

# MEDIATING THE INTERESTS: THE STUDY OF THE COUNCIL OF 'ULAMA' INDONESIA OF BANTEN PROVINCE'S ROLES ON THE DISCOURSE OF THE IMPLEMENTATION OF SYARI'AH IN BANTEN

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## Abstrak

*Pasca runtuhnya Orde Baru pada tahun 1998, perjuangan untuk menegakkan syariat Islam di Indonesia memasuki babak baru. Selama periode ini, beberapa gerakan Islam yang bercorak radikal berdiri, baik sebagai respon terhadap runtuhnya rejim Orde Baru yang mengekang aktivitas mereka maupun sebagai respon terhadap terjadinya beberapa konflik horizontal yang dipicu oleh isu agama yang marak terjadi pasca keruntuhan rejim Suharto. Wacana penegakkan syariat Islam tidak hanya terjadi di tingkat nasional namun juga di tingkat lokal. Provinsi Banten yang berdiri pada tahun 2000 termasuk salah satu daerah penting dalam percaturan gerakan Islam dalam memperjuangkan penerapan syariat Islam. Dalam konteks ini, Majelis Ulama Indonesia Provinsi Banten telah memainkan peran yang cukup signifikan terutama dalam menjembatani berbagai macam kepentingan yang bermain dalam pertarungan wacana ini di tingkat local. Walaupun elemen umat Islam tidak berhasil dalam menggolkan peraturan daerah untuk menjadikan Provinsi Banten seperti Aceh yang telah memberlakukan syariat Islam. Namun demikian, munculnya beberapa peraturan daerah di tingkat kabupaten/kota menunjukkan bahwa wacana ini akan tetap hidup.*

**Kata kunci:** *syariat Islam, MUI Banten, perda syariah*

## Abstract

*After the ruin of the New Order era in 1998, the struggle to implement syari'ah in Indonesia came into a new historical phase. During this period, several Radical Islamic movements were established both as a respond to the collapse of the New Order regime which trammels their activities and as a respond to several horizontal conflicts triggered by religious issues which were frequently occurred the fall of the Suharto's regime. In the pipe line, the discourse of the implementation of*

*Islamic syari'ah occurred not only in national level, but also in local level. The Banten province established in 2000 was one of the important regions in the map of Islamic movements in fighting out the implementation of Islamic syari'ah. In this regard, the Majelis Ulama Indonesia of Banten province played a great role, especially in mediating various interests involved in this discourse fight in local level. Even though Muslims failed in bringing the regional regulations into reality to make Banten Province as Aceh which has implemented Islamic syari'ah, the emergence of several local regulations in several municipalities shows that this discourse is still alive up to the present.*

**Key Words:** *syari'ah, MUI of Banten, syari'ah local regulations*

## **Introduction**

One of the historical phenomena in the beginning of Reformation Order<sup>1</sup> was the reappearance of Islamic groups and parties which demanded the implementation of *syari'ah* (Islamic law) in Indonesia through constitutional mechanism. This started during the special session of People's Consultative Assembly (MPR) in 1999 and annual session in 2000 and 2002. In the parliament, some Islamic parties such as United Development Party (PPP) and Crescent Star Party (PBB) (both are Islamic parties) pronounced the demand. Through parliamentary mechanism they tried to amend the 1945 Constitution by proposing the seven words to be reinserted in the preamble of 1945 Constitution which will guarantee Indonesian Muslims to practice the entire of *syari'ah*.<sup>2</sup>

The attempt also received support from some trans-Islamic movements which had operated underground during Suharto era such as Hizbut Tahrir Indonesia (HTI) and Ikhwān al-Muslimūn (Islamic Brotherhood) including some relatively new Muslim organizations such as The Council of Indonesian Jihadist (Majelis Mujahidin Indonesia), Jihad Paramilitary (Laskar Jihad) and Islamic Defender Front (FPI) which progressively appeared and attempted to color the open political atmosphere. In this context, those organizations functioned as pressure groups outside the parliament and campaigners of the importance of *syari'ah* by employing various methods of *da'wah* (Islamic proselytization). Although the struggle of

Islamic parties to reenter the “seven words” failed due to the lack of support from parliament members, the discourse of the implementation of *syari’ah* Islam continued echoing at the local levels coinciding with the implementation of decentralization policy.

Trying to imitate Aceh province which legally implements the formal *syari’ah*,<sup>3</sup> some provinces such as Banten, South Sulawesi, West Sumatra, West Nusa Tenggara and some municipalities such as Bulukumba, Cianjur, Tasikmalaya, and Pamekasan, which have strong connection to Islamic tradition and history, also stipulated the central government to implement *syari’ah* in the regions by proposing special autonomy policy in order to enable Muslims in those regions to practice *syari’ah*. The attempt however also failed not only due to the lack of support in the local parliament but also because the *syari’ah* implementation proponents have to face the local obstacles such as local government, local parliament, and local Muslims who in fact still have limited understanding about *syari’ah* itself. Nevertheless, numbers of local regulations which contain some Islamic values gradually appeared in some provinces, districts, and municipalities denoting that the struggle of the *syari’ah* implementation’s proponent would reach the more local level arena of debate and tension.

This study is dedicated to portray the discourse of the implementation of *syari’ah* in Banten province, a province in the westernmost of Java which was established in 2000 and analyze the roles of the council of *’ulamā’* Indonesia of Banten province in guiding the discourse. In addition, unlike several studies that dealt with the discourse of implementation of Islamic law with strong emphasize on the roles of Islamic movement organizations mostly categorized as radical organizations,<sup>4</sup> I prefer to deal with the role of the council of *’ulamā’* Indonesia of Banten province in managing the discourse of the implementation of Islamic law in local area. Using core (center)-periphery method to see the phenomena and the dynamic of council of *’ulamā’* Indonesia in the local level, I attempt to prove the significant roles of the council of ulama Indonesia of Banten province in guiding and framing the discourse and the movement for not being too radical.

I also elaborate some local regulations and regent’s decrees in six municipalities and districts in Banten which are considered to have a relationship upon the discourse of the implementation of *syari’ah* in Banten and are to some extent approved and influenced by the council

of 'ulamā' Indonesia of Banten province. The analysis then will try to find the process of power relation between the council of 'ulamā' Indonesia of Banten province toward central council of 'ulamā' Indonesia, the council of 'ulamā' Indonesia of Banten toward local government and local parliament and the council of 'ulamā' of Banten toward Islamic movements in Banten toward the discourse of the implementation of *syari'ah* in Banten province. I would argue that the council of 'ulamā' Indonesia of Banten plays as a mediator, restrainer and controller among four interests namely central MUI, local government and parliament, and local Islamic movements.

