DOES SHARIA BY-LAWS DAMAGE INTERFAITH HARMONY?
The Case of Sharia By-laws Implementation in Pamekasan, Madura

Maimun[1]; Abdul Haq Syawqi[2]
[1]IAIN Madura (*maimun@stainpamekasan.ac.id*; [2]IAIN Madura
(*asyawqi@iainmadura.ac.id*)

Abstract
Since the beginning of the Reformation Era in 1998, Indonesia has been transforming itself into a more liberal polity than that of in the New Order Era. This political circumstance is characterized by the freedom of opinion and the decentralization of power. During this Reformation Era, many local regulations have been enacted. One of which was sharia by-laws or local regulation based on Islamic norms in some largely Muslim populated regions. This situation has triggered concerns about the impacts of sharia by-laws over the inter-religious harmony among a very diverse society of Indonesia. This study aims to evaluate the sharia by-laws implementation in Pamekasan, Madura, and analyze its implication for inter-religious harmony. By using a qualitative approach and phenomenological descriptive analysis, this article reveals that there has not been found negative impacts on the implementation of sharia by-laws since its enactment in 2001 until today. The internal and external potentials of Pamekasan residents, arguably, have become the determinant factor in keeping the by-laws in line with inter-religious harmony. These potentials include cultural-deeply rooted social capitals such as friendliness, politeness, mutual respect, and helping others. Besides, dialogue among religious elites, which is facilitated either by local government or civilian organizations, is frequently conducted and this helps to create a conducive atmosphere for all despite the existence of sharia by-laws in Pamekasan, Madura.

Keywords
Sharia by-laws, interfaith harmony, social capitals

A. Introduction

Islam has set substantial law guidelines particularly in two aspects, namely *ibādah* (vertical relationship with God) and *mu'āmalah* (horizontal relationship among humans). The regulation on *ibādah* is relatively detail, while regulations on *mu'āmalah*, which relate to the society life, tend to be general in the form of basic principles. This article investigates the development and implementation of the general principles of *mu'āmalah* as they are incorporated into the local regulations by Islamic scholars and government law makers as the policy makers and actors.

Islamic law has an important role in creating and maintaining Muslim social life as well as influencing all of their life aspects. To this ends, an effort to transform the relevant Islamic law, principles and norms, into the national law in Indonesia is needed. Corresponding to its role as a basic material for the national law, Islamic law can actively participate in the national law making.[1] Moreover, from the days of the kingdoms of the archipelago to the present, Islamic law still becomes an important source which colour, and even influence, the Indonesian national law.[2]

Following the local autonomy era, efforts to create shariah based national law found its momentum through the enactment of sharia by-laws in some districts and

[1] A. Qodri Azizy, *Hukum Nasional: Eklektisisme Hukum Islam Dan Hukum Umum* (Jakarta: Teraju, 2004), 139-164, bandingkan dengan Ahmad Rofiq, *Hukum Islam di Indonesia*, (Jakarta: PT RajaGrafindo Persada, 2003), 24-35.

[2] Sirajuddin M., "Sejarah Pergulatan Politik Hukum Islam di Indonesia", *Al-Manahij,* Vol. 10, No. 2, Desember (2016), 281. See also Muhammad Siddiq Armia, "Caning in Front of Public: Should it Be Maintained or Eliminated? (A Reflection of Implementation Sharia Law in Indonesia)," QIJIS (Qudus International Journal of Islamic Studies), Vol.7, No.2 (2019), 301-328. Bandingkan dengan Wasisto Raharjo Jati, Permaslahan Implementasi Perda Syariah Dalam Otonomi Daerah, *Jurnal Al-Manahij*, Vol. VII No. 2 Juli 2013, 309.

cities across Indonesia.[3] The sharia-inspired regulations get various responses, especially during the local leadership succession, and a great tide of national political tension. The proponents of sharia by-laws, some of them claim that the rate of crimes and prostitution have sharply decreased after the implementation of sharia by-laws.[4] The opponents, however, suggest retract the regulation because it is considered as disturbance for harmonious life among religious believers.

One of the regions with a long-history of implementation of the sharia by-laws is Pamekasan in East Java. Pamekasan itself has promulgated two regulations, namely *Peraturan Daerah* (Perda or by-laws) No. 18 year 2001 about the prohibition of alcoholic drink distribution and No. 18 year 2004 about the prohibition of prostitution. This research focuses on: *first,* the implementation of by-laws No. 18/2001 and 18/2004; *second,* the implication of sharia based by-laws on the harmonious life in Pamekasan and; *third,* the construction of tolerant habits for Pamekasan people by the religious elites. This study is different from previous research related to Sharia regulations in Indonesia. Buehler (2008) and Dani Muhtada (2018) for example noted that the proliferation of Sharia Regulations in Indonesia cannot be separated from the changing political landscape in Indonesia after reform. Buehler found the dynamics of direct regional elections in Indonesia had made the making of sharia regulations as a strategy to accumulate strength and funds to attract voters.[5] Muhtada besides confirming Buehler's findings, he also found that the religious background factors of the

---

[3] Dani Muhtada, "Politics, Local Governments, and Sharia By-laws in Indonesia: Revisiting a Common Assumption," *Mazahib Jurnal Pemikiran Hukum Islam*, Vol. 17, No. 2 (2018).

