MUI and Its Fatwas: The Articulation of Modern Authority in A Religious Democracy of Indonesia

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Abstract

Indonesian Council of Ulama (MUI) has been politically the most influential religious organization in Indonesia since its initial establishment in 1975. By issuing a series of fatwa, this organization has religiously encouraged Indonesian Muslim to behave and take any decision within their life in accordance with Islamic stipulation based on the institutional interpretation. Though known and widely accepted as legal opinion on religious issues, one of among the most controversial fatwa recently issued by the MUI was, in fact, related to the civil participation in the last but most contentious general election. The fatwa theologically declared a religious status of being abstain (golput) in the election; that is religiously disallowed (haram). By referring to the statistic data of golput, it is shockingly evidenced that the fatwa has somehow influenced Muslim voters to use their civil rights properly in this presidential election. Considering those startling facts, this paper aims to see how religious precepts are efficaciously employed by MUI to endorse the democratic system of Indonesia. Through broader analytical observation on the dynamic of MUI’s political movement in the light of Menchikian periodization of MUI’s authority, I argued that modern strategies, such as those including mass mobilization, lobbying, and coercive power, are currently applied to claim their authority amid Indonesian society.

Keywords: MUI, modern authority, fatwa, election, religious democracy

Abstract

Introduction

MUI (Majelis Ulama Indonesia/Indonesian Council of Ulama) has been politically the most influential religious organization in Indonesia since it was established in 1975. By issuing a series of fatwa, this organization has religiously encouraged Indonesian Muslim to behave and take any decision within their life in accordance with Islamic stipulation under the institutional interpretation. This is relatively effective in terms of decorating the political arena with religious values on which Indonesia has been initially built by the founding leaders. Soekarno once said that every religious follower should worship their own God and implement their religious teachings piously as the state of Indonesia should be a state incorporating Belief in God (Yamin, 1959: 77-78).

Accordingly, this organization was aimed to strengthen religious society in a way that is explained by Pancasila as the state foundation in order to assure national resilience, to include the participation of ulama in national development, and to maintain social harmony among religious followers in Indonesia (Bruinessen, 1996: 30). However, its position as a religious organization that is recently regarded as exercising a close relationship with the existing government put their fatwas in a debatable status. Based on his observation on the fatwa council of Al-Azhar, Agrama (2012: 163-165) argued that the fatwa is religiously binding when it comes to personal idealization but it is not when it comes to political and market affairs which were already fulfilled by political interests.

A most controversial fatwa was recently issued by the MUI with regard to the general election. The fatwa contains a religious status of being abstain in the election by which more or less it means that golput (abstain) is religiously disallowed (haram). As one of among five terminologies in Islamic law, haram basically means that if you do not
perform something religiously obliged, you will gain a religious sanction but if you do that sincerely, the reward will be available for you. By associating golput with the notion of haram, this fatwa is expected to religiously delegitimize the abstain position among Indonesian Muslim citizens and encourage them to vote in the coming election.

Interestingly, by referring to the data of golput in 2019 presidential election based on a quick count conducted by the Indonesian Survey Institute (LSI) and the data on previous election conducted by General Elections Commission (KPU), it shows that the number of golput in this year is significantly decreased. Given a number of relatively current political incidents sparked by a fatwa, it is not overstated to claim that the religious fatwa of MUI might potentially influence Muslim voters to use their civil rights properly in general election. Statistically speaking, the number of golput in 2019 election constituted only 19.24%. This percentage confronted the increasing trend of golput since the first election of post-reformation, which according to KPU constituted 23.30% in 2004 election, 27.45% in 2009 election, and 30.42% in 2014 election. By no means of underestimating other possible reasons, those data could explain the extent to which the dynamic of voters is influenced by religious discourse.

Unlike other preceding fatwas, this is issued in a moment when one of its leaders is participating in the coming election. That is one among the reasons because of which the fatwa is fiercely contested and questioned by many scholars as well as politicians. Some of them believed that political motives, rather than religious reasoning, has been underlying the fatwa. To respond the critics, MUI argued that the fatwa has been internally discussed and issued in accordance with the Consensus of Ulama at Padang Panjang, West Sumatra, in 2009. The Vice General Secretary of MUI, Amirsyah Tambunan, stated that the consensus was based on Islamic teaching with regard to the religious obligation on voting when Islamic requirements were fulfilled by all or one of the candidates; religious piety, integrity, trustworthy, aspirative, and political capability. These requirement should basically be fulfilled when someone nominate himself
as a candidate of president for he/she was selected based on Indonesian constitution that is regarded as being parallel with Islamic teaching.