The paper then will try to answer the following questions namely what is the attitude of the council of 'ulamā' Indonesia Banten province toward the implementation of *syari'ah* in Banten province? And how does the roles of the council of 'ulamā' Indonesia Banten upon the discourse? In the frame of *Khadīm al-Ummah* (the attendant of the Muslim society) indeed the council of 'ulamā' Indonesia of Banten stands its roles in this issue.

## Analytical Framework

In this paper entitled “Mediating the Four Interests: The Study of the Council of 'Ulamā' Indonesia of Banten Province's roles on the Discourse of the Implementation of *syari'ah* in Banten”, there at least four conceptual terms that require further clarifications namely: center-periphery, the council of 'ulamā' Indonesia (Majelis Ulama Indonesia/MUI), the *syari'ah* and Banten. I want to show how the discourse of the implementation of *syari'ah* in Indonesia is not only pronounced in the central level but also in the provincial level which is surprisingly still echoing although some years since the beginning of the debate in the central level have been passed through.

### 1. Centre-Periphery Theory

According to Burke, the term “centre” is not a new terminology since the process of centralization is a traditional object of (historical, social, and anthropological!) studies.<sup>5</sup> In Burke's view moreover, the terminology of “centre” is problematic since it leads ambiguity in terms that it can be defined in two metaphors namely in geographical sense meaning that a specific area becomes the center and in the sense of politics-economy accumulation.<sup>6</sup> Both notions however cannot be separated and therefore complementary.

Moreover, both are meaningful to see how the accumulation of power, economy, or even a discourse in one central locus of study finally breaks down and spreads up.

Criticizing the concept of the centre proposed by Edward Shill which puts strong emphasis on the role of the center and at the same time was inadequate in paying attention to the periphery, Burke simply defined periphery as the “non-center” and support Castelnovo’s argument that “the periphery is only present as an area of shadow which serves to bring out the radiance of the metropolis”.<sup>7</sup> In addition, the centre has shifted in terms that what is previously known as centre or possessed by the centre is not centre in both senses anymore. On the flip side, the periphery of the previous center could be the new centre which is the case of this paper. In this regards, it is important also to consider Bulliet’s term of “view the edge”. In his view, each locality has its own micro history of Islam which produced fragmented stories that cannot be seen as a whole story.<sup>8</sup> Moreover, he perceived that the aspects of Islam such as the *syari’ah* and the *’ulamā’* have been elaborated after the death of the prophet. In addition, the historical phase enables Muslims in many localities nominate their own institution to interpret Islam and *syari’ah*.<sup>9</sup> In Indonesian case, the discourse of the implementation of *syari’ah* was also related to the absence of a single religious institution which could interpret Islam to a diverse and fragmented society.

Furthermore, the central-periphery concept would be very useful to understand the current situation in Indonesia especially after the 32 years New Order hegemonic authoritarian regime which operated centralistic policy. During the ruling of the New Order regime, the accumulation of power, politic, economical, and developmental policy were mainly centered in Jakarta (the capital of Indonesia) and institutions which the New Order created. In the context of studying the council of *’ulamā’* Indonesia of Banten province, the central-periphery concept is also meaningful to see whether the pattern of centralistic organization form is still operated or it follows the wind of change in terms that the local council of *’ulamā’*s in thirty three provinces in Indonesia and hundreds of districts and municipalities have their own characteristic, agenda and history.

## 2. Council of 'Ulamā' Indonesia

The council of 'ulamā' Indonesia (Majelis Ulama Indonesia/MUI) was established on July 26<sup>th</sup> 1975 as the association of 'ulamā's in the national level in order to coordinate, integrate, and harmonize 'ulamā's and Muslim Organizations in Indonesia under Suharto regime. Initially, the central the council of 'ulamā' Indonesia was a fusion of some local council of 'ulamā's in provincial level such as council of 'ulamā' of West Java, Aceh, West Sumatra and South Sulawesi.<sup>10</sup> As stated in its guidelines, the council was functioned as the mediator between state and 'ulamā' as well as the interpreter between the state and the *ummah* (Indonesian Muslims).<sup>11</sup> The organization hierarchy is not only in the central but also in the three lower levels alternately provincial, district or municipality and sub district levels.

The institution also produces *fatwās* mainly to guide the government regarding Muslims religious matters and becomes one of religious authority institutions in Indonesia. Practicing authoritarian system and centralistic policy, the regime wanted the 'ulamā's to participate, contribute, and accelerate the development of the country by creating synergy with the central government.<sup>12</sup> This however brought the impact to the fact that most of the fatwa products of national board of council 'ulamā' of Indonesia before the fall of Suharto era were mostly influenced by the central government's interest.<sup>13</sup>

After the fall of Suharto in 1998 however, the council of 'ulamā' Indonesia has shifted their attitude toward the *ummah* by coining the slogan "*Khadīm al-Ummah*". The council then wants to preserve the *ummah* from any problems which will destroy the belief of the *ummah*. In this paper, the council of 'ulamā' is defined in both perspectives; in the central level and provincial level in which 'ulamā's form different background of Muslim modern or traditional organizations and expertise are gathered under the organization of the council of 'ulamā' Indonesia.

## 3. The *Syari'ah* In Indonesia

The definition of *syari'ah* is of course not uniform which has resulted in tension among the proponents and the repellents. There are at least three different ideas in understanding *syari'ah* in Indonesian context. The first group was the proponent of scriptural

understanding supported by Muslim organizations such as Jihad paramilitary (Laskar Jihad), the council of Indonesian Jihadist (Majelis Mujahidin Indonesia), Islam Defender Front (Front Pembela Islam), the council of Indonesian Islamic *Da'wah* (Dewan Dakwah Islamiyah Indonesia), Hizbut Tahrir Indonesia (HTI), Ikhwān al-Muslimūn, United Development Party (PPP), Crescent and Moon Party (PBB), and Justice Party (PK).

According to those organizations and political parties, *syari'ah* is defined as the unity of the rules of God which are not only related to *tauhid* (God Oneness), *fiqh* (understanding), and *'ibadāh* (submission) but also the entire rule of God which should be practiced in every aspects of state such as politics, economy, social, military, culture including some criminal punishments such as stoning to death, flagellating, and cutting the theft's hand. The proponents of *syari'ah* implementation concern to this kind of *syari'ah* while according to the opposing club, they neglect to the fact that there are some regulations which explicitly relate to Islamic teachings which have been well-established as part of Indonesian constitution such as laws on *zakāh* (alms giving), pilgrimage, heritance, and marriage produced by central government to represent the important of Islam and Indonesian Muslims in Indonesia. For those groups the *syari'ah* should be formalized without leaving any sphere for debate. Insisting this understanding, the group tended to support Indonesia to become Islamic state. The first group however is not the religious view mainstreams in Indonesia but could increase the number of followers from time to time.

