

FINDING ISLAM INDONESIA: Hooker's View in Indonesian Islam

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ABSTRAK

Islam Indonesia adalah term menarik yang selalu menjadi tema penting dalam studi Islam di kawasan Asia Tenggara. Dalam kaitan itu, Hooker mencoba menemukan 'karakteristik' keunikan Islam Indonesia dengan mempelajari sejumlah fatwa yang diputuskan oleh empat organisasi Islam penting Indonesia, ditambah satu lembaga semi-pemerintah di bawah departemen kesehatan. Ada dua hal menarik dari temuan Hooker. Pertama, Hooker menemukan bahwa dalam fatwa, Indonesia hampir tidak ditemukan tipologi Islam modern versus Islam tradisional yang sering muncul dalam terminologi Barat ketika membahas tentang Islam di Indonesia. Hal ini terlihat dari sejumlah produk fatwa yang dikeluarkan oleh NU dan Muhammadiyah. NU seringkali diidentifikasi sebagai organisasi Islam tradisional sementara Muhammadiyah adalah organisasi Muslim modern. Kenyataannya ketika hasil fatwa keduanya dikomparasikan, perbedaannya tidak begitu menonjol. Kedua, produk fatwa adalah produk kreatifitas Muslim Indonesia dalam menerjemahkan revelation ke realitas. Namun, catatan Hooker tentang fatwa sebagai cerminan Islam di Indonesia terbatas oleh dua masalah. Pertama, fatwa-fatwa tersebut terbatas penyebarannya. Mereka tidak bisa mencapai Islam di pedesaan. Muslim di pedesaan cenderung memilih otoritas kiyai kampung untuk menyelesaikan problem keagamaan mereka daripada fatwa-fatwa tersebut. Kedua, karena fatwa sifatnya tidak binding maka Muslim Indonesia kemungkinan besar tidak mengikutinya.

Keywords: *Hooker, Islam, Fatwa*

Background

Indonesian Islam has always been an interesting research. Researchers in Southeast Asian Islamic studies should pay their attention to Indonesia. It is due to the fact that the population of Muslims in Indonesia is the biggest population in Southeast Asia.

In Indonesian Islam, there is a fatwa which is identified as one of religious references for Muslims in practicing their personal obligation to God. This fatwa is an important instrument since it is used by the ulama to express their religious authority. On the other hand, Indonesian Muslims refer to the ulama because they consider

them for being able to issue authoritative decisions.¹

The claim that Indonesian Islam is characterized by modern versus traditional followers or modernists versus fundamentalists is criticized by Hooker. In fact, in fatwas, there are no such divisions. Muslim typology proposed by Geertz perhaps would be much negated by him.²

¹ Nico J.G Kaptein, *The Voice of The Ulama : Fatwas and Religious Authority in Indonesia* in *Arch.de Sc. Des Rel.*, 2004, 125, (January-March 2004). P.116

² Regarding some reactions from the western and Indonesian scholars for Geertz's view, *See*, Huub de Jonge, "Western and Indonesian views on the Abangan-Santri division in Javanese Society; The perception of Geertz" "the Religion of Java", in : Henk Driessen (ed) *The Politics of*

In fatwas, he finds that the NU and Muhammadiyah which the first is identified as traditional and the latter is modern Muslim have almost the same product of fatwas.

Furthermore, in fatwas, there is a creative development of Islam in Indonesia. As we know, for the past centuries, the whole Muslims have viewed the reformulation of *Syariah* in Western words. The modern states always try to dominate or control the *Syariah*. The reason is diverse. Some aim at modernization since it is considered as a shadow of the classical jurisprudence. However, the fatwas-issuing bodies try to keep their distance from the state.

Morover, by studying Indonesian *fatwas*, we can describe what Indonesian Islam is.³ Indonesian *fatwas*, to some extent, reflect the 'real' or practice of Indonesian Islam. From the fatwas, we will see that there are two struggles. The first struggle is the struggle between Islamic teaching and the modern life in order to determine what Islam should be. The second struggle is between Revelation and *Pancasila*.

