereas hardline Islamists see the absence of *shariah* as the main cause of the Indonesian crisis, moderate Islamists take a different approach. They assert that the non-implementation of *shariah* is mainly because the Indonesian people do not yet understand the concept in full. Furthermore, the absence of welfare and justice, including education, are the main reasons for this lack; first, the people need to be educated and have their living standards and their security improved. So at this stage, implementing *shariah* is not a priority; rather meeting the basic needs of the people is the first step, while continuously encouraging the people to practise *shariah* in their lives.¹⁵

Even though it has downplayed the issue of *shariah*, PKS still considers it important to promote it through to the state level. Rather than pushing its implementation through a “top down” or radical approach, PKS has worked to educate Muslims to understand the essence of *shariah* so that they willingly practise it in their daily lives and subsequently extend it into governmental activities. PKS believes that when people become familiar with the practice of *shariah* they will not oppose its implementation. The main effort for PKS activists is how to revive the image of *shariah* and to relate it to the basic needs of ordinary people.¹⁶

B. Revising the Image of *Shariah*

Even though the implementation of *shariah* law is not publicly discussed by the activists of PKS, as a political party arisen out of a religious movement, PKS will not stray from its commitment to Islamise society and the state. The struggle of how to implement *shariah* still preoccupies its activists. One member of a PKS committee in East Java said, “Partai Keadilan has never denied the implementation of *shariah* in Indonesia because it would be foolish for an Islamic party to reject *shariah*.”¹⁷ In political platform, however, PKS uses the term *dakwah* instead of *shariah*

...using *dakwah* as a means of the purification of human beings based on their natural tendencies (*fitrah*). Becoming God’s servants who also serve as good examples and enjoin the good in order to strengthen moral foundations of the nation. Promoting freedom to all citizens to embrace and practise their religion with mutual respect.¹⁸

PKS’s position on the implementation of *shariah* can be found in a book written by a PKS activist, entitled *Yang Nyata dari PK Sejahtera*.¹⁹ The book emphasises that “*shariah* is mercy for all creatures and the proper implementation of *shariah* will not bring discrimination. PKS believes that its implementation in Indonesia will provide the solution for the current multi dimensional-crisis. However, it must be done in a peaceful and constitutional way, not through violence or compulsion.”²⁰ Furthermore, in a different expression, which carries the same meaning, the chairman of PK in East Java has said, “We don’t want to use *shariah*

as a merely political commodity because it saddens us that many activists of political parties strongly demand the implementation of *shariah* in Indonesia but they themselves do not practise it.”²¹

Believing that the lack of a proper understanding of *shariah* is the chief obstacle in promoting its application, the Jemaah Tarbiyah activists who occupy the central leadership within PKS have begun to formulate their strategy for promoting its positive image. Implementing *shariah*, according to PKS, is not merely the need to impose a set of Islamic laws but rather it entails all positive aspects of human values and behaviour. For PKS, universal morality and values must take first priority in solving Indonesian political and economic crises.

In order to gain popular support, the party has worked to make *shariah* more applicable to day-to-day matters. The meaning of *shariah* has been widened in scope to include more substantive and practical issues. *Korupsi* (corruption), *Kolusi* (collusion) and *Nepotisme* (nepotism) known by the acronym “KKN” are new areas to combat, so that clean government, justice and welfare are considered to be the main ideals deriving from *shariah*.²² The campaign for *shariah* should be directed towards achieving prosperity, security, justice and peace in the world.²³ In its simplest form, preserving public facilities, such transportation, parks, roads and toilets is obligatory for members of the party. In fact, PKS has tried to spiritualise all profane activities within realm of Islamic values and indeed all can be justified by religious doctrine.

In order to provide the religious grounds for these issues, the arguments are based on the Qur’an and Hadith and as well as on the public interest (*maslahah*). The manual and training materials of PKS state that preserving individual and public rights is important, since Allah in the Qur’an (XXVIII: 77) states: “...and desire not corruption in the land. Indeed, Allah does not like corruptors.”²⁴

According to the activists of PKS, most people still have insufficient information about *shariah* and tend to see it from a negative point of view.²⁵ They understand it merely as a legal system that prescribes the severe punishment of crimes under the *hudud* laws.²⁶ Hidayat Nurwahid, former president of PKS and currently chairperson speaker of the People’s Consultative Assembly (MPR) in 2004-2009 stated:

The problem is that too many people talk about *shariah* and they mean cutting off hands and wearing (head) scarves. Our main programme is how to make people better off, how to get justice.²⁷

In order to make Indonesians, both Muslims and non-Muslims, comprehend the concept and essence of *shariah*, Dr. Salim Segaf al-Jufri, chairman of the *Shariah* Council of the Central Board of PKS, suggests three steps in socialising *shariah*: educating Muslims, providing good examples and creating dialogue with non-Muslims.²⁸

1. Educating Muslims

PKS believes that educating people to be well informed about the proper meaning of *shariah* is an important step. *Shariah* must be seen as a model that promises prosperity to all human beings. If *shariah* is described by such acts as stoning adulterers and cutting off the hands of thieves, which alarms both Muslims and non-Muslims, according to PKS, this is a wrong understanding.²⁹ *Shariah* contains aspects that apply not only to the legal system but also to economic progress and social solidarity. Rofi' Munawwar, a chairman of PKS in the province of East Java (1999-2004) explained

It is true that *hudud* is part of *shariah* but a just economic distribution for all people is also Islamic. Unfortunately, the aspects of punishment within *shariah* are more dominant than efforts to encourage wealthy people to help and lift up the poor. If this other aspect of *shariah* is truly implemented and people gain prosperity, there will be no thieves and consequently the cutting off of hands will never be implemented.³⁰

In this regard, PKS has succeeded in reformulating the meaning of *shariah* into more practical avenues suitable to Indonesian society. Suryadarma, a PKS member of the legislature in the province of South Sulawesi said:

I think a Muslim who understands his or her religion well will practise *shariah*. *Shariah* is very wide and not only related to the legal dimensions often exposed by the mass media in a threatening way, such as the cutting off of hands. We focus on a *shariah* that is related to the achievement of prosperity and the basic needs of the people. In addition, we need to uphold the law in order to ensure the equality of all people before it. Without considering both dimensions, prosperity and law, we think it is difficult to implement *shariah*. How do we practise a *hudud* law if the thieves are poor people? How do we observe *qisas* when we tend to agree with the abuse of politics and power? In short, when we campaign for justice and prosperity, all these are part of implementing *shariah*.³¹

By educating people about the “essence” of *shariah*, it is hoped that they will not hesitate to put it into practice. And when Indonesian society supports the implementation of *shariah*, PKS is ready to bring the aspirations of its constituents into the legislature. PKS attitudes are always determined by the acceptance of the people.