The second club is categorized as substantialist-moderate Muslim organizations such as Muhammadiyah and Nahdlatul Ulama (NU), which represents modernist and traditionalist Muslim organizations in Indonesia. Both have significant followers among Indonesian Muslims. For the two organizations, *syari'ah* should not be formalized and therefore it is no necessary to establish Islamic state as long as the state could accommodate Islamic values and teachings. In addition to prevent the ideology of the former club, Muhammadiyah and Nahdlatul Ulama categorized the first clubs as dangerous Islamic movements that will destroy the unity of Indonesia as a nation-state.<sup>14</sup> This view is supported by the National Awakening Party (PKB) and national Mandate Party (PAN), both are parties which have the main supporters from NU and Muhammadiyah members respectively.

The third group was the secular-nationalist organizations, which did not support any religious interests to be accommodated in the state affairs. The proponent of this group however is the biggest in the parliament. The two biggest parties in Indonesia such as Golkar Party and Indonesia Democratic Party of Struggle (PDIP) are the proponents of secular-state. Meanwhile, human's right activists and several non-government organizations including the Liberal Islamic Network (JIL) are among the main supporters for the third group.

#### **4. Banten Province**

After the fall of the New Order regime in 1998, the numbers of progressive policies toward democracy, human rights and good governance were implemented in Indonesia. One of the policies was the regional autonomy regulation produced by the central government to pronounce the so-called decentralization policy as the consequence of the wind of change blown by the reformed political administration. The policy No. 22/1999 on regional autonomy and No.25/1999 on financial balance between central government and local government for example aimed to empower local governments after being politically manipulated during the former regime. It was then responded by the local elites demanding to the establishment of new provinces and municipalities based on ethno-religious-historical motives and the common objective, which was to create the more prosperous society.<sup>15</sup>

In this paper, Banten province is defined as a province in the westernmost of Java, which separated from West Java Province and was established based on Law No. 23/2000 released on 4 October 2000. The province is inhabited by a majority of Bantenese ethnic group who employs two different languages in their daily activity; Sundanese-Banten used in the Southern Banten and Javanese-Banten language used mostly in the Northern of Banten. In the beginning of its establishment, Banten province consists of four districts namely Serang, Lebak, Tangerang, and Pandeglang and two municipalities namely Tangerang and Cilegon. In 2006, Serang municipality was officially established as the capital of Banten province. Meanwhile South Tangerang municipality was established in 2008. Accordingly Banten province until 2010 consists of four districts and four municipalities.

## The Pancasila and Islamization in Indonesia

Pancasila is the Indonesian state ideology which consists of five principles namely a belief in one supreme being (*Ketuhanan yang Maha Esa*), a just and civilized humanitarianism (*Kemanusiaan yang Adil dan Beradab*), the unity of Indonesia (*Persatuan Indonesia*), people governed by wise policies from a process of consultation and consensus (*Kerakyatan yang Dipimpin oleh Hikmat Kebijaksanaan dalam Permusyawaratan/perwakilan*), and the social justice for all of Indonesian people (*Keadilan Sosial bagi Seluruh Rakyat Indonesia*).<sup>16</sup> Attempting to find the common ground for the sake of national identity and the unity of Indonesia, Sukarno in 1945 coined and popularized the Pancasila that could be accepted by all elements of Indonesia and at the same time challenging religion-based ideology and Communism to be the ideology of the new states.<sup>17</sup>

Standing among various ideologies after a heated and intense debate, Pancasila in fact gave a freedom for Indonesian to practice their own religion as stated in the first principles without considering one religion above other religions. By implementing the third principle of Pancasila moreover, hundreds of tribes and languages were united while promoting the Indonesian nationalism. The five principles of Pancasila moreover, according to Sukarno, were dug from Indonesian value and culture that guided the archipelago to be a nation.<sup>18</sup>

The process of building Indonesia as a nation is also related to Anderson's term of "imagined communities" that grew up replacing the religious communities and dynastic realm.<sup>19</sup> The name of Indonesia was in fact relatively a new word which appeared in the beginning of twentieth century. Hundreds years before the invention of "Indonesia", islands in the archipelago were ruled by many religious dynasties and city-state kingdoms spread from the Northern part of Sumatra to Java and Ambon. Between 1850 and 1910 the Dutch colonial government conquered most of the kingdoms and sultanates. Through certain social and political process, the Indonesian national consciousness explicitly emerged in 1928 when youth organizations from diverse islands in archipelago gathered and proclaimed the unity of motherland, nationality, and language.

According to Burke however, during the construction of a community, it cannot be assumed that a community has become the final society with a solid solidarity included but the process of construction and reconstruction of a community would color the

whole process.<sup>20</sup> Moreover a community is heterogeneous in attitudes that would trigger conflicts.<sup>21</sup> This can be proved during the formation of Indonesian Constitution in which Islam and Nationalist-secular ideological debate were involved in the long and heated discussion in the parliament.

The discourse of the implementation of *syari'ah* in Indonesia after the fall of New Order regime can be seen as the continuation of the debate. At the same time, the reemergence of *syari'ah* discourse would examine the role of Pancasila as the national ideology that has glued together and united thousands of islands and hundreds of tribes under the banner of Indonesia as the nation-states since the birth of Indonesia. The main concern of nationalist proponents is when *syari'ah* is imposed as the national foundation, Islam, Muslims and its law would slowly replace the Pancasila which has become the spirit of Indonesia and would finally break the unitary Republic of Indonesia. It is reasonable however since in the view of the proponents of *syari'ah* implementation Pancasila is seen as human-created ideology which is not resulted from the revelations. Furthermore, Islam according to the proponents of *syari'ah* implementation is a comprehensive religion which provides the entire of law and regulation for human being. Basing their argument on historical phases of the prophethood and the four rightly-guided Caliphs, the proponent of *syari'ah* believe that Islam can function as the religion and as the political institution as well.

### **The Genesis of the Discourse: *Syari'ah* in Banten Sultanate**

After the establishment of Banten province in 2000, Bantenese elements tried to find their unique identity, which had been buried by two political layers before its establishment. The first layer was the New Order policy which pronounced the national identity under the slogan of *Bhinneka Tunggal Ika* (unity in diversity), securing the sacredness of *Pancasila* (the five principles) by imposing policy which obliged all political parties and mass organizations to utilize *Pancasila* as the solely foundation of the organizations in Indonesia and the campaign of using *Bahasa Indonesia* as national language.<sup>22</sup> Enunciating the important of the unity however, the central government tended to ignore the unique character of hundred of tribes and local languages inhabited and used in different islands.

In Banten province case, the second political layer employed was the domination of Sundanese-Priangan cultures of West Java on Bantene culture. This could be observed for example in the local language subject studied in the elementary and junior high schools which emphasize the Sundanese-Priangan language which was considered more polite and soft compared to Sundanese-Banten which was considered more rude and impolite while totally neglected the Javanese-Banten language to be studied in elementary schools. This situation is an obvious sort of centralization of language explained by Burke as during the political centralization of Britain and France, English and France defused and on the other hand the local languages were marginalized.<sup>23</sup> Not to mention, official appointments in almost every important bureaucratic position in Banten were monopolized by officials from West Java appointed either by central or the West Java government.<sup>24</sup> The two layers then strengthened the spirit of Bantene ethnicity to separate form West Java province.