Basically, the history of Islam in Indonesia is complex. This is because the source of personal obligation is obscure. During the colonial period, personal obligation was determined by *adat*.⁴ Nowadays, the *Syariah* is also formalized. However, Indonesia is not an Islamic state. It means that there is also a struggle between Revelation and *Pancasila*. And Indonesian *fatwas*, to some extent, reflect this struggle.

Furthermore, it is very important to describe the twentieth-century Islamic reform in order to understand the Indonesian *fatwas*. This is because the fact that Indonesian *fatwas*, to some extent, are influenced by Muslim intellectuals in

the Middle East. Some of these Muslim intellectuals are Muhammad Abduh, Rashid Ridha, Sayyid Qutb, Shaltut, and Hasan Hanafi. However, Indonesian Islam is not same as Islam in the Arabic world. It has different experience which contributes the significant background for Indonesian *fatwas*.

There are, at least, three factors supporting this idea; indigenous Indonesian Islam, The Dutch presence, and the status of Islam in Indonesian legal system after Independence.⁵ The new scholasticism in Indonesia was divided into two periods, namely before Independence and after Independence. In this case, Hooker proposed two fundamental questions. They were (1) what is Islam? (2) What is its relation to the (colonial) state?.⁶ Before independence, there is no agreed definition on what Islam is. Muslims in Indonesia did not have same idea concerning law and the legitimacy of authority. It can be seen from the idea of NU, Muhammadiyah, and Persis which is diverse.

Hooker argued that "it was the Dutch who first put forward the question, 'what Islam is now?', and perhaps even determined the agenda for the answer".⁷ This idea leads him to propose that the new scholasticism up to now is the logical result of a process begun by the Dutch 150 years ago. Therefore, there are two scholasticisms in Indonesia, namely a responsive scholasticism and a creative scholasticism. A responsive scholasticism is found in the colonial period and is characterized by defensiveness in law and dogma.⁸

The responsive scholasticism wanted to demonstrate the perfectness of Islam. A creative scholasticism, on the other hand, emphasized on the creativity inherent in Islam, the true flowering of which can be achieved through rational thought which is itself God-given.⁹ Classical Islam is looked critically by using both Islamic teaching and Western methodology. The Indonesian *fatwas*, then, will become important

Ethnographic reading and writing; confrontations of western and indigeneous views, Saabrucken-Fort Lauderdale 1993, pp. 101-123.

³ M.B. Hooker, *Indonesian Islam: Social Change Through Contemporary Fatawa*, Honolulu: University of Hawai'i Press, 2003. p.ix

⁴ For a complete understanding about this issue, see, William R. Roff, "Islam obscured? Some reflections on Studies of Islam and Society in Southeast Asia", in *Archipel* 29 (1985), pp. 7-34, See also, Harry J. Benda, "Christiaan Snouck Hurgronje and the Foundation of Dutch Islamic Policy in Indonesia", *The Journal of Modern History* 30 (1958), pp.338-347.

⁵ M.B. Hooker, *Indonesian Islam: Social Change Through Contemporary Fatawa*, Honolulu: University of Hawai'i Press, 2003, pp.9-25.

⁶ *Ibid*, p.26

⁷ *Ibid*.

⁸ *Ibid*, p.45

⁹ *Ibid*

examples of how classical Islam is defined in the modern context of contemporary Indonesian Islam.

Islam is not single but plural. It is not only in the norm but also in the practice. In the norm, it can be seen from the fact that there are some *madhāẓab* in Islam. And through *fatwas*, one will see the variability of Islamic practice. This is because Islam is always in contact with local culture.¹⁰ Therefore, local position of Indonesian Islam is the key to understand the Indonesian *fatwas*.

By studying Indonesian *fatwas*, Hooker argued that one will see three ways that we can know Indonesian Islam. The first is various method of reasoning used in issuing fatwas. The second is the *fatwas* demonstrate the problem between Islamic and non-Islamic doctrines. The third is through the *fatwas* we will know the representation of Islam which is very significant to understand religion.¹¹

A Short Biography of M.B. Hooker

Professor M.B. Hooker is one of the most experienced Western analysts of legal systems in Southeast Asia with a research record spanning over 30 years.

