



## **POLITICS, LOCAL GOVERNMENTS, AND SHARIA BY-LAWS IN INDONESIA: Revisiting a Common Assumption**

**Dani Muhtada**

State University of Semarang

[dmuhtada@mail.unnes.ac.id](mailto:dmuhtada@mail.unnes.ac.id)

### **Abstract**

*After the fall of Suharto regime, some local governments in Indonesia have adopted Sharia by-laws. Several studies suggest that this adoption of Sharia by-laws was influenced mostly by the political motives of the local elites. They used such by-laws as a strategy to gain political supports from Muslim voters. They also used the by-laws to facilitate bribery and electoral corruption using social and religious instruments and to distract people's attention from ongoing corruption. Although it confirms the political motives behind the adoption of the Sharia by-laws, this paper suggests that such political motives may not be the only factors leading to the introduction of Sharia by-laws. Based on the study of the political and religious backgrounds of the district heads, who were elected in the local elections between 2008 and 2013, in the six major provinces, this paper indicates that political motives do not play alone. The district heads' religious backgrounds can be the other important factors contributing to the adoption of Sharia by-laws by some local governments in Indonesia.*

**Keywords:** *Sharia by-laws, politics, local governments, Indonesia.*

**Abstrak**

*Setelah jatuhnya rezim Suharto, beberapa pemerintah daerah di Indonesia menerapkan peraturan daerah bernuansa Syariah (perda Syariah). Beberapa kajian berpendapat bahwa pengadopsian perda Syariah ini banyak dipengaruhi oleh motif politik dari para elit daerah. Mereka menggunakan perda tersebut sebagai strategi untuk mendapatkan dukungan politik dari para pemilih Muslim. Mereka pula menggunakan perda tersebut sebagai transaksi suap dan kecurangan elektoral untuk mengalihkan perhatian masyarakat dari korupsi yang tengah berlangsung di Indonesia. Meskipun artikel ini menegaskan adanya motif politik di balik penerapan perda Syariah, artikel ini berpendapat bahwa motif politik tersebut bukanlah satu-satunya factor yang mengarahkan pada permulaan diterapkannya perda Syariah. Berdasarkan kajian pada latar belakang politik dan keagamaan dari para Bupati, yang mana terpilih pada pemilihan umum dari tahun 2008-2013 di enam provinsi besar, artikel ini menunjukkan bahwa motif politik tidak bermain sendiri. Latar belakang keagamaan para Bupati dapat menjadi factor penting lainnya yang berkontribusi pada penerapan perda Syariah oleh beberapa pemerintahan daerah di Indonesia.*

**Kata Kunci:** *perda Syariah, politik, pemerintah daerah, Indonesia*

**A. Introduction**

One of the political phenomena that raised controversies among the Indonesian public after the demise of the New Order regime is the introduction of Sharia by-laws by a number of provincial and municipal governments. The proponents of these regulations argue that Sharia by-laws are needed to tackle many social problems at the local level. They believe that Sharia by-laws can control such

crimes as the consumption of alcohol, prostitution and gambling. The opponents of Sharia by-laws argue that these regulations can produce disharmony among the Indonesia's plural society. The opponents believe that the introduction of religious-based regulations is a betrayal of a national consensus made by the founding fathers of the Republic, who designed this nation as neither a religious nor secular state. In addition, they view that the Sharia regulations failed to deal with the actual problems of Indonesian society and were issued simply to solve serious legitimacy problems experienced by local governments.<sup>1</sup> These pros and cons lead to a crucial question about factors leading to the introduction of Sharia by-laws. Several scholars argue that the introduction of Sharia by-laws was influenced mostly by the political motives of local elites. They used Sharia by-laws as a strategy to gain more political supports from Muslim communities, to facilitate bribery and electoral corruption using social and religious instruments, and to distract people's attention from ongoing corruption.<sup>2</sup>

---

<sup>1</sup> Ahmad Suaedy, "Syari'ah regulations and democratic challenges in Indonesia", Paper Presented at The 9th Conference of the Asia Pacific Sociological Association Improving the Quality of Social Life: A Challenge for Sociology, in Bali, Indonesia, 13-15 June 2009; Dewi candraningrum, "Perda Sharia and the Indonesian Women's Critical Perspectives", Paper Presented at the Conference on "Neue Willkuer Gegen Frauen in Indonesien: Kontroversen Um Die Umsetzung Der Regionale Scharia-Gesetze", in Bremen, Germany, 11 November 2006.

<sup>2</sup> Robin Bush, "Regional 'Shari'a' Regulations in Indonesia: Anomaly or Symptom?", in Greg Fealy dan Sally White, ed., *Expressing Islam: Religious Life and Politics in Indonesia* (Singapore: Institute of Southeast Asian Studies, 2008), p. 174-91; Michael Buehler, "The Rise of Sharia By-Laws in Indonesian Districts: An Indication for Changing Patterns of Power Accumulation and Political Corruption," *South East Asia Research*, Vol. 16, No. 02 (2008): p. 255-285; Moch. Nur Ichwan, "The politics of Shari'atization: Central governmental and regional discourses of shari'a implementation in Aceh", in R. Michael Feener and Mark E. Cammack, *Islamic Law in Contemporary Indonesia: Ideas*

This paper argues that political motives may not be the only factors leading to the introduction of Sharia by-laws. Religious backgrounds of the elected officials can be another significant factor contributing to the adoption of Sharia by-laws. This paper is based on the research that is intended to identify the political and religious backgrounds of the district heads who are elected in the local elections between 2008 and 2013 in the six major provinces: Aceh, Banten, West Java, South Kalimantan, South Sulawesi, and West Sumatera. These provinces were selected because they are the centers of Sharia by-laws in the country.<sup>3</sup>

Three types of data were collected: the political backgrounds of the elected officials, their Islamic backgrounds (including their Islamic affiliations or organizations), and the votes collected by all candidates. The last type of data is collected for the purpose of measuring the effective number of candidates, which will be used to evaluate the competitiveness of the local elections in the six provinces. The data were collected from online resources – that is from the official websites of the districts, the official website of the interior ministry, and from the websites of national and local newspapers. The paper starts with a brief literature review on Sharia by-laws and politics in Indonesia, followed by the presentation of findings. An analysis of the findings and their correlation with current theoretical perspectives on the issue is presented afterwards.

---

*and Institutions* (Cambridge: Harvard University Press, 2007), p. 193–215.

<sup>3</sup> Michael Buehler, “Whodunit? Politicians Affiliated with Secular Parties Implement Most Sharia Regulations,” *Tempo*, 6 September 2011, p. 58–59.

## **B. Sharia by-Laws in Indonesia: A Theoretical Overview**

The implementation of Sharia laws in Indonesia has been widely discussed by a number of scholars.<sup>4</sup> The debate about this among scholars has been around three related issues: its connection with the rise of political Islam, controversies about its implementation, and its motives. Effendy, for example, argues that the calls for the implementation of Sharia laws in Indonesia, along with the attempt to insert the seven words of the Jakarta Charter into constitution, were the clear indicators of the rising trend of political Islam in this country after the fall of Suharto.<sup>5</sup> However, he underlines that this trend was not genuine. This trend should be understood in the context of the euphoria of Indonesia's political transition, from an authoritarian regime into democracy. People just began to enjoy their freedom and expressed their identities in the

---

<sup>4</sup> Bahtiar Effendy, "Enforcement of Shari'ah in Indonesia: Challenges and Prospects", in Hussin Mutalib, ed., *Islam and Democracy: The Southeast Asian Experience* (Singapore: Centre for Contemporary Islamic Studies & Konrad Adenaur Foundation, 2004); Moch Nur Ichwan, "The Politics of Shari'atization: Central Governmental and Regional Discourses of Shari'a Implementation in Aceh," in *The Politics of Shariatization: Central Governmental and Regional Discourses of Shari'a Implementation in Aceh*, in Michael Feener and Mark Cammack (Eds.), *Islamic Law in Contemporary Indonesia: Ideas and Institutions* (Boston: Islamic Legal Studies Program, Harvard University Press, 2007), <http://digilib.uin-suka.ac.id/16228/>; Arskal Salim, *Challenging the Secular State: The Islamization of Law in Modern Indonesia* (Honolulu: University of Hawaii Press, 2008); Buehler, "The Rise of Sharia By-Laws"; Robin Bush, "Regional 'Shari'a' Regulations in Indonesia: Anomaly or Symptom?", in Fealy and White, *Expressing Islam: Religious*; Suaedy, "Syari'ah Regulations and Democratic"; Nadirsyah Hosen, *Shari'a & Constitutional Reform in Indonesia* (Singapore: Institute of Southeast Asian Studies, 2007).