In the search of Bantene identity and symbol furthermore, the discourse of implementation of *syari'ah* in Banten was emerged and articulated by elements of Bantene society. Several seminars and workshops were held by trans-national Islamic movements in the local level as well as Bantene elements which supported the implementation of *syari'ah* in Banten.<sup>25</sup> One of the main concerns of these elements was to bring back the glorious development and sovereignty of Banten province. The proponents of the implementation of *syari'ah* in Banten believed that Banten province should reflect the sultanate era's glory and magnificence in which Islam became the sole basis of the sultanate.<sup>26</sup>

During the glory of Banten sultanate for example, the area of Banten's territory did not only reach Eastern areas (such as Batavia and Priangan) from its core region in the Northern of Banten but also reach Lampung and Southern part of Sumatra.<sup>27</sup> The port of Banten sultanate moreover was also known as one of the busiest ports in the archipelago opening the opportunity to cooperate with foreign countries such as China, Britain, Denmark, Netherlands and many European countries.<sup>28</sup> The trading cooperation enabled the Sultans of Banten to develop the region.

Possessing the development in economical and political aspect also enabled the sultanate to enhance Banten sultanate to be the core of Islamic civilization. In the peak of its glory, Banten sultanate

became one of the Islamic learning destinations in the archipelago. Related to the evidence upon the implementation of *syari'ah* law during the sultanate's law administration moreover, the sultan possessed a *Qādi's* who were transferred from foreign countries and gave religious advice to the Sultans. In Banten sultanate, a *Qādi* court functioned as a law institution that would decide the punishment for the criminals based upon the *syari'ah*.<sup>29</sup> This has strengthened the determination of proponents of *syari'ah* implementation,, making them believe that during the sultanate, some Islamic laws had been imposed in Banten sultanate, which should be followed by Bantenese after becoming the new province.

The second historical argument was that based on the Dutch Colonial reports, Banten was a home of the second most fanatical Muslim in the archipelago after Aceh.<sup>30</sup> Meanwhile, Harry Benda indicated that there are three areas in the archipelago which have stronger Islamic tradition and practices and have less Hinduism's influences namely Aceh, Banten, and Minangkabau.<sup>31</sup> The notion however needs further examination especially after several historical processes which took years that might enable a society to experience different historical, social, political, and cultural changes.

It is probably true when one observes the statistical data related to Islam and Muslims in Banten which shows the significant number of Islam adherents. According to Banten Province Statistic Department data in 2006 for instance there are 8.355.781 Muslims out of 9.229.281 of Banten province population (90.54% of Banten province population). Meanwhile, there are 765 of Islamic kindergartens, 848 Islamic Elementary Schools, 653 Islamic Junior High Schools, 244 Islamic Senior High Schools, and 24.680 mosques spread in four districts and two municipalities.<sup>32</sup>

Not to mention there are more than two thousands *pesantrens* (Islamic boarding schools) throughout Banten province.<sup>33</sup> However, numbers in statistic data does not guarantee Muslims in Banten understand neither the *syari'ah* which campaigned by the *syari'ah* implementation proponents nor the Islamic glory during the sultanate era. This fact can be observed in the case of Islamic party voters in Banten province during 1999, 2004, and 2009 general elections that will be discussed later. Indeed, the number of legislative members from Islamic parties, which supported the implementation of *syari'ah* in Banten is very pivotal instrument in dealing with this issue.

## The Position of The Council of 'Ulamā' Indonesia of Banten in the *Syari'ah* Discourse in 2001

After the establishment of Banten province on October 2000, council of 'ulamā' Indonesia from four districts and two municipalities in Banten were gathered to discuss the establishment of the council of 'ulamā' Indonesia of Banten province. The result of the meeting was to propose a letter addressed to the council of 'ulamā' Indonesia of West Java to advise and supervise the establishment of council of 'ulamā' Indonesia of Banten province.<sup>34</sup> On March 2001, the first provincial meeting of the council of 'ulamā' Indonesia of Banten province was held, and Prof. K.H. Wahab Afif was chosen as the first chief.<sup>35</sup>

On 15 to 17 June 2001, the council of 'ulamā' Indonesia of Banten province carried out the training of preachers. After the training held, some recommendations were produced and one of which was to support the implementation of *syari'ah* in Banten and counted on Bantenese society, mass organizations, religious and political institutions to participate actively in the process and the attempt to implement it.<sup>36</sup> This was the first attempt of the council of 'ulamā' Indonesia of Banten province involved in the discourse of the identity of Banten province which put strong emphasize on *syari'ah* Islam as the main issue.

The attempt cannot be separated by internal and external political situations and therefore cannot stand alone. There are four internal political situations taking place in this period. The first internal political situation was the struggle of Muslim organizations and Islamic political party in the parliament to reinsert the seven words into the constitution. The second was implementation of *syari'ah* in Aceh which influenced Muslims in Banten to imitate Aceh. The third was the religious conflict in Ambon in 1999 and 2000 which indirectly bolstered the enthusiasm to implement *syari'ah*. The other factor was the enthusiasm of some provinces and municipalities to prosecute the special autonomy similar to Aceh. Whereas the external factor such as the global politics concerning Muslim in Palestine for example was also significant to trigger the issue of *syari'ah* implementation. From this point, it is obvious that the council of 'ulamā' Indonesia acted as one of the chain and actor of the discourse on the implementation of *syari'ah* in Banten.

## The P3SIB, The Council of 'Ulamā' Indonesia of Banten and the First Attempt in Local Parliament

To facilitate Bantenese elements, which enthusiastically supported the implementation of *syari'ah* in Banten province, in 2002, the committee of preparation for the implementation of *syari'ah* in Banten (*Panitia Persiapan Pelaksanaan Syariat Islam Banten* (P3SIB)) was established in Serang which was the center of the movement. Involving in the committee were some representatives of Islamic movement organizations such as Hizbut Tahrir and Ikhwān al-Muslimūn, political parties such as PK (now PKS), PBB and PPP, Muhammadiyah, Nahdlatul Ulama, including the council of 'ulamā' Indonesia of Banten province and numbers of individual representative such as *kyai* (Islamic religious scholar) form some Islamic boarding schools.<sup>37</sup> The main concern of the committee was to prepare for the implementation of *syari'ah* in Banten and socialize the *syari'ah* among Bantenese society.