Nevertheless, instead of focusing on the controversy above, my paper is aimed to see how religious precepts is employed to endorse the democratic system of Indonesia by observing the MUI’s particular fatwa on being abstain in general election. This question will be followed by a further observation on the efficacy of the employment by proposing the question of ‘why’. This issue is worth analyzing by considering threefold facts; first, fatwa is normally understood as religious practices that is not legally binding, second, general election is one of political elements profoundly required by a state in which democracy is applied, and finally, the question of how the two facts is politically displayed in a country that is relatively seen as secular.

Discussion

Religion and Democracy: Beyond Secularism

In a workshop organized by Indonesian Youth’s Hopes (HPI) on the role of Indonesian youth as an agent of peace in which I have been invited as a participant, most of the speakers talked about the significance of both nationalism and religiosity in the youth’s personality. Those senses are concomitantly supposed to be cultivated within themselves since their early years. As one of the speaker representing FKUB, Ki Demang Wangsafyudin argued that nationalism without religiosity will be trapped in a vacuous ideology while religiosity without a sense of nationality will only produce a separatist movement. This argument however fit the notion of godly nationalism proposed by Jeremy Menchick (I will come to it later). However, given that Indonesia is one of democratic countries, the problem is that the common inclination to associate the secularity with democracy. This inclination will disrupt every attempt to understand the relation between religion and state in Indonesia and how the second, in light of democracy, treat the diversity of the first.

Therefore, those two paradigms will be located in different analytical boxes for the rest of this paper in order to achieve a comprehensive
understanding on the religious endorsement in Indonesian political context. In fact, many scholars have argued that secularism is not necessary for democracy. Alfred Stepan, in Rethinking Secularism (2011: 115), cited at least three scholars who won the Nobel Prize of Political Science, Robert Dahl, Arend Lijphart, and Juan L. Linz, to demonstrate the irrelevance of secularism with any discussion of modern democracy. Neither Dahl nor Lijphart mentions secularism in their analysis on the long-standing democracy in the modern world. Meanwhile, Linz and Stepan himself have decided not to use this concept in their categorization of five major different regime types in the world, considering that all types call themselves secular.

In addition to that, many theorists in sociology of religion suggested the same argument by declaring the death of secularism. In their critical style, Stark and Finke (2000: 57) referred to secularism as an obsolete paradigm that must be put into grave. They asserted that the emergence of religious pluralism in many parts of the world is seemed to supersede the monopoly of older religious paradigm without leading to secularizing trends. In fact, according to Gooren (2006: 40), religion is still alive and well all over the world as a structure for meaning-making, as the basis for individual or group morality, and, of course, as the foundation for various political movements, especially in their Christian, Muslim, and Hindu variants.

In this regard, Indonesia becomes a model for a state that adopted democratic system without being totally secular, if not non-secular at all. Based on twenty-four months of his field research in Indonesia, Menchik (2016: 72) identified the country as a godly nationalism, “an imagined community bound by a common, orthodox theism and mobilized through the state in cooperation with religious organizations in society”. In the context of Indonesia as a Muslim majority country, those civil organizations are mostly represented by Nahdhatul Ulama (NU) and Muhammadiyah as two largest Islamic organizations. Rather than articulating the language of
secularism, their goal is basically to see religious values and education, particularly belief in God, incorporated into social and political life.

Notwithstanding their vision has been accommodated in the first principle of state foundation (Pancasila), they remained struggle afterward for practically political participation. However, it was only under the regime of Soeharto that they were given an institution to ensure that their goal is going to be fulfilled. This historical narrative challenge a one-line argumentation on the aim of MUI’s establishment that it was designed only by the existing government to “co-opt, fragment, and neutralize Islam as an autonomous political force, regulate associational life, and ensure mass turnouts for (the political party) Golkar at election time” (Porter, 2002: 76).