So at this stage, making people familiar with the day-to-day aspects of *shariah* is more important than promoting its formalisation. PKS activists observe that the majority of people are ignorant of the practice of the true *shariah*. West Sumatra, for instance, is widely known as a stronghold of Muslim scholars and religious observance, but one activist from this area has acknowledged that the

ordinary people are actually far from *shariah*. The campaign for formalisation in this region will not gain much popular support

PKS raises the issue of *shariah* not as a political commodity or to win votes. Our mission is to uphold *shariah* itself. In West Sumatra, this is not an issue which will win us popular political support. The impact of secularism in West Sumatra is very strong. A campaign to bring the people to live in accordance with *shariah* will face difficulties, since people feel threatened by it. The decline of the Islamic institutions in West Sumatra has made *shariah* uninteresting. We do not need to campaign for *shariah* but it does need to be socialised.

He further stated

The important issues for West Sumatra are the economy, education and public health. What makes West Sumatra's people proud of their region in terms of economy and education? Nothing! We were strong because we had Central Sumatra, including Riau, which is well known for its petroleum. PRRI (Pemerintahan Revolusioner Republik Indonesia) was ready to confront the central government because they knew about the resources. When Central Sumatra was made a new province, we became very weak and poor. What we need is kind of a reformist Islam. Why did Partai Amanat Nasional (PAN) win success in the general elections in 1999 - because they were not too fanatic or too secular! Those who want to practise Islam rigidly and too radically will not put down roots in this society. The typology of the people is moderate, as represented by Muhammadiyah.³²

2. Being Exemplars

Besides educating Muslims about the "true meaning" of *shariah*, PKS activists try to offer themselves as living examples. Every cadre is expected to practise the teachings of *shariah* and to ensure that Indonesians, Muslims and non-Muslims, feel secure and comfortable with its concept. They firmly believe that *shariah* must avoid any possibility of causing discrimination against people, regardless of religion, gender or political aspirations and that *shariah* must be seen as an alternative solution for Indonesians.³³

Since ideas of the implementation of *shariah* are still far from the popular mind in Indonesia, PKS activists have not voiced it during campaigns for the general elections. Even though some districts in Indonesia, such as in some areas of West Sumatra, have issued district policies (*peraturan daerah*, Perda) requiring female students and civil servants to wear head scarves, the most appropriate issue regarding *shariah* is the campaign to combat against corruption.³⁴ One of the PK legislators in the Province of West Sumatra (DPRD I) emphasised:

PK cadres are persons who are in the very beginning expected to practise *shariah* in their daily activities and to demonstrate it to others around them. They must feel happy and satisfied carrying out *shariah* so that other people will be interested and follow them. *Shariah* must lead to achieve welfare and prosperity for all. For that reason PK now adds the word “*Sejahtera*” (prosperous) into its new name, Partai Keadilan Sejahtera.³⁵

PKS has also begun to promote the inclusive nature of *shariah*. As an example of its conviction of the all embracing nature of *shariah*, PKS elected a non-Muslim as branch chairman of PKS in one of the districts in Papua, while another elected Member of a regional parliament in Papua representing PKS, Natalis Kamo is a Christian.³⁶ This decision to include non-Muslims within PKS was not an easy choice since it drew criticism from some members. For instance, a mailing list of PKS sympathisers, partai-keadilan-sejahtera@yahoo.com, on March 2004 was filled with questions and criticism of the party’s decision to appoint non-Muslims as members of PKS committees in the Province of Papua and for nomination as legislators as well. The main concern was that this policy did not follow the Traditions of the Prophet and the pious ancestors (*al-s}alaf al-s}alih*). One argumentation is that “appointing non-Muslims means requiring loyalty to an infidel and it is really against the teachings of the Prophet. The Qur’an states ‘let not believers take disbelievers as allies (i.e., supporters or protectors) rather than believers. And whoever (of you) does that has nothing (i.e. no association) with Allah, except when taking precaution against them in prudence. And Allah warns you of Himself, to Allah is the (final) destination.’”³⁷ However, these objections did not last long, since most members of the mailing list advised those who had criticised the policy of Central Board of PKS to trust their leaders.

In order to persuade its members about the validity of its decision in this regard, the Central Board of PKS issues *bayanat* (explanations) in which it is stated that the prohibition for a Muslim against voting and electing a non-Muslim as a member of parliament is clear. However, the party considers the rights of non-Muslims within the Muslim community the same to observe their religion and to manage their affairs. This is clearly worded in the Medina Charter. The inclusion of non-Muslims within PKS committees and in the parliament reflects the policy of recognising the existence of non-Muslim communities and their representatives in Indonesia.³⁸

In the case of the amendment of the 1945 Constitution, particularly chapter 29 regarding religion, the PK, together with Partai Amanat Nasional (PAN) did not support the Jakarta Charter. While other Islamic parties, such as PPP and PBB view the phrase of “with obligation for Muslims to carry out *shariah*” added in the 1945 Constitution to be critical for the legal acknowledgement of implementing *shariah*, for PK such recognition of the privileged status of Islam

was not a priority. When the Islamic parties in the 2000 legislature raised the issue of returning to the Jakarta Charter, PK neither supported nor rejected the move. Instead, its representatives preferred to propose what they called Piagam Madinah (the Medina Charter), which gives the same freedom to all religions of Indonesia to carry out their teachings.³⁹ The reason is that the party did not support any effort to impose the implementation of *shariah* because it would be undemocratic.⁴⁰ PK preferred to see the government and the Muslim community strongly committed to the upholding of Islamic values first.⁴¹

The Medina Charter was the first “constitution” regulated by the Prophet Muhammad to knit all the inhabitants of his community into a single polity.⁴² However, the proposal of PK is not a new issue since Piagam Madinah was widely discussed by Nurcholish Madjid in promoting pluralism within Islam.⁴³ Even earlier, during the debates in the 1959 constituent assembly on the ideological direction of the state, Islamic parties had pushed for the legalization of the Jakarta Charter and they met the objections of non-Muslims and Muslims who were not members of Islamic parties. Even though not referring to the Medina Charter as such, Djamaluddin Malik, the Third Chairman of NU’s Executive Board, proposed a sentence in addition to the Jakarta Charter that “followers of other religions are under obligation to abide by the doctrines of their respective religions.”⁴⁴ In fact, the idea of proposing a new sentence by Djamaluddin Malik is similar to the idea brought by members of PKS in order to guarantee the plural religious character of Indonesian state.