The first attempt of this big coalition of Muslims mass organizations in Banten was to examine its influence in the discussion of the motto of Banten province during the Banten province parliamentary meeting in 2002. The Council of 'ulamā' Indonesia of Banten and P3SIB proposed "Banten Darussalam" for the motto of the new province. Clearly, the logo was aimed at indicating Islam as the basis of Bantenese society and did imitate Aceh province's label of "Nanggroe Aceh Darussalam".<sup>38</sup>

However, the attempt was seen by secular-nationalist parties, which were majority in the Banten province parliament as the effort to implement *syari'ah* in Banten. By proposing the logo of "Banten Darussalam", it was assumed by the nationalist parties that Bantenese Muslim elements in the council of 'ulamā' Indonesia of Banten and the P3SIB indirectly started a small step as the beginning to propose a special autonomy administration similar to that in Aceh. Diplomatically, the chief of the council of 'ulamā' Indonesia of Banten province stated that the council of 'ulamā' Indonesia of Banten proposed the motto "Banten Darussalam" since the districts and municipalities in Banten have also Islamic mottos such as Serang districts with the motto "Serang Bertakwa" (Serang is pious), Tangerang's motto is "Tangerang Beriman" (Tangerang is faithful), Lebak's motto is "Lebak Bertauhid" (Lebak believes the oneness of

God), and Pandeglang's motto was "Pandeglang Berkah" (Pandeglang was blessed).<sup>39</sup>

In fact, the attempt to propose the motto of "Banten Darussalam" was not successful due to the lack of supports among parliamentary members. This was obvious since the number of parliamentary members of Islamic parties, which supported the motto was not significant in influencing the result. The following table will show the mapping of parliament members in 2002:<sup>40</sup>

**Table 1**  
**The Distribution of Banten Province Parliamentary Seat**  
**in 2001-2004**

<b>Name of Political Party</b>	<b>Number of Seats</b>	<b>Political View</b>
Indonesian Democratic Party of Struggle (PDIP)	24	Nationalist-Secular
Golkar	12	Nationalist-Secular
United Development Party (PPP)	12	Islamist
Military and Police	8	Nationalist-Secular
National Mandate Party (PAN)	6	Nationalist-Religious
National Awakening party (PKB)	3	Nationalist-Religious
Justice Party (PK)	2	Islamist
Crescent Star Party (PBB)	1	Islamist
United Justice Party (PKP)	1	Nationalist-Secular
United Party (PP)	1	Nationalist-Secular
Sarekat Islam Party	1	Islamist
Masyumi Party	1	Islamist
People Sovereign Party (PDR)	1	Nationalist-Religious
Indonesia Democratic Party (PDI)	1	Nationalist-Religious
Nahdlatul Ummat Party	1	Islamist
<b>Total Seats</b>	<b>75</b>	

If we calculate the potential supporters in the parliament of Banten province, it is clear that the number of the parliament members who would support the motto come only from Islamic-basis parties such as Nahdlatul Ummat party (1 seat), Masyumi Party (1 seat), Sarekat Islam Party (1 seat), the Crescent Star Party (1 seat), the Justice Party (2 seats), and the United Development Party (12 seats) which were overall only 18 seats or only 24% of parliament seat. Therefore the proposal of "Banten Darussalam" as the motto of Banten province was failed.

Yet, the parliament of Banten province agreed to release "Iman dan Taqwa" (faith and piety) as the motto of Banten province.

This motto was legally released based on local regulation number 10/2002 on Regional Symbol of Banten province after certain political process. The new motto could be seen as the accommodation of Banten parliamentary members upon the growing interest among Banten society to implement *syari'ah*. Although the motto “Banten Darussalam” could not be accommodated, some Islamic agendas were explicitly stated in the Banten government development programs.

Furthermore, after the first attempt of proposing the “Banten Darussalam in the parliament, Bantenese elements incorporated in P3SIB delivered the socialization of the discourse of implementation of *syari'ah* and the attempt to implement it to the council of *'ulamā'* Indonesia of Banten province.<sup>41</sup> It means the “ball” of the discourse is in the hand of the council of *'ulamā'* Indonesia of Banten.

### The Council of *'Ulamā'* Indonesia of Banten and Local Regulations

Along with the discourse of the implementation of *syari'ah* since the beginning of the establishment of Banten province and after the motto “Iman and Taqwa” was introduced, numbers of local regulation (*Peraturan Daerah*) were produced by the six local governments in Banten province and agreed by local parliaments. Although Islamic movements such as Hizb Tahrir argued that those local regulations did not entirely represent the *syari'ah*, the council of *'ulamā'* Banten as stated by one of the chiefs, suggested that the implementation of the *syari'ah* should begin by the implementation of local regulations which have strong connection to Islamic values.<sup>42</sup>

The forms of *syari'ah*-oriented local regulations are varied ranging from official local regulations released after plenary session (*Sidang Paripurna*) agreed by all parliament members and local major to the decree, instruction, and circular letters released by the local major. The following table will show some of *syari'ah*-oriented local regulations in districts and municipalities of Banten province.

Table 2  
*Syari'ah* Local Regulations in Banten Province

District/ Municipalities	Type	Number/ year	The Content of Regulations	Punishments
Serang District	Local regulation	No.6/2001	Zakah Management	3 months in jail and/or 30 million Rupiahs fine

	Local regulation	No.1/2006	The Solemnization of Compulsory Education of Madrasa Diniyah Awaliyah <sup>43</sup>	No Punishment
	Local regulation	No. 5/2006	The Overcoming of Society's Diseases (Alcohol, prostitution, and adultery)	6 months in jail and/or 50 million Rupiahs fine
Pandeglang District	Local regulation	No. 16/2003	Transgression of Morality, Alcohols, Gambling, Abuse of Narcotics, Psychotropic, and other additive materials	3 months in jail or 5 million Rupiahs fine
	Regent Instruction	No. 03/2001	The Obligation to conduct Dhuhur prayer collectively for Muslim civil servants in Pandeglang	No punishment
	Regent Instruction	No. 09/2003	The Zakat Management to Muslim civil servants in Pandeglang District	No punishment
	Regent Decree	No. 025/Kep.87-Huk/2002	Clothes for civil servant in Pandeglang district (should wear Muslim and Muslimah clothes without any specification of model)	No punishment
	Regent Decree	No. 9/2004	Uniforms Guidance for Elementary School, Junior High School, Senior High School, and Senior Technical School <sup>44</sup>	No punishment
Pandeglang District	Regent Decree	No.421/Kep.198-Huk/2006	The Separation of Classes between Male Students and Female students	No Punishment
Tangerang Municipality	Local Regulation	No.7/2005	Prohibition of the circulation and	3 months in jail or 50 million Rupiahs fine

			trading of alcoholic drinks	
	Local Regulation	No.8/2005	Prohibition of Prostitution	3 months in jail or 15 million Rupiahs fine
Tangerang District	Local Regulation	No.24/2004	The Management of Zakat, Infaq, and Sadaqah	3 months in jail and/or 30 million Rupiahs fine
Lebak District	Local Regulation	No.11/2005	The Management of Zakat	3 months in jail and/or 50 million Rupiahs
	Local Regulation	No.12/2005	The Madrasah Diniyah Compulsory Education in Lebak District	No punishment
Cilegon Municipality	Local Regulation	No.4/2001	The Management of Zakat, Infaq, and Sadaqah	3 months and/or 30 million Rupiahs fine
	Local Regulation	No.5/2001	Transgression of Morality, Alcohols, Gambling, Abuse of Narcotics, Psychotropic, and other additive materials	3 months or 5 million Rupiahs fine with or without confiscating for the local budgeted
	Local Regulation	No.2/2003	Licensing in Organizing Entertainment	3 months or 5 million Rupiahs fine with or without confiscating for the local budgeted
Banten Province	Local Regulation	No.4/2004	Zakah Management	-

