Adapting to Reformasi: Democracy, Human Rights, and Civil Society in the Indonesian Islamist Discourse

Le discours islamiste au temps de la Reformasi: démocratie, droits de l'homme et société civile en Indonésie

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It is now a truism to say that “radical Islam” rose sharply in Indonesia after President Suharto’s fall from power in May 1998 and with the start of the process of “Reformation,” or Reformasi. Taking advantage of the liberalization of political life, some militant groups and newly-formed political parties that could be defined as promoting an “Islamist” ideology, though forming a small minority, have had an important impact on the political debate since then. Ahead of the 2004 general elections, one question arises: Have Islamist groups or parties produced a model that could appear, in the eyes of the Indonesian people, as a politically viable and attractive alternative to the secular model of democracy? In June 1999, the country’s first free and fair elections since 1955 saw the failure of Islamic parties promoting an Islamic political system. After this defeat and an early tendency to blame it on secularist parties, the electoral system, and the media, some Islamists started to acknowledge their own responsibility for this failure, and attributed it to a lack of unity in the face of electoral competition, and to a lack of clarity in their political message."

How has this message changed since 1999 or even, one might be tempted to ask, before that crucial year? How much has the Islamist ideology been influenced by...
the political upheavals of the last decade of the New Order and the advent of Reformasi? This paper tries to clarify how the three concepts of democracy, human rights, and civil society have evolved within the Islamist discourse, and in what way they differ from the discourse within the circles of mainstream traditionalist and modernist Islam, which have already been thoroughly studied.3

The first difficulty arises with the designation of Indonesian “radical” groups. Olivier Roy defines Islamism as “[a] project of building, from state power, a political system that is complete or ‘total,’ managing all aspects of society and the economy, and based exclusively on the foundations of Islam, rejecting all forms of pluralism (Roy 2002: 10).

Do Indonesian “Islamists” fit in this definition? Not completely. First of all, let us remark that the groups or individuals who are the object of this research show a great diversity in origins, ideology, and actions, with the clearest divide appearing to be between those ready to use violence to impose their ideology, and those who see violence as counter-productive and, to a certain extent, morally reprehensible. Thus the phrase “radical Islam” is too restrictive and does not reflect the diversity of the Indonesian political scene. We will use here the term “Islamists,” in the specific context of Indonesia, as “groups or individuals who believe in an alternative Islamic system, replacing the secular model, as the key solution to societal, political, and economic woes, the divergence between ‘moderate’ and ‘radical’ Islamists being based on the ways to achieve this shift to the Islamic model.”

This paper suggests that, in their quest for power, Islamists have adapted to the current political context by reinventing their own “Islamic democracy.” In this process of reinvention, these groups seem to have been influenced, with uneven intensity, by figures such as the Pakistani Islamist thinker, Abul Ala Maududi (1903-1978), founder of the Jama’at-i Islami, or by more contemporary and geographically closer figures, such as Anwar Ibrahim, and their modernist counterparts in Indonesia, as well as by Islamic think-tanks based in foreign countries. I do not intend here to recount exhaustively the creation of the concept of an “Islamic democracy,” nor to identify exactly the very diverse sources of this reinvention. Rather this paper focuses on the specific way in which this discourse was articulated in relation to the political upheavals of recent years and to the creativity proper to the Indonesian model. It must be pointed out that, although monographs, political programs, and other materials were consulted, the main source for this analysis is the Islamist press (Media Dakwah, Republika, Sabili, Saksi, Suara Hidayatullah). A number of Islamic intellectuals, politicians, and religious figures used these media as an essential platform to assert their difference of views with their ideological and political rivals and, maybe more interestingly, to debate among themselves these three concepts.

The first part will present a brief outlook of the meaning of democracy for some key figures of Indonesian Islamism. It shows that this model has been fashioned first and foremost as an antithesis to what is perceived as a “Western” democracy model. As a result, Indonesian Islamism seems to be divided into those who totally
reject the concept of democracy, and those who are ready to adapt to it in order to achieve their long-term goal of reaching an Islamic political system. This process of adaptation will be analyzed in the second part of this paper through the local formulation of the concept of “human rights” during three main periods: first, the early 1990s, when this concept seemed to be partly welcomed as a way to enhance the weight of political Islam, whose reach had been restricted during the 1970s and 1980s; then, the last two years of the Suharto regime, when the alliance between conservative Islam and the ailing regime presented human rights as an instrument of deceit by the West and local democratic forces, hence the need to create a specific Islamic model of human rights and democracy; and finally, the Reformasi period, during which these concepts matured and the Islamic identity of human rights was reinforced. The third and last section of this paper will shed light on another important aspect of “Islamic democracy,” namely the concept of “civil society,” the islamization of which could be, in a paradoxical way, the sign of a partial secularization in a particular string of Islamist thought.

A CRITIQUE OF THE WEST

Legalists and Revolutionaries

Given the variety of views among Islamists on what democracy should mean, let us first review the definitions proposed by key figures and groups. When Abu Bakar Ba'asyir, the suspected leader of the Jemaah Islamiyah, the group blamed for the bombings in Bali (12 October 2002) and the Marriott Hotel in Jakarta (5 August 2003), favored the creation in 2000 of the Council of the Indonesian Mujahidins (MMI, Majelis Mujahidin Indonesia) as a political vehicle to promote the shariah, democracy appeared as an opportunity for bringing about the long-awaited implementation of Islamic law in Indonesia. This never prevented him, however, from clearly affirming his rejection of what he calls “secular democracy.” Certainly, for Ba'asyir, the concept of democracy is similar to that of musyawarah, or “consultation,” but this process of consultation can only take place if the questions being dealt with are not already settled by the Qur'an. What is written in the Holy Book cannot be deliberated or be the subject of any modification, as its directives have to be applied totally. Hence, according to Ba'asyir, even if democracy and Islam are quite similar, two fundamental points clearly differentiate them: sovereignty and freedom. The right to produce laws is not in the hands of the people through elected representatives, but exclusively in the hands of God (Yunanto et al. 2003: 87-88). This is one of the main reasons why Ba'asyir believes that “secular democracy” (demokrasi sekuler) cannot apply to Indonesia, as it is the source of insecurity, social unrest, political dysfunctions, and mental illnesses among the people (Al-Anshari 2002: 72). Irfan S. Awwas, chairman of the MMI, labels “secular democracy” a system of “infidels” (kafir), a legacy of colonial times, and finally the worst of all political systems (Khamami 2002: 132).