In fact, in the side of civil religious society, this religious organization functioned as well as their political vehicle in influencing the process of decision-making of the state.

The Dynamic of MUI’s authority

As a religious organization covering almost all religious matters of Indonesian Muslim, MUI exercises a unique authority that is transformed from period to period. The change of political situation is the foundation on which the authority is reformulated in order to adjust to the current context. This is one of their institutional strategies to preserve their legitimacy and monopoly over religious life of society. In his presentation at the 2018 meeting for the Association for Asian Studies and the Gatty Lecture Series at Cornell University, Menchik distinguished three periods in the history of MUI to demonstrate that in each era its authority is exerted in distinct mechanism with regard to the fatwas it issued.

The first period is started from 1975 to 1990. In this period, MUI was essentially a model of state corporatism, established by Soeharto to control the authoritative power of ulama outside the political parties. It was created in a way that those parties were amalgamated into an Islam-based Unity and Development Party (Partai Persatuan Pembangunan, PPP) to put a control upon them. This particular party was later expected to consolidate the power as well as to neutralize the opposition. Therefore,
their power is still limited as they were ideologically born through political considerations, which consequently positioned them under the state power.

This might be well evidenced by its 1984 fatwa against Ahmadiyah that has a little effect due to the less concern of the existing regime with the issue of religious heterodoxy than national development. Some of their fatwas were even opposed by the Soeharto for it was considered as contradicting the state policy, such the fatwa that encourage Muslim to not attending Christmas celebrations. This powerlessness was caused by the type of authority in this period that is still based on a charisma of their religious leaders such as Hamka (Muhammadiyah), Syukri Ghozali (NU), and Hasan Basri (Muhammadiyah), and its association with the state.

The second period, started from 1990 to 2005, was marked with the project of halal food certification and Islamic banking. These programs showed the institutional expansion under its two prominent leaders, Ali Yafie (NU) and Sahal Mahfudz (NU). Their authority is no longer limited to religious affairs but covered also public. It is stated that "in the case of the halal certification industry, as for Islamic banking, some MUI fatwas now have legal status as enforceable regulatory instruments of state" (Lindsey, 2012: 268). Therefore, this period gave them a favor not only in terms of strengthening their authority but also provide them a source of funding. Their alliance with ICMI (Association of Indonesian Muslim Intellectuals) in the early 1990s underpins the statement. They were formal as well as non-formal relationship between both organizations that suggested enduring legacy of Suharto’s emboldening of political Islam.

Given those two official programs upon which MUI relies its power, they employed a regulatory authority as a result of administrative regulations and parliamentary law. By referring to a legal scholar, Tim Lindsey, Menchik portrayed MUI in this period as a QUANGO, a quasi-autonomous non-governmental organization. According to him, this term is derived from British and American tradition to describe state-financed organizations that are responsible for their own board of directors. As the
organization became more powerful, they began contesting the state authority by opposing some of its policies, particularly when the state was led by a very charismatic NU leader, Abdurrahman Wahid (also well known as Gus Dur), in some of which they won the case.

The third period is the last and current phase in which fatwa on golput was issued. Starting from 2005 to the present, this period is acknowledged as a conservative turn of MUI’s authority precisely after the process of state democratization. Nevertheless, their theological attitude toward religious sects such as Ahmadiyah is more or less static as it was in New Order era. The difference lies only in the type of mechanism they used in exerting its authority; if they used charismatic authority of their prominent figures during the New Order, today they mobilizes the mass and lobbies the state in order to gain a massive and legal support as well as assuring that their fatwas are applicable. In doing so, one of their partners in the field that has helped them very much is FPI (Islamic Defenders Front), a vigilante group that mostly used violent acts to campaign their vision. In one of his article, Wilson described their reciprocal relation as: “FPI uses MUI’s fatwa to legitimize violent vigilantism such as its attacks on the Ahmadiyah sect, while MUI uses this violence to justify the need for its fatwa to be followed in order to ensure ‘religious harmony’” (Wilson, 2008: 205).