PKS has shown a reluctance to promote the position of women in politics but it has started to give recognition to their role. It allows the same opportunities for women to be involved in politics and in the broader arenas of life. PKS has begun the empowerment of women by proposing them as members of the legislature. The Election Law of the 2004 elections stated that parties were required to have at least 30 per cent female legislative candidates, and PKS met this quota in 65 of 69 electoral districts.⁴⁵ Even though only four women were actually elected as legislators because most had been put low in the candidate list, their presence is a symbol of the political will of the party in this direction. Compared to PPP, PKS is still higher in terms of female representation in the legislature. Women elected to the 2004 DPR from PKS are 4 of 45 members (8.89%) and from PPP, 3 of 58 members (5.17%).⁴⁶

Furthermore, it is interesting that in the district of Gayo Luwes in Aceh, a woman named Nurhayati is the head of the district committee of PKS. She is the only woman in the party to reach such a level of leadership.⁴⁷ In addition, female members of the party, Nursanita Nasution and Aan Rohanah have also been appointed members of the Consultative Council, which holds the highest authority in determining the direction of the party. However, the role of women in PKS is still far from satisfactory, since most women on committees of the

Central Board have been placed in a special department of women’s affairs. They have not yet been accommodated in other departments on the basis of their true capacity and expertise.

Opportunities have always been open to women but they have not often been ready to take them up. For instance, the PKS Provincial Board of Central Java in 2006 is open for a woman to be elected as chairperson. Members of PKS in that area are free to choose woman as a chairperson. “There are many female cadres in PKS. So it is allowable for woman to run as a candidate for PKS chairperson.”⁴⁸

In responding to the issue of a female president, PKS has revised its objections. Yet however much PKS might prefer a man, the case of Megawati as President of Indonesia, replacing Abdurahman Wahid in 2000, was problematic. PK was actively involved in the campaign to oppose Megawati in 1999. There were two reasons to oppose Megawati’s appointment. The first was ideological and political; Megawati’s party and its members had an inharmonious relation with the Islamic parties. The second was a normative reason: most Islamic parties, including PK, opposed a woman president on religious grounds.⁴⁹

A large demonstration was held in 2000, involving thousands of PK cadres, in front of the National Parliament in Jakarta to request members of DPR/MPR not to choose Megawati. However, during the presidency of Abdurahman Wahid, cadres of PK also held simultaneous demonstrations to call for the resignation of Wahid, which indirectly gave a constitutional opportunity for Megawati to replace him. Why did PK change its stance in favour of a woman as president? They followed political expediency in the legal clause “that men and women are treated equal under the constitution.”⁵⁰ Whenever the constitution guaranteed a practice, PK preferred to follow the constitution.

By the good example of its cadres, PKS intends to lead Indonesian Muslims to willingly practise *shariah*. Even though some Islamic movements that campaign for the implementation of Islamic law argue that the Indonesian people already practise the non-legal aspects of *shariah*, PKS still considers that its introduction is urgent. It is true that some parts of *shariah* have been adopted by the state, such as the regulation of marriage and the laws of inheritance and endowment, however, for PKS, the essence of *shariah* is still wanting.

3. Dialogue with Non-Muslims

PKS activists believe that in order to explain the “true” meaning of *shariah*, a dialogue with non-Muslim organizations and communities needs to be established; as long as non-Muslims are honest about their religion and understand the issue of *shariah* properly they will not oppose its implementation.⁵¹ Through dialogue, common values among the religions in Indonesia will emerge. Salim Segaf al-Jufri, chairman of *shariah* board of PKS said

By dialogue a communication is established among different parties, including non-Muslims, if they are fair in dealing with this issue and are not overwhelmed by suspicions. I believe that even though it may raise some dispute and disagreement, we will find common agreement. For instance, whoever lives in this country must agree on the need to combat corruption and to practise justice for all, Muslims and non-Muslims alike. To protect people's rights, property and souls is the basic thing that all people must agree upon. Is not respect for others' rights in worship and the practice of their religions part of Islamic teaching (*shariah*)?⁵²

Nonetheless, dialogue has not been an easy task because the elite of PKS have had little experience in initiating dialogue with non-Muslims. Their experiments within Jemaah Tarbiyah activities in the past were confined to their inner groups and rarely did they socialise beyond with the broader society. However, this last step program is still far from applicable for the rank and file of PKS. The PKS has not engaged in the interfaith dialogue that is promoted by the government and other leaders of religious organizations in Indonesia and many PKS activists still hesitate to cooperate with non-Muslims.⁵³

According to al-Jufri, the socialisation of the concept of *shariah* still faces obstacles, since *shariah* itself is still seen by certain Muslims and non-Muslims as well as something that may threaten sections of society.⁵⁴ This is because *shariah* is promoted by certain Muslim groups such as NII, MMI, FPI and many radical groups in unwise ways, tending towards force and violence. It is a real challenge for PKS to reform this image. As many PKS activists have often said, "it is true that *hudud* is part of *shariah* but people often forget that the distribution of wealth is also a significant element of *shariah*."⁵⁵ The problem is how to find a balance between promoting welfare and proposing *shariah*, and not to fall into the trap of formalising the sacred whilst abandoning the profane.

PKS's commitment to Islamic teachings has resulted in actions to "Islamise" non-religious issues and to use them as vehicles to promote its ideals. Other Islamic parties often tend to promote Islam from a legal point of view and "top-down" approach, but PKS starts from practical issues to lead people into the essence of *shariah*. The issue of the formalisation of *shariah* guarantees their presence in the political field, among more powerful secular parties, even though they can claim only a small number of votes.⁵⁶

The problem is whether or not the party will retain its commitment to gradual steps towards the formalisation of *shariah* if it should gain significantly greater support than before. This question will be analysed by focussing on the issue of the implementation of *shariah* and various opinions on it among PKS activists.

