

# CHALLENGING THE SECULAR STATE

THE ISLAMIZATION OF LAW  
IN MODERN INDONESIA



ARSKAL SALIM

# Challenging The Secular State The Islamization Of Law In Modern Indonesia

**Syed Muhd. Khairudin  
Aljunied, Khairudin Aljunied**



## **Challenging The Secular State The Islamization Of Law In Modern Indonesia:**

**Challenging the Secular State** Arskal Salim, 2008-09-30 Challenging the Secular State examines Muslim efforts to incorporate shari'a religious law into modern Indonesia's legal system from the time of independence in 1945 to the present. The author argues that attempts to formally implement shari'a in Indonesia, the world's most populous Muslim state, have always been marked by tensions between the political aspirations of proponents and opponents of shari'a and by resistance from the national government. As a result, although pro-shari'a movements have made significant progress in recent years, shari'a remains tightly confined within Indonesia's secular legal system. The author first places developments in Indonesia within a broad historical and geographic context, offering a provocative analysis of the Ottoman empire's millet system and thoughtful comparisons of different approaches to pro-shari'a movements in other Muslim countries: Saudi Arabia, Iran, Pakistan. He then describes early aspirations for the formal implementation of shari'a in Indonesia in the context of modern understandings of religious law as conflicting with the idea of the nation-state. Later chapters explore the efforts of Islamic parties in Indonesia to include shari'a in national law. Salim offers a detailed analysis of debates over the constitution and possible amendments to it concerning the obligation of Indonesian Muslims to follow Islamic law. A study of the Zakat Law illustrates the complicated relationship between the religious duties of Muslim citizens and the nonreligious character of the modern nation-state. Chapters look at how Islamization has deepened with the enactment of the Zakat Law and demonstrate the incongruities that have emerged from its implementation. The efforts of local Muslims to apply shari'a in particular regions are also discussed. Attempts at the Islamization of laws in Aceh are especially significant because it is the only province in Indonesia that has been allowed to move toward a shari'a-based system. The book concludes with a review of the profound conflicts and tensions found in the motivations behind Islamization.

**The Shariatisation of Indonesia** Syafiq Hasyim, 2023-01-09 This book is a succinct and critical account on the shariatisation of Indonesia, the largest Muslim country in the world. It is the first book in English to uncover and explain the shariatisation of Indonesia in a comprehensive way. With the abundant primary and secondary sources, this book is a reference for other scholars who conduct research on the inclusion of sharia into legal and public sphere of Indonesia. It comes with an important conclusion that the change of such a non-theocratic state like Indonesia into a theocratic state is highly possible when its law is penetrated by those who want to change the state system.

**Constitutions, Religion and Politics in Asia** Dian A. H. Shah, 2017-10-26 As religious polarisation in society deepens, political actors and policy makers have begun to struggle with questions on the role of the dominant religion and how religion influences constitutional commitments and development. By focusing on Indonesia, Malaysia, and Sri Lanka, *Constitutions, Religion and Politics in Asia* demonstrates how constitution making and the operation of constitutional arrangements involving religion cannot be separated from the broader political dynamics of society. Although constitutions establish legal and political structures of government institutions and provide tools for rights

protection they do not operate in a vacuum divorced from the games of power and the political realities surrounding them Here Shah sets out how constitutions operate and evolve and demonstrates how constitutional provisions can produce unintended consequences over time A vital new source of scholarship for students and scholars of law and religion and comparative constitutional law and those interested in issues of constitutionalism and legal and political history in Asia