<sup>5</sup> Bahtiar Effendy, "Enforcement of Shari'ah in Indonesia: Challenges and Prospects," in *Islam and Democracy: The Southeast Asian Experience*, In Hussin Mutalib, Ed. (Singapore: Centre for Contemporary Islamic Studies & Konrad Adenaur Foundation, 2004).

political arena. Effendy believes that the call for the implementation of Sharia was not really based on a comprehensive religious and political consideration. In fact, Effendy argues, the majority of Indonesian Muslims did not support ideological and symbolical Islam in politics. However, this does not mean that they rejected Sharia laws. They just differed considerably on how Sharia should be understood, interpreted, and implemented.<sup>6</sup>

Effendy's argument that the majority Muslims did not support for ideological and symbolical Islam is endorsed by a number of studies.<sup>7</sup> In his studies on Sharia and constitutional reforms in the post-Suharto era, Hosen classifies the Muslim's approaches to Sharia into two categories: formal and substantial approaches.<sup>8</sup> The adherents of formal approach believed that Sharia should be the main source of law. Thus, the issues such as the separation of powers, the mechanisms of check and balance, the protection of human rights, and judicial independency can be accommodated into constitutions as long as they are in line with their formal interpretation of Sharia. This approach, as Hosen suggests, made their political position close to the authoritarian and fundamentalist perspectives. The adherents of substantial approach argued that Muslims should take into account the spirit of Sharia laws, not the legal formalism of the laws. They believed that Muslims should not adopt dogmatic

---

<sup>6</sup> Effendy, *Enforcement of Shari'ah in Indonesia*.

<sup>7</sup> Hosen, *Shari'a & Constitutional Reform in Indonesia*; See also Nadirsyah Hosen, "Religion and The Indonesian Constitution: A Recent Debate," *Journal of Southeast Asian Studies*, Vol. 36, no. 3 (2005): p. 419–40; Anies R. Baswedan, "Political Islam in Indonesia: Present Future and Future Trajectory," *Asian Survey*, Vol. 44, no. 5 (2004): p. 669–90; Greg Fealy, *Islamic Radicalism in Indonesia: The Faltering Revival* (Southeast Asian Affairs, 2004), p.104–21.

<sup>8</sup> Hosen, *Shari'a & Constitutional Reform*; Hosen, "Religion and The Indonesian Constitution."

views of Sharia. According to them, the understanding and the formulation of Sharia is not static and final. In dealing with state constitution, they put the principles, spirits, and objectives of Sharia as values or norms that inspire the constitution. Hosen argues that the unsuccessful initiative to amend the article 29 of the constitution (i.e., on religion) indicates the preference of Muslims in Indonesia who follow the substantive approach of Sharia, rather than the formal one.<sup>9</sup>

Using the data collected by the 2002 PPIM nationwide survey, Baswedan enforces the argument that the majority Muslims in Indonesia actually do not support the state's adoption of the formal approach to Sharia. The PPIM survey illustrates that although a large number of the respondents (70.8%) agree that the state should require Muslims to practice Sharia, only a small portion of them favors for the state enforcement of fasting during Ramadan (12.9%) and five daily prayers (9.9%). Baswedan suggests that this data reflects the ambivalent position of Muslim respondents: they agree with the general notion of adopting Sharia, but they disagree on how Sharia laws should be put into practice.<sup>10</sup> Furthermore, Baswedan makes an important point saying that today's political Islam does not necessarily support for an Islamist agenda. According to him, political Islam during the post-Suharto era reflects the diversity and pragmatism of aspirations among Muslims. This is quite different from political Islam in the 1950s (the Sukarno era) and the 1970s (the early Suharto era), in which the political Islam was equivalent to the support for an Islamist agenda.

---

<sup>9</sup> Hosen, "Religion and The Indonesian Constitution."

<sup>10</sup> Baswedan, "Political Islam in Indonesia," 689.

Similar argument is made by Fealy, who argues that the Muslim majority in Indonesia might support a greater application of Sharia laws, but they will not endorse such ideas as adopting criminal law (e.g., *hudūd* punishments) or establishing a caliphate.<sup>11</sup> Fealy also rejects the argument that the Islamic radicalism and fundamentalism is actually on the rise after the demise of Suharto regime. There has been a greater call for the implementation of Sharia laws across the country, but this does not necessarily illustrate the rise of radicalism among Muslims in the country. Fealy supports this argument using a number of evidences. First, it was true that a number of radical organizations and media outlets emerged between 1998 and 2002. However, they have actually struggled to survive and failed to reach a successful outcome. Radical organizations such as *Majelis Mujahidin Indonesia* (MMI) and *Hizbut Tahrir Indonesia* (HTI) have a very small number of members compared to mainstream Islamic organizations. Besides, they did not have a central role in the public discourse regarding Islamic issues. Second, a number of media published by Islamic hardliners have experienced bankruptcy. *Panji Masyarakat* and *Jurnal Islam* went bankrupt in 2003. *Sabili*, which represented “the flagship of radical Islamic journalism” and reached the highest circulation of any periodical in 2002, also experienced dropping sales in the following year. Third, there has been a shift in the Muslim communities’ attitudes against Islamic hardliners. While many Indonesians once justified the rights of Islamic hardliners to be heard even though most of them did not agree with the hardliners, today many

---

<sup>11</sup> Fealy, *Islamic Radicalism in Indonesia*, 177.



Indonesians would consider the hardliner's voice and aspirations as "irresponsible and provocative".<sup>12</sup>

If the Muslim majority does not take an extreme position towards the implementation of Sharia, why did some local and provincial governments introduce Sharia by-Laws despite the failure of several attempts to "implement" Sharia laws at the national level, including the attempt to insert the "seven words" of the Jakarta Charter into the constitution?

Before discussing some scholarly explanations about the implementation of Sharia by-laws in several province and districts, it is worth pointing out Salim's argument about the successful and unsuccessful implementation of the Sharia by-laws in the post-Suharto era. Salim classifies the attempts to establish Sharia Laws in Indonesia after the demise of the New Order into three levels: constitutionalization, nationalization, and localization of Sharia.<sup>13</sup> First, the constitutionalization of Sharia was reflected by the attempt to return the "missing seven words" of the Jakarta Charter back to the state constitution. The seven words state the Indonesian Muslims are obliged to perform and obey Islamic Sharia. Unfortunately, this attempt failed. Second, the nationalization of Sharia can be seen in the introduction of the Acts that regulate religious life of Indonesian Muslims (e.g., the Act No. 38/1999 on Zakat). Third, the localization of Sharia can be seen in the attempts to implement Sharia by-laws in several provinces and districts.<sup>14</sup>

Salim argues that Sharia by-laws are a successful effort of the supporters of formal implementation of Sharia in Indonesia after they encountered many structural

---

<sup>12</sup> Fealy, p.117.

<sup>13</sup> Salim, *Challenging the Secular State*.