C. Implementing *Shariah*

As a religious movement influenced by the society of Muslim Brothers, PKS regards Islam to be the totality of rules and norms guiding the daily lives of Muslims – embracing religious, economic, social, cultural and political dimensions. Political institutions are necessary to maintain and promote the existence of the teachings of Islam. As a political party, PKS struggles for the interests of Muslims, or at least to prevent any political moves to obstruct Muslim interests. The state must be able to guarantee its people the performance of their faith. The issue as phrased by PKS is that “if it is not the Islamic parties which are dominant in the government, the Muslim community will have difficulties in observing its faith.”⁵⁷ It seems that the possibility of “trust building” between Indonesian secular and Islamist elites is still low - most of the political elites still do not trust one another.⁵⁸

For PKS, the place of Islamic parties within the democratic system is necessary and the only possible way to carry out the “Islamisation of the state.” Only by the people’s support through general elections can the agenda of the Islamisation of Indonesia be realised.⁵⁹ The implementation of *shariah* must be carried out in a constitutional way, avoiding the use of force or violence.⁶⁰ A jurisprudential view of the Egyptian scholar, Yusuf Qaradawi has strengthened PKS’s belief in the benefits of democracy. It was quoted in a PKS organisational manual to support the principle of embracing democracy to further Islamic interests. Qaradawi said

There is nothing wrong for a nation, intellectuals and leaders to use any concept from others, they may even find them more perfect and suitable. However, before we are able to provide an alternative concept, it is better for us to take lessons from various concepts and principles of democracy in order to ensure justice, consultation and human rights, as well as to challenge all tyrant regimes in the world.⁶¹

In this context, PKS believes that the practice of *shariah* within the community must be supported by political structures. Any efforts to influence the state must be carried out by an involvement in political activities. The cultural approach in promoting Islam is insufficient for PKS. Even though PKS seats in the National Parliament remain few in comparison to the more established parties, their presence in the Legislative Body (DPR) is still a prerogative.⁶² One activist of PKS in East Java confirmed the strategic role of being involved in politics

A good Muslim will not be confused with our approach in carrying out *dakwah*, including in politics. If people consider politics dirty and good men do not want to be involved in politics because they are afraid of being contaminated, what will happen? Does it mean that we must keep our distance while this condition will go on as it is? In fact, we know

that all policies are decided through political process, not through sermons! We cannot expect good policies if people who claim themselves clean just speak out in sermons or in raising criticism.⁶³

So the attitude of PKS towards the formalisation of *shariah* in Indonesia is still ambivalent. This is because the party formally has no clear direction on *shariah* and its core members have varied in their responses to the issue. They are divided into two streams.

First, there is the moderate mainstream. Most PKS activists believe that the implementation of *shariah* should be initiated from the level of the individual, society and only then the state. The role of the government is to maintain and ensure that all rules and laws derived from Islamic values have been properly implemented. This moderate approach, which is supported by the majority of PKS activists, is more accommodative and suitable for the Indonesian community, yet it does not satisfy conservative groups who are impatient to see the introduction of *shariah* in Indonesia.

Following this direction, the implementation of *shariah* will be carried out in a careful way. The people's criticism and aspirations will be considered in order to continue on to the next step of Islamisation. Islamic aspirations do not need to be consistent in a formal way, but sometimes Islamic values may be adopted to give spirit to national laws. The planned strategy is that when the people show themselves to be receptive; more parts of *shariah* will be proposed. PKS's philosophy in implementing *shariah* is to give people a "taste" first and if they like it, more can be given. "It is like orange juice; if people like it but it only contains 30% pure fruit, for instance, give it to them. It is a matter of appetite."⁶⁴ This gradual approach of formalisation of *shariah* is mainly derived from the experience of Turkey.⁶⁵

The pragmatic approach comes from this stream of opinion. Even so, some members of PKS in parliament have argued that empowering the little people and raising their standard of living is more important than keeping busy with the issue of *shariah*. "The important thing is to promote a good image of the party before the people; whether or not party will propose *shariah* is another issue that will be talked about later."⁶⁶

Secondly, a conservative group comprises a small stream of PKS activists. They believe it is necessary to implement *shariah* immediately, once the opportunity arises, regardless of the response by most Muslims. They say that as long as *shariah* is an alternative and comprehensive system they must dare to apply it in Indonesia, regardless of the consequences. They maintain that since the application of secular laws introduced by the Dutch colonial regime in Indonesia did not consider broad social realities of the time, so the implementation of *shariah* should also not be dependent on the condition of the people. As long as

the state is able and willing to implement it, the possibility will be there.⁶⁷ However, these radical views are not apparent within PKS, in particular within PKS representatives in the legislature. They are mostly heard from the section of Jemaah Tarbiyah not directly involved with current political issues.

In contrast to the supporters of partial Islamisation, this second group is more interested in bringing in Islamic laws first and other aspects later. They believe that the complete implementation of *shariah* will automatically bring the people into prosperity and justice - for religion itself promises such. Any partial application of *shariah*, however, will not give benefits but rather it will lead to further crisis. If ever the party should gain an electoral majority and is able to hold on to power, this faction will not hesitate to demand the complete implementation of *shariah*.

Yet the call for the immediate implementation of *shariah* has faced much resistance. Most PKS activists disagree with it because it is regarded as an obstacle for the party to survive in the future. To bring a change towards a more Islamic society and state, PKS prefers to rely on the gradual process that rests on a paradigm change within individuals.⁶⁸ Imposing *shariah* would be a counterproductive of cultural process and entail the risk of losing political support from the grassroots whenever the party fails to comply with the people's interests. All the political investment of PKS will be devalued and the chance to implement *shariah* slip far away, perhaps even be impossible.⁶⁹

Most PKS activists agree that the moderate stance is the only practicable way to introduce *shariah*. This is congruent with the fundamental *dakwah* principles of Jemaah Tarbiyah. *Dakwah* itself is understood as a slow process but with an ultimate goal, "*dakwah* is an estafet, not a sprint - it has steps."⁷⁰ Hilmi Aminuddin explains how PKS formulates its strategies in implementing *shariah* in Indonesia:⁷¹

First, practising *shariah* within the individual and the family. Before taking further steps towards having *shariah* observed by the government, this condition must really be met. The government will not have the power to regularise and ensure the practice of *shariah* unless the Muslim community voluntarily puts it into practice. The role of government is only to uphold practice and correct some deviations. Muslims' own readiness to accept *shariah* as part of their legal system will be the guarantee of its survival.

Second, drafting and legalising laws based on *shariah*. Legislators are responsible for introducing Islamic laws into the national legal system. By no means all laws are to be based on *shariah*, in some case it only requires the effort to make sure the laws are not in contradiction with *shariah*, or that they do not violate it. The law itself does not have to be obviously Islamic.

Third, formalising *shariah* as the fundamental source of law. At this stage, an institution responsible for the carrying out of all Islamic laws must be formed. It must be able to carry out the responsibilities associated with *shariah* guidance. The government is expected to perform this function after being Islamised.