Routledge Handbook of Contemporary Indonesia Robert W. Hefner, 2018-01-03 Few countries as culturally rich politically pivotal and naturally beautiful as Indonesia are as often misrepresented in global media and conversation Stretching 3 400 miles east to west along the equator Indonesia is the fourth most populous country in the world and home to more than four hundred ethnic groups and several major world religions This sprawling Southeast Asian nation is also the world's most populous Muslim majority country and the third largest democracy Although in recent years the country has experienced serious challenges with regard to religious harmony its trillion dollar economy is booming and its press and public sphere are among the most vibrant in Asia A land of cultural contrasts contests and contradictions this ever evolving country is today rising to even greater global prominence even as it redefines the terms of its national religious and civic identity The Routledge Handbook of Contemporary Indonesia offers an overview of the modern making and contemporary dynamics of culture society and politics in this powerful Asian nation It provides a comprehensive survey of key issues in Indonesian politics economics religion and society It is divided into six sections organized as follows Cultural Legacies and Political Junctures Contemporary Politics and Plurality Markets and Economic Cultures Muslims and Religious Plurality Gender and Sexuality Indonesia in an Age of Multiple Globalizations Bringing together original contributions by leading scholars of Indonesia in law political science history anthropology sociology religious studies and gender studies this Handbook provides an up to date interdisciplinary and academically rigorous exploration of Indonesia It will be of interest to students academics policymakers and others in search of reliable information on Indonesian politics economics religion and society in an accessible format

*The Constitution of Indonesia* Simon Butt, Tim Lindsey, 2012-08-29 For decades Indonesia's 1945 Constitution the second shortest in the modern world was used as an apologia by successive authoritarian regimes A bare bones text originally intended as a temporary measure it did little beyond establish basic state organs including a powerful presidency It did not offer citizens real guarantees or protections These weaknesses were ruthlessly exploited by the military backed regime that President Soeharto headed from 1966 until his fall in 1998 The first ever amendments to the Constitution which began the following year and were completed in 2002 changed all this Enlarging and rethinking the Constitution they ushered in a liberal democratic system based around human rights an open society and separation of powers These reforms also created a Constitutional Court that has provided Indonesia's first judicial forum for serious debate on the interpretation and application of the Constitution as well as its first significant and easily accessible body of detailed and reasoned judgments Today Indonesian constitutional law is rich sophisticated and complex This book surveys this remarkable

constitutional transition assessing the implementation of Indonesia's new constitutional model and identifying its weaknesses. After covering key institutions exercising executive, legislative, and judicial powers, the book focuses on current constitutional debates ranging from human rights to decentralisation, religious freedom, and control of the economy. **Islam, Gender, and Democracy in Comparative Perspective** Jocelyne Cesari, José Casanova, 2017. This collection reframes the debate around Islam and women's rights within a broader comparative literature that examines the complex and contingent historical relationships between religion, secularism, democracy, law, and gender equality. **Indonesia's Islamic Revolution** Kevin W. Fogg, 2020. The decolonization of Indonesia, the world's most populous Muslim country, was seen by up to half of the population as a religious struggle. Utilizing a combination of oral history and archival research, Kevin W. Fogg presents a new understanding of the Indonesian revolution and of Islam as a revolutionary ideology. **Exploring Religious Diversity and Covenantal Pluralism in Asia** Dennis R. Hoover, 2022-12-26. This book examines the growing diversity of religions and worldviews across East Southeast Asia and the factors affecting prospects for covenantal pluralism in these regions. According to the Pew Religious Diversity Index, half of the world's most religiously diverse countries are in Asia. The presence of deep religious worldview difference is often seen as a potential threat to socio-political cohesion or even as a source of violent conflict. Yet in Asia, as elsewhere, the degree of this diversity is not consistently associated with socio-political problems. Indeed, while religious difference is implicated in some social challenges, there are also many instances of respectful multi-faith engagement, practical collaboration, and peaceful debate. Whether or not religious worldview difference is part of a positive pluralism depends on a complex array of legal and cultural conditions. This book explores these dynamics and contingencies in Asia, structuring the inquiry according to the theory of covenantal pluralism. Covenantal pluralist theory calls for a constitutional order characterized by freedom of religion, conscience, and equality of rights and responsibilities, combined with a culture of practical religious literacy and virtues of mutual respect and protection. Volume I offers a pioneering exploration of the prospects for this robust and non-relativistic type of pluralism in East Southeast Asia. Volume II examines South Central Asia. The chapters in these volumes originally appeared as research articles in a series on covenantal pluralism published by The Review of Faith International Affairs. **Islam, Blasphemy, and Human Rights in Indonesia** Daniel Peterson, 2020-01-07. Using the high-profile 2017 blasphemy trial of the former governor of Jakarta, Basuki Achik Tjahaja Purnama, as its sole case study, this book assesses whether Indonesia's liberal democratic human rights legal regime can withstand the rise of growing Islamist majoritarian sentiment. Specifically, this book analyses whether a 2010 decision of Indonesia's Constitutional Court, which rendered the liberal democratic human rights guarantees contained in Indonesia's 1945 Constitution ineffective, is key. Legal documents including the indictment issued by the North Jakarta Attorney General and General Prosecutor, the defence's Notice of Defence, and the North Jakarta State Court's convicting judgment are examined. The book shows how Islamist majoritarians in Indonesia have hijacked human rights discourse by attributing new inaccurate