<sup>14</sup> Salim, *Challenging the Secular State*.

obstacles to implement it at the national level. According to Salim, instead of expecting the ratification of Sharia through a top-down process, the supporters changed their strategies to start its implementation from the local levels, especially in Muslim-majority districts. Salim highlights two formal ways to implement Sharia in Indonesia: constitutional amendment and legislation.<sup>15</sup> The supporters failed to implement Sharia through constitutional amendment, so that they tried to implement it thorough legislation. The issuance of Sharia by-laws in several districts and provinces indicates their success. Salim argues that the relatively successful implementation of Sharia by-laws at the local level was influenced by a number of factors, one of which was the rapid weakening of national authority coupled with a massive project of administrative decentralization. Whereas the transition of political power has declined the power of central authority, it has strengthened the society at the periphery. This situation has been a critical factor for the implementation of Sharia laws at the local levels.<sup>16</sup>

Back to the question on factors pushing for its implementation, several scholars have discussed some theoretical explanations on why some provincial and municipal governments introduced Sharia by-laws.<sup>17</sup> Salim

---

<sup>15</sup> Arskal Salim, "Shari'a in Indonesia's Current Transition: An Update", in Arskal Salim and Azyumardi Azra, *Shari'a and Politics in Modern Indonesia* (Singapore: Institute of Southeast Asian Studies, 2003), p.213-232.

<sup>16</sup> Salim, *Challenging the Secular State*.

<sup>17</sup> Arskal Salim, "Muslim Politics in Indonesia's Democratization: The Religious Majority and the Rights of Minorities in the Post-New Order Era" in Ross H. McLeod and Andrew Macintyre, *Indonesia: Democracy and the Promise of Good Governance* (Singapore: Institute of Southeast Asian Studies, 2007), p.115-137; Robin Bush, "Regional 'Shari'a' Regulations in Indonesia: Anomaly or Symptom?", in Fealy and White, *Expressing Islam*; Buehler, "The Rise of Sharia By-Laws in

provides two hypotheses to explain why such Sharia - inspired regulations are issued. First, they are motivated by religious piety. Second, they were issued to further the short-term agendas of the incumbents (current governors, mayors, or regent heads).<sup>18</sup> A slightly different explanation is given by Bush. According to Bush, the emergence of the Sharia by-laws was influenced by one of the four key factors. First, they were introduced to distract people's attention away from ongoing corruption. Second, the head of these local governments tried to gain more political supports from Islamic communities through the Sharia by-laws. Third, some districts promoted such regulations because people in these regions have been associated with the history of the *Darul Islam* movement in the 1950s. Fourth, they were issued because of a lack of technical governance capacity at local levels.<sup>19</sup>

Buehler highlights political motives as the key factor responsible for the rise of Sharia by-Laws in some Indonesian municipalities. He argues that the local elites introduced these religious-inspired regulations as their strategies to "accumulate and disperse power" amidst the "widening uncertainties and insecurities in the terms of contestation among elites competing for local posts".<sup>20</sup> The local elites used Sharia by-Laws as a political means to deal

---

Indonesian Districts: An Indication for Changing Patterns of Power Accumulation and Political Corruption"; Ichwan, "The Politics of Shari'atization"; Suaedy, "Syari'ah regulations and democratic challenges in Indonesia."

<sup>18</sup> Arskal Salim, "Muslim Politics in Indonesia's Democratization: The Religious Majority and the Rights of Minorities in the Post-New Order Era" in McLeod and Macintyre, *Indonesia: Democracy and the Promise*.

<sup>19</sup> Bush, Robin. "Regional 'Sharia ' Regulations in Indonesia: Anomaly or Symptom?", Fealy and White, *Expressing Islam: Religious*, p 1-15.

<sup>20</sup> Buehler, "The Rise of Sharia By-Laws," 281.

with challenges such as creating linkages to the electorate, monitoring voters, and increasing revenues for political purposes. These political reasons explain why many of the mayor or regents who introduce Sharia by-Laws were affiliated with secular parties, rather than Islamist parties.<sup>21</sup> The use of religious symbols by these “secular” leaders was important because it was not only able to cover “bribery and electoral corruption with certain ‘social cosmetics’, but more importantly, such by-laws produce a kind of glue that increases the degree of predictability”.<sup>22</sup>

Other scholars like Sueady and Ichwan also make a similar point about political reasons behind the introduction of Sharia by-Laws in Indonesian districts. Sueady suggests that political elites exploited religious issues to get political supports from potential voters and the general public.<sup>23</sup> Using the case of Aceh, Ichwan argues that the implementation of Sharia was a political strategy applied by the central government to protect the unity of Indonesia from the separatist movement in the Aceh province.<sup>24</sup>

## C. Findings

### a. Political Background of Elected Mayors and Regents

This study reveals that most elected mayors or regents in the six studied provinces, in which Sharia by-laws have been implemented, are from non-Islamist parties. As can be seen in the table 1, almost 50% (55 people or 48.67%) of the elected mayors and regents are

---

<sup>21</sup> Buehler, “Whodunit? Politicians Affiliated”; See also Robert Pringle, *Understanding Islam in Indonesia: Politics and Diversity* (Honolulu: University of Hawai’i Press, 2010).

<sup>22</sup> Buehler, “The Rise of Sharia By-Laws,” p.282.

<sup>23</sup> Suaedy, “Syari’ah Regulations and Democratic.”

<sup>24</sup> Ichwan, “The Politics of Shari’atization.”

the members of Golkar, which is a nationalist party and was the ruling party during the Suharto era. In the second place, another nationalist party (i.e., Partai Demokrat) secured 12 positions of the mayor or regent offices. This is equal to 10.62% of the total number of mayors and regents in the six studied provinces. A very strong secular party (i.e., PDIP) secured the third position by winning 11 (9.73%) mayor and regent offices. In the fourth place, a local party in Aceh called Partai Aceh won 10 mayor and regent positions, which is equal to 8.85% of the total number of mayors and regents. This local political party exists under category of secular parties, rather than Islamist ones, because it was established not on Islamic foundations, like PKS and PPP (both are Islamist parties), but on the state official philosophy and constitution (i.e., Pancasila and UUD 1945).<sup>25</sup>

*Table 1*  
*The Political Party Background of the Elected Candidates*

Province	Demokrat	Golkar	PDIP	PKS	PAN	PPP	PKB	Gerindra	Partai Aceh	PBR	Others	Total
<b>Aceh</b>	3	7	0	0	1	0	0	0	10	1	1	<b>23</b>
<b>Banten</b>	1	5	1	1	0	0	0	0	0	0	0	<b>8</b>
<b>Jabar</b>	4	8	7	2	0	4	1	0	0	0	0	<b>26</b>
<b>Kalsel</b>	0	9	2	1	1	0	0	0	0	0	0	<b>13</b>
<b>Sulsel</b>	1	19	0	0	1	0	0	2	0	0	1	<b>24</b>
<b>Sumbar</b>	3	7	1	2	3	1	0	1	0	1	0	<b>19</b>
<b>Total</b>	<b>12</b>	<b>55</b>	<b>11</b>	<b>6</b>	<b>6</b>	<b>5</b>	<b>1</b>	<b>3</b>	<b>10</b>	<b>2</b>	<b>2</b>	<b>113</b>

In the fifth position, each of two Islamist parties (PKS and PAN) won the same number of positions, six (5.31%) mayor and regent positions. PKS secured six mayor-regent offices in Aceh (1), South Kalimantan (1), West Java (2), and West Sumatera (2), while PAN

<sup>25</sup> See “Anggaran Dasar / Anggaran Rumah Tangga (AD/ART) Partai Aceh,” articles 3 and 4, n.d., <http://www.partaiaceh.com/2012/01/anggaran-dasar-partai-aceh.html>.

secured six mayor-offices in Aceh (1), South Kalimantan (1), South Sulawesi (1), and West Sumatera (3).<sup>26</sup> Following PKS and PAN, another Islamist party (PPP) secured five (4.42%) mayor-regent positions in West Java (4) and West Sumatera (1). In the eight positions, a nationalist-secular party (Gerindra) gained three (2.65%) mayor-regent offices in South Sulawesi (2) and West Sumatera (1). Then, an Islamist party (PBR) secured two (1.77%) offices in Aceh (1) and West Sumatera (1), while another Islamist party (PKB) secured only one mayor-regent office in West Java. Independent candidates, or candidates with no political party background (under category of “others”), have won two mayor-regent offices. One is in Aceh, while the other is in South Sulawesi.