[4] Ahmad Anfasul Marom, The Sharia Movements In Contemporary Indonesia, *Al-Manahij,* Vol. V No. 2 Juli 2011. 155.

[5] Michael Buehler, "The Rise of Shari'a By-Laws in Indonesian Districts: An Indication for Changing Patterns of Power Accumulation and Political Corruption," *South East Asia Research*, Vol. 16, No. 2 (2008), 255-285.

candidates or elected regional heads contributed to determining the making of sharia regulations in the area.[6] This study focuses on the existence of sharia by-laws in Pamekasan, Madura, as one of the pockets of Muslims in Indonesia, but its implementation does not damage harmony between religious communities in the region.

This is qualitative research using phenomenological approach. It tries to describe social phenomenon on the relation of interfaith community in a narrow scope in Pamekasan. Particularly, it focuses on how the religious elites construct the relational pattern of interfaith community so that they can make them united in making Pamekasan a peaceful area as well as building the order in the midst of pluralistic society. The data compilation is through interviews, observation, and documentation. Meanwhile, the analytical tools are analytic, descriptive, critic and sociological.

To this ends, this article first discuss Islamic perspective on the interfaith harmony and tolerance as the theoretical underpinning for the existence of sharia by-laws in Pamekasan. Then, it explains promulgation of sharia by-laws in Pamekasan and how they have been implemented. Finally, it examines the impact of sharia by-laws implementation in Pamekasan and probes determinant factors contributing to the interfaith harmony despite the existence of sharia by-laws in the region.

B. The Islamic Law Concept of Tolerance

As a heavenly religion, Islam teaches on the oneness (*tauhid*) just as what have the previous religions done. Religion is actually a response to the condition of society which deviates humanity values as the result of human's fallibility and their inability to control their desire so that they may go astray from the God's path. The religion also

---

[6] Muhtada, "Politics, Local Governments, and Sharia By-laws in Indonesia".

engages itself in its believers' demand and need such as human interaction, economic need, need for justice and others.[7]

Besides the concept of tauhid, Islamic teaching is meant to be universal,[8] as it shares similar values and principles with other religions. Relating to this, any believer is literally under one category as a community that the Quran calls it as *ummah wāhida.* As a consequence, the humanity aspects need to be maintained among believers of any religion. On the basis of universality, Islam prohibits any compulsion on faith for anyone,[9] as literally told that none deserves to enforce others in the sense of faith. A Quranic verse also confirms this in Surat al-Baqarah 256.

لَا إِكْرَاهَ فِي الدِّينِ قَدْ تَبَيَّنَ الرُّشْدُ مِنَ الْغَيِّ فَمَنْ يَكْفُرْ بِالطَّاغُوتِ
وَيُؤْمِنْ بِاللَّهِ فَقَدِ اسْتَمْسَكَ بِالْعُرْوَةِ الْوُثْقَى لَا انْفِصَامَ لَهَا وَاللَّهُ سَمِيعٌ
عَلِيمٌ .

"There shall be no compulsion in (acceptance of) the religion. The right course has become clear from the wrong. So whoever disbelieves in Tāghut and believes in Allah, Allah has grasped the most trustworthy handhold with no break in it. And Allah is Hearing and Knowing."

In another *surat,* Yunus 99, there is another related explanation regarding no compulsion on faith:

---

[7]Machasin, *Islam Dinamis Islam Harmonis, Lokalitas Pluralisme Terorisme,* (Yogyakarta: LkiS, 2011), 37.

[8] Nurcholis Madjid defined as Islamic Universalism, see Agus Sunaryo, Teori Inklusif Nurcholis Madjid Dan Pengaruhnya Terhadap Fikih Lintas Agama Di Indonesia, *Jurnal Al-Manahij*, Vol. 6 No. 1 Januari 2012, 3.

[9] Hasan Hanafi, et. all, *Islam dan Humanisme, Aktualisasi Humanisme Islam di Tengah Krisis Humanisme Universal,* (Yogyakarta: Pustaka Pelajar, 2007), 30.

وَلَوْ شَاءَ رَبُّكَ لَآمَنَ مَنْ فِي الْأَرْضِ كُلُّهُمْ جَمِيعًا أَفَأَنْتَ تُكْرِهُ النَّاسَ حَتَّى
يَكُونُوا مُؤْمِنِينَ

> *"And hard your Lord willed, those on earth would have believed—all of them entirely. Then, (O Muhammad), would you compel the people in order that they become believers?".*

Those two verses explicitly describe the prohibition for the Prophet Muhammad, in spite of his status as a messenger, to compel faith or religious affiliation, including Islam, to anyone or any group. What a messenger should do is to deliver the religious teaching. The messenger does not have any authority to compel people in the area of faith because it belongs exclusively to Allah.