meanings to key liberal democratic concepts This has provided them with a human rights law based justification for the prioritisation of the religious sensibilities and religious orthodoxy of Indonesia s Muslim majority over the fundamental rights of the country s religious minorities While Ahok s conviction evidences this the book cautions that matters pertaining to public religion will remain a site of contestation in contemporary Indonesia for the foreseeable future A groundbreaking study of the Ahok trial the blasphemy law and the contentious politics of religious freedom and cultural citizenship in Indonesia this book will be of interest to academics working in the fields of religion Islamic studies religious studies law and society law and development law reform constitutionalism politics history and social change and Southeast Asian studies

The 'Ulama in Contemporary Pakistan Mashal Saif,2020-10-22 Explores how contemporary clerics engage with the historically first and currently most populated Islamic nation state Pakistan The book weds ethnography with textual analysis to provide insights into some of the country s most significant issues and offers a theoretical framework for assessing state ulama relations across the Muslim world

Profane Christopher S. Grenda,Chris Beneke,David Nash,2014-08-15 Humans have been uttering profane words and incurring the consequences for millennia But contemporary events from the violence in 2006 that followed Danish newspaper cartoons depicting the Prophet Mohammed to the 2012 furor over the Innocence of Muslims video indicate that controversy concerning blasphemy has reemerged in explosive transnational form In an age when electronic media transmit offense as rapidly as profane images and texts can be produced blasphemy is bracingly relevant again In this volume a distinguished cast of international scholars examines the profound difficulties blasphemy raises for modern societies Contributors examine how the sacred is formed and maintained how sacrilegious expression is conceived and regulated and how the resulting conflicts resist easy adjudication Their studies range across art history politics law literature and theology Because of the global nature of the problem the volume s approach is comparative examining blasphemy across cultural and geopolitical boundaries

Shari'a, Citizenship, and Identity in Aceh Arskal Salim,Moch. Nur Ichwan,Eka Srimulyani,Marzi Afriko,2025-05-15 Shari a Citizenship and identity in Aceh presents both an ethnographic and a sociohistorical account of identity making among both the Muslim majority population and different minority groups in Aceh Indonesia Diverging from previous studies on majority minority group relations in a predominantly Muslim country that tend to engage solely with one group s experiences Shari a Citizenship and Identity in Aceh argues that the majority and minority groups in Aceh Indonesia have interactively and mutually created conceptions of identity and recognition that have significant implications on the experience of citizenship in the region The authors provide not only a narrative of majority minority group encounters in a variety of issues but also a wide ranging account of struggles from both the Muslim majority and non Muslim minority groups for recognition of their own identity in the public space To what extent do minority groups feel that they belong to Aceh s communal identity which is mostly Islamic And what kind of citizenship is in place when minorities feel marginalized living under Aceh s Islamic rules Shari a Citizenship and Identity in Aceh debunks

the concept of citizenship by way of deploying the concept of the politics of recognition against the politics of the dominant culture theory It looks further at how equal citizenship in a democratic political system has been negotiated and compromised and how the politics of dominant culture has caused a sense of shared ownership to be largely deficient and vague in Aceh

