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## **The State and the Ulama: Comparing Indonesia and Malaysia**

*By Norshahril Saat*

### **EXECUTIVE SUMMARY**

- The governments of Suharto (1966-1998) and Mahathir (1981-2003) in their time introduced widespread Islamization policies to contain the Islamic resurgence in Indonesia and Malaysia, respectively. These include building and strengthening Islamic institutions and co-opting influential ulama (Islamic religious scholars) and intellectuals into state-sponsored institutions.
- This paper examines the impact of Suharto's and Mahathir's policies on contemporary official ulama's (religious scholars working in state-sponsored institutions) authority, and argues that conservative Islam has captured the Islamic bureaucracy in Malaysia, in contrast to the Indonesian case.
- Suharto's efforts in managing political Islam and the Islamic resurgence included the creation of PPP (United Development Party); MUI (Ulama Council Indonesia); and later ICMI (Indonesia Association of Muslim Intellectuals). These were aimed at neutralising the traditionalist ulama in the 1970s, and counterbalancing the military in the late 1980s. This strategy arguably laid the ground for a generally "weak" official ulama body, the MUI, in contemporary Indonesia.

- In contrast, Mahathir empowered ulama institutions to curb challenges from the *dakwah* movement and a resurgent PAS (Malaysian Islamic Party), which after the 1980s, became more Islamist. “Soft” Islamization strategies—such as establishing Islamic banks, Islamic universities, and strengthening Islamic bureaucracies—were undertaken, empowering the official ulama institutions, forming the powerful, conservative official ulama class we see in Malaysia today.

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## INTRODUCTION

On 17 July 2014, the Selangor Islamic Religious Council (MAIS) issued a *fatwa* (Islamic legal opinion) declaring groups promoting liberal Islam or religious pluralism to be “deviant.” It specifically mentions Sisters in Islam (SIS), an NGO that struggles for women’s rights and gender equality, as falling outside of mainstream Islam.<sup>2</sup> In many Muslim societies, fatwas are non-binding religious opinions issued by Islamic religious scholars (ulama). However, in Malaysia, fatwas published in state’s (*negeri*) gazette are legally binding, and Muslims are liable to imprisonment, fine, or both for violating them.<sup>3</sup> This fatwa, published in the Selangor gazette on 31 July 2014, is an example of the Malaysian “official” ulama’s (religious scholars functioning in state-sponsored institutions) attempts to silence progressive groups that challenge their authority. In fact, SIS is not the only group that has been targeted. Another progressive NGO, the Islamic Renaissance Front (IRF), also fell into the official ulama’s bad books. Between 2011 and 2014, JAKIM (Department of Islamic Development), the federal Islamic bureaucracy, stopped two IRF seminars because the speakers were “liberals” and were not approved by the Department.<sup>4</sup>

In contrast, the authority of the Indonesian official ulama—represented by members of the Ulama Council of Indonesia (MUI)—remains debatable. I make this claim even though existing writings consider the institution’s fatwas as having a significant impact among Indonesians, and forming the basis for vigilante groups to attack religious minorities such as Shias, Ahmadiyahs, and liberals.<sup>5</sup> These writings also suggest that the institution has departed from its original position as a “lackey” of the Suharto’s New Order regime to become one that is assertive towards government policies.<sup>6</sup> They often point to MUI’s 2005 declaration that secularism, liberalism, and pluralism are deviant ideologies as having encouraged extremist groups to attack so-called “deviant” Muslims. Nevertheless, I argue that MUI’s fatwas have little influence on Indonesian Muslims. Mass-based Islamic organizations Nahdlatul Ulama (NU) and Muhammadiyah, which also issue fatwas for their members, remain powerful at the grassroots level.<sup>7</sup> For example, every year, NU and Muhammadiyah members opt to follow their respective organization’s decision in determining the important

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<sup>2</sup> Chandra Muzaffar, “Understanding Liberalism and Religious Pluralism”, in *Sisters in Islam Website*, 4 November 2014, <http://sistersinislam.org.my/news.php?item.1302.27> (accessed 27 January 2015).

<sup>3</sup> In Selangor, those found violating a gazetted fatwa can be fined up to RM3000 (SGD 1116) or be jailed for up to two years. In Sabah, such persons can be fined up to RM 1000 (SGD 372) or jailed for six months.