This opinion is shared by the Hizbut Tahrir, a Pan-Islamist movement created in Jordan in 1953, which has been very active in Indonesia since Suharto's fall,
particularly in demanding the implementation of the shariah. For the Indonesian Hizbut Tahrir, democracy is only the “formalization of group interests [...]. Its essence, the sovereignty of the people, is a mere illusion,” as it is monopolized by a corrupt political elite. According to the group, Islam clearly asserts that “the sovereignty is in the hands of the shariah, not in those of the people or their leaders. Only the shariah can define the law, the system and the rule.” The only task of the leaders and their people is to implement these rules. The Hizbut Tahrir totally rejects the concept of democracy, since it ends up placing “the people and God on an equal footing,” and because it is the result of a process of secularization, itself a product of the West (Hizbut Tahrir 2003).

The supposedly exogenous character of democracy is also one of the main criticisms expressed by the Laskar Jihad, the now disbanded Islamic paramilitary organization headed by Ja’far Umar Thalib, which claimed more than 10,000 members at its peak. It was active in the fighting between Christians and Muslims in the Eastern Moluccas from 1999 to 2002. Thalib opposes democracy, not only because of its “Western” origins (Yunanto et al. 2003: 86), but also because he believes that “power [sovereignty] is in the hands of God, and not the people,” and that “the only valid law is the law of God.” As a result, for Thalib, the head of state cannot be chosen by the people but only by “experts in religion, in political and social sciences, economy, culture, defense” (Khamami 2002: 134).

Habib Rizieq, leader of the Front of Defense of Islam (FPI, Front Pembela Islam), an Islamic militia that made the headlines by engaging into vigilante-type actions against “vice” in Jakarta, seems to be in agreement with the aforementioned opinions against democracy. He believes that Islam cannot reasonably accept or adapt itself to democracy because Islam “emerged well before democracy,” and because Islam already proposes a “perfect” model (Khamami 2002: 136).

Furthermore, for most of these figures or movements, democracy is perceived not only as alien to Islamic culture but also, more dangerously, as “an instrument of domination” of the West, politically as well as economically. We shall see in the second part of this paper how conspiracy theories and a strong anti-Western rhetoric were ushered into the discourse on democracy and human rights.

Nuances are, however, undeniable. Thus, Anis Matta, an ideologue from the Justice and Prosperity Party (PKS, Partai Keadilan Sejahtera)\(^4\), illustrates the problems encountered in the local introduction of the concept of democracy with the case of a television talk-show in which the host expressed his views about two guests, figures of the local gay community: “This is a minority sexual group that has the right to live according to its own ways and we have to accept it.” Matta commented: “This is one of the characteristics of democracy. Everyone is free. Freedom is the first principle that characterizes democracy.” Contrasting with the previously cited figures, Matta depicts democracy as a positive concept: It brings equality to citizens, freedom of expression, freedom to engage into commercial activities, to possess and enjoy the use of assets, it allows the individual not to be scared by the military. Moreover, concerning predication (dakwah), one of the main duties prescribed by Islamist groups, Matta acknowledges that democracy,
indeed, gives a never-seen-before opportunity to engage into *dakwah*-type activities, which is not the case under authoritarianism or dictatorship. The state regulates this common life, hence everyone benefits from democracy: the capitalist who has access to the market thanks to political regulations, the worker to his labor rights, but also (unfortunately, in his eyes) the “deviating minorities” (*minoritas yang menyimpang*), such as homosexuals, whose rights are upheld (Matta 2002: 31-33).

Thus, although it has positive aspects, democracy has a cost as well. It does give freedom of expression to Islam, but also to those Matta calls “evil doers” (*pelaku kemungkaran*), such as homosexuals or any other individuals who disrespect the precepts of Islam. The source of the problem, according to Matta, is that, in a democratic system, “the law is not about right or wrong but about what is legal or not. Something can be legal, even though it is ‘improper,’ and what is ‘proper’ can be illegal. These are the rules of the game in a democracy. This is why a democratic society leans towards a mentality of looseness” (Matta 2002: 33).

Despite these hurdles, Muslims have to “enjoy the benefits of democracy” (*Menikmati demokrasi*, the title of Matta's book), because there is an opportunity here for the *Ummah*, the community of believers, to build itself freely and independently, so as to finally “have a world of its own.” In reaching this objective, Matta recognizes the importance of public opinion, which, according to him, is one of the most important institutions in a democratic system, as important as the executive and legislative powers. The victory in winning over public opinion will bring about further victories. Hence, it is important to formulate the debate in legal terms, so that Islamic principles can be accepted through the legal process and through state institutions (Matta 2002: 37).

From this brief outline of the meaning of democracy for several key personalities, a few remarks can already be made. Democracy is viewed as a specifically Western concept, therefore secular in nature, and also as an instrument of power, a way for the West to impose its will on poor or developing countries, particularly Muslim countries, and to defend its specific interests, whether political or economic. Because of this exogenous origin, democracy is characterized by fundamental incompatibilities with the Muslim doctrine: The people's sovereignty impedes on God's sovereignty, any decision through a majority vote that is only “fifty percent of the people plus one” does not represent the will of all the people. This process allows “un-Islamic measures” and “excessive freedoms” to be tolerated or even to be legalized, such as allowing a woman to be head of state, allowing deviant sexual behavior, or the sale and consumption of alcohol.