**Secularism, Religion, and Democracy in Southeast Asia** Vidhu Verma, 2019-08-24 Until the 1990s secularism was understood largely as exclusion of religion from the public domain However in the last two decades the world has witnessed the return of religion as a medium and subject of national regional and global politics With such a shift the previously unquestioned Western values of modernity and secularism find themselves at loggerheads with the increasing assertion of religious identity which results in difference based conflicts This antagonism also gives rise to a vibrant religiously pluralistic civil society and speaks of a post secular turn in modern Southeast Asian democracies

**Secularism Religion and Democracy in Southeast Asia** tries to understand the rise of religion in modern democracies and how everyday economic social and political conditions aid this post secular phenomenon in Southeast Asia Setting itself apart from most studies of religion in Southeast Asia through its regional focus this volume explores the ideas practices state responses and anxieties related to the religious secular divide in this geopolitical region

**Shapers of Islam in Southeast Asia** Syed Muhd. Khairudin Aljunied, Khairudin Aljunied, 2022 Shapers of Islam in Southeast Asia captures the progressive and pluralistic nature of Islamic reformism in Southeast Asia from the mid twentieth century onwards a period that can now be regarded as the age of networked Islam The book shows how several influential Muslim intellectuals have given rise to an Islamic reformist mosaic in Southeast Asia

**Becoming Better Muslims** David Kloos, 2017-11-28 How do ordinary Muslims deal with and influence the increasingly pervasive Islamic norms set by institutions of the state and religion

**Becoming Better Muslims** offers an innovative account of the dynamic interactions between individual Muslims religious authorities and the state in Aceh Indonesia Relying on extensive historical and ethnographic research David Kloos offers a detailed analysis of religious life in Aceh and an investigation into today's personal processes of ethical formation Aceh is known for its history of rebellion and its recent implementation of Islamic law Debunking the stereotypical image of the Acehnese as inherently pious or fanatical Kloos shows how Acehnese Muslims reflect consciously on their faith and often frame their religious lives in terms of gradual ethical improvement Revealing that most Muslims view their lives through the prism of uncertainty doubt and imperfection he argues that these senses of failure contribute strongly to how individuals try to become better Muslims He also demonstrates that while religious authorities have encroached on believers and local communities constraining them in their beliefs and practices the same process has enabled ordinary Muslims to reflect on moral choices and dilemmas and to shape the ways religious norms are enforced Arguing that Islamic norms are carried out through daily negotiations and contestations rather than blind conformity **Becoming Better Muslims** examines how ordinary people develop and exercise their religious agency