Based on the explanation above, any religious believer, both personally and communally, are obliged to build harmonious life with mutual respect. This is particularly on the right of worship in order to create peaceful life without disturbing each other. If this teaching is not observed, it means violation on the religious teaching which was originally sent to create goodness for people in the world and the hereafter.[10]

Interfaith harmony closely relates to the condition of peace, order, mutual respect, and mutual appreciation among people. This will then create a mature society in both thoughts and behaviours. Interfaith harmony is a social condition which is very important to maintain, particularly in Indonesia which has a diverse background ranging from ethnics, religion to faith. This is aimed mainly to create a safe, orderly and welfare country. It

---

[10] Maimun Nawawi, *Reformasi Pemikiran Hukum Islam,* (Surabaya: Pena Salsabila, 2013), 132.

also means integrating heart and mind which both have the same mission to lead to interfaith peace.[11]

In order to create a sincere harmony reflected in interfaith harmony, Syahrin suggested two main factors. *First,* harmony needs to be believed as a major doctrine of any religion as well as common teaching of any religious affiliation. *Second,* harmony needs to grow and develop on the demand of local culture and habits.[12]

Nowadays in the midst of religious pluralistic society, interfaith harmony is not only about theological teaching but also about fulfilling basic human rights. No matter what religious affiliation anyone engages to, a social creature needs to interact with others in fulfilling daily needs. This is so relevant to the Indonesian context considering that Indonesians also have deeply strong rooted culture and habit related to both internal and external tolerance. A good integration between religion and culture will then make it easier to create sustainable interfaith harmony.

Furthermore, Historical data shows that Indonesia has broad spaces as well as fertile areas for any religious propagation coming from outside such as Hinduism, Buddhism, and Islam. Although Islam is the late comer, it got extraordinary responses from Indonesians. Nowadays, Islam is the religion with the largest followers in Indonesia. In the process of propagation, each religion competes with each other to get attention from Indonesian people. The real example of this was the inevitable war between Hinduism and Buddhism.[13] As for Islam, being the largest religion in Indonesia has prompted some Muslims feel over-confidence and be exclusive. Consequently, other religions are deemed to be wrong and

---

[11] Zainuddin, *Pluralisme Agama, Pergulatan Dialogis Islam-Kristen di Indonesia,* (Malang: UIN Maliki Press, 2010), 222.

[12] Syahrin Harahap, *Teologi Kerukunan,* (Jakarta: Prenada Media Group, 2011), 8.

[13] Ahmad Syafii Maarif, *Islam Dalam Bingkai Keindonesiaan dan Kemanusiaan Sebuah Refleksi Sejarah,* (Bandung: Mizan & Maarif Institut, 2009), 60.

therefore need to be eliminated in Indonesia. If this sentiment develops fast in the middle of pluralistic society like Indonesia, it possibly creates unrest among religious believers. In fact, any religion actually call for the freedom of faith. It means any party should not prevent any individual or community to embrace or perform any worship based on a faith she/he believes.[14]

The Above explanation comes to a conclusion that interfaith harmony is a condition in the midst of society in which adherents of certain faith can live together in harmony. It also encourages people to help each other and cooperate in any worldly matter; to give each other freedom in fulfilling any basic need ranging from performing worship to other social needs without disturbing or being disturbed.

C. Regulating Religions and Its Negative Impacts in Indonesia

The creation of a safe, peaceful, and harmonious atmosphere among religious communities is certainly the hope of every citizen, including leaders in this country. Therefore, since the establishment of this republic, the issue of harmony and tolerance between religious communities as an important part that contributes to the education and development of national harmony has always been a concern in every period of government leadership in the context of creating national concordance.

Both the central and regional government realize that one of the main capitals of the implementation of the national development in various aspects of life is the existence of conducive conditions in the order of people's life. Intolerance and harmony among the faithful always lead to casualties and obstacles in economic growth and

---

[14] Aksin Wijaya, *Hidup Beragama dalam Sorotan UUD 1945 dan Piagam Madinah,* (Ponorogo: STAIN Ponorogo Press, 2009), 14.

development in conflict areas. Therefore, recognizing the problem spots that often have the potential for vulnerability in interfaith relations is urgent to map the conflict areas as well as learning to solve them.