Since he began publishing major works on the legal systems of Southeast Asia in the late 1960s, M.B. Hooker has developed the conceptual framework for the study of legal pluralism in the region. His book *Legal Pluralism: an Introduction to Colonial and Neo-Colonial Laws* (1975) became (and remains) a set text on the subject. His *Concise Legal History of South-East Asia* (1978) also remains a basic text and sits with his *Islamic Law in South-East Asia* (1884) as the two works which have defined the outline of legal history for Southeast Asia. He has contributed substantial entries to the authoritative *Encyclopedia Islam* on all aspects of Islamic law in Indonesia and Malaysia and has pioneered courses in these

subjects at the University of Kent (Canterbury UK), the National University of Malaysia, the Australian National University and the University of Melbourne.

Although he has worked extensively on the legal systems of Malaysia, he is also acknowledged as making seminal contributions to the study of Islamic law (*shariah*) in Indonesia. Since the early 1990s he has written and contributed to national conferences on the form and position of *shariah* in the Indonesian state.

He has given opinions to the State Government of Negeri Sembilan (Malaysia) on Islam and Adat; to the Attorney General of Malaysia; and to the High Court in London on adoption, divorce and inheritance in Malaysian and Indonesian *Syari'ah*. His scholarly interest is Law of Southeast Asia, particularly Islamic Law. His recent publications are (2003) *Indonesian Islam: Social Change through Contemporary Fatawa* (2003) *Law and the Chinese in South East Asia* (2003) (ed. With Jamhari & Tim Lindsey) *Islamic Law in Indonesia and Malaysia. Studia Islamika* (special issue). Vol. 10(1). He is currently Adjunct Professor in the Faculty of Law, ANU and Honorary Senior Associate of the Asian Law Centre at the University of Melbourne and holds an ARC Discovery Grant (2005-2007)

Method, Islamic Doctrine, and Representation in Indonesian *Fatwas*

By looking at *fatwas* from four Islamic organizations in Indonesia, Hooker argued that there are different methods in handling down *fatwas*. Persatuan Islam (Persis), uses linguistic narrative method or he also called as 'literalism'.¹² In this case, Persis treats Al-qur'an as the greatest authority. Hadist should be examined carefully. In some of Persis fatwas, some *hadith* are rejected. A *hadith* is rejected since it contradicts the Qur'an. Persis also rejects *ijma'* in one of its *fatwas*. It is understandable, then, that, in Persis, there is no a commission of *fatwa*. Most of Persis fatwas were issued by Ahmad Hassan. Hooker said that the Persis *fatawa* are largely, though not entirely, the work of one man,

¹⁰ Albert Trouwbrost, "Anthropology, The Study of Islam, and Adat Law in The Netherland and the Netherland East Indies, 1920-1950", in *Tales from Academia Part II*, pp. 672-681.

¹¹ M.B. Hooker, *Indonesian Islam: Social Change Through Contemporary Fatawa*, Honolulu:University of Hawai'i Press, 2003,p.47

¹² *Ibid*, p.48

Ahmad Hassan (1887-1958).¹³ Therefore, the Persis *fatwa* is prescriptive to its members.

Muhammadiyah sees *ijtihad* as important method in handling down *fatwas*. Muhammadiyah employs *ijtihad* in accordance with the Qur'an and Hadist. Muhammadiyah also has two basic ideologies; *maqasid al-shari'a* and *maslaha*. However, the Muhammadiyah *fatwa* is not binding. Therefore, Muhammadiyah's *fatawa* are didactic rather than prescriptive.¹⁴

Nahdlatul Ulama (NU) considers classical text as its sources of authority in issuing *fatwas*. Fiqh texts, for instance, are crucial for Nahdlatul Ulama. Hooker argued that, "to attempt to deduce law directly from Qur'an and *Hadith* without consulting the *fiqh* texts is not permitted."¹⁵ Hooker also explains some steps in the system of legal in NU. These steps are NU method in handling down *fatwas* since 1992. In this case, one also will see that the authority of Ulama in NU is very significant.