As stated in the punishment column, there is no single punishment which is based or considered on the Quran, the *Sunnah* (prophet tradition) or the consensus of '*ulamā'*'. In this regards, it is obvious if in the view of Islamic movement such as Hizbut Tahrir those local regulations are not related to Islam. On the other hand, the council of '*ulamā'*' Indonesia of Banten province tends to use the local parliament as the main gate to realize the implementation of *syari'ah* in Banten. In the view of the council of '*ulamā'*' Indonesia of Banten province moreover, the local regulations showed a significant development on the discourse of the implementation of *syari'ah* in Banten province. By implementing the local regulations in every district and municipalities in Banten, the awareness of Bantenes society on the need of the presence of *syari'ah* would be increased gradually.

The result of the two last elections in Banten province however showed that the voters tended to support non Islamic parties

as their preference rather than Islamic parties that support the implementation of *syari'ah* In Banten. The result of 2004's election in Banten for example trued up Golkar party as the leading party in the local parliament with 16 seats. Meanwhile in the 2009 election, Democrat party became the winner by possessing 18 seats in the Banten province parliament.<sup>45</sup> Of course those facts would burden the future goal of the proponents of *syari'ah* implementation in Banten among other is the council of '*ulamā*' Indonesia of Banten which hopes there would be special autonomy which is impossible if the parliamentary members do not support the agenda.

### **Conclusion: The Council of '*Ulamā*' Indonesia of Banten and the Future the Discourse of *Syari'ah* Implementation in Banten**

The discourse of the implementation of *syari'ah* in Banten will continue echoing although it would have different intensity and frequency. The major actor of the discourse besides Islamic Parties in the parliament and local and trans-Islamic movements is the council of '*ulamā*' Indonesia of Banten. Although after the 2002 onward, the discourse was gradually diminished, in the beginning of 2007 the discourse of the implementation of *syari'ah* in Banten was pronounced ~~once~~ more during the *tablīg akbar* (public sermon) organized by the council of '*ulamā*' Indonesia of Banten province.<sup>46</sup>

The event was the series of activities of the Muslim of Banten Congress (Kongres Umat Islam Banten) in which one of the agenda was the discussion of the implementation of *syari'ah* in Banten province. The *tablīg akbar* event, however, was not attended by the Governor of Banten province. This clue might be an important signal for the proponents of *syari'ah* implementation in Banten that the governor was not too enthusiastic to support the issue. Not to mention, the governor Atut Chosiyah comes from Golkar party, which is a nationalist-secular party.

It is different if it is compared to a few years before. One of the reasons why the movement of the council of '*ulamā*' Indonesia of Banten province and other organizations during the year 2001-2002 could move and organize freely was because the first governor of Banten province was from the United Development Party (PPP). Having the same interest with Bantene elements who demanded the declaration of the importance of *syari'ah*, the first Governor, Joko Munandar, even once stated in one of local mass media that the local

government should organize a referendum in order to enable Bantenese society to choose whether the *syari'ah* should be implemented or not in Banten province.<sup>47</sup>

As the proponent of the implementation of *syari'ah* through democratic and constitutional approach, the council of '*ulamā'*' Indonesia of Banten province needs more efforts to convince the local government, local legislative members as well as the *ummah* and Muslim mass organizations in Banten on the importance of the implementation of *syari'ah* in Banten.

### Endnotes:

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<sup>1</sup> There are three orders which rule Indonesia with its own characteristics. The Old Order led by Soekarno started in 1945 and ended in 1966 characterized by guided democracy policy. It was replaced by New Order era with centralized-authoritarian government under Suharto began in 1966 and fell down by student movement in 1998. The new governmental system after the ruin of New Order regime is called Reformation Order which promotes decentralization policy to boost democracy and good governance system all over Indonesia. See, Deasy Simandjuntak, *The Quest for a Territory of Their Own: Elite Mobilization and the Making of a New Province in Sumatra, Indonesia*, unpublished paper, Amsterdam, 2009, p.4.

<sup>2</sup> The seven words are "with the obligation for adherents of Islam to practice Islamic law". The sentence also known as "Jakarta Charter" was produced by Indonesian founding fathers as a compensation for Islamic groups who insisted struggling Indonesia to become Islamic state. By inserting the seven words, Muslims in Indonesia were obliged to implement Islamic law. The agreement however was lasted in a very short period since the seven words were finally deleted from the draft of Indonesian's constitution. The proponent of secular state argued that if the seven words were inserted in the constitution, some regions in Eastern Indonesia would be separated from Indonesia. The attempts to reinsert the seven words into Indonesian constitution have been carried out by Islamic parties in Indonesia from one order to the next order. See, Arskal Salim, *Challenging the Secular State; The Islamization of Law in Modern Indonesia*, (Honolulu: University of Hawai'i Press, 2008), p. 85-93.

<sup>3</sup> Based on Law No. 18/2001 on Special Autonomy for the Privileged Province of Aceh as the Nangroe Aceh Darussalam, the central government politically allowed Aceh province to possess its own *syari'ah* court and implement *syari'ah* in the province. The law can be seen as the "religious approach" of the central government to end Aceh's bloody conflict. See, Moch. Nur Ichwan, "The Politics of Shariatization: Central Governmental and Regional Discourses of *shari'a* Implementation in Aceh," in R. Michael Feener and Mark E. Cammack, *Islamic Law in Contemporary Indonesia: Ideas and Institutions*, (Cambridge: Harvard University Press, 2007), p. 193-215.