Some of these problems have been identified based on conflict incidents that have occurred in several regions in Indonesia in the past fifty years.[15] First, it is the establishment of worship houses. In the 1945 constitution, the article 29, paragraph (2) explains that the State guarantees all citizens to embrace and to worship based on their religion and beliefs. In so doing, the establishment of a place for worship becomes a scope that is guaranteed by the State as part of the basic and constitutional rights of every society and nation. But empirically, it is precisely this dispute case that has sparked the prolonged conflict, especially if the community of a minority religion and belief establish a place of worship in the majority of other faiths and beliefs area

Reflecting on similar cases that continue to emerge in several regions, the central government through two authorized ministries seeks to cut off the "axis" that often triggers this conflict, so that in 1969 a Joint Decree (SKB) was issued between the Minister of the Interior and the Minister Religion Number: 01 / Ber / Mdn-Mag / 1969 which regulates the procedures for the construction of worship houses.[16] The important matter in this regulation

---

[15] Faisal Ismail, *Dinamika Kerukunan Antarumat Beragama, Konflik, Rekonsiliasi dan Harmoni,* (Bandung: Remaja Rosdakarya, 2014), 38-39.

[16] Since the Reformation Era, along with the implementation of regional autonomy, this regulation has been revoked and replaced with a more detailed regulation and in accordance with the conditions of the era, namely with the issuance of a joint regulation of the Minister of Religion and Minister of Home Affairs No. 09 of 2006 and No. 08 of 2006 concerning guidelines for implementing the duties of Regional Heads in maintaining inter-religious harmony, Religious Belivers Harmony Forum (FKUB), and the establishment of houses of worship. In the new decree the local government as an autonomous

is that religious minorities are prohibited from planning and establishing houses of worship in areas where the majority of the population is from other religions, and it is desirable to obtain a written permission from the local regional head through the considerations from the Ministry of Religious Affairs, urban planning, and neighborhood.

According to the explanation above, the solution to reduce disharmonious interference among religious believers is to observe the social conditions of the community, especially the psychological conditions of other religious communities. It can also be interpreted that the existence of the above rules is indeed an important part of the structure of religious life, but the most important thing is how to build awareness of adherents of each religion to comply with the rules set by the government and prioritize the common interests as a peaceful nation of the interests of groups and individual.

Second, it is religious propagation. Advances in technology and information have provided a faster space for delivering various messages in real-time, including messages containing certain religious and belief content. Debates between Muslim and Christian leaders about the truth of their respective religious teachings become viral in cyberspace. These include: the criticism of Muslim writers on the trinity of Christian teachings and vice-versa; attacks on the prophet Muhammad and Quran; distortions in the translation and understanding of the contents of the Quran; the Christianization or missionary; the publication of media and books which contain blasphemy, and distort the teachings of other religions.

---

leader has a greater role for the fostering and development of harmony between religions, in addition to also being equipped with ways of resolution in case of prolonged disputes, namely through deliberation and if there is no agreement then the last way through litigation pathway.

Since the New Order era until the 1970s, the Indonesian government had anticipated the negative effects of religious broadcasting aimed at individuals or groups of people who already had a religion which was rife by religious minorities with certain passions. In the years 1978-1983, Alamsjah Ratu Parwiranegara as the minister of religion, have made rules about the procedures for spreading and broadcasting religion. One important point is that the broadcasting of religion is conveyed in a spirit of harmony, tolerance, mutual respect, and not based on the persuasion of certain lures. Of course, this will trigger problems if the propagation is addressed to people who already held a religion. In this context, it is frequently accompanied by a flow of foreign charities in the form of both financial and human resources which then raises social jealousy as a result of economic disparities and uneven employment. Of course, such a thing will darken the achievement of harmony between religious communities if the assistance is issued by disobeying the applicable regulations.

Third, it is interfaith marriages. Indeed marriage is related to personal and family issues. However, it often spreads to the issue of belief between the two parties or family, moreover when it comes to matters of wealth, inheritance, marital legal status, and so forth. Starting from individual and family conflicts, the problem will become wider if faith and religion become an issue to gather the sympathy of religious groups, thus it will have a vulnerability level that can disturb the harmony between religious communities.

The teachings of Islam about wealth, inheritance, the legal status of interfaith marriages, in the context of Indonesia are more dominated by literature that tends to deny the humanity and nationality aspects and emphasized theological narratives. As the four classical school of Islamic jurisprudence agree that Muslim men may marry non-Muslim women but not vice versa. This prohibition is sociologically understood due to the concern that many Muslim women would follow and turn

to their husband's religion.[17] This further aggravates the situation in which personal conflict is wrapped up with the justification of religious doctrine.

Fourth, the celebration of religious holidays that are not aware of the situation and environment, often lead disharmony between religious communities. The main factor is that religious adherents who are celebrating religious holidays do not pay attention to the psychological aspects of the adherents of other religions around them, so that horizontal conflicts cannot be avoided. Especially in a few moments, often religious holidays are almost the same date and day with other religious holidays. If it is not properly held, it will potentially create vulnerability for inter-religious harmony. Not to mention the internal religion of Islam, it is often presented with different interpretations of whether or not to say Christmas to his non-Muslim relatives who are celebrating Christmas and attending their invitations in the celebration of the feast, certainly in the church. The opposite problem also occurs among Christians who will say the words of Eid al-Fitr for example to Muslims who are celebrating.