MUI (Majlis Ulama Indonesia) method, according to Hooker, tends to be eclectic. In some cases, MUI also refers to the Middle Eastern *fatwas*, particularly in recent years. Although the motive of the establishment of MUI was to control Islam under the state, some of its *fatwas* contradicts the state policy.¹⁶

On the other hand, however, some *fatwas* from a council for the evaluation of Islamic law under the ministry of health has no particular methodology in issuing *fatwas* but the purpose is clear, namely to support the government decision.

Islamic doctrine is rather problematic in practical level. Doctrinal boundaries can be divided into two kinds. The first is an internal boundary within Islam. It can be seen from two *fatwas* contrasting each others. They are *fatwas* from NU and Persis on Imam and Ulama. However, the most problematic is sectarian movement such as three *fatwas* from MUI to 'unacceptable' sectarianism, namely the *aliran*, the Ahmadiyah Qadiani, and the Darul Arqam.

The second is the external boundary with Christianity. He took some *fatwas* from Persis, Muhammadiyah, NU, and MUI. These *fatwas* reflecting the relationship between Islam and Christianity in Indonesia is always problematic. The method of reasoning is the same in those two doctrinal boundaries. It is not clear, -perhaps none-, regarding the classification between 'modernist' and 'traditionalist' group "in the real world of the *fatawa*".

The impact of modernization is the rise of new media. This new media uses Islam into 'image' and representation in many purposes. Again, Revelation feels that this representation threatens its authority. Therefore, some *fatwas* proposed by Hooker can be good examples of how Revelation controls the image and image-making. From these *fatwas*, one can see that there is a dialogue between the truth of Revelation and 'the real' Indonesia. Because the 21st century Indonesia is secular state, Indonesian *fatwas* reflect the debate between Revelation and secular state. The result is that there is radical reorganization of classes in Syariah. Indonesian *fatwas* also describes that the neutral class-permissible (*mubah*)- has now become highly charged, especially with reference to *maslaha* as a source.

The Five Pillars in Indonesian *Fatwas*

There is a tension between the requirements of Islamic dogma and the realities. Indonesian *fatwas* give considerable space to the five pillars (five religious duties) reflecting this tension. The five pillars refer to *Syabadat*(faith confession), *Shalat* (prayers), Fasting, *Zakat*, and *Haji* (pilgrimage). *Bid'a* is a particular term in Indonesian *fatwas* referring forbidden innovation in religious practices (*ibadat*).

Concerning *Syabadat*, for instance, although there is no 'great' dispute but Hooker gave two *fatwas* contrasting each others. One is from NU. In NU *fatwa*, it is permissible to recite the Confession of faith while visiting of graves (*ziarah*). Ahmad Hassan, however, proposed that such practice is *bid'a*.

Shalat (prayer) is a main religious duty in Islamic teaching. Hooker claimed that *fatwas* on

¹³ *Ibid*, p.55

¹⁴ *Ibid*

¹⁵ *Ibid*, p.56

¹⁶ *Ibid*, p. 60

prayer are answers to four obvious questions; how one pray?, when one pray?, where one pray?, and what are special prayers? Persis and Muhammadiyah *fatwas* “contain detailed prescriptions” on prayer. It is understandable since both organizations have similar ideology, namely purifying Islamic teaching. Proper religious practices based on the Qur’an and Hadits are emphasized. However, according to Hooker, Persis *fatwas* are more decisive because of the constant preoccupation with *bid’a* in *‘ibadat’*. In this case, Hooker included *fatwas* on ablution (*wudu’*), the call to prayer (*azan*), and place for public prayers, forms and formality of prayers, prayer while traveling, and the Friday sermon (*kebutbah*). From these *fatwas*, Hooker argued that the correctness of prayer is debatable and always problematic in Indonesian Islam. Therefore, in Indonesian *fatwas*, *mubah* is not neutral class.

It is not only in the *fatwas* on prayer that *mubah* is problematic, but also in the *fatwas* on the fast. Although there is an agreement in a particular case,- for instance, replacing missed days-, but there is always empty space to be debated. Hooker gave two *fatwas* from NU and Persis concerning voluntary fasting. On one hand, NU stated that voluntary fasting is considered meritorious. On the other hand, Persis considered that while the voluntary fast is permissible it should not become recommended. In this sense, Persis made *mubah* become a complicated term.