Theoretically speaking, fatwa in Islamic legal theory refers to a response to a specific religious question asked of a mufti with regard to an actual situation (Masud, Messick, and Powers 1996: 4). Based on that definition, fatwa is basically issued only when it is required or asked to answer a particular question on religious matters. In general, according to Ma’ruf Amin himself, one of MUI’s leaders who is contesting in presidential election as Jokowi’s vice president, fatwa is characterized with two main features; (a) it is responsive as a legal answer issued after the requirement of a fatwa petitioner (mustafi) and as an answer, (b) it is not legally binding. Those mustafi, be it is individual, communal or institutional, do not need to obey the fatwa given to them (Amin, 2008: 20).
However, as the time goes on, its procedure on production and mechanism is also transformed in appropriation with social and political context. In the case of MUI, for instances, it started to give fatwas, whether requested or not, precisely after 2000. By showing a graphic on the number of fatwas, Muhammad Maulana Hamzah (2017: 142) argued that fatwa is more productively issued after reformation rather than during the New Order. Many of them have been produced with regard to socio-cultural, politics, interreligious relation, religious sects, commodity and so on. Fatwa on golput is one of their fatwa recently issued to respond the increasing trend of abstain position in general election. This position is regarded as politically harmful for a state under the process of democratization such Indonesia.

**Mass Mobilization: A Modern Model of Religious Authority**

Out of three mechanism of modern religious authority, mass mobilization is the most visibly trait embedded in MUI’s political power. Its cooperation with several vigilante groups in the field such as FPI, MMI (Indonesian Mujahidin Council), and HTI (Indonesian Liberation Party) provide them a larger room to express their authority by mobilizing civil support. As the result, some of their fatwas, including the fatwa on golput, are applied in social and political context.

In the study of social movement, Moss and Snow (2016: 547-569) recently identified three main stages in the process of mass mobilization; emergence, dynamics, and outcomes. Using a different terminologies, Goldstone (1998) also proposed a three-level and three-stage comparison of ‘causes,’ ‘mobilization,’ and ‘outcome’ in the literature on social movements and revolutions. These stages are useful in analyzing the MUI’s tactic in mobilizing the mass to socially legitimize their fatwas’ authority.

In the case of Basuki Djahja Purnama (also well known as Ahok), a Chinese Christian who is used to be a governor of Jakarta and recently jailed for being accused as performing religious blasphemy, mass mobilization is massively and regularly implemented to demand the state
of sending the governor to the jail. Notwithstanding many attempts to bring the case into the issue of politics, the religious nuance is very much sensed in that MUI-backed situation. To follow the stage sequence proposed previously by Moss, Snow, and Goldstone, this case is started with a cause of emergence, followed by the dynamic of mobilization, and ended with several outcomes.

Ahok’s speech in Seribu archipelago ignited Muslim resentment all across Indonesia. He quoted one of Qur’anic verses to attack his opponents, according to whom he cannot be a governor for he is a non-Muslim citizen. Their interpretation on the verse disallows them to choose a non-Muslim to be their leader. This understanding was regarded by Ahok as politically exploited to garner support from Muslim voters. His statement is immediately accused as containing a particular element of religious blasphemy for which he should be sentenced as a consequence. This demand found its legal substratum in the fatwa of MUI shortly after which it was issued and decided that Ahok’s words had indeed been blasphemous.

To make sure that the fatwa is implemented, an alliance called the National Movement to Defend the MUI Fatwa (Gerakan Nasional Pengawal Fatwa-MUI, GNPF-MUI) was established, with Rizieq Shihab (the leader of FPI) leading the advisory council and Bachtiar Nasir (a former central official of MUI) as head.

This incident is then followed by a series of ever larger mass demonstration in the surrounding of National Monument (Monas), Jakarta, co-organized mainly by GNPF-MUI, FPI, HTI, and Wahdah Islamiyah (another like-religious oriented Islamic organization led by Muhammad Zaitun Rasmin), without ignoring involvement of other elements. The movement was called an Action to Defend Islam (Aksi Bela Islam), demanding Ahok to be arrested. The first was performed on October 14, 2016 and drew a few thousand. The second was on 4 November (also known as 411 movement), with possibly 300,000 protestors and accompanied by some rumors of financing by Ahok’s political rivals. The police, hoping to deflate the movement and avert violence, declared Ahok
a suspect. But the Islamists and their political backers saw the opportunity for ensuring Ahok’s downfall, and announced a third rally for 2 December (also known as 212 movement). Some 750,000 activists brought the capital to a standstill, and the government announced that Ahok’s trial would begin immediately. In this sense, the political motive was started visibly observed.