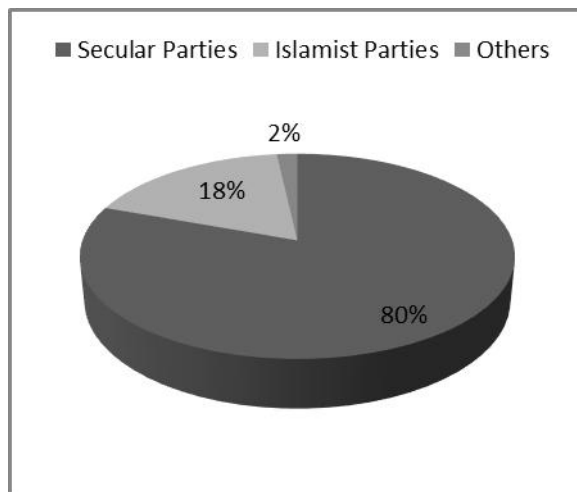
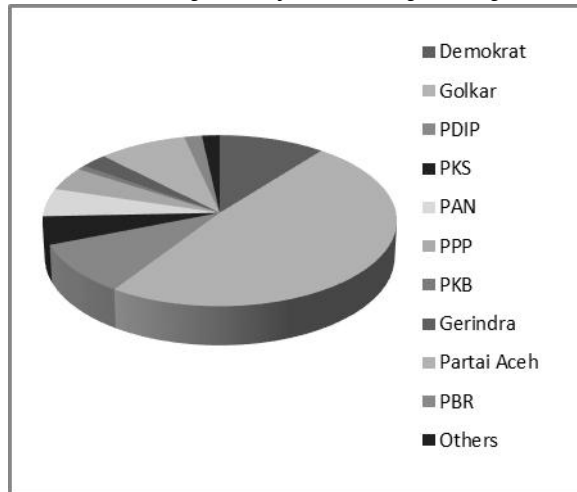
If we classify these ten parties into two groups, secular and Islamist, the number of elected mayor regents from secular parties is much greater than those from Islamist parties. This paper classifies four political parties (Demokrat, Golkar, PDIP, and Gerindra) as secular parties, while five other political parties (PKS, PAN, PPP, PKB, PBR) as Islamist parties. As can be seen in figure 1, the majority (80% or 91 people) of elected mayors and regents are from secular parties. Only 18%

---

<sup>26</sup> While PKS can be easily classified as an Islamist party, because it promotes an explicit Islamic platform, PAN might not be automatically considered as an Islamist party because its party constitution does not have any explicit Islamic platform. However, several studies categorize PAN under the umbrella of Islamic parties, probably because the party accommodates the political aspirations of the members of Muhammadiyah, which is one of the largest Islamic organizations in the country. PAN was established by a prominent leader of Muhammadiyah and the party symbol resembles the symbol of Muhammadiyah (i.e., sunlight). See Mada Sukmajati, “How Islamic Parties Organize at the Local Level in Post-Suharto Indonesia: An Empirical Study of Six Major Islamic Parties in the Tasikmalaya District, West Java Province” (PhD Dissertation, the Ruprecht-Karls-Universität Heidelberg, 2011).

(20 people) of the total number of mayors and regents are from Islamist parties, while around 2% (2 people) of them are non-partisan.

Figure 1  
Political Background of Elected Mayors/Regents



If we look closer at the province-by-province data, we will see that the largest concentration of “secular” mayors and regents is found in South Sulawesi, whose

proportion reaches 92% of the total number of mayors and regents in the province – that is, 22 out of 24 people. This province also has the smallest percentage of the “Islamist” mayors and regents, compared to the percentages of those in the other provinces. In South Sulawesi, the number of “Islamist” mayors and regents is only about 4% (1), compared to 9%, 12.5%, 15%, 27%, and 37% in Aceh, Banten, South Kalimantan, West Java, and West Sumatera, respectively. The largest concentration of “Islamist” mayors and regents is found in West Sumatera, in which 7 out 19 (37%) mayors and regents are from Islamist parties. This province also has the smallest percentage of “secular” mayors and regents, compared to the percentages of those in the other provinces. In West Sumatera, the proportion of the “secular” mayors and regents is “only” 63%, compared to 73%, 85%, 87%, 87.5%, and 92% in West Java, South Kalimantan, Aceh, Banten, and South Sulawesi, respectively.

Table 2

*Political Background of Elected Mayors and Regents: Secular and Islamist Parties*

Provinces	Secular Parties		Islamist Parties		Others		Total	
	Number	Percentage	Number	Percentage	Number	Percentage	Number	Percentage
<b>Aceh</b>	20	87%	2	9%	1	4%	23	100%
<b>Banten</b>	7	87.5%	1	12.5%	0	0%	8	100%
<b>West Java</b>	19	73%	7	27%	0	0%	26	100%
<b>South Kalimantan</b>	11	85%	2	15%	0	0%	13	100%
<b>South Sulawesi</b>	22	92%	1	4%	1	4%	24	100%
<b>West Sumatera</b>	12	63%	7	37%	0	0%	19	100%
<b>Total</b>	91	80%	20	18%	2	2%	113	100%

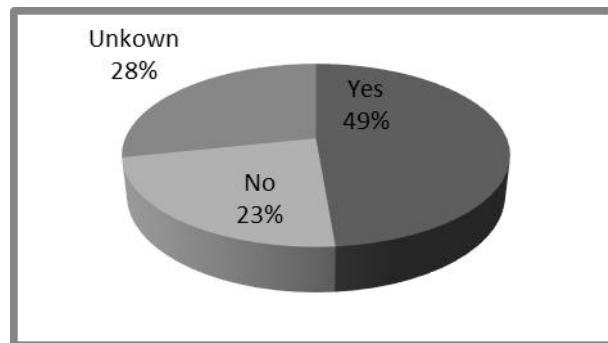
## **b. Islamic Background of Elected Mayors and Regents**

Although the majority of mayors and regents are from “secular” parties, this study discovers a significance number of mayors and regents with a strong Islamic background. By a strong Islamic



background, it refers to the strong attachment of the mayors and regents to Islamic organizations (moderate or radical) or Islamic schools.<sup>27</sup> In other words, mayors or regents are identified as having a strong Islamic background when they have been active in one or two Islamic organizations or have been trained in Islamic schools or *madrasahs*. As can be seen from the figure 2, at least 49% or 55 of the mayors and regents have a strong Islamic background. This percentage can increase as 28% or 32 of the mayors and regents are still unidentified.<sup>28</sup> A successful identification of this 28% may also increase the proportion of those without an Islamic background, which is now at 23% (26 mayors and regents).

Figure 2  
The Islamic Background of Mayors and Regents



---

<sup>27</sup> These Islamic organizations include Muhammadiyah, Nahdlatul Ulama (NU), Majelis Ulama Indonesia (MUI), Dewan Masjid Indonesia (DMI), Himpunan Mahasiswa Islam (HMI), Pergerakan Mahasiswa Islam Indonesia (PMII), Pemuda Muhammadiyah, and Gerakan Pemuda (GP) Anshor, Ikatan Cendekiawan Muslim Indonesia (ICMI), and Persatuan Tarbiyah Islamiyah (Perti), while Islamic schools include *pesantren*, *madrasah*, IAIN, MAN, MTsN, etc.