Calculation of Ramadhan, of course, has always become a controversial issue in Indonesian Islam. The most problematic case is related to calculation of times for the beginning and end of Ramadhan. It is represented by Muhammadiyah and NU, for instance, which do not have similar method in calculating the beginning and end of Ramadhan. However, the role of state authority is primary as an effort towards standardization of times for the convenience of society.

The Indonesian state also tries to control *zakat* by establishing the *zakat* Collection Board (Badan Amil Zakat) under the ministry of Religious Affairs. According to Hooker, the *zakat* payments can never be separated from state interest. In fact, Persis, in its *fatwa*, rejects any

organization which is made to collect *zakat* payment. However, Muhammadiyah agrees but in restricted position.

According to Hooker, regarding the government policy, there are two main responses in Indonesian *fatwas* on *zakat*. The first response is on the issue of capitalization. Muhammadiyah, NU, and Persis take the same position. They are reluctant to support or to oppose it. The second response is on the method of collection. In this case, NU, in its *fatwas*, affirmed the authority of state. This is because the state legislation is not a break with tradition, indeed in some ways it repeats the *‘amil* (agent) of mediaeval Islam in a revised form.

The pilgrimage (*hajj*) ritual has always been under the control of Indonesian government. It is under the ministry of Religious Affairs. According to Hooker, this is because the political and financial reason. Concerning the *hajj* ritual, there are two issues, namely Indonesian *fatwas* on funding and travel. Hooker took *fatwas* on funding from NU, Muhammadiyah and MUI. While NU, in its *fatwa*, permits the *arisan*, Muhammadiyah forbids it. MUI also takes the same position with Muhammadiyah.

It can be concluded that there are two tensions in Indonesian *fatwas* on the five pillars. The first is the tension within internal Islam. It can be seen from the *fatwas* describing the disagreements between Persis, NU, Muhammadiyah, and MUI. They result from different method of reasoning in issuing *fatwas*. However, all of these four Islamic organizations regard the Revelation as primary. The second tension is between Islam and the state. In this case, the state has Constitution while Islam has its own source, namely Revelation from God. The state has been successfully handling the *hajj* and, to some extent, in *zakat* and fasting. The prayer remains in the hand of individual Muslim.

Women in Indonesian *fatwas*

There are three important sources related to the status of women in Indonesian. The first source is the laws of the state.

As we know, the Indonesian legislative system is complex. This is because the variety of

the forms of prescription. However, in Indonesian laws, prescription for women is problematic. Hooker gave two examples, namely the Compilation of Islamic Law (1991) and the Marriage Law (1974). Both state laws reflect how the state controls the Syariah. As a result, the authority is not only from Revelation but also from the state. Therefore, the status of women is not only determined by the *fiqh*, but also by the state. In this case, there is a pendulum balance between the state and Revelation which determines the women status and obligation.

The second source is instruction books or the *panduan* literature. The invention of the printed media caused Islamic instruction books play a significant role in the Muslim world.¹⁷ The *panduan* literature contains prescription which regulates women to be ideal. Hooker said that the woman must be ideal in real life, and the ideal is in the prescriptive of 'pure' Islam. This literature contributes in order to succeed as an ideal woman, as defined in 'pure' prescription". The local custom (*adat*) is ignored in the *panduan* literature. In this case, the motive is not only for profit, but also for Islamic propagation (*da'wa*). There are some instruction books devoted to uneducated women and some others devoted to educated women.