The support of PKS in the case of the Proposal of Pornography Regulations, *Rancangan Undang-Undang Anti Pornografi dan Pornoaksi* (RUU APP) is evidence on how PKS sees this proposal as an effort to make the laws in accordance with the spirit of Islamic law. However, so far there is no precedent to suggest that PKS is willing to follow the three strategies above since it has attempted to downplay the demand for the implementation of *shariah* during the 1999 and 2004 general elections and it seems that it will maintain the same attitude in the next elections. For the next two general elections at least, we will not see any significant change in the terms of the formalisation of *shariah* at the national level. This is because activists of PKS believe that such an aspiration only can be achieved through the total support of people in Indonesia.⁷² They believe that at present there is no guarantee that the people in general or the mainstream Islamic organisations support it.⁷³

The most feasible way open to PKS is by encouraging the formalisation of *shariah* at the district level, relying on the political opportunities of autonomous districts whenever popular voices at the grassroots level sound in favour of *shariah*. Thus strategically, PKS has not pushed for formalisation at the national level, but it has consistently worked to support the implementation of *shariah* at the district level. For instance, most activists of KPPSI in South Sulawesi are also activists of PKS and in favour of *shariah*.⁷⁴ The logic behind this strategy is that once the district governments are islamised, the central government will simply have to adjust its policies to these realities.

Nonetheless, the problem is that not all districts in Indonesia have the same aspiration for *shariah*. A notable exception is the Province of Aceh and some districts, such as Cianjur (West Java), Pamekasan (East Java), Bulukumba and Maros (South Sulawesi), Padang (West Sumatra), Riau and East Lombok (NTB) have implemented some aspects of *shariah*, varying from the obligation to wear Muslim dress on Fridays, up to the regulation of *zakat* and other charitable activities.⁷⁵ However, in these regions the district regulations (Peraturan Daerah, Perda) consisting of some aspects of *shariah* were not initiated by PKS but by Golkar. In the province of West Sumatra, which has been known as the stronghold of modernists, the people are far from the ideal of implementing *shariah*. One PK representative at the provincial level suggested

It is true that PK wants the practice of *shariah* to prevail in the West Sumatra but it is not an easy task to do it. The *dakwah* must be carried in gradual ways whilst we continue to struggle for the introduction of regulations that are closer to *shariah*, such as the head scarf for women

and prohibiting immoral activities (*perbuatan-perbuatan maksiat*). However, the application of *shariah* considers the reality of the people and the stages of *dakwah*.⁷⁶

Even though PKS has started to introduce its “new perspective” on *shariah* by emphasising its universal values, such as advancing justice and prosperity and fighting against corruption and injustice, PKS still faces challenges in implementing its agenda. These come not only from outside but also from internal factors, in particular the hypothetical question of when it gains real political power.

D. Challenges

The important issue regarding the implementation of *shariah* is PKS’ stance if the party gains majority support. Will it immediately impose *shariah* or remain committed to its gradualist approach? As long as there are no political obstructions, such as military or government intervention, to impede the achievements of PKS, most activists believe their ideal for promoting *shariah* will still be valid. PKS has felt compelled to be committed toward democracy since it believes that democracy guarantees its existence.⁷⁷

Many Muslims and non-Muslims in Indonesia have not been able to obtain a clear picture of the PKS position on the application of *shariah*. Even though the issue has been discussed within PKS circles and in its publications, it has not been conveyed explicitly in its political platforms. Discourse on formalisation, including the idea of a “*shariah*-led prosperity” is conveyed in interviews or written about selectively in party training manuals. As a result, there is confusion among Muslims themselves towards PKS. For liberal Muslims, PKS is embedded in a fundamentalist image because of its links with the Muslim Brothers of Egypt, its source of inspiration and model of organization. PKS is accused of having a hidden agenda, pretending to be an open and pluralistic party while adhering to fundamentalist ideas, including the establishment of an “Islamic state.”⁷⁸ In contrast, Muslim hard liners in Indonesia criticize PKS for not being serious in promoting the implementation of *shariah*, even accusing its activists of lacking the courage to uphold the struggle for *shariah*. According to this group, PKS plays no more than a pragmatic role at every political moment.

This ambivalent image of PKS indicates a lack of preparation by the party in responding to religious ideals and socio-political realities in Indonesia. The discourse has never been aired comprehensively or elaborated within the party. It is understandable that the question of *shariah* is not an attractive one in political campaigns, but the failure to take sides on this issue will have its impact in the loss of support in popular votes. Imposing *shariah* for the sake of religious commitment to the Indonesian people who are mostly far from a perceived proper

understanding of *shariah* will result in tensions, even chaos in society, since the party has not properly informed the public on the issue.

The head of Politics and Defence Department of the Central Board of PKS, Untung Wahono, issued a clarification (*bayar*) regarding the ambiguity of the party towards *shariah*. However, this clarification was not in the official form issued by the party, it was instead “partly formal” for the purpose of guidance to the activists and not a political statement by the party itself.⁷⁹ Wahono stated that “it is strange for our party which, since the beginning, proclaimed its Islamic ideology, that it should be accused of rejecting the implementation of *shariah*. This allegation must be wrong, and if we take the issue seriously, it has been merely based on the Piagam Jakarta matter, which PKS did not support.”⁸⁰

As long as the more moderate elements of Jemaah Tarbiyah activists occupy the central leadership of PKS, the demand to implement *shariah* will be managed in such ways that enable them to consider the needs of Indonesian people. The people become the main factor in dealing with the formalisation of *shariah*. When the majority of people are willing to be ruled by *shariah*, the party will simply follow their demands. The presence of campus activists in great numbers in the party has been significant in directing it into more accommodative and realistic ways in negotiating their demands. As was suggested by Mahfudz Sidiq, who was in charge of PKS recruitments and caderisation from 1999 to 2004, “PKS wants to struggle for Islam through politics as a complement to the cultural approach in order to build a strong political basis in the grassroots level.”⁸¹

The problem is that some activists of PKS assume that their achievement in politics is solely a reflection of their success in education at the grassroots level, mainly evident in an increase in membership. The education (*tarbiyah*) given by PKS activists that aims to enlighten Indonesian Muslims about the meaning of *shariah* will be important for the party to ensure its implementation. Nonetheless, the success of PKS in politics is not always accompanied by success in caderisation. Besides getting support from regions where numbers of Jemaah Tarbiyah’s activists are dominant, PKS also has an impressive achievement in the areas where Islamic communities are not most numerous.⁸² For instance, in the urban areas such as Jakarta, Tangerang, Bekasi, Depok and Cibinong PKS won the 2004 general elections. These are areas mostly inhabited by the lower middle class who are not necessarily religious in character – and yet these areas have become strongholds of PKS.