<sup>28</sup> These mayors and regents are unidentified because at the time of the research there is no valid online resources available about their Islamic background.

Among the six studied provinces, South Kalimantan and West Java have the largest proportion of the mayors and regents who have a strong Islamic background, at around 77%. In South Kalimantan, 10 out of 13 mayors-regents are identified as having the Islamic background and 3 out of 13 are still unidentified. In West Java, 20 out of 26 mayors-regents are identified as having the Islamic background, 4 out of 26 do not have the same background, and 2 out of 26 are unidentified.

*Table 3*  
*The Islamic Background of Mayors and Regents*

Province	Islamic Background						Total	
	Yes	Percentage	No	Percentage	Unkown	Percentage	Number	Percentage
<b>Aceh</b>	8	35%	3	13%	12	52%	23	100%
<b>Banten</b>	3	37.5%	3	37.5%	2	25%	8	100%
<b>West Java</b>	20	77%	4	15%	2	8%	26	100%
<b>South Kalimantan</b>	10	77%	0	0%	3	23%	13	100%
<b>South Sulawesi</b>	7	29%	11	46%	6	25%	24	100%
<b>West Sumatera</b>	7	37%	5	26%	7	37%	19	100%
<b>Total</b>	55	49%	26	23%	32	28%	113	100%

The smallest proportion of the “Islamic” mayors and regents is found in the South Sulawesi province, which is at about 29%. In this province, the number of mayors and regents identified as having an Islamic background is about 7 out of 24, while the number of those who do not have any strong Islamic background is at least 11 out of 24. The other 6 mayors and regents are still unidentified. In Aceh, there are still a large number of unidentified mayors and regents. Eight elected officials have been identified as having a strong Islamic background. Three are identified as not having enough Islamic background, while twelve others are still unidentified. However, the Islamic background of the

elected officials in Aceh does not matter a lot, because this province has been officially declared by the central government as an “Islamic” region. Whether or not an elected official has a strong Islamic background, he or she still has to implement and enforce Sharia laws.<sup>29</sup>

### **c. Competitiveness of the Mayoral-Regental Election**

To measure the competitiveness of the mayoral and regental elections in the six studied provinces, this study uses the formula introduced by Laakso and Taagepera to calculate the effective number of candidates.<sup>30</sup> Using this formula, this study discovers that the average effective number of candidates in the six provinces is just below 3 – that is, 2.8 (see table 3). This means that there are more than two but less than three candidates who were able to collect significant votes in each of these mayoral and regental elections. On the one hand, the highest effective number is 5.27, which is the effective number of candidates in Kabupaten Aceh Tengah, the Aceh province. In this regent, the actual number of candidates competing during the 2012 election is 11 (see figure 4). On the other hand, the lowest effective number of candidates is 1.13, which is the effective number of candidates in Kota Banjar, the West Java province. In this city, the

---

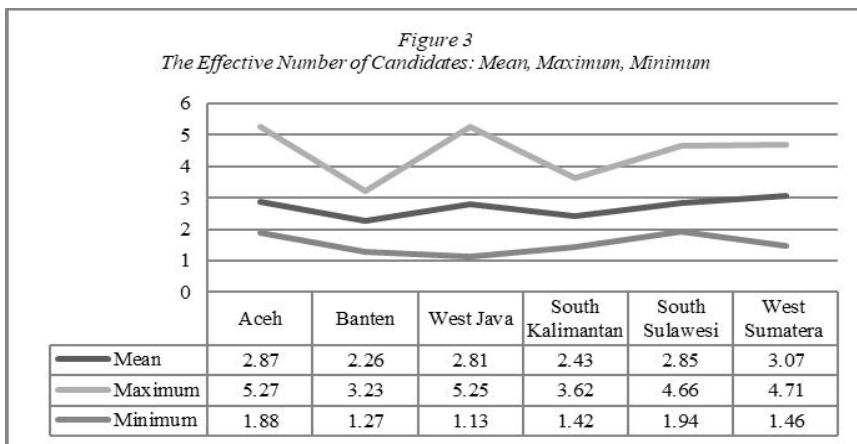
<sup>29</sup> See “Undang-Undang Republik Indonesia Nomor 18 Tahun 2001 Tentang Otonomi Khusus Bagi Provinsi Daerah Istimewa Aceh Sebagai Provinsi Nangroe Aceh Darussalam,” accessed January 21, 2019, <https://kemenag.go.id/file/dokumen/UU1801.pdf>.

<sup>30</sup> Markku Laakso and Rein Taagepera, “‘Effective’ Number of Parties: A Measure with Application to West Europe,” *Comparative Political Studies* Vol. 12, no. 1 (1979): p. 3–27.

actual number of candidates running for mayor in the 2008 election is only 2 (see figure 6).

Table 4  
The Effective Number of Candidates: Descriptive Statistics of All Provinces<sup>31</sup>

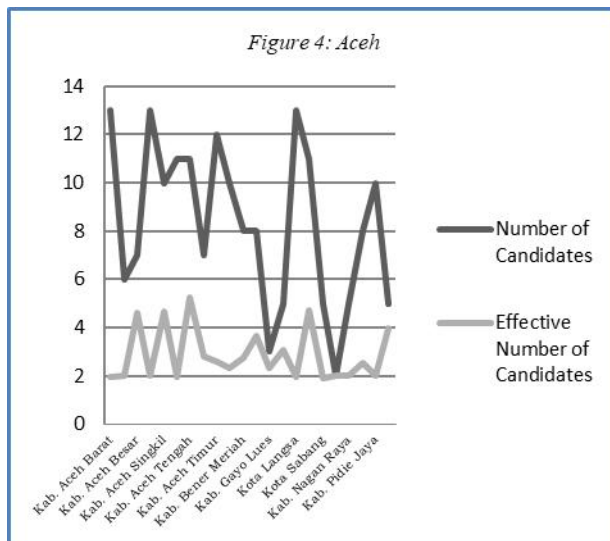
	N	Minimum	Maximum	Mean	Std. Deviation
<b>Effective Number</b>	111	1.13	5.27	2.7950	0.94171

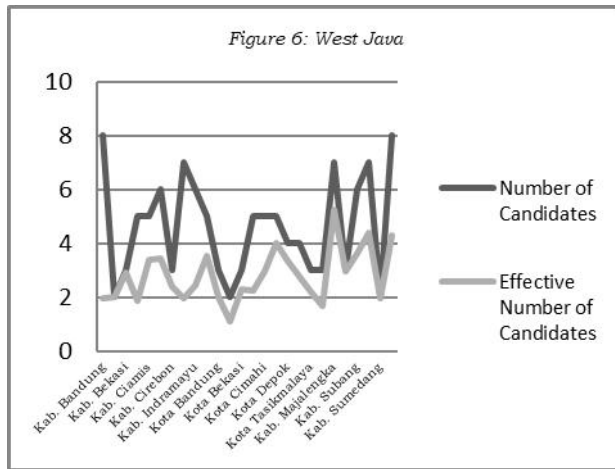
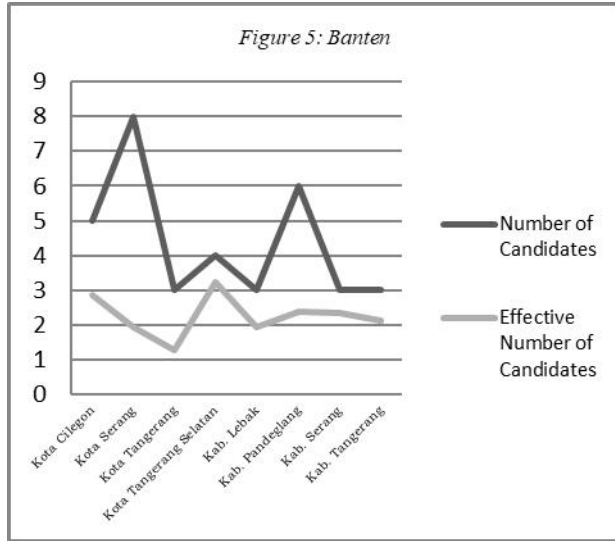