The covers of these books are usually women using *jilbab*. One sees that the *panduan* literature emphasizes the purity of Muslim women based on Revelation. In the *panduan* literature, secularism and Western idea are attacked. Nowadays, Islamic novels appear as a new trend in Indonesian Islam. These novels also have promoted 'Islamic' values to women in Indonesia such as the importance of using 'jilbab' for women. This new trend is promoted by *Forum Lingkar Pena* (FLP) which is affiliated with PKS (*Partai Keadilan Sejahtera*). However, it seems that the emergence of Islamic printed media has reduced the authority of 'ulama since Muslims tend to read the *panduan* literature rather than asking to the 'ulama for issuing *fatwas*. So, does it mean that the emergence of Islamic printed

media, such as the *panduan* literature and Islamic novels, decreases the authority of *fatwas*? Moreover, as a result of the emergence of instruction book, the transnational link is more explicit. Many Middle Eastern books are translated into Indonesian language. One of them is *La Tabzan* which was translated into Indonesian language. This book became one of the best-seller books in Indonesia.

The third source is the sermon or *khutbah*. There are three forms of the sermon or *khutbah* in contemporary Indonesian Islam. They are the Friday sermon, printed collection of the sermon, and the TV and the radio *khutbah*. In this case, Hooker argued that the prescriptive agenda of the sermon is to reduce Islam to ideology. The sermon always invites the women to be 'pure' Muslim. The status of women is determined based on the Qur'an and Hadith.

These three sources lead Hooker to discuss the status and obligation of women in Indonesian *fatwas*. Hooker strongly believed that Indonesian *fatwas* on women are not only related to internal Islam but they should be read on the context of Islamic response to the respective secular state prescriptions. Muslim women should have their own identity which illustrates a possession of a moral rightness.

By looking at some *fatwas* issued by Muhammadiyah, Persis, NU and MUI, he criticizes that there is a high degree of ambivalence in the definition of the boundaries of *mubah*. The *fatwa* sources are inconsistent among themselves and even within each source. However, the writer believes that the *fatwas* sources are inconsistent because of their adaptability to the conditions of the time.

In some cases, Hooker assumed that the price of *fatwas* survival is influenced by the authority of the state. It can be seen from his explanation concerning the *fatwas* on wali. Hooker said that both Muhammadiyah's *fatwa* and NU's *fatwa* regard the consent of women as secondary. Only Ahmad Hasan argues for its primacy. However, Ahmad's position has been achieved by legislative intervention, namely the Marriage Law of 1974 and *Kompilasi Hukum Islam*. In this case, we can see that Muhammadiyah's *fatwa* and NU's *fatwa* have been adopted in State

¹⁷ Regarding this issue, see, Huq, Maimuna, "From Piety to Romance Islam" in *New Media in the Muslim World: The Emerging of Public Sphere*, Dale F. Eickelman and Jon W. Anderson(ed), Bloomington&Indianapolis:Indiana University Press, 1999.

Law. We also see that Muhammadiyah's *fatwa* and NU's *fatwa* is strengthened by the state's authority. It means that the state power influence the price of *fatwa*'s survival.

From his explanation about Indonesian *fatwas* on women, we also see that Hooker criticized *fatwas* since their responses to *adat* matters are mixed. The female obligation based on Syariah is an illogical area. The proprietary interest is important for Individual women. According to Hooker, the duty of the '*ulama* in their studies is a value in itself, but it is not necessarily always a value transferable to other contexts. Because the value of Syariah is a value in itself, it is always going to be problematic when it is transferred in Indonesian contexts.

Medical Issues in Indonesian Fatwas

Regarding this topic, it is debatable, namely the relationship between science and religion. As we know, science does not need religious justification because the former is a product of reason while religion is a product of God; science is relative while religion, in this case Islam, is a absolute truth. It can be seen from Indonesian *fatwas* because some *fatwas* related to medical issues were justified by some authoritative sources, namely Qur'an and Hadist. In this case, one sees that there are two questions which need to be discussed. The first question is whether *fatwas* in medical issues become a symbol of religious power to science or whether they were issued because religious power becomes weak toward science in this modern time.

According to Hooker, the Muslim discussion on Islam and science is not wholly negative and defensive. However, he assumed that the majority of Muslim scientists living in two worlds, namely professional scientists on the one hand, and true believers on the other. Therefore, Hooker believed that science, including medical science, is not value-free in Indonesian *fatwas*. It is understandable since Indonesian *fatwas* are product of religious authority. It is true that in Indonesian *fatwas*, science is limited by Revelation. However, Hooker believed that the judgment from Revelation through Indonesian *fatwas* demonstrate that science should consider ethical

values. In Indonesian Islam, the *fatawa* demonstrate that medical science is not value-free. The contemporary scientific advances and capabilities are limited by the constraint of Revelation.