Even if PKS were involved in sharing power within an existing government and had the chance to formalise Islamic law, it is unlikely that it would immediately take the opportunity. PKS activists believe that the implementation of *shariah* is not only determined by legislative and popular support but must also involve the approval of other parties and executives, including the military.⁸³ The experience of an Islamic party in Algeria, the Islamic Salvation Front (FIS) that

won the elections in 1990 but saw its triumph immediately aborted by the army has become a valuable lesson for PKS. PKS activists always try to ensure that their political moves will not tempt non-democratic powers to interrupt the political process.⁸⁴

Despite the issue of ways to implement *shariah*, another important issue that will become a challenge for PKS is the sensitive aspects of the Islamic criminal laws, such as the punishments of the amputation of limbs, stoning and lashing. These are the areas which concern and worry many Indonesian Islamic scholars. PKS has shown a reluctance to deal with these particular issues. In fact, if we consider the doctrine of Jemaah Tarbiyah and its attempts to practise a total Islam, the signs are that the party will be willing to apply all of the laws prescribed in the Qur'an and Hadith, these two being the bases and sources of the Islamic legal system. But if we consider the composition of the elites currently holding high positions in PKS leadership, we will find another possibility.

In order to strike a compromise between the ideal of implementing *shariah* and responding to political and social realities in Indonesia, PKS has tried to keep a balance between its Islamism and flexibility. *Shariah* is to be the main inspiration for Indonesia national laws while local customs and Western laws are still accommodated.⁸⁵ To eliminate possible resistance from parts of Indonesian society, PKS has set aside its discussion on sensitive issues, such as the *hudud* laws. Neither Muhammadiyah nor NU supports the idea of formalising *shariah*.⁸⁶ Nonetheless, the problem is not merely caused by such resistance alone but it is also related to the party which is not fully prepared to discuss the issue at academic, theoretical or practical levels.⁸⁷

At least in the short term, the implementation of the harsh punishments of *hudud* is not priority. Even if PKS institutes the Islamic criminal laws, they will try to avoid them in practice, in order to retain sympathy from the wider international community. Usually, these laws will be set up as "maximum" laws, while other alternatives that are not in conflict with them will be provided. For instance, instead of exacting the punishment of hand amputation, education and rehabilitation for the criminal will be preferred. Thieves will not be immediately charged, but rather they will be conditioned against their criminal activities. Only if they continue to re-offend will they face the maximum punishments of *hudud*. The precedent for this practice was applied by the great companion of the prophet, Umar ibn al-Khattab (634-644) when the criminal laws were not observed because of economic disasters during the term of his caliphate.⁸⁸

So PKS has attempted to promote *shariah* from its own stand point. It will start by empowering people with prosperity and welfare and will subsequently introduce the Islamic laws. However, up to now some cadres of PKS who hold high governmental positions in certain districts have not demonstrated progress, although Nurmahmudi Ismail, a former President of PK who was elected mayor

in the district of Depok, West Java has struggled to manage the district and to bring economic progress. It seems that PKS is not yet prepared to play the game at the expense of its success. It has been well aware that it cannot impose *shariah* when the people's interests are focused on the economy. The key issue is not simply that PKS needs the back-up of political power, but that there is an economic dimension as well. Any success in implementing *shariah* will be dependent on success in accelerating the economic growth of Indonesia and its people

PKS sees that the implementation of *shariah* must be carried out step by step, not by force, unless for Muslims who really understand the concept of *shariah*. This country is not an Islamic state. We consider ourselves exemplars in terms of implementing *shariah* in our daily life, reflecting it in the practices of individual, family, society and state. *Shariah* is not a matter of implementing criminal laws, such as cutting off hands, stoning and the like. We eat using the right hand and maintain good character, for instance, these are other important aspects of *shariah*. We need to participate in order to establish justice for the people. If the people want *shariah* and it is a reflection of justice, it is OK. We want to see individuals, not merely as a political commodities and slogans, practising *shariah*. We are tired of promise and slogans, but in reality we are not the best examples in our community.⁸⁹

Another crucial aspect in the implementation of *shariah* that needs to be addressed seriously is the party's position on the issue of pluralism. Pluralism is understood as an acceptance of the fact that Indonesian society contains a variety of religious affiliations. What will be the party's commitment towards the non-Muslim communities if they gain power?

Some observers worry about the possibility of PKS imposing their religious beliefs on others,⁹⁰ or if persuasion that claims Islam as the only true religion will prevent the party from accommodating non-Muslim groups in government. Furthermore, this attitude will lead to the inability of the party to share power with others in Indonesia, wherever power distribution is most likely to take place. Experience has shown that a lack of the preparation of political Islam in certain Islamic countries to respond to such issues has created great problems. Clashes occur not only between different religious professions, but also among Muslims who follow different schools and sects. How will PKS deal with this crucial question?

It seems that PKS has anticipated the issue by implementing the concept of *musharakah*. The term *musharakah* means "participation" and co-operation is a major concern among most of the activists of Jemaah Tarbiyah. The term indicates the need to make coalition in order to form government. However, not all members of Jemaah Tarbiyah are able to acknowledge the reality of diverse

communities in Indonesia. PKS has attempted to steer its course carefully in order to satisfy the needs of Indonesian people on one hand and the religious demands of its cadres on the other.

PKS has been able to overcome theological issues regarding political participation within a non-Islamic system through the concept of *musharakah*, yet it needs to engage further with the political and social realities of Indonesia. The involvement of Islamic movements in an un-Islamic system is justified on grounds of the mission to reform the system from within, or at least in order to prevent further deterioration by the regime. The Qur’anic story of Joseph is well known among PKS activists as justification that political participation in a tyrant’s regime is permitted if its aim is to bring a change for the better.⁹¹ The story tells how Joseph nominated himself for appointment as treasurer in the infidel kingdom of Egypt. The Qur’an states

[Joseph] said, “Appoint me over the storehouse of the land. Indeed, I will be a knowing guardian.” And thus We established Joseph in the land to settle therein wherever he willed. We touch with Our mercy whom We will, and We do not allow loss of the reward of those who do good.”⁹²

Referring to this story, Abdi Sumaithi, a PKS representative in parliament (2004-2005) and a prominent leader of Jemaah Tarbiyah argues that the decision of a religious movement to take part in politics is essential in order to conceptualise and exercise the fundamental freedoms of people.⁹³ Basic freedoms that must be protected are religious, individual and organisational. Diversity and the plurality of the people are natural realities that must be kept in mind by all activists of religious movements. Each individual and group must be allowed to express its own character and to participate in the political process without restriction. Abdi Sumaith further elaborates upon the commitment to protect the freedom of religion

It seems that it is crucial to stress that the commitment of Islamic movements towards the implementation of human rights is not simply a concept and slogan for political convenience. The guarantee for non-Muslims who live in an Islamic state to enjoy the same status as citizens is important. Non-Muslims (*ahl al-zimmi*) who acknowledge the Muslim ruling are considered as permanent citizens.⁹⁴