What appears next is that there are two modes of rejection of the democracy concept, which reflect two different approaches. Groups that do not participate in the institutional process and did not set political representation as their objective, such as the Hizbut Tahrir and the Laskar Jihad, reject democracy in all its forms, as it is profoundly incompatible with Islam. Other groups, however, seek potential benefits from a democratic system, and thus advocate participation in the
institutional process, an opportunity to propagate the message of Islam and, in the longer term, to introduce an Islamic political system. Democracy may also be beneficial to society as a whole. In this second category, the Justice and Prosperity Party (PKS), a party inspired by the Egyptian Muslim Brotherhood, and the Crescent and Star Party (PBB) feature prominently. However, as we shall see next, such groups accommodate democracy by re-appropriating the concept itself and show great ingenuity in creating the paradigmatic model of an “Islamic democracy.”

The Divine Essence of Democracy
The first strategic step in this process of re-appropriation consists in demonstrating that Islam created democracy well before the West, as the previous reference to Habib Rizieq already showed. Nonetheless, only “acceptable” aspects of Western democracy are said to be “originally” Islamic. For U.S. Sulaiman, “if democracy means taking power from the hands of ambitious persons and giving it to the people, then Islam was the first to give birth to the concept of democracy” (Sulaiman 1992: 27). It is also said that the concepts of deliberation, justice, responsibility, and the delegation of powers were formulated by Islam long before the West (Yunanto et al. 2003: 84).

These basic principles could be viewed by Indonesian Islamists as the few features common to both Western and Islamic democracies, although some important characteristics are utterly specific to Islamic democracy. As Lufti Lukman Hakim puts it: Democracy “is said to be transcendental because its perpetuation is not solely based on the interests and the power of man. Not all human matters can be settled by man's will. Some divine principles are ubiquitous. It must always be for the good of the multitude. Only through the principles and teachings of God can human matters be settled” (Hakim 2002: 31).

In defining Islamic democracy or “theo-democracy,” Indonesian Islamists seem to have been influenced by Muslim reformists such as Abu Ala Maududi (see, e.g., Jaiz 1998 and Susetyo 2001). Maududi’s main criticism towards Western democracy was that the so-called sovereignty of the people is merely an illusion, as obviously not all citizens participate in governing the country, and in fact citizens delegate their powers to elected representatives. But Western secularism having separated the political and religious spheres, ethics and moral values would be utterly lacking in these political representatives, resulting in widespread corruption, authoritarian practices, and nepotism. According to Maududi, the Islamic political system would not be encountering such difficulties proper to Western democracy, as far as God’s sovereignty prevails, not the people's (Araghchi 1996).

Today this line of reasoning is widespread in the circles of Indonesian Islamism. According to Hartono Ahmad Jaiz, “the sovereignty of the people stems from a perception proper to the infidels, according to whom, man has been created, then let loose without rules of life, without differentiating between good and evil, what is profitable and what brings misfortune, living in a state of chaos without rules or leaders” (Jaiz 2001: 36).
Another older Islamist leader, Fuad Amsyari of the MMI, also stresses that the Western model’s weak point, when compared to the Islamic model, is that “decision making through a majority vote allows ‘ignorant’ [bodoh] people to name an ‘ignorant’ leader, prone to corruption, collusion, and nepotism [KKN, korupsi, kolusi, nepotisme], which in the end will bring about the ruin of the country and produce more ignorant people” (Amsyari 2002). This process, which Amsyari calls a “spiraling down” phenomenon, is particularly relevant to Indonesia, as its people is deemed “relatively weak.” Beside applying the shariah, which would reverse the process, Amsyari proposes to choose competent leaders according to strictly defined criteria such as religious practice, good moral values, impeccable life record, and good education, so that they have the intelligence and creativity needed for developing the nation (Amsyari 2002: 28-29). As for the specific qualities asked of a true leader, Hartono Ahmad Jaiz mentions that he must “abide by the laws of God, possess a knowledge that enables him to choose an imam in accordance with the Law, a vision of wisdom that would permit him to know whom to choose, the most efficient” (Jaiz 2001: 35).

There is, however, little elaboration on what institutions and regulations should be established to guarantee the good functioning of the system. It is interesting to note that available programs or documents show that this model is still in an early process of elaboration, a fact recognized by the Islamist ideologues themselves. What is proposed here are general principles and calls for the “spirit” of things to be taken into account. For now, the first concrete step toward this model seems to be an attempt to convince people of the potential benefits of the implementation of the shariah, while not going into a tricky debate about the details of this implementation.

A few political models are timidly cited as a possible inspiration for this future “theo-democracy:” for example, the Iranian case, in which, as Didin Hafidhuddin puts it, the sovereignty of the people is “assisted” by an assembly of mullahs (Hafidhuddin 1999). In reality, Islamist personalities seem to focus on convincing their fellow citizens of the need to introduce an Islamic system rather than defining precisely what this system should be.

Nonetheless, other concepts, such as “human rights” and “civil society,” perceived as part of this democracy model, have been similarly debated and could help apprehend what is actually proposed.

**FROM HUMAN RIGHTS TO “ASIAN-ISLAMIC” VALUES**

**The Roaring 90s: Converging Asian and Islamic Values**

The end of the 1980s and the beginning of the 1990s are a turning point in the history of relations between the Indonesian state and political Islam. For more than two decades, the secularist regime of the New Order had established a strategy of containment of political Islam by neutralizing in various ways the Islamic parties and movements, and confining them in a relatively sterile role of semi-opposition.
By the end of the 1980s, however, President Suharto started to feel the heat of an opposition movement originating not only from the usual pro-democracy groups and NGOs, but also from within the Army itself, his long-time loyal ally. The Army accepted with much difficulty the progressive personalization of the President's rule and the Suharto family's massive takeover of some key sectors of the national economy, with the presidential group imposing new laws to regulate the generals' concealed incomes. Thus, looking for a new support base and taking into account the strength of the Islamic resurgence that had started in the late 1970s and early 1980s, Suharto turned to political Islam (Hefner 2000: 128-166, Ramage 1995: 75-121). This major turn in the President's attitude towards political Islam can also be explained by the fact that he had been partly reassured by the general acceptance of Pancasila as the “sole principle” (asas tunggal) of most Muslim organizations and parties in 1985 (Ramage 1995: 78). Created in 1990, the Association of Indonesian Muslim Intellectuals (ICMI, Ikatan Cendekiawan Muslim Indonesia), led by B.J. Habibie, minister of Technology and President Suharto's right hand man, was to be the vehicle of this new alliance.