<sup>4</sup> JAKIM stopped the 2011 forum *The Future of Islamic Feminism* because it considered the speakers liberal Muslims. In 2014, it stopped the *Religious Fundamentalism Threat in this Century* because it featured Indonesian liberal Muslim activist, Ulil Abshar Abdalla.

<sup>5</sup> See Syafiq Syafiq, H. (2011). *The Council Of Indonesian Ulama (Majelis Ulama Indonesia, MUI) and Religious Freedom*. Notes de l’Irasec-Discussion Papers no 12. IRASEC c/o French Embassy; Moch Nur, I. (2013). Towards a Puritanical Moderate Islam: The Majelis Ulama Indonesia and the politics of religious Orthodoxy. In M. V. Bruinessen (Ed.), *Contemporary Developments in Indonesian Islam: Explaining the “Conservative Turn”* (pp. 60-104). Singapore: ISEAS.

<sup>6</sup> In 1975, Suharto formed MUI not only as a fatwa-making body, but an institution that translates government policies to the people.

<sup>7</sup> Mun'im, S. (2013). Fatwas and Their controversy: The Case of the Council of Indonesian Ulama (MUI). *Journal of Southeast Asian Studies*, 44(1), 100-117.

dates in the Islamic calendar instead of MUI's.<sup>8</sup> In addition, whenever MUI issues a fatwa, progressive groups and intellectuals are quick to scrutinize it. Furthermore, writings that portray MUI as a "powerful, influential, and united" Islamic institution fail to see the divisions among its members. MUI's leadership comprises of conservatives, progressives, liberals, and Salafi ulama, who at times give contradictory statements in the media. Although MUI made several inroads during the Susilo Bambang Yudhoyono government (2004-2014), such as securing a formal role in overseeing shariah banking and finance in 2008 and getting the state to restrict Ahmadiyahs in the country, MUI's role in the religious domain remains marginal.

The following paragraphs highlight several plausible reasons for the diverging degrees of official ulama authority in the two countries. To be sure, the contrasting policies Suharto and Mahathir adopted in dealing with rising Islamic piety from the 1970s onwards help explain these varying outcomes. In a nutshell, Suharto invested greatly in Islamic modernism, which included co-opting progressives into the religious bureaucracy to counter the traditionalists. Modernists emphasize the use of reason in approaching religious traditions, are cosmopolitan in their religious outlook, and oppose blind faith (*taqlid*).<sup>9</sup> On the other hand, traditionalists argue that Islamic jurisprudence must adhere to rulings by four classical jurists Hanafi, Maliki, Hanbali and Shafie as closely as possible, even though they passed on a millennium ago. In Indonesia, the traditionalists outnumbered the modernists, the biggest traditionalist organization being NU (the others being Nahdlatul Wathon and Al-Washliyah). Mahathir, by contrast, co-opted traditionalist ulama into the religious bureaucracy, with the hope that they would represent UMNO on Islamic matters, support the party ideology of *ketuanan Melayu* (Malay supremacy), and counteract PAS. Mahathir's authoritarian leadership single-handedly kept the official ulama in check, something that his successors Abdullah Badawi (2003-2009) and Najib Razak (2009 to the present) have much less success with.<sup>10</sup>

## **INDONESIA: NEUTRALIZING THE TRADITIONALISTS**

Suharto considered domestic circumstances and social cleavages in responding to the Islamic resurgence. He did it in three ways: Uniting all Islamic political parties into the United Development Party (PPP); uniting religious scholars into Ulama Council of Indonesia (MUI); and uniting intellectuals into the Indonesian Association of Muslim Intellectuals (ICMI).

In 1973, Suharto re-aligned all Islamic parties into PPP and it became one of three parties allowed to contest in the Indonesia 1977 elections. Although an opposition party, it received

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<sup>8</sup> Muslims generally follow the decisions made by these mass organisations even though MUI is made up of NU and Muhammadiyah members.

<sup>9</sup> This is not to say modernists and traditionalists are homogenous entities.

<sup>10</sup> Discussing how Suharto's and Mahathir's Islamization policies contributed to existing ulama-state-society relations does not deny the role of policies undertaken by colonial powers, the contrasting geographical size of the two countries, political culture, and other historical factors.

funding from the state. It was in fact an amalgamation of all Islamic parties in the country.<sup>11</sup> In 1975, Suharto formed MUI as the country's fatwa-making body and as an advisory body to the state. Most of its fatwas during the New Order period were either neutral or supportive of the state ideology. For this, it earned the derogatory label Majelis "Ular" Indonesia (Indonesian Council of Snakes).<sup>12</sup> In 1990, Suharto formed ICMI when the military's support for Suharto's Golkar (Party of the Functional Groups) waned. This was his attempt to Muslims' support to counterbalance the military.