*Religion, Law and Intolerance in Indonesia* Tim Lindsey, Helen

Pausacker,2016-05-20 Despite its overwhelmingly Muslim majority Indonesia has always been seen as exceptional for its diversity and pluralism In recent years however there has been a rise in majoritarianism with resurgent Islamist groups pushing hard to impose conservative values on public life in many cases with considerable success This has sparked growing fears for the future of basic human rights and in particular the rights of women and sexual and ethnic minority groups There have in fact been more prosecutions of unorthodox religious groups since the fall of Soeharto in 1998 than there were under the three decades of his authoritarian rule Some Indonesians even feel that the pluralism they thought was constitutionally guaranteed by the national ideology the Pancasila is now under threat This book contains essays exploring these issues by prominent scholars lawyers and activists from within Indonesia and beyond offering detailed accounts of the political and legal implications of rising resurgent Islamism in Indonesia Examining particular cases of intolerance and violence against minorities it also provides an account of the responses offered by a weak state that now seems too often unwilling to intervene to protect vulnerable minorities against rising religious intolerance **Islamic Law in Practice** Mashood A. Baderin,2017-03-02 Islamic law influences the lives of Muslims today as aspects of the law are applied as part of State law in different forms in many areas of the world This volume provides a much needed collection of articles that explore the complexities involved in the application of Islamic law within the contemporary legal systems of different countries today with particular reference to Saudi Arabia Morocco Indonesia Nigeria Turkey Malaysia and Pakistan The articles identify the relevant areas of difficulties and also propose possible ways of realising a more effective and equitable application of Islamic law in the contemporary world The volume features an introductory overview of the subject as well as a comprehensive bibliography to aid further research **Legal Pluralism in Indonesia** Ratno Lukito,2013 With the revival of Islamic law and adat customary law in the country this book investigates the history and phenomenon of legal pluralism in Indonesia It looks at how the ideal of modernity in Indonesia has been characterized by a state driven effort in the post colonial era to make the institution of law an inseparable part of national development Focusing on the aspects of political and conflictual domains of legal pluralism in Indonesia the book discusses the understanding of the state s attitude and behaviour towards the three largest legal traditions currently operative in the society adat law Islamic law and civil law The first aspect is addressed by looking at how the state specifically deals with Islamic law and adat law while the second is analysed in terms of actual cases of private interpersonal law such as interfaith marriage interfaith inheritance and gendered inheritance The book goes on to look at how socio political factors have influenced the relations between state and non state laws and how the state s strategy of accommodation of legal pluralism has in fact largely depended on the extent to which those legal traditions have been able to conform to national ideology It is a useful contribution for students and scholars of Asian Studies and Law **Islamic Law and Society in Indonesia** Alfitri,2022-04-07 No corporation is enthusiastic about paying tax yet Islamic banks in Indonesia voluntarily pay corporate zakat Why The book analyzes corporate zakat norms and practices in



Indonesia by investigating how Muslim jurists have interpreted shar'a of zakat and how these have been imposed through the legislative and regulatory framework. It also presents original case studies based on sociolegal field research on the reception of the new obligations in the Islamic banks that choose to pay and choose not to pay what is effectively a new tax. The book argues that the dynamics of shar'a interpretation, imposition and compliance in Indonesia are too complex to be defined using the binaries of the religious versus the secular, public versus private or tradition versus modernity. The corporate zakat context has revitalized the existing governance strategy in Islamic legal tradition and created a shared Islamic law vision between Islam and the state. Consequently, this fusion generates a mixed legal and religious consciousness toward corporate zakat. Addressing broader discussions on Islamic law and modernity, the book will be of interest to academics working on Asian and Comparative Law, sociolegal studies, anthropology of Indonesia, business studies of the Islamic world, Islamic shar'a, economics, Islamic law and politics, Islamic legal studies, Muslim society and Islam in Southeast Asia.

*Freedom of Religion and Religious Diversity* Md Jahid Hossain Bhuiyan, Ann Black, 2024-08-23

Today, pluralism is increasingly the norm and can be seen as a permanent characteristic of modernity. As seen in world events, religion has not become irrelevant but more diverse, giving rise to a complex web of religion and belief, minorities together with intra-plural majorities. Nations seek ways to implement the ideal of freedom of religion but, as this book shows, whether East or West, in the global North or the South, there is no simple formalism for accommodating religious diversity. Different faith communities have competing needs and demands for the same social space with tensions inevitably arising. This book highlights responses from liberal democracies which enshrine secularism into their constitutions to other constitutions where religion and ethnic identity are enshrined to prioritise their ethno-religious majority. Western and Asian countries encounter different obstacles and challenges. With analysis from 19 international scholars, the book explores different obstacles and responses to accommodation of religious minorities in a range of jurisdictions. In a globalised world, it will be invaluable for comparative legal scholars, for law and religion scholars, researchers and students and decision makers, e.g. governments, non-governmental organisations and for those who seek to better understand the challenges of our time.