Even before ICMI’s creation, there had been calls for more “openness” (keterbukaan), and the country now witnessed the development of an extensive debate on democratization in local newspapers and magazines, as well as in intellectual forums. During this period, the concepts of “civil society” and “human rights” were debated in a lively way, including within modernist Islam, which had become an ally to the very regime at which this rhetoric of democratization was aimed. In this light, the discourse on human rights is worth analyzing.

In 1994, Deliar Noer, a respected historian of Indonesian Islam and a modernist Muslim, and Anwar Harjono of the Indonesian Council for Islamic Predication (DDII, Dewan Dakwah Islamiyah Indonesia), a key player in the alliance between Suharto and conservative Muslims in the 1990s, expressed their views on the question of human rights (Noer 1994, Harjono 1994). Both personalities intended to show that the concept was not an exclusive property of the West, since it had been developed in many other civilizations, including Islam. But the “islamization” of the concept of democracy by these two writers appears to be quite mild, almost non-existent, in comparison with the elaborate rhetoric of the post-1998 Islamists. Thus, Harjono merely uses a single verse from the Qur'an to show that Islam had also developed the concept of human rights: “All of us are leaders who will be held responsible for their leadership” (Harjono 1994: 7). The concept seems to be less the object of a religious than a political re-appropriation, as far as it is used to illustrate the repression of political Islam during the earlier years, and at the same time to mildly criticize the regime (see also Pamungkas 1994: 33-34).

What is most interesting is that both figures seem to integrate another key concept into the human-rights principle: local Asian values, or more specifically, “Indonesian values,” which had been developed in the early days of the Suharto regime, partly to justify in ideological terms its grip on society. Indeed, the New Order itself had borrowed the “integralist” vision, also referred to as “collectivism” or the “family principle” (kekeluargaan), originally formulated by some of the
country's founding fathers, such as Dr. Soepomo or Ki Hadjar Dewantara. They presented the individual only as part of an organic totality in constant evolution, whose elements completed each other in an harmonious way. This early “integral” model imposed in theory a “balance” between the rights of the individual and the interests of society as a whole, contrary to the “Western liberal” model, which, as Deliar Noer (1994: 15) stressed, had been “rejected by Indonesian nationalism”.

According to Harjono: “a right or the term ‘right’ cannot be separated from [the term] ‘obligation’ […] The balance between right and obligation is what is called justice. […] This balance is needed because the human being lives in a group. And the creation of this group, big or small, needs a leader who guarantees the respect of its rights” (Harjono 1994: 6). Furthermore, Harjono does not see the need to “empower civil society,” as it was then being argued for by some Indonesian intellectuals, since he did not perceive the state or the government as too strong, because “it has to be strong, in a constitutional way, which is a condition for the country's stability and development” (Harjono 1994: 7).

When Islamist writers turn to international issues, however, human rights are often depicted as an instrument of power of the West. To stress this point, an article in *Media Dakwah*, written by Taufiq Wa’i, an unidentified Arab writer, and translated by Didin Hafidhuddin, an important figure of Indonesian Islamism, stressed that the massacres of Muslim populations during the Bosnia war, and the Western countries' non-intervention in the conflict were proof enough that concepts such as “freedom” and “human rights” were merely the “howling of wolves [Western countries] getting ready to fall on their prey [poor Muslim countries].” As an example of the viciousness of the so-called democratic and modern West, the author exposes the extravagant case of hundreds of Muslim Bosnian children said to have been sold to Western automobile companies and used as crash-test dummies, as well as in horrendous medical experiments and in the trade of human organs (Wa’i 1994: 32).

A few years later, the use of such conspiracy theories peaked, while the concepts of human rights and democracy came into a much less favorable light in conservative Islamic circles, at a time when its ally, President Suharto, came like never before under pressure of democratization forces.


By 1997, the Asian crisis had hit hard Indonesia's economy and thus, at the same time, President Suharto’s legitimacy built upon years of fruitful economic development. Once called the “Father of Development,” the President saw various opposition forces unite against him. Some circles of modernist Islam, his former ally, even seemed to join opposition groups formed by Muslim traditionalists around Abdurrahman Wahid, together with left-wing secular-nationalists, and Christians gathered around Megawati Soekarnoputri. In 1995-96, the Presidential group had approached the radical fringe of Islamic reformism to ideologically counter the opposition, which was then openly invoking democracy and human
rights to end Suharto’s rule (Hefner 2000: 201). In the tense context of 1998, this alliance had a concrete impact on the Jakarta streets.

Both the economic crisis and human rights were henceforth presented as the instruments of a foreign conspiracy aimed at overthrowing President Suharto, and at harming the country and its Muslim population. In December 1996, the KISDI (see Note 6), linked to the DDII, organized a public conference in Jakarta with some key personalities, such as Yusril Ihza Mahendra, Ahmad Sumargono, and Hussein Umar. The KISDI said it aimed at “deconstructing the myth of human rights,” Media Dakwah commented. Here again, it maintained that Islam had introduced, well before the West, the idea of human rights and, at the same time, it asserted that Islamic human rights differed greatly from the “secular” principles of the 1948 United Nations’ Universal Declaration of Human Rights. The magazine noted the deep disagreement between the two concepts: Islam rejected “extramarital intercourse, homosexuality, transexuality, the freedom to change religions, and the abolition of the death penalty” (Media Dakwah 1997: 43).

A.M. Fatwa, a conservative Muslim and former political prisoner under Suharto, imprisoned during the opposition to the Unique Principle policy, asserted that the concept of “human rights” was only a “political commodity,” or a way for the West to pressure developing countries such as Indonesia for the sake of their own political and economic interests (Fatwa 1997: 47).