While the three institutions came into being under different political circumstances, Suharto had a common purpose in forming them: to curb traditionalist influence, to appoint modernists to lead religious institutions, and to internally fragment the Muslim political leadership. Suharto considered NU to be unconforming to his Islamic and modernization ideals, and wished for Islamic groups to be apolitical. And so, in the 1970s and early 1980s, the relationship between NU and the Suharto government was cold. By contrast, the Muhammadiyah avoided any form of politics and made peace with the New Order regime. This explains why Suharto favoured Muhammadiyah before NU. Hence, only state-friendly NU members were allowed to hold key positions in PPP, and in other institutions. Between 1975 and 1998, NU only held the chairmanship of MUI for three years (1981-1984).<sup>13</sup> Since 1971, Suharto did not appoint any NU member as the Religious Minister, even though that had been the practice, and most employees in the ministry were traditionalists. In the 1980s, the relationship between Suharto and the traditionalists improved after NU accepted Pancasila as its ideology and it ceased to be a political party. This, however, did not alter his preference for modernists over traditionalists.

Besides restricting traditionalist influence, Suharto also developed neo-modernist thinking among young Muslim activists. He encouraged them to study in Western Universities. These included personalities such as Nurcholis Madjid and Amien Rais, both of whom studied under prominent Muslim thinker Fazlur Rahman, who was a professor based in Chicago. Progressive thinkers such as Dawam Raharjo, Bachtiar Effendy, Azmumardi Azra, and Abdurrahman Wahid not only developed pluralist values in Indonesia, but also spurred democratization of the country during the post-New Order period. These intellectuals continue to play important roles in contemporary Indonesia in checking conservative thinking among the ulama camp. Some served in MUI's advisory board.

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<sup>11</sup> The other two parties were PDI (Indonesia's Democratic Party) and Golkar. PPP was made up of four Islam-based parties: NU, PSII (Parti Sarekat Islam Indonesia or Indonesian Sarekat Islam Party), PERTI (Pergerakan Trabiyah Islamiyah or Islamic Tarbiyah Movement) and Parmusi. (Partai Muslimin Indonesia or Indonesian Muslims Party)

<sup>12</sup> Feillard, A. (2010). From Handling Water in a Glass to Coping with an Ocean: Shifts in Religious Authority in Indonesia. In A. Azra, K. V. Dijk & C. J. G. Kaptein (Eds.), *Varieties of Religious Authority: Changes and Challenges in 20th Century Indonesian Islam* (pp. 157-176). Singapore: ISEAS and IIAS, p.172.

<sup>13</sup> Syukri Ghozali was made Chairman after Hamka's resignation in 1981.

## MALAYSIA: BUREAUCRATIZING ISLAM AND OUT-ISLAMIZING PAS

In Malaysia, Mahathir propelled the country's Islamization in response to the *dakwah* (the call to spread the message of Islam) movement, or the Islamic resurgence. This period saw the emergence of Islamic civil society groups such as Darul Arqam and ABIM, which drew a popular following.<sup>14</sup> So influential were these groups that Mahathir had to ensure that their leaders were given some role in the state administration. In 1982, Mahathir famously co-opted Anwar Ibrahim—who was ABIM president—into UMNO. Initially, Mahathir was tolerant of Ustaz Ashaari Mohammad, the Darul Arqam's spiritual leader. But by the early 1990s, Ashaari had become more critical of UMNO, which led to Mahathir banning the movement for promoting deviant Islamic teachings. The government claimed it acted on the National Fatwa Committee's Fatwa (Jawatankuasa Fatwa Kebangsaan).

In the 1980s, the most important challenge posed to the Mahathir administration came from PAS, which had become more Islamist in its orientation. Inspired by the 1979 Iranian revolution, PAS ulama called for the formation of an Islamic state and implementation of shariah laws in the country, challenging the secular notion of the federal constitution. PAS also altered the party's constitution, leading to the formation of the Dewan Shura as the highest decision-making body of the party. With these changes, PAS became more successful in recruiting ulama into its fold, including ABIM members. The politics of Islamisation between UMNO and PAS saw the government expanding its Islamic bureaucracies in an effort to demonstrate its commitment to Islam to an increasingly religious electorate.