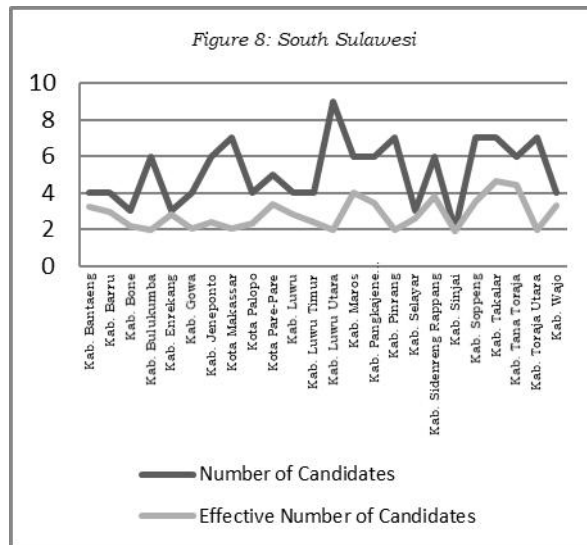
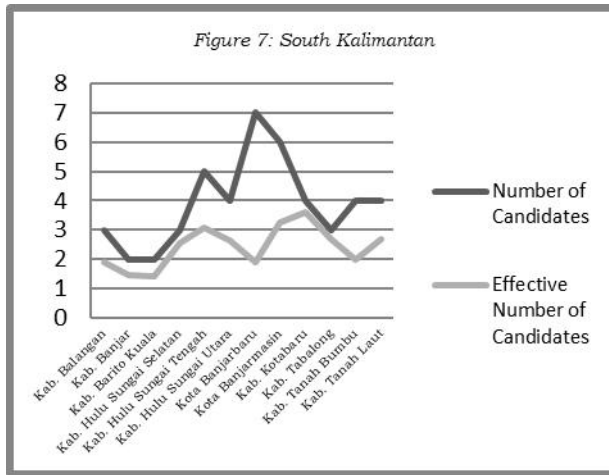
If we compare the effective number among the six provinces, we can see that the highest average belongs to West Sumatera, at 3.07, while the lowest average belongs to Banten, at 2.26 (figure 3). In Aceh, the average effective number is 2.87, with the highest number is at 5.27 and the lowest number is at 1.88. Banten has the lowest average, with the highest number reaching at 3.23 and the lowest one reaching at 1.27. While West Java has the lowest effective number

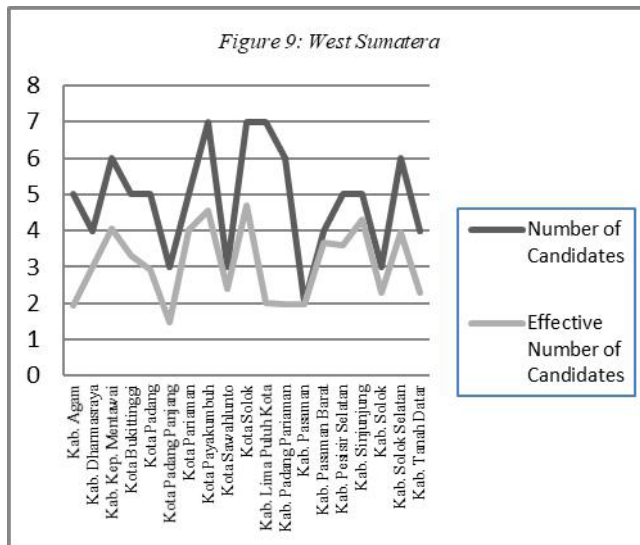
<sup>31</sup> The total number of cities and districts in the six studied provinces is 113. However, the information on the number of votes collected during elections in these two districts is unavailable: Aceh Jaya (Aceh) and Tapin (South Kalimantan). Hence, the total number of cities and districts being studied is 111.

(1.13) among the six provinces, it is interesting to note that the highest effective number in this province is just slightly below the highest point among the six studied provinces, which is at 5.25 (table 3 and figure 3). In South Kalimantan, the average effective number is at 2.43, with the highest point is at 3.62 and the lowest point is at 1.42. The average effective number in South Sulawesi is just similar to that of Aceh. In South Sulawesi, the average number reaches 2.85, with the highest point at 4.66 and the lowest point is at 1.94. While five provinces have the average effective numbers of candidates at around 2, West Sumatera is the only province among the six provinces whose effective number of candidates reaches 3 point (3.07). In other words, the competitiveness of mayoral and regental elections in this province is relatively higher than any other provinces in this study.







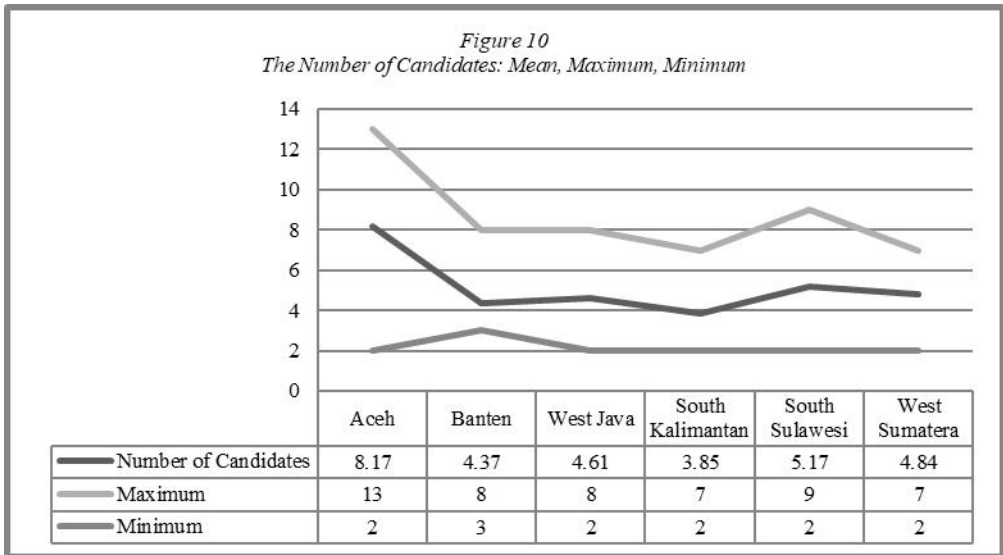


Besides the effective number of candidates, the actual number of candidates is also interesting to note. As is shown in table 4, the average number of candidates in the six provinces is 5.39. The highest point is 13, which is found in Aceh, while the lowest point is 2, which can be found in all provinces except in Banten (figure 4, 5, 6, 7, 8, 9). If we compare between the provinces, we can see that Aceh has not only the highest number of candidates, but also has the highest average number of candidates. In this province, the average number of candidates is 8.17. The lowest average can be found in South Kalimantan (3.85), whereas in the other four provinces the average is between 4 and 5 (figure 4). Aceh is also exceptional because it is the only province that has candidates more than 10. In the other five provinces, the highest number of candidates is only between 7 and 9, no more than 10.