As an outcome, they won the case and gained what they have demanded politically and aspired religiously; on April 19, 2017, Anies Baswedan won the second round with almost 58 per cent of the vote against Ahok’s 42 per cent and on 9 May, Ahok was convicted of blasphemy and sentenced to two years in prison.

The Modern Authority of Fatwa on Golput: A Religious Endorsement of Democracy

In Islamic epicentrum, Muhammad is a central figure who is modeled by every Muslim all across the place and time regardless of the Islamic sect she/he is associated with. Both Shi’a and Sunni as two largest streams in Islamic history give him a remarkable honor. All of his characters should be imitated by those who are Muslim. In the matters of political management and leadership, he is best known in Islamic literatures as carrying out four noble qualities; amanah (trustworthy), sidiq (reliable), tabligh (aspirative), and fathonah (politically educated). Considering these prophetic characters and the need to have a leader in a social life, MUI issued a fatwa on discouraging Muslim citizens to be abstain in general election in which an ideal leader is contested. According to them, as long as there is a leader candidate among the contestants who fit the prophetic requirements, voting become a religious compulsory.

In the context of Indonesia, they argued, every contestant is supposed to have been already fitted to the requirements since Indonesian constitution is basically formulated by basing on religious values. In other word, those who are not conforming to Islamic values will not pass the constitutional selections. Therefore, voting must be obliged in each general election since the beginning of Indonesian history. In fact,
according to Muhyiddin Junaidi, the chair of foreign relation and international cooperation of MUI, this fatwa has been discussed in 2009, the first decade of Indonesian democratization, and latter produced and effectively influenced the voters in 2019 election under Syamsuddin’s leadership as the third period of MUI’s power. This fact showed that the fatwa is basically employed by MUI to endorse the democracy that is effective only by employing modern type of religious authority.

Three model of mechanism in modern authority will be discussed in the following paragraphs to understand the efficacy of the fatwa in 2019 general election that is participated by Joko Widodo (an incumbent) and Prabowo Subianto (a military-based); those mechanism are including mass mobilization, state lobbying, and coercive authority. Before going to that discussion, notice that this paper focused only on the religious endorsement by MUI on giving a vote in election without including their position in the coming election. This is not only because their current dilemma in deciding their position given that their leader is joining Jokowi’s party who is deemed as less religiously adjusted than Prabowo, but also because as a public institution representing all layers of Muslim society they are morally demanded to be neutral in the arena of contestation.

The first model is essentially a continuation of previous demonstration of Ahok case with the same actors and venues but different in scale and goal. On December 2, 2018, they organized what so called a reunion of 212 alumni that is claimed as attended by a thousand of alumni and non-alumni from all elements of Indonesian society. Interestingly, this agenda was attended also by BPN (National Winning Agency) of Prabowo’s party that creates a rumor among Jokowi’s proponents that this movement has been no longer religious but transformed into political. In the context of political contestation, this is not impossible by suggesting that each contestant and his/her supporters will compete with each other even far before the election is performed to fight for a space to campaign as well as to mobilize civil support as much as possible. Meanwhile, in the
view of MUI, this massive audience is potentially mobilized to participate in the coming election by deciding and giving their votes.

The second model is lobbying the next government through the candidate of president as it is important to ensure the future of their authority. In the side of Jokowi, they send one of their charismatic leaders, Ma’ruf Amin, to couple with him in the throne of presidency. Regardless of a quite huge controversy following his candidacy, this is one of their political strategy to keep the legitimacy of their fatwa safe in the future – notice that Amin is a former head of fatwa commission in the body of MUI under whose leadership it issued some controversial fatwa including fatwa against Ahmadiyah.