Mahathir reacted to the Islamic resurgence and Islamist PAS by an array of policies. He set up the Islamic Bank, upgraded the Islamic Centre, forbade importation of non-halal meat, prevented Muslims from entering the casino at Genting Highlands, and built mega mosques. In 1988, he upgraded the shariah courts and introduced the dual-legal system in the country. Civil courts cannot for example hear cases dealing with Muslim personal laws of marriage and inheritance.

The introduction of this dual legal system created a major conundrum especially in deciding cases where there are overlaps between the shariah and civil courts. One example is the Lina Joy controversy, which began in 2001. Lina converted to Christianity but was not allowed to remove the word "Islam" from the identity card without the approval from the Shariah Court. Another example reflecting the overlap between civil-shariah courts jurisdiction was in the conversion of a minor by one parent. The constitution states that the religion of a minor (under the age of 18) can be decided by his or her parent or guardian. Since the constitution also states that singular terms also refer to the plural, some politicians and legal scholars

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<sup>14</sup> For Darul Arqam's influence, see Ahmad Fauzi, A. H. (2005). The Banning of Darul Arqam in Malaysia. *Review of Indonesian and Malaysian Affairs (RIMA)*, 39(1), 87-128. For ABIM, see Ahmad Fauzi, A. H. (2008). Islamist Realignments and the Rebranding of the Muslim Youth Movement of Malaysia. *Contemporary Southeast Asia: A Journal of International and Strategic Affairs*, 30(2), 215-240.

interpret it to mean that both parents' or guardians' consent are required in deciding the religion of minors. Nevertheless, the official ulama insist that one Muslim parent can unilaterally convert the minor to Islam without his or her spouse's approval. In 2002, a divorce case between Shamala Sathiyaseelan v Dr Jeyaganesh demonstrated this conundrum. The couple were Hindus when they married, but when Jeyaganesh later converted to Islam, he secretly converted their two minor children to Islam without his wife's consent. This meant that Shamala would not be able to convert the two children out of Islam later without the approval from the Shariah Court. This created a tussle over which courts have the authority to hear cases involving a Muslim and a non-Muslim.

Compared to the amount of resources committed towards the religious infrastructure, Mahathir invested little on ideological and intellectual aspects. On the one hand, Mahathir's writings and speeches show that he is a modernist and progressive Muslim. When he was prime minister, he prevented the PAS governments in Kelantan and Terengganu from implementing hudud laws. He was also critical of Islamic conservatism throughout his rule. On the other hand, he did not develop an ulama class that could master Islamic traditions, social sciences, and modern philosophy akin to those in Indonesia. Instead, he allowed resurgent ideas, championed by the likes of Professor Syed Naquib Al-Attas, to penetrate religious institutions and universities. Al-Attas mentored ABIM members when he was teaching in Malaysian universities. These ideas are utopian and call for an alternative social order that is not in-sync with modern realities.<sup>15</sup> Yet, it was these ideas that became the foundations of universities and think tanks that Mahathir founded such as International Islamic University Malaysia (IIUM), International Institute of Islamic Thought and Civilisation (ISTAC) and Institute of Islamic Understanding Malaysia (IKIM), which now train young religious elites in the country, as well as those from neighboring Singapore. Calls for the Islamization of knowledge, science, laws, economics and culture in Malaysia are thus commonly made. Most recently, these appeals were extended to calls for Islamic entertainment and cars. In short, the group wants to establish an Islamic "alternative" to the existing social order. While in essence Islam promotes universal values and principles such as justice, equality, and democracy, what exactly is un-Islamic about modern laws is rarely discussed by these institutions.

## CONCLUSION

The Indonesian and Malaysian experience shows the contrasting impact of contrasting strategies of state co-optation of the ulama. Leaders in these countries had been committed to keeping Islamization in check and in line with the goals of the state. Suharto and Mahathir envisaged Islam to be respectful of their respective countries' multi-racial and multi-religious

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<sup>15</sup> See Shahrudin, M. (2005). Religion and Utopian Thinking among the Muslims of Southeast Asia In R. Hassan (Ed.), *Local and Global: Social Transformation in Southeast Asia: Essays in Honour of Professor Syed Hussein Alatas* (pp. 315-330). Leiden and Boston: Brill.

societies and wanted the ulama to conform to their ideals. But some of their policies led to opposite outcomes instead: conservative and intolerant religious establishment.