Therefore, there are some *fatwas* from the Council for the Evaluation of Health and Islamic Law of the Ministry of Health. Concerning the Corpse, this council issued a *fatwa* which is like manual for practice. It is, then, science which needs support from God. This government body used Revelation for 'secular' motive.

Economic and Other Issues on Indonesian Fatwas

In this last topic, Hooker explained some *fatwas* concerning money and money contracts, food and drugs, and public morality. In this case, Hooker said that *fiqh* plays an important role in those *fatwas*. However, *adat* or custom sometimes influences those *fatwas*. Hooker gave an example one *fatwa* from NU regarding general money contracts in 1929. In this *fatwa*, we saw how *adat* and *fiqh* were contested. In the beginning, *fiqh* was more authoritative. However in two years later, there was a concession between *fiqh* and *adat*. As a result, this *fatwa* was reconsidered. It also happened in 1939's *fatwa* regarding banks and interest-based banking. In this *fatwa*, there is no clear decision since *adat* was involved.

To some extent, Indonesian *fatwas* have been intervened by the state power. Concerning *fatwa* from NU regarding insurance, there is a tension in Indonesian *fatwas* between the state and Islam. Therefore, Revelation is no longer the sole authority in Indonesian Islam.

It also can be seen in the case of lotteries. Hooker explained that there was a dispute between Prof. Ibrahim Hosen and '*ulama* from West Java concerning PORKAS. Prof. Hosen, in his paper, took a view that PORKAS was permitted. In this case, one will assume that what Hosen's motive by permitting PORKAS is not religious consideration. However, Hosen also used religious sources in order to support his idea. This dispute reflects that Indonesian *fatwas* are not simple matters. Perhaps, the differences in cultural and educational background between

Hosen and *'ulama* from West Java also influence this dispute. The different interpretation in Revelation as reflecting in this dispute means that Revelation is not free from cultural, educational, and personal background of *muftis*

It is presumably that, in some cases, the *muftis* already had decision before issuing *fatwas*. It means that Islamic sources, such as the Qur'an, Hadith, and classical *fiqh*, are only referential in order to make the *fatwas* more authoritative. It is presumably that the *muftis* use some Islamic sources in order to justify their own decision which they already had. In fact, this is very suspicious thinking. It is the task of scholars to prove it.

However, Indonesian *fatwas* are important part of normative Islam in Indonesia. Although Indonesian state is 'secular' state, but there is Ministry of Religious Affairs. Also, there are revised religious court system and the Compilation of Islamic Law. It means that there are two normative Islam, the *fatawa* and the 'official' Islam. It is presumably that, in the future, Indonesian *fatwas* will need the support from the official Islam, i.e. the state law or the ministry of Religious Affairs.

Critical Remarks:

From Inconsistency to the Historical Background Problems

Discussing on Indonesian *fatwas*, Hooker always criticizes Indonesian *fatwas* as inconsistent, both their sources and contents. It may be his main critic to Indonesian *fatwas*. For the writer, it is understandable since *fatwas* are representation of how Islamic values adapt with the modern times. Indonesian *fatwas* are inconsistent since Islam must be adaptable to the condition of times. In this case, Hooker did not realize this.

In selecting the *fatwa* sources, Hooker also chose the *fatwa* from the Council for the evaluation of Health and Islamic law. This council is under the government body, namely the Ministry of Health. However, it raises some questions in our mind; why does Hooker include this institution? To what extent this council is so important compared to Muhammadiyah, NU, Persis, and MUI?

Furthermore, it is unfortunate that Hooker did not provide historical background on why such *fatwas* appeared. Hooker preferred to analyze the content of the *fatwas*. In fact, historical background is important to enrich the understanding of the practice of Indonesian Islam. It also helps our understanding why Indonesian *fatwas* are inconsistent. Why, for instance, is there a *fatwa* on contraception? Is it related to the government policy on family planning? Or why is there a *fatwa* on abortion, etc.