Fifth, they are blasphemies, harassments, and desecrations of certain religions. These actions are more sensitive than are the other vulnerable points mentioned above. Indonesia in general often experiences conflicts among religions because of these reasons. That is because religion is recognized as a problem of ultimate concern, a problem that recognizes absolute importance. Then when someone had engaged closely with the believed religion, he will sacrifice everything he has to defend his religion.[18]

Empirically it can be observed that a person or group of people who adheres to a certain religion meets with

---

[17] Ayang Utriza Yakin, *Islam Moderat dan Isu-Isu Kontemporer,* (Jakarta: Kencana, 2016), 129.

[18] Syahrin Harahap, *Teologi Kerukunan,* (Jakarta: Prenada, 2011), 48.

other people of the same religion and faith, then a strong fraternity will arise as a brother in the faith, eventually, it will become a large group and have a name. So when there are adherents of other religions who try to interfere, harass, or even tarnish the symbols of their religion, there is unnecessary to consider act on behalf of their religion that can ignite disharmony between religious communities.

Sixth, it is the separated beliefs, communities, or groups of people who have understood deviate from the doctrine of religious truth that is officially recognized. In Islam, the presence of that notion often leads to disharmony vulnerability between religious communities. An example is lately, the presence of Ahmadiyah groups. This group believes a Mirza Ghulam Ahmad as a prophet and has his own holy book besides the Qur'an. Of course, this belief is not accepted by the majority of Muslims because it deviates from the basic teachings (theology) of Islam. As a result, there was a rejection and closure of the mosque which was suspected of having Ahmadiyah understanding.

Seventh, it is non-religious aspects, such as overcrowding, economic inequality, the politicization of religion, education that does not consider religious ethics, infiltration of ideology, and hard-core politics both nationally and internationally.

Related to sensitive issues that cause disharmony between religious communities above, the solutions offered are: First, they try to develop and spread attitudes and behaviors that uphold the principle of diversity in unity. Indonesian people must be continuously provoked that the diversity of religions and cultures is a necessity to save the Republic of Indonesia. Second, rebuilding a culture of dialogue between religious adherents, as it has been done in several regions through the religious communication forum (FKUB), which until this period generally in Indonesia has not been as expected, because many are irrelevant in interpreting the meaning of dialogue itself. The dialogue in question is not a public

debate, but a discussion from the heart to heart that aims to find the truth rather than victory. Dialogue between religions does not necessarily have to be constructed, but can naturally occur in daily life with a bond of mutual trust and there is no suspicion between one another.[19] In more extreme language, the gift of this belief should not be buried but shared in interfaith dialogue, by meeting privately with the community of other religions, not only in the context of social relations but in meeting at the level of each other's beliefs.[20]

D. The Implementation of Sharia Bylaw and the Preservation of Interfaith Harmony in Pamekasan

In general, related to the implementation of sharia district's by-laws in Pamekasan, there are negative effects found on other religious believers. The interfaith harmony before and after the sharia by-laws implementation remain stable and in good condition. This is not a co-incident, but closely relates to a motivation to formulate the regulations based on a well prepared philosophy, sociology and judicial consideration.[21]

Interfaith harmony is a vital social condition that everybody needs to keep and maintain. It means to integrate heart and mind to find a meeting point leading to interfaith peace.[22] In Pamekasan context, people come from six official religious affiliations. Hence, the local government needs to create a peaceful interfaith

---

[19] Zainuddin, *Pluralisme Agama dalam Analisis Kontruksi Sosial,* (Malang: UIN Maliki Press, 2011), 69.

[20] Ewert Cousins, *"Hakikat Keyakinan dalam Dialog Antaragama",* *dalam Agama untuk Manusia,* (Yogyakarta: Pustaka Pelajar, 2000), 80.

[21] Maimun dan Ainul Haq,"Melacak Motivasi dan Efektifitas Peraturan Daerah Bernuansa Syariah di Pamekasan", *Al-Ihkam,* Vol. 13, No, 1 Juni (2018), 121.

[22] Zainuddin, *Pluralisme Agama, Pergulatan Dialogis Islam-Kristen di Indonesia,* (Malang: UIN Maliki Press, 2010), 222.

relationship by avoiding any fragile and sensitive talks or action.