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<sup>4</sup> There are number of studies deal with the Islamic movements which struggle to implement *syari'ah* in Indonesia such as Haedar Nashir, *Gerakan Islam Syariat: Reproduksi Salafiyah Idiologis di Indonesia*, (Jakarta: PSAP Muhammadiyah, 2007). The study deals with the religious movements conducted by the *syari'ah* implementation's proponents such as Hizbut Tahrir Indonesia and Majelis Mujahidin Indonesia which he called as "upper islamization" and proponents of *syari'ah* implementation in several provinces, districts, and Municipalities which he called as "bottom islamization". However, he did not discuss the discourse of *syari'ah* in Banten and the roles of Council of Ulama Indonesia of Banten. Khamami Zada, *Islam Radikal: Pergulatan Ormas-Ormas Islam Garis Keras di Indonesia*, (Jakarta: Teraju, 2002). The study deals with profile of some mass organizations categorized as radical organizations which attempt to implement *syari'ah* in Indonesia such as Majelis Mujahidin Indonesia, Front Pembela Islam, and Hizbu Tahrir Indonesia. A study conducted by Masykur discussed the comparison between Nahdlatul Ulama as traditionalist Islam and Hizbut tahrir Indonesia as revivalist Islam in Serang, Banten and how the Hizbut Tahrir of Banten province recruited its cadres from Nahdlatul Ulama's basis. While in discussing the discourse of *syari'ah* Islam in Banten he did not discuss the role of the council of 'ulamā' Indonesia of Banten province. See, Masykur, "From Traditionalist Being Revivalist Muslims: Story of the Member of NU who Join HTI in Serang Banten," accessed from <http://ern.pendis.kemenag.go.id/DokPdf/ern-vi-02.pdfm> in 1 January 2010. Meanwhile, the study conducted Surandi emphasized on the impact of the implementation of *syari'ah* upon women if it is implemented in Serang, Banten. See, Tuti Alawiyah Surandi, *Politik Identitas Islam dan Hak-Hak Perempuan: Studi Kasus Proses Penerapan Syariat Islam di Serang, Banten*, Tesis, (Pascasarjana UI, 2004).

<sup>5</sup> Peter Burke, *History and Social Theory*, (Cambridge: Polity, 2009), p. 82.

<sup>6</sup> Peter Burke, *History and Social Theory*, p. 85.

<sup>7</sup> Peter Burke, *History and Social Theory*, p. 87.

<sup>8</sup> Richard W. Bulliet, *Islam: the View from the Edge*, (New York: Columbia University Press, 1994), p. 9.

<sup>9</sup> Richard W. Bulliet, *Islam: the View from the Edge*, p. 194.

<sup>10</sup> Syamsul Hadi, "The Indonesian Council of 'Ulamā'," in *IC Journal* No. 50, Nov. 1989, p31-41.

<sup>11</sup> Majelis Ulama Indonesia, *15 Tahun Majelis Ulama Indonesia*, (Jakarta: Sekretariat Majelis Ulama Indonesia, 1990), p. 101.

<sup>12</sup> Majelis Ulama Indonesia, *Majelis Ulama Indonesia 1976*, (Jakarta: Sekretariat Majelis Ulama Indonesia, 1976), p.1.

<sup>13</sup> See for example, Atho Muzhar, *Fatwas of the Council of Indonesian Ulama: A Study of Islamic Legal Thought in Indonesia 1975-1988*, (Jakarta: INIS, 1993).

<sup>14</sup> See the discussion of Muhammadiyah and Nahdlatul Ulama in the issue of Islamic movements in Indonesia in Abdurrahman Wahid (ed.), *Ilusi Negara Islam, Ekspansi Gerakan Islam Transnasional di Indonesia*, (Jakarta: The Wahid Institute, 2009).

<sup>15</sup> The number of province in Indonesia gradually increased especially after reformation era. During the authoritarian regime for example there were only 27 provinces. Although after the 1999 referendum in East Timor in which the result was to separate from Indonesia, meaning that the numbers of province became 26,

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the following “*pemekaran*” (blossoming) process created seven new provinces namely North Moluccas, West Papua, Bangka Belitung, Banten, Gorontalo, West Sulawesi, and Riau Islands.

<sup>16</sup> Michael Morfit, “Pancasila: The Indonesian State Ideology According to the New Order Government,” in *Asian Survey*, Vol. 21, No. 28, 1981, University of California Press Journal, 1981, p. 838-851.

<sup>17</sup> There is a doubt however whether the Pancasila was really discovered by Sukarno since Muhammad Yamin, another Indonesian founding fathers also proposed the basic principles of Pancasila two days before the discussion of the the Committee for the Preparation of Indonesian Independence. See, Justus M. van der Kroef, Soekarno: “The Ideologue,” in *Pacific Affairs*, vol. 41 No.2, 1968, p. 245-261, University of British Columbia.

<sup>18</sup> Justus M. van der Kroef, Soekarno: “The Ideologue,” p. 246.

<sup>19</sup> Benedict Anderson, *Imagined Communities: Reflections on the Origin and Spread of Nationalism*, (London: Verso, 1983), p. 28.

<sup>20</sup> Peter Burke, *History and Social Theory*, p. 60.

<sup>21</sup> Peter Burke, *History and Social Theory*, p. 60

<sup>22</sup> Keith Foulcher, “The Construction of Indonesian National Culture: Patterns of Hegemony and Resistance,” in Arief Budiman (ed.), *State and Society in Indonesia*, Monash paper on South East Asia No.22, 1990.

<sup>23</sup> Peter Burke, *History and Social Theory*, p. 84.

<sup>24</sup> Nina H. Lubis, *Banten dalam Pergumulan Sejarah: Sultan, Ulama, Jawara*, (Jakarta: LP3ES, 2003), p.212. in addition to the emergence of Bantenese ethnicity spirit, it is also important to consider the infrastructural backwardness of Banten compared to West Java since Banten had little access to the development policy process and budget organized by West Java province. See, Lili Romli and Taftazani, Jawa dan Kekuasaan: “Peranan Jawa dalam Politik Pasca Pembentukan Provinsi Banten,” *unpublished paper*, the Habibi Center, 2006, p.16.

<sup>25</sup> One of the biggest seminars discussing the discourse of *gyari’ah* in Banten was carried out by Hizbut Tahrir Indonesia of Banten province in 2001 attended by more than one thousand Bantenese from different background. The follow up of the seminar was to organize and coordinate the spirit to implement *gyari’ah* by establishing a committee to prepare for the implementation. Interview with Yasin. M, one of secretaries of the council of ulama Indonesia of Banten province and chiefs of Hizbut Tahrir of Banten in 11 September 2007.

<sup>26</sup> The Banten Sultanate established from the early sixteenth century to the beginning of nineteenth century and it was finally abolished in 1808 by the decree of Governor-General of colonial government, Willem Deandles. See, Dinar Boontharm, B.A., *The Sultanate of Banten AD 1750-1808: A Social and Cultural History*, Dissertation, (London: The University of Hull, 2003), p. 3.

<sup>27</sup> Sartono Kartodirdjo, *The Peasants’ Revolt of Banten in 1888; Its Conditions, Course and Sequel*, (Amsterdam: ‘S-Gravenhage-Martinus Nijhoff, 1966), p. 29.