In fact, it was argued that Western countries used double standards, as they enjoined Muslim countries to respect human rights but disregarded human rights themselves in supporting authoritarian regimes and directly violating these rights, as in Palestine, the Moro region, Bosnia, Chechnya, and Algeria (Media Dakwah 1997: 42). Media Dakwah then concluded: “Hence, do not talk about the UN’s Universal Declaration of Human Rights, or lend too much credit to Western or local NGOs’ chatter about human rights. They are only voicing their interests under the guise of human rights. If they talk about human rights, just say: Bullshit! [in English in the original]” (Media Dakwah 1997: 55).

Indeed, Western countries are not the sole or even the main subject of criticism. Also firmly condemned are the local NGOs, political parties, left-wing and pro-democracy political personalities, for their use of an exogenous version of human rights, thus playing into the hands of the West. According to many Media Dakwah editorialists, it is these groups’ and individuals’ fierce opposition to the Suharto regime that contributed to the collapse of the national economy by stirring up trouble among workers, in total disrespect of local political usage. In an implicit echo to Asian values, various contributors to Media Dakwah clearly stressed that human rights according to Islam insist more on the concept of duty than on that of right.

Mainstream modernist intellectuals are cited to reinforce these ideas and, indeed, in this respect, echo those of more conservative groups. Thus, in 1997, Amien Rais stressed that the West had no right to force Asia to adopt its democratic system and that it should let Asians develop their own concepts, the foundations of
which are “Islamic values and Asian values” (Zubaidi 1997: 18). In 1998, Muhammad Mahfud, a graduate in constitutional law who later became minister of Defense during the Wahid presidency, spoke of “communitarian” or “distinctive” human rights, founded on the Qur’an and the Hadiths, as opposed to “secular” and “individualist” human rights, which are supposedly “universal” but in reality are “only Western” (Mahfud 1998: 39). ICMI’s Chairil Anwar also referred to “communitarian” (komunitarian) human rights, associating them to the concept of the “Integralist State” developed by the New Order (Chairil 1998: 40). The idea of specific human rights was also defended by such prominent and highly respected moderate figures as Baharuddin Lopa, who straightforwardly spoke of “Islamic human rights” (HAM Islam), which he considered as “clearer” and “healthier” than Western human rights (Lopa 1998: 38).

While the people’s desire for democratic change is not disregarded by Islamists, the opposition to the regime is not only accused of disrespecting Islamic human rights but also of wanting to introduce a “democracy of anarchy” in cooperation with dark forces working against Muslim Indonesia. In June 1997, Ahmad Sumargono of KISDI accused the ethnic Chinese and the Christians of being the main cause behind the lack of democracy and the economic crisis (Sumargono 1997: 50). In February 1998, Media Dakwah extensively covered the meeting between General Prabowo and key figures of militant Islamic groups in Jakarta (Media Dakwah 1998: 41-59), during which, according to Robert Hefner, the President’s son-in-law circulated a booklet entitled The conspiracy to overthrow Suharto (Konspirasi Mengguling Soeharto), which stressed the actuality of the conspiracy behind the economic and political crisis (Hefner 2000: 202-203). In this document, the pro-democracy movement, the ethnic Chinese, the Christians, the Jews, the United States, and the International Monetary Fund (IMF) were all accused of trying to topple the President because he was a Muslim; this discourse was largely echoed in this Media Dakwah article and in following issues.

From this point on, the debate on human rights seems to have simmered down. However, the conspiracy theories multiplied soon after the fall of Suharto in May 1998 and the transfer of powers to Vice-President B.J. Habibie. During this crucial period – the end of the New Order – it appears that conservative Islam, set in its alliance with Suharto and thus needing to counter the democratic opposition and its “Western” human rights, may have accelerated the elaboration of specific “Islamic human rights.”

The Reformasi Period: Islamic Human Rights, Fading Asianness?

After the fall of Suharto and the beginning of Reformasi, the debate on human rights made a fresh start. In these times of all-out democracy, Islamists felt the urging need to more precisely define their own political model and convey their ideas to the people, keeping in mind that the liberalization of the country’s political system represented a long-awaited opportunity to implement their ideals.

Adian Husaini, one of the most prolific writers of Indonesian Islamism today, rightly states this problem when he speaks about the Muslim community's
“dilemma,” specifically in Indonesia: He acknowledges the fact that human rights have become an “ideological reference that cannot be ignored” and that “a great number of Indonesians have integrated this foreign conception of human rights” since the Reformasi period, whereas, he points out, Islam professes an entirely different approach. Husaini openly says that Islam can even be considered “discriminatory” by “Western” and “secular” standards, e.g., on the question of women and religious practice. Husaini writes:

“A woman does not have the right to repudiate (although she has the right to ask to be repudiated). A woman has to request permission from her husband when she wants to go out of the home or get a job. A woman cannot be a spiritual leader for men. And what is most frequently the object of controversy is the ban declared by the Prophet on a woman becoming head of state [this is probably an implicit reference to Megawati Soekarnoputri]” (Husaini 2000: 28-29).

Furthermore, Husaini stresses that Article 16 of the UN's 1948 Universal Declaration of Human Rights, which gives the right to “men and women of full age, without any limitation of race, nationality, or religion, to marry and found a family,” is clearly in conflict with the prohibition for Muslims to marry non-Muslims. He also reminds that Article 18, which gives “the freedom to change religion or belief,” is in complete opposition to Islam in which apostasy is punishable by death. Logically, the question of the abolition of the death penalty also becomes a problem, as Husaini himself acknowledges (Husaini 2000: 30). These few arguments are still the most widely used today by a number of Islamists to demonstrate the specificities of the Islamic model, and its profound incompatibilities with “Western” human rights (see also Shoelhi 2003: 16-17).

Another argument currently put forth to demonstrate the specificities as well as the superiority of the Islamic model is the fact that “human rights are bestowed by God, hence they cannot be taken away by man,” as is the case for the “Western secular” model, in which these rights “are given by an institution such as a legislative body or a king” (Susetyo 2001). This divine ascendancy of Islamic human rights also guarantees the system's overall good performance, as these rights are associated to “obligations,” therefore divine precepts, which every Muslim has to obey. Following Maududi's thought, Saksi magazine reminds its readers that:

“Constitutions, charters, declarations, such as the UN Declaration of Human Rights, cannot be compared to the rights bestowed by God. The instruments from the UN do not give the sense of duty to man. On the contrary, rights that are bestowed by God – accompanied by fundamental obligations – are an integral part of the teachings of Islam. Everyone who declares oneself a Muslim has to know, believe, and fulfill them” (Susetyo 2001).