There are merits and demerits in Suharto's and Mahathir's Islamization policies and in their co-optation of the ulama. In terms of laying down the religious infrastructure, Mahathir aced compared to Suharto. Suharto could have better clarified the powers of MUI and the religious ministry. In the post-New Order, the question of which institution has authority over Islamic banking, halal-certification industry, books and entertainment censorship were not resolved, and some of these have yet to be clearly defined. In Malaysia, the government had clarified the roles assigned to ulama institutions since the country's independence, but saw them hugely expanded under the Mahathir government. Today, JAKIM is an effective religious bureaucracy overseeing the Islamic administration of the country such as in matters of halal certification, Islamic banking and finance, books censorship, research and dakwah programs. Internationally, Malaysia has become one of the major players in Islamic banking, finance, and insurance. The Malaysian Central Bank figures indicate that in 2007, the total assets of the *takaful* sector (Islamic insurance) amounted to US\$2.8 billion (SGD\$3.9 billion). In 2010, Islamic banking assets were valued at US\$65.6 billion (SGD\$88.6 billion).<sup>16</sup> Similarly, the 2013 Nikkei Asian Review estimated that Malaysia exported RM 10 billion (SGD\$3.74) in halal products.<sup>17</sup>

Yet, Malaysia is far behind Indonesia in terms of its development of Islamic intellectualism. The ulama Mahathir co-opted into the religious institutions were not only conservative in their religious outlook, they rarely engaged with universal norms such as human rights, freedom of responsible expression, and rights to privacy. Malaysian Muslims shun works written by progressive scholars such as Chandra Muzaffar, Hashim Kamali, and Norani Othman because they are considered "liberals," even though these scholars are well regarded internationally. Furthermore, the official ulama have indirectly consented to the behavior of the conservative religious bureaucrats. With the exception of a few, such as Perlis Mufti Dr Mohd Asri, other Malaysian muftis have kept silent about religious bureaucrats raiding churches, hotels, and parks. Such vigilante groups are not absent in Indonesia, however. Groups such as Islamic Defenders' Front (FPI), The Liberation Party of Indonesia (HTI) and Islamic Forum (FUI) have been acting on their own to curb "deviant" teachings. However, these groups act on their own accord and their actions are illegitimate in the eyes of law. They are not in the service of the MUI. In contrast, Malaysian religious bureaucrats draw their authority from existing state laws, institutional powers, and consent from Malay rulers.

Can the Indonesian and Malaysian governments today control the official ulama as well as had been done during the Suharto and Mahathir years? I am inclined to say Yes for Indonesia, but half No for Malaysia. In Jakarta, the new Joko Widodo administration has retained Lukman Hakim Saifuddin as the country's religious minister. Lukman was

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<sup>16</sup> Bank Negara Malaysia. (2010). Overview of Islamic Finance in Malaysia. Retrieved 14 February 2015, from [http://www.bnm.gov.my/index.php?ch=fs\\_mfs&pg=fs\\_mfs\\_bank#Overview](http://www.bnm.gov.my/index.php?ch=fs_mfs&pg=fs_mfs_bank#Overview)

<sup>17</sup> Tan, C. (2014). Halal expo bolsters Malaysia's status as gateway to Muslim market. Retrieved 28 January, 2015, from <http://asia.nikkei.com/print/article/25820>

appointed by Yudhoyono in the final months of his presidency. Unlike his predecessor Suryadharma Ali, Lukman is known for his pluralist and liberal values, as well as his integrity. So far, Lukman has demonstrated his desire to restrict MUI's Islamization drive and keep its role only to the realm of fatwa. Under this new government, it remains doubtful if MUI can become as powerful as the Malaysian official ulama in the near future. It still lacks the statutory recognition Mahathir accorded to the Malaysian ulama institutions.

In Malaysia, the Najib government may still be able to control the ulama to some degree, as it can determine the expansion and reduction of their jurisdiction. The Prime Minister also has a say in the appointment of top JAKIM personnel. At the same time, Najib faces the arduous task of controlling the muftis, who mainly answer to the Malay rulers. Today, the muftis are publicly commenting on social and political issues, including federal matters. While most of their comments tend to be pro-UMNO, there have been instances where they have been critical of UMNO politicians as well. Furthermore, the Malaysian government's lack of investment in progressive Islamic thought has enhanced conservatism in the bureaucracies. In February 2015, the Najib government attempted to pander to its Islamic bureaucracy by launching the Malaysian Syariah Index. This index is to benchmark whether the various government departments are behaving in line with Islamic principles.

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