<sup>28</sup> Titik Pudjiastuti, *Perang, Dagang, Persahabatan: Surat-Surat Sultan Banten*, (Jakarta: YOI, 2007).

<sup>29</sup> Dinar Boontharm, B.A., *The Sultanate of Banten AD 1750-1808*, p. 256-83. Investigating manuscript MS. Cod. LOr 5598, Boontharm stated that during the

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reign of Sultan Maulana Muhammad (r.1580-1596), Islamic scholars from India and Middle East were recruited to be judges in the court showing the sharia was imposed in Banten sultanate. The text moreover described that any actions forbidden and condemned by the Quran are against the *haq Allāh* (the right of God) and these are categorized in the *syari'ah* to be imposed by *hudūd* crimes.

<sup>30</sup> The report could be influenced by tens rebellions mostly inspired by religious motives and driven by religious leaders in this region since the arrival of VOC in Banten sultanate territory. According to Mufti Ali, in the period between 1813 until 1890 there were 80 uprisings in Banten. See, Mufti Ali, *et.al.*, *Peran Tokoh Tarekat dalam Pemberontakan Muslim Banten 1926: Studi Kasus K.H. Abdul Hamid Iyās Muhammad Muqri al-Qutb Labuan (1860-1959)*, Laporan Penelitian, (Serang: IAIN SMH Banten, 2007), p.1.

<sup>31</sup> Harry J. Benda, *The Crescent and the Raising Sun*, (The Hague: W. van Hoeve Ltd., 1958), p. 12.

<sup>32</sup> Banten Province Statistical Department, *Banten in Figures 2006/2007*, Serang, Banten Province Statistical Department, 2007.

<sup>33</sup> Official data gathered from Islamic Boarding Schools Hospitality Forum (Forum Silaturahmi Pondok Pesantren/FSPH) shows that officially there are 1315 modern and traditional Islamic Boarding Schools in Banten. See, Fatah Sulaeman, *Pesantren dan Potensi Kebangkitan Umat Islam*, in <http://www.radarbanten.com/mod.php?mod=publisher&op=viewcat&cid=19>. Accessed on 30 December 2010.

<sup>34</sup> Interviewed with K.H. A. Aminuddin Ibrahim on 14 June 2010. He is one of chiefs of the council of '*ulamā*' Indonesia of Banten province and one of the initiators of the establishment of Banten province. He obtained his bachelor degree from Egypt and organizes Islamic boarding school in Pandeglang district.

<sup>35</sup> The precise time of the first provincial meeting of the council of ulama Indonesia of Banten province is still blur. According to K.H. Aminudin Ibrahim he received his appointment letter as one of the chiefs of the council on 30 April 2001 meaning that the first provincial meeting was held before he received the letter. However, in the activity report of the council of ulama Indonesia of Banten province it is stated that the first provincial meeting was on Mei 2001. See, Dewan Pimpinan Majelis Ulama Indonesia Provinsi Banten, *Laporan Kegiatan MUI Banten Periode Tahun 2010*, (Serang, 2010).

<sup>36</sup> Topo Santoso, *Hukum Pidana Islam: Penegakan Syariat dalam Wacana dan Agenda*, (Jakarta: Gema Insani Press, 2003), p. 104. Although, Sanoso did not mention the organizer of the training, I infer that the preacher training was organized by the council of '*ulamā*' Indonesia of Banten since no single organization has the concern in coordinating preachers training except the council of '*ulamā*' Indonesia.

<sup>37</sup> Interview with H. Embay Mulya Syarif, the coordinator of P3SIB, on 20 September 2007. It is also interesting to see that the two big Muslim mass organizations Muhammadiyah and Nahdlatul Ulama of Banten also involved in the committee while in the central level opposed the discourse of the implementation of *syari'ah*.

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<sup>38</sup> See also in Surandi, Tuti Alawiyah, *Politik Identitas Islam dan Hak-Hak Perempuan*, p. 61.

<sup>39</sup> See the foreword of the chief of the Council of Ulama Indonesia of Banten province in Suparman Usman, *Pemberlakuan Syariat Islam di Banten*, (Serang: Majelis Ulama Indonesia Provinsi Banten, 2003), p.ix.

<sup>40</sup> The Banten province parliamentary in 2002 consisted of 75 members as a result of the general election in 1999. See, Abdul Hamid, *Peran Jawara Kelompok Rawu Terhadap Kemenangan Pasangan "Joko-Atut" dalam Pemilihan Gubernur dan Wakil Gubernur Banten 2001-2006*, thesis, (Jakarta: University of Indonesia, 2004), p.23.

<sup>41</sup> Interview with Yasin M, the Hizbut Tahrir Indonesia of Banten activist and one of secretary of the council of 'ulamā' Indonesia of Banten in 11 September 2007. I try to guess that after the delivery of the discourse of sharia from P3SIB to the council of 'ulamā', the new organization was established since in the foreword written by the chief of the council of 'ulamā' Indonesia of Banten, it is stated that to implement sharia it is necessary to establish the Assessment Body of the Implementation of Sharia Islami in Banten (BPPSIB) consists of academicians, 'ulamā', and intelligentsia. The new organization however does not ever present.

<sup>42</sup> Suparman Usman, *Pemberlakuan Syariat Islam di Banten*, p. 44.

<sup>43</sup> Madrasah Diniyah Awaliyah is a four-years-non formal elementary Islamic education which provides some Islamic subjects of study such as al-Qur'ān, hadits, Islamic Etiquette, Fiqh, Islamic History, Arabic and religious practices for pupils between 7 until 15 years old. Furthermore, for Muslim students who want to continue to the upper level of education such as Junior High School or Madrasah Tsanawiyah in Serang District are obliged to possess certificate from Madrasah Diniyah. According Madrasah Diniyah Task Forum, until 2010 in Serang District there are 946 Madrasah Diniyahs. See, <http://www.radarbanten.com/mod.php?mod=publisher&op=viewarticle&artid=55371> cited on 23 December 2010.

<sup>44</sup> For male elementary and junior high school students, the pants should cover their knees and for male senior high school students, the pants should cover their ankles. Meanwhile, female students should wear veil and long sleeves clothes with skirt which covers their ankles.

<sup>45</sup> Cited from <http://www.radarbanten.com/mod.php?mod=publisher&op=viewarticle&artid=44856> in 28 December 2010.

<sup>46</sup> <http://www.radarbanten.com/mod.php?mod=publisher&op=viewarticle&artid=8500> accessed on 4 January 2011.

<sup>47</sup> See the appendix in Usman, *Op.Cit.*, p.174.

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### **Interview:**

Interview with H. Embay Mulya Syarief, the coordinator of P3SIB, on 20 September 2007.

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Interview with Yasin M., one of secretaries of the Council of 'Ulamā' Indonesia of Banten province and chiefs of Hizbut Tahrir of Banten in 11 September 2007.