In line with the concept of *musharakah*, the party also reserves the right to enter into coalition with other political parties, regardless of their religious background. However, similarity of ideology becomes a priority in forming such a coalition, above the question of making alliances based on strategic and tactical considerations. In practice, in coalition it is not always necessary to give priority to parties with Islamic platforms; sometimes PKS prefers to form coalition in

local districts with secular parties.⁹⁵ In Boyolali, Central Java PKS made a coalition with a Christian party, The Prosperous Peace Party, Partai Damai Sejahtera (PDS).⁹⁶ Hilmi Aminuddin, the chairman of the consultative assembly (Majelis Syura) of PKS, says that the new paradigm of PKS enables its activists to form coalition with any broader elements of Indonesian society. He further stated

It is not a hidden agenda and strategy but it is a matter of belief. *Shariah* can be applied in our daily life by promoting good deeds and caring for unfortunate people. I interact and work together with my Christian friends and they are not afraid of me.⁹⁷

Acknowledging the reality of Indonesian pluralism is unquestionable. For PKS, whenever it enters democratic system, it automatically has to respect this pluralism.⁹⁸ Nonetheless, even though the issue has been solved at the structural level of the party, not all cadres of Jemaah Tarbiyah can easily follow this new paradigm. Some of them, even though a small portion, still envision the idea of an Islamic system and the immediate application of *shariah*. This is a real challenge for PKS and the notion of the implementation of *shariah* based on prosperity still needs to be negotiated among PKS members and with other parties in Indonesia. In fact, as was acknowledged by Tifatul Sembiring, the president of PKS (2005–2010) the implementation of *shariah* must be pursued through democratic means and needs to be negotiated with others.⁹⁹ In responding to the issue of the implementation of *shariah* in some regions he said: “*Kalau terlalu berat, tawarlah. Jangan anarkhis dan jangan terjadi penyesatan pemahaman*” (“If it is too difficult, strike a bargain. Do not be anarchic and let there be no misunderstandings”).¹⁰⁰

ENDNOTES

¹ Saiful Mujani, “Syariat Islam dalam Perdebatan,” in *Syariat Islam Pandangan Muslim Liberal* (Jakarta: Sembrani Aksara Nusantara, 2003), 43.

² See “Azyumardi Azra: Penerapan Syariat Bisa Kontroproduktif,” *Islamlib.com*, 5 August 2001.

³ Ibid.

⁴ Ibid. In the Qur’an there is a verse that states the freedom to embrace a religion, “there is no compulsion in [acceptance of] the religion.” See the Qur’an II: 256.

⁵ See Ulil Abshar Abdalla, “Syariat Islam,” *Suara Karya*, 23 March 2004.

⁶ Ibid.

⁷ See Lutfi Assyaukanie, “Berkah Sekularisme,” *Islamlib.com*, 11 April 2005.

⁸ See opening statement at the website of a liberal Islam group, *Islamlib.com*.

⁹ Jamhari, ed., *Gerakan Salafit Radikal di Indonesia* (Jakarta: Rajawali Press, 2004), 52.

¹⁰ Ismail Yusanto, “Selamatkan Indonesia dengan Syariat Islam,” in *Syariat Islam Pandangan Islam Liberal*, 147.

¹¹ Ibid.

¹² Ibid.

¹³ Wawancara with Untung Wahono, Canberra, 12 July 2005.

¹⁴ Ibid.

- ¹⁵ Interview with Rofi' Munawar, Surabaya, 7 March 2003.
- ¹⁶ Interview with Zulkieflymansyah, Canberra, 30 August 2004.
- ¹⁷ Interview with Rofi' Munawar, Surabaya, 7 March 2003.
- ¹⁸ Dewan Pimpinan Partai Keadilan Sejahtera, *Menyelamatkan Bangsa Platform Kebijakan Partai Keadilan Sejahtera* (Jakarta: Al'Iktishom Cahaya Umat, 2004), 126.
- ¹⁹ Satria Hadi Lubis, *Yang Nyata dari PK Sejahtera* (Jakarta: Miskat Publication, 2003).
- ²⁰ *Ibid.*, 20.
- ²¹ Interview with Rofi' Munawar, Surabaya, 7 March 2003.
- ²² Nandang Burhanuddin, *Penegakan Syariat Islam Menurut Partai Keadilan* (Jakarta: Al-Jannah Pustaka, 2004), 149.
- ²³ *Ibid.*
- ²⁴ Tim Departemen Kaderisasi DPP Partai Keadilan Sejahtera, *Manajemen Tarbiyah Anggota Pemula* (Jakarta: DPP PKS, 2003), 234.
- ²⁵ Interview with Rofi' Munawar, Surabaya, 7 March 2003.
- ²⁶ Islamic laws divides punishments into two categories: *hudud* laws, mandatory punishments imposed for crimes against God, and *ta'zir*, punishments under the judgment of a *qadi* (judge). *Hudud* punishments are clearly prescribed by the Qur'an and imposed to cases of morality (adultery, fornication, and false allegation of adultery), property (theft and robbery), and apostasy. For instance, the Qur'an says about the punishment for adultery and fornication: "The [unmarried] woman or [unmarried] man found guilty of sexual intercourse – lash each one of them with hundred lashes, and do not be taken by pity for them in the religion [i.e. law] of Allah, if you should believe in Allah and the Last Day. And let a group of the believers witness their punishment (Qur'an XXIV:2). See John L. Esposito, ed., *The Oxford Encyclopedia of the Modern Islamic World 2* (New York and Oxford: Oxford University, 1995), 137.
- ²⁷ *Reuters*, 7 April 2004.
- ²⁸ Burhanuddin, *Penegakan Syariat Islam*, 150-151.
- ²⁹ Interview with Rofi' Munawar, Surabaya, 7 March 2003.
- ³⁰ *Ibid.*
- ³¹ Interview with Suryadarma, Makasar, 17 September 2003.
- ³² Interview with Marfendi, Padang, 20 June 2003.
- ³³ Burhanuddin, *Penegakan Syariat Islam*, 159
- ³⁴ Interview with Rafqinal, Padang, 19 June 2003.
- ³⁵ Interview with Marfendi, Padang, 20 June 2003.
- ³⁶ *Jawa Pos*, 2 August 2005.
- ³⁷ Qur'an III:28.
- ³⁸ See "Bayan DPP PK Sejahtera" dated 27 March 2004.
- ³⁹ *Panjimas*, 20 Feb – 05 March 2003.
- ⁴⁰ Elizabeth Fuller Collins, "'Islam is Solution:' *Dakwah* and Democracy" (Paper presented at Ohio University, 20 June 2004).
- ⁴¹ Mutammimul Ula, *Perpektif Syariat Islam di Indonesia* (Jakarta: Pustaka Tarbiatuna, 2001), 41.
- ⁴² John L. Esposito, ed., *The Oxford Encyclopedia of the Modern Islamic World* (New York: Oxford University Press, 1995), 92.
- ⁴³ Nurcholish Madjid argued that the Madinah Charter is the first constitution that consisted of principles of ruling a state based on collective interests and humanity. See Nurcholish Madjid, "Agama dan Negara dalam Islam," in *Kontekstualisasi Doktrin Islam dalam Sejarah* (Jakarta: Paramadina, 1994), 590.
- ⁴⁴ See Allan S. Samson, "Islam and Indonesian Politics," *Asian Survey* 8 no. 12 (December 1968), 1011.
- ⁴⁵ See Greg Fealy and Virginia Hooker, ed., *Voices of Islam in Southeast Asia: a Contemporary Sourcebook* (Singapore: Institute of Southeast Asian Studies, 2006), 323.
- ⁴⁶ See Alan Wall, "The Indonesian Political Landscape Post General Election" (Report presented at ICWA meeting, 10 May 2004).
- ⁴⁷ See *Saksi*, 20 May 2003, 28.
- ⁴⁸ *Detikcom*, 11 January 2006.
- ⁴⁹ See Damanik, *Fenomena Partai Keadilan*, 301-302.