Concluding Remarks :

Is There Indonesian Islam in Indonesian *Fatwas*?

From Clifford Geertz in *Islam Observed and Religion of Java*, we learn that Indonesian Islam is Javanese religion. It will be obscure if we see that there is also Aceh Islam, Malay Islam, or Javanese-Sumatra Islam. In this case, we see that Indonesian Islam is limited by the place.¹⁸

In his study, Hooker proposed that through studying Indonesian *fatwas* from four main Islamic organizations, he can tell us what Indonesian Islam is, particularly in the practical level. The writer believes that there is Indonesian Islam in Indonesian *fatwas* discussed by Hooker. However, it is limited by two problems. The first problem is the fact that in the practical level, most of Indonesian Muslim does not know these *fatwas*. It is true that these *fatwas* originally were issued because there are some questions from individual Muslim. However, the publications of these *fatwas* are very limited. The second problem is that all of these *fatwas* are not binding. Because they are not binding, it is very possible that Indonesian Muslims will not follow these *fatwas*.

As we know, Indonesian Muslims can be divided into two simple areas. The first is those who living in the city. And the second is those who living in the village. Indonesian Muslims living in the village strongly believe in the

¹⁸ Besides Hooker, it is Martin Van Bruinessen who entitled his article, *Global and Local Indonesian Islam* in *Tonan Aja Kenkyu*, 1999:37-2, pp. 158-175. The courage to give a title 'Indonesian Islam' is ,somehow, provocative.

authority of individual *'ulama*. These *'ulama* usually are called as *kiyayi kampung*. Because of the limited access, they do not know any fatwa from NU, Muhammadiyah, MUI, and Persis as Hooker discussed in this book. If they have problem in religious understanding, they will ask directly to individual *'ulama* or *kiyayi kampung*. In this case, individual fatwas from *Kiyayi* are very significant in Indonesian Islam.

Indonesian Muslims living in the town, however, will use the printed and electronic media if they do not understand some religious matters. It is not strange that there are many Islamic magazines giving a special column to the religious issues. Usually, this special column is called *'tanya jawab agama'* (asking and answering religious issues). Even, some of *'ulama*, such as Didin Hafifuddin, Abdullah Gymnastiar, and Ary Ginandjar, have used *handphone* as the instrument of transmitting their *fatwas*.

It can be concluded that there are two Indonesian *fatwas*. The first is 'formal' *fatwas* discussed by Hooker. This is because these *fatwas* are issued by 'formal' organizations. The second is 'informal' *fatwas*. These *fatwas* are issued by individual *ulama*. These fatwas are not written in a 'proper' *fatwa*. Many of them are spoken *fatwas*, particularly in the village. It is clear that Hooker did not discuss 'informal' *fatwas* in this book.

However, there are three characteristics of Indonesian Islam that we can learn from Indonesian *fatwas* discussed by Hooker. The first characteristic is that Indonesian Islam is plural. This is because the fact that there are some different *fatwas* on the same issue, for example *fatwas* between NU, Muhammadiyah, and Persis on *Syabadat*. The second characteristic is that, through Indonesian *fatwas*, one also knows that Revelation is not the sole authority in Indonesian Islam. The authority of the state represented by *Pancasila* and the Constitution, and *adat* influence the making of Indonesian Islam. The third characteristic is that official Islam and the *fatwas* can support each other. It can be seen from the recent case, namely MUI Pekanbaru *fatwa* on Abu Zayd in November 2007. If the Ministry of Religious Affairs did not support this *fatwa*, this *fatwa* would not be effective and Abu Zayd would come to Pekanbaru and Malang. In this case, the

fatwas and 'official' Islam do not impinge on each other. On the contrary, they support each other.¹⁹

These three characteristics will contribute the 'face' of Indonesian Islam in the future.

¹⁹ Compare with, Nico J.G Kaptein, 'The Voice of The Ulama : Fatwas and Religious Authority in Indonesia' in *Arch.de Sc. Des Rel.*, 2004, 125, (January-March 2004).pp.127-128

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