In an effort to keep the peaceful interaction, it needs concrete action not only from the government and the state but also from each individual to co-create a real peaceful condition instead of pseudo and artificial harmony. This is clear from the implementation of sharia by-laws in Pamekasan. As stated by M. Yusuf Wibiseno, other than officers and government staffs, people in general play a very important role in enacting the regulation, either it is local rule or other governmental rules and others.[23]

To create sincere and real peaceful condition—without lie and illusion—and make it reflected in interfaith harmony, Syahrin mentioned that it needs two things. *First* is a common belief that creates peaceful condition which is a part of religious teachings that, as any religions commonly teach togetherness instead of political sentiment. *Second* is that peaceful condition needs to grow and develop from the social and habitual demand.[24]

In the context of interfaith harmony in Pamekasan, the existence of sharia by-laws does not make Muslim as majority superior. Rather, they believe that religion prohibits believers from doing anything which can cause interfaith disintegration and disharmony. It means that on the basis of their beliefs, people try to implement their religious teaching very well. Additionally, this intention becomes stronger by the existence of deeply rooted culture and habits in each individual such as habit to be polite, friendly, mutual helping and working together in the Pamekasan society. Islamic values live among

---

[23] M. Yusuf Wibiseno, The Chief of *Penyelidikan dan Penyidikan* (Investigation and Inquiry) Division of *Satuan Polisi Pamong Praja* (Pamong Praja Police) Pamekasan district, direct interview at September 5, 2016.

[24] Syahrin Harahap, *Teologi Kerukunan.,* 8.

Madurese people and its teaching becomes soul of their local cultural roots.[25]

There are no troubles damaging interfaith harmony found due to the implementation of sharia by-laws in Pamekasan. In other words, religious believers in Pamekasan always live in peace, harmony, mutual respect and help including in the implementation of shariah by-laws. This is in line with the statement of Moh Zahid above, there was such worries from religious figures on the existence of the regulation whether it will obstruct other believers from manifesting their beliefs. However, after some dialogues among religious elites, it was found that the formulation was free from the restrictive clauses of religious freedom. Moreover, non-Muslim religious elites can understand the condition so it can be assured that there will be no negative impacts related to implementation of the by-laws.[26]

The condition needs to be kept and maintained very well in Pamekasan. This closely relates to the high religious teaching obedience among its people. Additionally, modern era requires harmony, peaceful and tolerant social life. As it is clear from the diversity of people with different religious affiliation, it is urgently needed for an interfaith harmony not only because implementing religious teaching to respect other believers, but also inevitable general and basic demand of human right. Everyone—no matter his/her religious affiliation is—is a social creature who cannot avoid social interaction to fulfil daily needs.

This is relevant to the context of Pamekasan in which its people, in addition to be religious, also have strong and deeply rooted cultural and habit, particularly relating

---

[25] See Mien Rifai, *Lintasan Sejarah Madura,* (Surabaya: Yayasan Lebbur Legga, 1993), 26.

[26] Moh. Zahid, the chief of Lembaga Pengkajian dan Penerapan Syari'at Islam (LP2SI; Institute for assessment and implementation of Islamic Sharia) Pamekasan, direct interview at Agustus 1, 2016.

to tolerance among people. If both religion and culture can integrate each other, it is so optimistic to create and expand interfaith harmony easily and sustainably.

At first, it was assumed that existence of the sharia by-laws in Pamekasan would possibly break harmony among believers which was long time well maintained. This is because consideration that although theologically, any religion teaches harmony instead of disharmony, any disharmony potential still exists because religion has power to compete each other as well seize the influence among believers.[27]

However, it turns out to be wrong in the context of interfaith harmony in Pamekasan. The reality shows otherwise. Religious believers in Pamekasan are always in harmony and peace until today after about 17 years of implementation of the sharia by-laws. This happens because of hard work from various parties, ranging from government, religious figures to people at general who continuously call for freedom of faith. This harmonious and peaceful interaction is the strong indication of practical tolerance as claimed by FKUB (*Forum Kerukunan antar Umat Beragama*) in this district. According to KH. Abdul Mu'id Khazin, the forum never discussed any issue of differences among religion because its focus is about practical tolerance in the society such as social works, providing clean water supply, cataract surgery aid, harelips surgery, prosthetic feet and hands aid, and so forth. [28]

In other words, the role of religious elites and figures, mainly *kiai* are so significant in creating peace and conducive situation in the region. This may closely relate to their status as the successor of prophets with prophetic mission to be front men in creating peaceful, safe and

---

[27] Ahmad Syafii Maarif, *Islam dalam Bingkai Keindonesiaan dan Kemanusiaan Sebuah Refleksi Sejarah,* (Bandung: Mizan & Maarif Institut, 2009), 60.