- ⁵⁰ Ibid.
- ⁵¹ Burhanuddin, *Penegakan Syariat Islam*, 150-151.
- ⁵² Ibid.
- ⁵³ The reason is that activists of PKS still focus their efforts to unite and cooperate with Muslim groups; when they succeed in bringing unity among Muslims they will begin to cooperate with non-Muslims. Interview, anonymous, Jakarta, 24 March 2003.
- ⁵⁴ Burhanuddin, *Penegakan Syariat Islam*, 151.
- ⁵⁵ Ibid.
- ⁵⁶ Mujani, "Syariat Islam dalam Perdebatan," 41.
- ⁵⁷ Lecture presented by Hidayat Nurwahid in Jakarta, 13 June 2003
- ⁵⁸ Martin van Bruinessen, "Post-Suharto Muslim Engagements with Civil Society and Democracy," in *Indonesia in Transition: Rethinking 'Civil Society', 'Religion', and 'Crisis'* (Yogyakarta: Pustaka Pelajar, 2004), 37-66.
- ⁵⁹ See Lubis, *Yang Nyata dari PK Sejahtera*, 4.
- ⁶⁰ Ibid., 8.
- ⁶¹ See Anonym, "Panduan Pengambilan Kebijakan dalam Musyawarah Partai Keadilan," (Majelis Jakarta: Pertimbangan Partai Keadilan, December 2000), 48.
- ⁶² Interview with Irwan Prayitno, Jakarta, 14 June 2003.
- ⁶³ Interview with Rofi' Munawar, Surabaya, 7 March 2003.
- ⁶⁴ One member of PKS even stated that for the time being the issue is not necessary. It will become the responsibility of the party to Islamise when it has gained the people's attention. Interview, anonymous, Depok, 22 March 2003.
- ⁶⁵ Interview with Mahfudz Sidiq, Jakarta, 8 October 2003.
- ⁶⁶ Interview with Zulkieflimansyah, Canberra, 30 August 2004.
- ⁶⁷ Daud Rasyid, *Indahnya Syari'at Islam* (Jakarta: Usamah Press, 2003), 55.
- ⁶⁸ Interview with Mahfudz Sidiq, Jakarta, 8 October 2003.
- ⁶⁹ Ibid.
- ⁷⁰ Muhammad Sa'id, "Hatmiah At Tarbiyah: Tarbiyah Suatu Kemestian", in *Tarbiyah Berkelanjutan* (Jakarta: Pustaka Tarbiatuna, 2003), 50.
- ⁷¹ *PK- Sejahtera.org*, 22 August 2002
- ⁷² Ula, *Perpektif Syariat Islam di Indonesia*, 43.
- ⁷³ Ibid., 32-33.
- ⁷⁴ Interview with Suryadarma, Makasar, 17 September 2003.
- ⁷⁵ See "Syariat Islam yang Bagaimana," *Panjimas*, 27 November – 12 December 2002. For details see also *Gatra*, 6 May 2006.
- ⁷⁶ Interview with Ahmad Shiddik, Padang, 19 June 2003
- ⁷⁷ Interview with Mahfudz Sidiq, Jakarta, 8 October 2003.
- ⁷⁸ See Ahmad Najib Burhani, "Piagam Jakarta dan Piagam Madinah", *Kompas*, 31 September 2004.
- ⁷⁹ See *Saksi*, 31 December 2003.
- ⁸⁰ Ibid.
- ⁸¹ Interview with Mahfudz Sidiq, Jakarta, 8 October 2003.
- ⁸² Interview with Razikun, 23 December 2005.
- ⁸³ Interview with Budi Darmawan, Canberra, 12 December 2004.
- ⁸⁴ Interview, anonymous, Jakarta, 25 June 2003.
- ⁸⁵ Ula, *Perpektif Syariat Islam di Indonesia*, 21.
- ⁸⁶ See "Perda Syariah Tidak Diperlukan," *Media Indonesia*, 16 June 2006.
- ⁸⁷ Al Yasa Abu Bakar, "Hukum Pidana Islam dan Upaya Penerapannya di Indonesia," in *Penerapan Syariat Islam di Indonesia: Antara Peluang dan Tantangan* (Jakarta: Globalmedia, 2004), 118.
- ⁸⁸ Surahman Hidayat, "Tahapan Pelaksanaan Syariat dalam Perspektif Dakwah," in *Penerapan Syariat Islam di Indonesia*, 199.
- ⁸⁹ Interview with Aus Hidayat Nur, Depok, 13 May 2003.

- ⁹⁰ Burhani, "Piagam Jakarta dan Piagam Madinah", *Kompas*, 31 September 2004.
- ⁹¹ Abu Ridha, *Saat Dakwah Memasuki Wilayah Politik* (Bandung: Syaamil, 2003), 97.
- ⁹² Qur'an XII: 55-56.
- ⁹³ Ridha, *Saat Dakwah*, 70.
- ⁹⁴ *Ibid.*, 70-71.
- ⁹⁵ See "PKS telah Praktikkan Pluralisme di Pilkada Termasuk Berkoalisi dengan PDS," *Kompas*, 1 August 2005.
- ⁹⁶ See "PKS-PDS Tetapkan Pasangan," *Suara Merdeka*, 18 March 2005.
- ⁹⁷ *Tempo*, 7 August 2005.
- ⁹⁸ *Ibid.*
- ⁹⁹ See "Tifatul Sembiring: Paranoid Syariat Islam," *Gatra*, 6 May 2006.
- ¹⁰⁰ *Ibid.*