The integration of Asian values into the Islamic discourse, as well as the affirmation of the exclusively Islamic nature of these concepts, becomes more obvious in A.M. Luthfi's comment on the “cultural roots” of Islamic democracy, the main foundations of which are musyawarah (deliberation) and mufakat (consensus), two terms that were used by Soekarno's and Suharto's regimes, and which had then no specific religious connotation. Luthfi goes even further to state that “these two
concepts find their origins in Islam,” even though he acknowledges that “deliberation has cultural roots in the Indonesian nation” (Lufhti 1998: 61). The post-1998 years seem to be the times when, more than ever, the “Islamic nature” of all things is clearly stressed, from “democracy” to “human rights” and, finally “civil society” itself.

**AFTER MASYARAKAT MADANI, A NEW CIVILITY?**

**The Practical Use of the “Madani Society” and the Madinah Constitution**

In a similar process of re-appropriation, the concept of “civil society” has taken an important place in the debate among both mainstream Muslim intellectuals and Islamist circles. The debate on “civil society” in the context of Indonesia emerged in the late 1980s and began to be “islamized” in the early 1990s (Baso 1999: 85-96), but it is only by the mid-1990s that the concept came to be familiar to a wider audience, in particular through the voice of Anwar Ibrahim. In 1995, the then vice-Premier of Malaysia made a speech at the Istiqlal Festival of Islamic Culture in Jakarta, in which he defined his view of an “Islamic civil society” that he called *masyarakat madani* — *masyarakat* meaning “people” or “society” in Malay and Indonesian, while *madani* is “the adjectival form of the root related to the Indonesian *medan* (square, public space) and the Arabic phrase for ‘urban’ or ‘public’” (Hefner 2000: 266 n. 44). In this founding speech, Anwar Ibrahim declared: “It was Islam, for the first time, which gave us, on these shores, the ideals of social justice and the formation of a *masyarakat madani*, that is, a civil society with a democratic spirit” (Rahardjo 1998: 13). In an expected rhetoric integrating the “equilibrium principle” of Asian values, Anwar Ibrahim defined *masyarakat madani* as “a prosperous social system that has as its principle the balancing between the rights of the individual and the stability of society” (Prasetyo & Munhanif 2002: 157-158).

It appears that the concept of *masyarakat madani* came to the attention of B.J. Habibie, then minister of Research and Technology. Habibie asked the Indonesian Institute of Science (LIPI, Lembaga Ilmu Pengetahuan Indonesia) and the BP-7, an institution created in 1979 to define and apply the State ideology, to produce a survey of the understanding of the concept in Muslim intellectual circles and to eventually develop it into the specific context of Indonesia (Hamiwanto & Said 1999). The concept was also integrated and more precisely elaborated in the circles of modernist Islam by key intellectual figures such as Nurcholish Madjid.

One of the main ideas behind Anwar Ibrahim's *masyarakat madani*, meant as a necessary balancing between the individual's and society's rights, actually echoed the view that had been defended since the early 1990s by the Indonesian modernists. Although this version of civil society probably reflected a genuine belief in the need for compromise for the sake of the “higher cause” and in the need for unity of all elements of the nation (the state, the military, and society),
one should also keep in mind that modernist Islam was in these times bound by its alliance to the regime. This was not the case for the circles of traditionalist Islam, led by Abdurrahman Wahid, which took a more confrontational stance towards the regime and seemed to favor instead the phrase masyarakat sipil, a literal translation of “civil society,” therefore stressing the dichotomy between civil society and the state, or between civilians and the military (Prasetyo & Munhanif 2002: 156). Since then, lively debates between the two groups have taken place around their respective conceptions of civil society, with traditionalists criticizing the modernists' utopian search for an “imagined” Islamic civil society (see Baso 1999).

Where does conservative Islam stand in this local reception of civil society? Today, Islamist intellectuals and parties or movements seem more than ever to favor in their discourse the concept of masyarakat madani, which in their eyes seems to some extent to differ from that of the mainstream modernists. Both the PKS and PBB have integrated it into their political program for the 1999 elections and the coming 2004 elections, but apparently only in general terms. One of PBB's first declared goal is “to create an Islamic masyarakat madani in Indonesia.” The PKS defines masyarakat madani as a society “with a just ideology and a noble morality,” which is “economically and politically independent.”

But what is a masyarakat madani in the eyes of Indonesian Islamists if one sets apart such general principles and the fact that its religious “essence” makes it different from “civil society”? What is it that brings them to use this concept so insistently, when it is deemed too “utopian” to be put in practice by some Islamists themselves (Hamiwanto & Said 1999)? Masyarakat madani may be theoretical in nature, but it has an important practical purpose for Islamists, as it is being used to demonstrate that an Islamic political system is feasible in the specific context of multi-religious Indonesia without threatening national unity, an argument contrary to what secular-nationalists and mainstream Muslims with secularist orientations have repeated since independence.

This is in particular the case for the “Madinah Constitution” (Piagam Madinah), a sub-concept of masyarakat madani in the present Islamist discourse. Indeed, according to this vision, masyarakat madani rests on a “written constitution” called the “Madinah Constitution,” considered by a number of Indonesian Islamists to be the first ever modern, elaborate, and democratic constitution in the history of mankind (see, e.g., Hakim 2002: 28-29, Hidayat 2003: 6-7). The Madinah Constitution codified the relations between the dominant Muslims and their non-Muslim fellow citizens, under the ultimate authority of the Prophet Muhammad. One of the text's main principles is that this multi-religious entity formed a single community, which each member had the obligation to defend against external aggression. However, it also included the right for all religious communities to freely practice their respective religions and specific customs.