Table 5  
The Number of Candidates: Descriptive Statistics of All Provinces

	N	Minimum	Maximum	Mean	Std. Deviation
<b>Number of Candidates</b>	113	2	13	5.39	2.544



#### D. Discussion and Analysis

As it has been mentioned earlier, several scholars argue that the emergence of Sharia by-laws in some local governments in Indonesia is motivated by political reasons. Salim mentions that Sharia by-laws were introduced because the incumbents wanted to pursue a particular short-term agenda.<sup>32</sup> Bush makes it clear by saying that these regulations were introduced because the political elites wanted to distract people’s attention from ongoing corruption and to gain political supports from Muslim

<sup>32</sup> Arskal Salim, “Muslim Politics in Indonesia’s Democratization: The Religious Majority and the Rights of Minorities in the Post-New Order Era” in McLeod and Macintyre, *Indonesia: Democracy and the Promise*.

communities.<sup>33</sup> Buehler, using the South Sulawesi case, also pinpoints political motives behind the introduction of these religious-inspired regulations in the province. Political elites used Sharia by-laws as one of strategies to win local elections and to collect more revenues for political purposes.<sup>34</sup>

These political motives explain why many of these Sharia by-laws were introduced in the provinces or districts that are “controlled”, not by Islamist parties, but by secular parties. Buehler, for example, notes that about 51 districts that implemented Sharia by-laws between 1999 and 2009 were districts in which Golkar or PDIP becomes the strongest factions in the district parliaments (DPRD). His studies also indicate that at least 37 out of 63 (59%) mayors and regents signing Sharia by-Laws between 1999 and 2009 were elected officials associated with Golkar, and 8 of the 63 mayors-regents were ex-military or police officers.<sup>35</sup>

This paper confirms the previous studies indicating that the majority of mayors and regents in the Sharia by-laws regions have been associated with secular parties. As this paper shows in the previous section, 80% of the elected officials in the studied provinces are from secular parties – that is, 91 out of 113 mayors and regents. Out of this 91, 60% or 55 people are from the Golkar party, whereas 40% or 36 people are from the other secular parties (i.e., 12 Demokrat, 11 PDIP, 10 Partai Aceh, and 3 Gerindra). Only 20 out of 113 (18%) mayors and regents are associated with

---

<sup>33</sup> Robin Bush, “Regional ‘Shari’a’ Regulations in Indonesia: Anomaly or Symptom?”, in Fealy and White, *Expressing Islam: Religious*, 10–13.

<sup>34</sup> Buehler, “The Rise of Sharia By-Laws,” 255–85.

<sup>35</sup> Buehler, “Whodunit? Politicians Affiliated,” p. 58–59.

Islamist parties. They are 6 from PKS, 6 from PAN, 5 from PPP, 2 from PBR, and 1 PKB (table 1).

Although most mayors and regents are from secular parties, however, this study discovers a significance number of mayors and regents who have a strong Islamic background. There are strong relationships between these mayors and regents and Islamic institutions in the country. Some of them are the members of NU, Muhammadiyah, or MUI, while the others were the alumni of *pesantrens*, madrasah, or IAIN.<sup>36</sup> This study shows that at least 55 out of 113 (49%) elected officials in the six studied provinces have a strong Islamic background, 26 out of 113 (23%) have been identified as “secular”<sup>37</sup>, while 32 out 113 (28%) are unidentified (figure 2).

What does this fact mean? This paper argues that politics is not the only explanation for the introduction of Sharia by-laws in several Indonesian districts or provinces. If it is simply political factors, which are responsible for the raise of Sharia by-laws in these particular districts and provinces, then the other districts or provinces that have similar political situations would be trying to introduce and implement a similar religious-inspired regulation. In fact, there are still a lot of districts and provinces in this country that have not implemented Sharia by-laws.

The facts that many Sharia by-laws were implemented in the districts whose heads have a strong Islamic backgrounds indicate that the religious

---

<sup>36</sup> IAIN stands for Institut Agama Islam Negeri, which is a state college where students can learn Islamic knowledge and traditions. *Pesantren* is also a place where students can go to study Islamic traditions and knowledge, but this institution is more informal and is usually privately owned by kyai (religious leaders).

<sup>37</sup> Secular in this sentence means that there is no enough evidence that these mayors or regents have been trained in an Islamic institution or have been involved in one or two Islamic organizations.

backgrounds of elected officials can be one of the important factors leading to the introduction of Sharia by-laws. These facts provide evidences supporting hypotheses made by Salim about motives behind the introduction of Sharia by-laws. Salim argues that the emergence of Sharia by-laws in several districts could be motivated by the elites' "religious piety" or by their political short-term agendas.<sup>38</sup> This paper shows that both political and religious factors can be significant factors leading to the introduction of the Sharia by-laws. Political factors are reflected from the domination of bureaucrats affiliated with secular parties in the areas implementing Sharia by-laws. Religious factors are reflected from the significance number of the district heads who have a strong Islamic background in the same areas.

The data presented in this paper also support a number of previous studies arguing that political Islam in this country is not in decline, but is actually strengthening. Tanuwidjaja, for example, rejects the argument about declining political Islam in Indonesia based on the rise of rational voters and on the lack of political support for Islamist parties. According to Tanuwidjaja, Islamists have successfully infiltrated the secular political parties and made these parties more competitive and more attractive to Muslim voters. This successful penetration explains why in recent years the secular-national parties seem to be more accommodative to Islamic aspirations. The introduction of Sharia by-laws in areas where secular parties are dominant is a clear evidence of such a political accommodation.<sup>39</sup>

---

<sup>38</sup> Arskal Salim, "Muslim Politics in Indonesia's Democratization: The Religious Majority and the Rights of Minorities in the Post-New Order Era" in McLeod and Macintyre, *Indonesia: Democracy and the Promise*.

<sup>39</sup> Sunny Tanuwidjaja, "Political Islam and Islamic Parties in Indonesia: Critically Assessing the Evidence of Islam's Political

The paper also provides evidence for King's hypothesis that the Golkar party has been "greened" during the past decades. Comparing the voting patterns between the 1955 and the 1999 elections, King argues that the 1999 election follow the same voting patterns of the 1955 election. The areas where PDIP gained political supports in the 1999 election were also the areas where PNI and PKI gained supports in the 1955 election. The areas where the Golkar party harvested political supports in the 1999 election were also the areas that in 1955 were dominated by Islamist parties.<sup>40</sup> This King's argument is supported by the data collected for this paper. The data shows that 91 (80%) of the district heads in the six provinces, in which Sharia by-laws have been implemented, are associated with secular-nationalist parties, and 55 of these 91 (60%) elected officials have been the members of the Golkar party.

Finally, one might consider the competitiveness of the mayoral and regential elections as a factor responsible for the introduction of the Sharia by-laws. Yet, the data presented in this paper illustrate a relatively low level of competition among the candidates. As can be seen in the table 3, the average effective number of candidates in all six provinces is only 2.8, which means that there are only more than two but less than three strong candidates running for mayoral or regential elections in the six provinces. If we look at the province-by-province data, we can see that all provinces but West Sumatera have the same average number of effective candidates, which is at around two point. In Aceh, Banten, West Java, South Kalimantan, and

---

Decline," *Contemporary Southeast Asia: A Journal of International and Strategic Affairs*, Vol. 32, no. 1 (April 25, 2010): p. 29–49.

<sup>40</sup> Dwight Y. King, *Half-Hearted Reform: Electoral Institutions and the Struggle for Democracy in Indonesia* (Westport: Greenwood Publishing Group, 2003).

South Sulawesi, the average effective numbers of candidates are 2.87, 2.26, 2.81, 2.43, and 2.85, respectively.

It is true that the number of candidates in several municipalities is high. However, the effective number of candidates in these municipalities is still relatively low. For example, in Indramayu (West Java), there are six candidates running for the district head in the 2012 election. Yet, the effective number of candidates in this district is still only about two (see figure 6).<sup>41</sup> Indeed, there are ten and more candidates in several districts in the Aceh province, which can make the level of competitiveness in the districts quite high.<sup>42</sup> However, the level of competitiveness in this province does not and will not affect the introduction of the Sharia by-laws because of the Aceh's status as the Islamic province, in which Sharia by-laws will be applied in all of its districts regardless of who wins the local election. Hence, the level of competitiveness may influence the introduction of Sharia by-laws in a given district or province. Unfortunately, the data presented on this paper do not indicate the existence of such a high level of competition among the candidates in the studied provinces.