[28] KH. Abdul Mu'id Khazin, The Chief of Forum Kerukunan Umat Beragama (FKUB; Religious Believers Harmony Forum) Pamekasan District, direct interview at Oktober 1, 2016

halcyon society.[29] Meanwhile, the freedom of faith in this context means the absence of anyone or any parties with authority to compel anyone, individually or communally, to choose any religious affiliation or avoid them to perform any worship based on faith or religion someone believes in. [30]

Among religions living in Indonesia, the freedom of faith is one of some fundamental teachings that experiences continuous development. Islam, in this context, puts religion in universal position so that every believer is categorized into what the Qur'an calls as *ummah wahidah,* a common community in the humanity aspect that every believer needs to keep and maintain as always. Therefore, based on the fundamental character of religion from its universality, Islam prohibited any compulsion of faith to anyone and there is no one attached with authority with such kind of compulsion.[31]

The prohibition is further found in other religions. For instance, a state in India had recommended Christian missionaries serving to recruit newly converted believers to stop their mission. Likewise, it was also prohibited to do any violence, fraud, threat, or other forbidden ways, including hidden funding help, to indirectly lead to any religious conversion.[32]

In Islam, the Prophet Muhammad has made an example in the real life on how to construct, keep and maintain interfaith harmony. He, for example, united

---

[29] Moh. Roqib, "Diseminasi Kerukunan Umat Beragama Model Pesantren Mahasiswa Di Purwokerto", *Ibda',* Vol. 15, No. 2, Oktober (2017), 321.

[30] Aksin Wijaya, *Hidup Beragama dalam Sorotan UUD 1945 dan Piagam Madinah,* (Ponorogo: STAIN Ponorogo Press, 2009), 14.

[31] Hasan Hanafi, et all, *Islam dan Humanisme, Aktualisasi Humanisme Islam di Tengah Krisis Humanisme Universal,* (Yogyakarta: Pustaka Pelajar, 2007), 30.

[32] Wilfred Cantwell Smith, "Orang Kristen di Tengah Pluralitas Agama", dalam *Agama Untuk Manusia,* ed. Ali Noer zaman, (Yogyakarta: Pustaka Belajar, 2000), 48.

Medina people who were diverse in ethnic, race and religion through the concept of *ummah* which was then eternalized in *Madinah Charter.* It regulated some critical points related to the religious right, such as guarantee on freedom of faith as also described in some Qur'anic verses. As a consequence of the guarantee, the point of interfaith tolerance was explicitly mentioned in the Charter. Likewise, the Charter also clearly mentioned about regulation of tolerance, the same position of any believer in front of the law that was agreed upon Rasulullah as the head of government along with Madinah society.[33]

If there is already an ideal blueprint but any chaos or violence still occurs in the name of religion, it might be caused by closed understanding of religious teachings. Or, as mentioned by the late Gus Dur, the irresponsible action came from exclusive stand in believing any religion.[34] Therefore, he suggested any believer to prioritize openness in seeking for truth in each religion everyone believes in.[35]

Additionally, there are some other factors which trigger interfaith disharmony. *First,*it is the exaggerated fanaticism. This also comes from a narrow and closed insight on certain religious teachings that can lead anyone to think exclusively about the truth of religion as attached only to the religion he/she believes and not for others. This can occur in any religion, including Islam itself. Radicals, fundamentalists or other related terms also like to preach their sect's teaching leading to exaggerated fanaticism on Islam. As a consequence, there often occurs any violence in the name of religion. Fundamentalists, for instance, think that it is only Islam which has authentic teaching from the Qur'an and

---

[33] See furher at Wijaya, *Hidup Beragama.,*. 46-48.

[34] Abdurrahman Wahid, "Dialog Agama dan Masalah Pendangkalan Agama", in Komaruddin Hidayat, et al (ed.), *Passing Over: Melintasi Batas Agama,* (Jakarta: Gramedia, 1998), 52.

[35] Abdurrahman Wahid, *Muslim di Tengah Pergumulan,* (Jakarta: LapPenas, 1981), 3.

hadith, while other religions have not. Although there is any, it is only considered a script indirectly written by companions of the prophet during the prophet's lifetime, so that it only produced books whose contents are different among a companion and others. There is no uniformity, because other religion has no clear reference on their literal sources, they think.[36] This point of view is totally not a new thing. It was such a legacy from classical scholars who thought that the truth only belongs to Islam. It is an absolute truth as well as a guarantee for salvation for its believer in the world and hereafter.[37]

Second, it is the rapid growth of intolerance in the society. This typically happens in emotionally immature society. They tend to think that differences are a source of enmity. They never think that unbeatable power beyond big civilization came from the different thought in seeing the same single object.[38]

Intolerance also grows from incomplete understanding on religious teaching. Religious texts are understood literally, instead of looking for beyond the text message from the whole related verses. In Islam, Qur'anic text needs to be contextually understood, wisely and thoughtfully so that any hidden pearl inside can be found. Likewise, reading the Qur'an is supposed to do wisely, openly and contextually because tolerance is both text and the reality at once.[39]

Third, it is a political intervention. Tension between religion and state often appears on the surface because in some condition, state tries to 'utilize' religion, mainly in any hard situation by mobilizing the believers to deal with

---

[36] Zainuddin, *Pluralisme Agama,* 273.