In the context of contemporary Indonesia, the Madinah Constitution is used as a proof, firstly, that Islam accepts and even promotes religious pluralism, and that an Islamic political system can harmoniously integrate other religions; and secondly, that some sort of “religious nationalism” is possible, and has nothing to envy from
secular nationalism (Noeh 2003: 81, Shoelhi 2002: 47). Who needs to be convinced, one may ask? Certainly the Indonesian Muslims in general and the non-Muslim minorities, but maybe more so the mainstream Islamic parties, movements, and political figures, whether modernists or traditionalists, whom the Islamists know have been reluctant to introduce an Islamic political system through Islamic law since independence. Indeed, in 1945, when Indonesia's founding fathers were about to declare the country's independence, the text known as the Jakarta Charter (Piagam Jakarta), which implied the obligation for all Muslims to apply the shariah, was abandoned after the predominantly Christian islands refused to join an “Islamic” republic. Since the end of the Suharto regime, calls for the reintroduction of the Jakarta Charter have grown in Islamist circles. In August 2002, during a special session of the People’s Consultative Assembly (MPR, Majelis Permusyawaratan Rakyat), a number of Islamic parties (most prominently the PPP and PBB) proposed the amendment to Article 29 of the Constitution, which would have paved the way to an implementation of Islamic law, a proposition that was rejected by both the moderate Muslim parties and secular-nationalists.

In recent years, calls for the Madinah Constitution have been added to calls for a return to the Jakarta Charter. As the Salafy-oriented magazine Sabili wrote, “The Madinah Constitution should replace the Constitution of 1945” (Sabili 2001: 48). Even though Islamist ideologues seem to be experiencing some difficulty in finding a historical link between the Jakarta Charter and the Madinah Constitution (Noeh 2003: 75-76), it should be pointed out that the two texts are in reality highly complementary: The Madinah Constitution proves that Islam promotes pluralism and therefore could do away with the fear of the shariah implementation as defined by the Jakarta Charter. In a way, it could be considered a solution to the deadlock encountered on the Islamic path advocated for more than half a century, as the Islamist discourse has taken into account the strength of the Indonesian state’s principle of religious neutrality.

Masyarakat Madani as a “Semi-secular” or “Semi-religious” Concept?

What we have observed so far is a very active process of re-appropriation. In this process of selective integration, certain concepts, such as the emancipation of the individual, the sovereignty of the people, and the building of a civil society, seem to have been partly accepted by some ideologues of Islamism into the global paradigm of an “Islamic democracy.”

For example, Anis Matta of PKS believes that democracy opens widely the door to predication (dakwah), and thus provides an opportunity to devote oneself to the Ummah, which will have the ability to participate in the construction of the nation, and finally to govern itself. But Matta also stresses that freedom stemming from democracy and human rights will liberate the “vital energies” of the individual, of his “creative mind,” that he “will no longer be afraid” (as he was under an authoritarian rule); he will become “resistant and strong,” “more productive, as he will make the most of his human potential.” This process of transformation of the
individual will bring about positive transformations in his family circle, and further in the whole society, and finally, in the nation (Matta 2002: 22-23). It should be noted here that this process described as positive is not directly associated with benefits derived from religious faith, but clearly from the practice of democracy. Although this type of discourse is associated with the assertion that the shariah will do the job of emancipating the individual and society (Matta 2002: 75), it must be pointed out that, in Matta’s discourse, notions of moral autonomy and individual self-creation stemming from democracy, on the one hand, and potential benefits from Islamic law, on the other hand, often appear to be running parallel rather than being complementary.

The ambivalence is most noticeable in the concept of the people’s sovereignty. As noted above, the people’s sovereignty clearly seemed to be rejected by some intellectuals in favor of God’s sovereignty. However, quite paradoxically, there are times when these same personalities take the people’s sovereignty as reference. The DDII, for example, ahead of the 1999 elections, called on all politicians to “respect the sovereignty of the people” (DDII 1999: 28).

This ambivalent approach to democracy and its correlative concepts appears more clearly in the definition of masyarakat madani. Various contributors to Suara Hidayatullah have suggested that NGOs, social and religious organizations, associations, and interest groups are the foundation or the embryo of masyarakat madani, which is described as displaying three main features: “independence of individuals and societal groups vis-à-vis the state, freedom to debate, political praxis in the public sphere, ability to limit the power of state intervention” (Hamiwanto & Said 1999). This insistence on the importance of NGOs is echoed by Ryaas Rasyid, a moderate, who writes that NGOs are the embryo of masyarakat madani and that to develop the latter, Indonesians need to increase their bargaining position, suggesting the need for society to struggle for its own emancipation, for no state in the world has ever shown that it was willing to do so spontaneously (Rasyid 1999: 35). This view has been picked up in the Islamist literature.

This unintended result of the debate, which ends up making a clear differentiation of mainstream Islamist ideals, has been highly criticized by some stricter elements of Indonesian Islamism. Among them Hartono Ahmad Jaiz, who protests against this frequent and sustained use of masyarakat madani by his fellow Muslims. According to Jaiz, they are defining it as an Islamic concept, whereas he believes that it amounts to a mere “secular society” (masyarakat sekuler). Totally rejecting that interpretation, Jaiz defines masyarakat madani as “a non-military society that has no relation to religion” (Jaiz 1999: 36-37). Furthermore, he accuses Muslim political figures and Islamic parties of wanting to “secularize the society” (mengsekulerkan masyarakat) and asks:

“Why aren’t we clearly calling for the creation of an ‘Islamic society’ [masyarakat Islami]? That is, a society that is subjected to God the Great Creator [Tuhan Maha Pencipta] (a society with a discipline in accordance with God’s rules), a society that would not be cruel to fellow Muslims, and would not maltreat people of other religions. Why be afraid of asser-
ting the term Islamic [Islami] in this predominantly Muslim society? Are we still going to give in to pressures according to which the mere fact of mentioning an ‘Islamic society’ means being cruel to other people? Isn’t it true that until now it is the Muslims who have been the target of cruelty, despite being a majority [in Indonesia]?” (Jaiz 1999).