---

<sup>41</sup> The effective number of candidates in the Indramayu's 2010 election is 2.43 (figure 6). This election did not involve a second-round election, meaning that the elected officials (Ana Shopanah-Supendi) defeated the other five pairs of candidates only through a one-round election. Source: *KPU Jawa Barat* (blog), n.d., <http://www.kpu.jabarprov.go.id/index.php/subMenu/informasi/berita/detailberita/180>.

<sup>42</sup> There are ten districts in Aceh that have ten or more pairs of candidates in the 2012 local elections: Aceh Barat (13), Aceh Selatan (13), Kota Langsa (13), Aceh Timur (12), Aceh Tamiang (11), Aceh Tengah (11), Kota Lhokseumawe (11), Aceh Singkil (10), Aceh Utara (10), and Pidie Jaya (10).

## **E. Conclusion**

The data presented in this paper support the hypothesis about political motives behind the introduction of Sharia by-laws in Indonesia. This can be seen from the domination of district heads associated with secular parties in the six provinces, in which Sharia by-laws have been implemented. Those political motives include the incumbents' intentions to gain more political supports from Muslim communities, to block people's attention from ongoing corruption, to facilitate bribery and electoral corruption using social and religious instruments, and to overcome the separatist movement in Aceh.

However this paper argues that political motives do not play alone. There are some other factors that might be responsible for the raise of religious-inspired regulations in some Indonesian regions. This paper highlights the religious backgrounds of the district heads as the other important factors contributing to the introduction of the Sharia by-laws. As has been discussed earlier, this paper discovers a significant number of mayors and regents who have a strong Islamic background. There is enough evidence showing that these elected officials have been involved in a number of Islamic organizations or have been trained in Islamic educational institutions such as *pesantren* and IAIN. Therefore, although they are politically "secular", these mayors and regents are personally "religious" (Islamic). Accordingly, this paper argues that political Islam in Indonesia is not in decline. In fact, it is strengthening due to a successful penetration of political Islam into secular parties. As a result, a number of Islamic aspirations have been accommodated, not only by Islamist parties, but also by secular parties.

## BIBLIOGRAPHY

- “Anggaran Dasar / Anggaran Rumah Tangga (AD/ART) Partai Aceh.” Articles 3 and 4, n.d. <http://www.partaiaceh.com/2012/01/anggaran-dasar-partai-aceh.html>.
- Baswedan, Anies R. “Political Islam in Indonesia: Present Future and Future Trajectory.” *Asian Survey* Vol. 44, no. 5 (2004).
- Buehler, Michael. “The Rise of Sharia By-Laws in Indonesian Districts: An Indication for Changing Patterns of Power Accumulation and Political Corruption.” *South East Asia Research* Vol. 16, no. 02 (2008).
- . “Whodunit? Politicians Affiliated with Secular Parties Implement Most Sharia Regulations.” *Tempo*, September 6, 2011.
- candraningrum, Dewi. “Perda Sharia and the Indonesian Women’s Critical Perspectives.” presented at the Neue Willkuer Gegen Frauen in Indonesien: Kontroversen Um Die Umsetzung Der Regionale Scharia-Gesetze, Bremen, Germany, November 11, 2006.
- Effendy, Bahtiar. “Enforcement of Shari’ah in Indonesia: Challenges and Prospects.” In *Islam and Democracy: The Southeast Asian Experience*. In Hussin Mutalib, Ed. Singapore: Centre for Contemporary Islamic Studies & Konrad Adenaur Foundation, 2004.
- Fealy, Greg. *Islamic Radicalism in Indonesia: The Faltering Revival*. Southeast Asian Affairs, 2004.
- Fealy, Greg, and Sally White, eds. *Expressing Islam: Religious Life and Politics in Indonesia*. Singapore: Institute of Southeast Asian Studies, 2008.
- Feener, R. Michael, and Mark E. Cammack. *Islamic Law in Contemporary Indonesia: Ideas and Institutions*. Cambridge: Harvard University Press, 2007.



- Hosen, Nadirsyah. "Religion and The Indonesian Constitution: A Recent Debate." *Journal of Southeast Asian Studies* Vol. 36, no. 3 (2005): 419–40. <https://doi.org/10.1017/S0022463405000238>.
- . *Shari'a & Constitutional Reform in Indonesia*. Singapore: Institute of Southeast Asian Studies, 2007.
- Ichwan, Moch Nur. "The Politics of Shari'atization: Central Governmental and Regional Discourses of Shari'a Implementation in Aceh." In *The Politics of Shariatization: Central Governmental and Regional Discourses of Shari'a Implementation in Aceh*, in Michael Feener and Mark Cammack (Eds.), *Islamic Law in Contemporary Indonesia: Ideas and Institutions*. Boston: Islamic Legal Studies Program, Harvard University Press, 2007. <http://digilib.uin-suka.ac.id/16228/>.
- King, Dwight Y. *Half-Hearted Reform: Electoral Institutions and the Struggle for Democracy in Indonesia*. Westport: Greenwood Publishing Group, 2003.
- Laakso, Markku, and Rein Taagepera. "'Effective' Number of Parties: A Measure with Application to West Europe." *Comparative Political Studies* Vol. 12, no. 1 (1979). <https://doi.org/10.1177/001041407901200101>.
- McLeod, Ross H., and Andrew Macintyre. *Indonesia: Democracy and the Promise of Good Governance*. Singapore: Institute of Southeast Asian Studies, 2007.
- Mutalib, Hussin, ed. *Islam and Democracy: The Southeast Asian Experience*. Singapore: Centre for Contemporary Islamic Studies & Konrad Adenaur Foundation, 2004.
- Pringle, Robert. *Understanding Islam in Indonesia: Politics and Diversity*. Honolulu: University of Hawai'i Press, 2010.
- Salim, Arskal. *Challenging the Secular State: The Islamization of Law in Modern Indonesia*. Honolulu: University of Hawaii Press, 2008.

- Salim, Arskal, and Azyumardi Azra. *Shari'a and Politics in Modern Indonesia*. Singapore: Institute of Southeast Asian Studies, 2003.
- Suaedy, Ahmad. "Syari'ah Regulations and Democratic Challenges in Indonesia." presented at the The 9th Conference of the Asia Pacific Sociological Association Improving the Quality of Social Life: A Challenge for Sociology, Bali, Indonesia, June 13, 2009.
- Sukmajati, Mada. "How Islamic Parties Organize at the Local Level in Post-Suharto Indonesia: An Empirical Study of Six Major Islamic Parties in the Tasikmalaya District, West Java Province." PhD Dissertation, the Ruprecht-Karls-Universität Heidelberg, 2011.
- Tanuwidjaja, Sunny. "Political Islam and Islamic Parties in Indonesia: Critically Assessing the Evidence of Islam's Political Decline." *Contemporary Southeast Asia: A Journal of International and Strategic Affairs* Vol. 32, no. 1 (April 25, 2010): 29–49.
- "Undang-Undang Republik Indonesia Nomor 18 Tahun 2001 Tentang Otonomi Khusus Bagi Provinsi Daerah Istimewa Aceh Sebagai Provinsi Nanggroë Aceh Darussalam." Accessed January 21, 2019. <https://kemenag.go.id/file/dokumen/UU1801.pdf>.
- KPU Jawa Barat (blog), n.d. <http://www.kpu.jabarprov.go.id/index.php/subMenu/informasi/berita/detailberita/180>.