In another side, they crafted a written deal with Prabowo in a so called Integrity Pact of Ulama Consensus II (Pakta Integritas Ijtima’ Ulama II). The pact consists of seventeen demanded point that must be approved by Prabowo to gain their support. The last point sounds: “Respecting the position of ulama and desire to consider the argument of ulama and other religious leaders in resolving any problem related to state and social prosperity.” This specific point is their attempt to save their authority.

As it was named in the previous paragraph, Ulama Consensus has been organized three times since the outset of this political contestation. Given the complexity of the consensus, it needs a specific research to discuss and analyze them in detail. However, they will be captured briefly in this final chapter only to show how the dimension of coercive authority was also displayed in this case.

In the history of Islam, Ulama Consensus is conducted in response solely to the religious problem, particularly after the demise of the Prophet Muhammad. The output is conceptually called Ijma, defined as the unanimous agreement of the jurists of the Muslim community of any period on any matter (Kamali, 2000: 169). Its position in Islamic legal resources is after Qur’an and Hadits and before Qiyas (analogical reasoning). They are best known as four legal resources commonly referred by Muslim in all places and histories. As one of among for main resources, it is supposed
to religiously binding upon which all Muslim should put their compliance. Those who do not obey the communal agreement will be religiously condemned as conducting a sin.

Interestingly, this agreement was made by some Ulama of Indonesia (including GNPF-MUI) in regard to the political matters. Sequentially, it was held firstly on July 27-28, 2018 to find an appropriate person to be recommended as Prabowo’s mate in presidential struggle. Two prominent names were mentioned; Salim Segaf al-Jufri (the Head of Advisory Council of Prosperous Justice Party) and Ustadz Abdul Somad (the most prominent Islamic preacher). The second was organized a month after to create an Integrity Pact as it was explained earlier. Finally, the last was to respond the final result of election. They argued that the election has been manipulated structurally and systematically because of which they cannot win the competition.

By tracking back the history of Ulama Consensus in Indonesia, it must be stated obviously that those were the first time where the consensus were held to produce political decisions. According to Nasaruddin Umar, a charismatic imam of Istiqlal mosque, there is no precedent of Ulama Consensus in the history of Indonesia, be it is conducted by NU, Muhammadiyah or MUI, that produced an ijma (consensus) of practical politics. This historical fact leads me to conclude that religious modes are recently exercised to support political interest. By driving religious terminology through political arena, they practically induced their struggle with a coercive power as the last model.

**Conclusion**

The relation between religion and state does not need to be categorized either in theocracy or secular democracy. As I have alluded earlier that they sometimes go beyond the idea of secularism. This is by no means that the idea is essentially invalid but the complexity of interplay between religion and state in the current political context cannot be covered by the notion of secularism. Indonesia is one of the context in which the relation cannot be understood through liberal perspective.
Though claiming to be a democratic state, religion is not relegated into private sphere as it is in Turkey and France. Rather, it is involved even in the initial formation of the nation as well as mostly in the process of policy decision-making.

The establishment of MUI in the beginning period of New Order is representing the presence of religion in the state realm. It productively issued fatwas with regard to many social, economic, and political issues. As it is politically aimed to control the role of ulama in a way that PPP is created to control Muslim political parties, it showed a model of state corporatism in the first period. However, its role was transformed since 1990s by producing some institutional innovations such as halal food certification and Islamic banking. Providing them an amount of funding, those two creative projects empower their position before the state to the degree that they can contest some of state policies. Since 2005 up to present, they used a modern type of authority to keep their influential position. These strategies are including mass mobilization, lobbying, and coercive authority.

Of their controversial fatwas, fatwa on golput was recently re-resonated to energize the democratic culture of Indonesia. Many attempts have been exercised particularly in welcoming the 2019 general election that is regarded as successfully suppressing the number of golput. Since it is precisely in the third period of MUI, they employ their modern authority to ensure that their fatwa is going to be implemented in society. A series of mass demonstration in National Monument from the purpose of sentencing Ahok to changing the existing regime obviously proved the involvement of social mobilization tactic. They used also a lobbying approach by, in one side, sending one of their leader in the presidential competition while, in other side, create a political agreement through Integrity Pact. Finally, through a sequence of Ulama Consensus, religious step was also included to complement their endeavor by supplementing an aroma of coercion.
References