## **Challenging The Secular State The Islamization Of Law In Modern Indonesia** Book Review: Unveiling the Power of Words

In a world driven by information and connectivity, the power of words has become much more evident than ever. They have the ability to inspire, provoke, and ignite change. Such could be the essence of the book **Challenging The Secular State The Islamization Of Law In Modern Indonesia**, a literary masterpiece that delves deep into the significance of words and their impact on our lives. Written by a renowned author, this captivating work takes readers on a transformative journey, unraveling the secrets and potential behind every word. In this review, we shall explore the book's key themes, examine its writing style, and analyze its overall effect on readers.

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### **Table of Contents Challenging The Secular State The Islamization Of Law In Modern Indonesia**

1. Understanding the eBook Challenging The Secular State The Islamization Of Law In Modern Indonesia
  - The Rise of Digital Reading Challenging The Secular State The Islamization Of Law In Modern Indonesia
  - Advantages of eBooks Over Traditional Books
2. Identifying Challenging The Secular State The Islamization Of Law In Modern Indonesia
  - Exploring Different Genres
  - Considering Fiction vs. Non-Fiction
  - Determining Your Reading Goals
3. Choosing the Right eBook Platform
  - Popular eBook Platforms
  - Features to Look for in an eBook Platform
  - User-Friendly Interface
4. Exploring eBook Recommendations from Challenging The Secular State The Islamization Of Law In Modern Indonesia
  - Personalized Recommendations

- Challenging The Secular State The Islamization Of Law In Modern Indonesia User Reviews and Ratings
- Challenging The Secular State The Islamization Of Law In Modern Indonesia and Bestseller Lists
- 5. Accessing Challenging The Secular State The Islamization Of Law In Modern Indonesia Free and Paid eBooks
  - Challenging The Secular State The Islamization Of Law In Modern Indonesia Public Domain eBooks
  - Challenging The Secular State The Islamization Of Law In Modern Indonesia eBook Subscription Services
  - Challenging The Secular State The Islamization Of Law In Modern Indonesia Budget-Friendly Options
- 6. Navigating Challenging The Secular State The Islamization Of Law In Modern Indonesia eBook Formats
  - ePub, PDF, MOBI, and More
  - Challenging The Secular State The Islamization Of Law In Modern Indonesia Compatibility with Devices
  - Challenging The Secular State The Islamization Of Law In Modern Indonesia Enhanced eBook Features
- 7. Enhancing Your Reading Experience
  - Adjustable Fonts and Text Sizes of Challenging The Secular State The Islamization Of Law In Modern Indonesia
  - Highlighting and Note-Taking Challenging The Secular State The Islamization Of Law In Modern Indonesia
  - Interactive Elements Challenging The Secular State The Islamization Of Law In Modern Indonesia
- 8. Staying Engaged with Challenging The Secular State The Islamization Of Law In Modern Indonesia
  - Joining Online Reading Communities
  - Participating in Virtual Book Clubs
  - Following Authors and Publishers Challenging The Secular State The Islamization Of Law In Modern Indonesia
- 9. Balancing eBooks and Physical Books Challenging The Secular State The Islamization Of Law In Modern Indonesia
  - Benefits of a Digital Library
  - Creating a Diverse Reading Collection Challenging The Secular State The Islamization Of Law In Modern Indonesia
- 10. Overcoming Reading Challenges
  - Dealing with Digital Eye Strain
  - Minimizing Distractions
  - Managing Screen Time
- 11. Cultivating a Reading Routine Challenging The Secular State The Islamization Of Law In Modern Indonesia
  - Setting Reading Goals Challenging The Secular State The Islamization Of Law In Modern Indonesia
  - Carving Out Dedicated Reading Time
- 12. Sourcing Reliable Information of Challenging The Secular State The Islamization Of Law In Modern Indonesia

- Fact-Checking eBook Content of Challenging The Secular State The Islamization Of Law In Modern Indonesia
- Distinguishing Credible Sources

### 13. Promoting Lifelong Learning

- Utilizing eBooks for Skill Development
- Exploring Educational eBooks

### 14. Embracing eBook Trends

- Integration of Multimedia Elements
- Interactive and Gamified eBooks

## Challenging The Secular State The Islamization Of Law In Modern Indonesia Introduction

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