Following Jaiz, we could ask why a number of Islamists have been using the phrase masyarakat madani instead of masyarakat Islami, which carries a direct and natural religious reference. Masyarakat madani, in this light, looks like a response to the deadlock experienced by the shariah cause since independence, as it faced the weight of secularism, and a necessary adaptation stemming from Indonesia’s multi-religious society. It may also have been a way to integrate some elements of the “Western” pluralist democracy model, viewed as acceptable and positive. While mainstream Muslim intellectuals “islamized” the concept of civil society, possibly with the idea that it would be more easily accepted by the state and more effectively integrated by Indonesian society, Islamists seem to have had a different goal: masyarakat madani was made to fit in their struggle for the implementation of the shariah in an Islamic political system.

CONCLUSION

Indonesian Islamism seems to differ from the type idéal of Islamism proposed by Olivier Roy, as far as it appears to be more inclined towards an acceptance of pluralism, and the democracy paradigm. Certainly, some of these Islamists totally reject the idea of democracy in all its forms, but others seem to have integrated some of its features, in a soft and long-term strategy to reach the ideal Islamic society in an Islamic political system.

Since the 1990s, the debate around the two opposite conceptions of civil society by modernists and traditionalists has attracted a great deal of attention, but it is also quite interesting to notice that, even in the circles of Indonesian Islamism, the “islamization” of such a concept as civil society is a source of interrogation and controversy. Why do a number of Islamists use masyarakat madani rather than masyarakat Islami, which carries a direct and natural religious reference, unlike the former phrase? asked an outraged Hartono Ahmad Jaiz. Maybe because these are the ones who, in their quest for legitimacy and political power, have taken into account the specific situation of Indonesia, its multi-cultural and multi-religious society, the strength of the state’s principle of religious neutrality and, last but not least, a public opinion widely favorable to the ideals of democracy and civil society.

Islamist parties, the PKS and the PBB, probably will not be able to rival such big players as Golkar, PDI-P, or PPP in the upcoming elections. Nonetheless, many observers forecast an increase of their shares of the vote compared to their very modest 1999 results. Forecasts on the possible comeback of Golkar, formerly Suharto’s party, are based on recent polls showing that the public has become disillusioned with the democratic performance since the 1999 elections, and considers the Suharto era in a more favorable light. Corruption is still widespread and economic improvements have yet to reach the masses. If the ideals of

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democracy and civil society are still valued, the realities of the practice seem pretty disappointing. Between the temptation to return to a previous, more authoritarian model and the risk of lingering in a state of “failed democracy,” the Islamist proposition theoretically represents an attractive third way. This would be all the more true if Islamism could do away with fears of the shariah and its own image of a sectarian minority, a move that it has already started to undertake. On the ideological battlegrounds of “Post-Reformasi,” Indonesian Islamists have shown their ability to shape an increasingly challenging alternative to secular-nationalists and mainstream Muslims.

Notes
1 The Unity and Development Party (PPP, Partai Persatuan Pembangunan) reached 10.7% of the votes, the Crescent and Star Party (PBB, Partai Bulan Bintang) 1.94%, and the Justice Party (PK, Partai Keadilan) 1.36%.
2 See Media Dakwah’s coverage of this defeat (No. 301, July 1999).
4 In April 2003, members of the Justice Party (PK, Partai Keadilan) formed a new party, called Justice and Prosperity Party (PKS), as the PK had gotten less than 2% of the votes in the 1999 elections and therefore, according to the new regulation, could not participate in the 2004 elections. Parties created after the 1999 elections are not affected by this restriction.
5 It is interesting to note here that Western pluralistic democracy is always deemed “secular,” whereas the history of Western democracies expresses doubts about this exclusively secular nature.
6 The DDII was created in May 1967. Lead by Mohammad Natsir, it had the declared objective of promoting the further islamization of Indonesian society and countering what was then perceived as an increasing tendency of nominally Islamic Javanese to convert to Hinduism and Christianity. It constituted a way for the former members of the Masyumi party, banned in 1960, to dodge the restrictions imposed on political Islam by the New Order. When President Suharto began to court conservative Islam in the 1990s, the government and the DDII started to cooperate actively in different dakwah activities. During the regime’s last years, the DDII, together with its affiliate organization, the Indonesian Committee for Solidarity with the Islamic World (KISDI, Komite Indonesia untuk Solidaritas dengan Dunia Islam), created in 1987, became essential allies of the president in his strategy of countering local democratic personalities and groups.
7 BP-7, the Presidential Advisory Committee on the Principles of Implementation of Pancasila (Badan Panitia Penasehat Presiden tentang Pedoman Penghayatan Pancasila).
8 <http://www.pbb-online.org/> (see “profil / visi dan misi”).
9 <http://www.pk-sejahtera.org/> (see “organisasi”)

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Abstract: This paper examines the way in which the concepts of democracy, human rights, and civil society have been received by Indonesian Islamism from the early 1990s until the present time. It shows that the model of an Islamic "transcendental democracy" has taken form first and foremost by opposing the Western paradigm, but that, in the process, it has integrated some
of the latter’s concepts. Likewise, both the concepts of human rights and civil society have been
the object of a process of re-appropriation by Islamism, with the obvious goal of proposing a
politically acceptable Islamic alternative in these times of all-out democracy, but also with a less
openly stated goal of promoting the implementation of the shariah.

Le discours islamiste au temps de la Reformasi:
démocratie, droits de l’homme et société civile en Indonésie

Résumé : cet article examine la façon dont les concepts de démocratie, de droits de l’homme
et de société civile ont été adoptés par l’islamisme indonésien, des années 1990 à nos jours. Il
montre comment le modèle d’une « démocratie transcendante » islamique a pris forme avant
tout en réaction contre le paradigme occidental, bien qu’en intégrant au passage certains de ses
concepts. De même, les concepts de droits de l’homme et de société civile ont fait l’objet d’une
réappropriation par l’islamisme, dans le but évident de proposer une alternative politiquement
présentable en ces temps de démocratie conquérante et également, mais de façon moins visible,
pour promouvoir la mise en place de la shariah.

Key-words: Indonesia, Islam, Islamism, civil society, democracy, human rights, shariah.

Mots-clés : Indonésie, islam, islamisme, société civile, démocratie, droits de l’homme, shariah.