[37] Achmad Khudori Soleh dan Erik Sabti Rahmawati, *Kerjasama Umat Beragama dalam Al-Qur'an, Perspektif Hermeneutika Farid Esack,* (Malang: UIN Maliki Press, 2011), 117.

[38] Ahmad Syafii Maarif, *Islam dalam Bingkai Keindonesiaan.,* 178.

[39] Zuhairi Misrawi, *Al-Qur'an Kitab Toleransi, Inklusifisme, Pluralisme, dan Multikulturalisme,* (Jakarta: Fitrah, 2007), 478.

one specific case as called by religion politicization. Otherwise, historical fact shows that any effort to insert religious teaching in constitutional system is still fresh in everybody's memory.[40] One of them was an effort to uphold Islamic shariah through Jakarta Charter although later, it was immediately realized that it was just the same as an effort of religion to utilize the state.

Therefore, the implementation of sharia by-laws in Pamekasan potentially cause any disharmony among believers. This is mainly because constitution, from the highest to the lowest such as district rule is a political product which should be the target of influence seize. It would be a condition in which either religion riding on the state or vice versa where government utilizes religion and its symbols.

Religious believers need to get accustomed with different situation so that they will automatically help each other and work together in certain contexts. If this could work well, it will then lead to the universal humanity without religious limits. In this point, there occur mutual respect and mutual understanding on each other's situation which become the main pillars of social harmony. The majority will respect the minority and vice versa. This exactly happens in Pamekasan believers so that although the district has sharia by-laws particularly on *gerbang salam,*[41] it doesn't disturb interfaith harmony

---

[40] Muhammad Siddiq Armia, "Implementing Islamic Constitutionalism: How Islamic Is Indonesia Constitution?," Al 'Adalah Journal, Vol.15, No.2, December (2018), 437-450. See also Muhammad Siddiq Armia, "Ultra Petita and the Threat to Constitutional Justice: The Indonesian Experience," *Intellectual Discourse*, Vol.26, No.2, December (2018), 903-930.

[41] It stands for Gerakan Pembangunan Masyarakat Islami (Islamic society building movement) and was established at 2001. The *Gerbang Salam* slogan also becomes Pamekasan jargon to indicate that the district government keeps on growing and developing the implementation of Shariah regional regulation particularly among Muslims as well creating religious atmosphere all along the district areas.

both directly and indirectly because some dialogues are routinely held to maintain the harmony.

When the minority needs to respect regulation made by the majority, it normally happens. The different condition is when the majority needs to respect the minority. When the later could happen well, it is much promising for the brighter interfaith harmony. In fact, implementation of a regulation which potentially leads to polemic can be well handled using appropriate approach with the current need, such as dialogic approach and so forth. Furthermore, it also needs to give adequate explanation on the problem so it could minimize the related confusion or question.

It comes as a common sense for non-Muslim living in Pamekasan to do so, namely respecting and appreciating regulation issued by district government, although it is shariah-based rules. This is in line with how non-Muslims treat Muslims as the minority in other areas. Moreover, the local district rule is not fully applied for non-Muslims, although typically, it is the minority who respects the majority. The fact shows the absence of negative influence or impact on the existence of shariah by-laws for interfaith harmony[42] ranging from indirect tension to direct physical ones.

Although generally Pamekasan district is categorized as safe and conducive from any threats which may potentially damage the interfaith harmony, people need to be aware of some fragile points which can lead to undesirable condition. Misunderstanding and being hurry

---

[42] Faith defined as a theological perspective and It's not belief because belief is habitually normative and intoleran. About term "Faith" and "Harmony" Please check Muhatadin Dg. Mustafa, "Reorientasi Teologi Islam dalam Konteks Pluralisme Beragama (Telaah Kritis dengan Pendekatan Teologis Normatif, Dialogis dan Konvergensif)", *Jurnal Hunafa* Vol. 3 No. 2 Juni 2006, 130-134.

in responding any sensitive problem often trigger spots of fire which can immediately become bigger.

Additionally, when the local law had been regulated and ready to implement, it has nothing to do with whether it will be advantageous or disadvantageous for certain individual or communities. This is particularly because before being ratified, any regulation must experience long time and intensive discussion, including the advantage and disadvantage to all elements in the society. Therefore, when it is ratified and valid, it is not the time to discuss about it, except for the long-term goal along with the changing condition of society.

E. Conclusion

From above explanation and analysis, this study is to describe and to confirm social fenomena and interfaith-harmony by looking at the sharia by-laws implementation in Pamekasan district. It has some positive impacts and comes to conclusion on some points. First, in the implementation of two points of sharia bylaw, it was found two types of potentials among Pamekasan society to create conducive situation in the midst of implementation of sharia based nuance law, namely the internal potential and the external ones. The internal potential is deeply rooted social capital among societies such as modesty, politeness, mutual help and working together as the implementation of each religious teaching. Meanwhile, the external potential is efforts by government, Islamic mass organization and other religious figures which respectively concern on the maintenance of interfaith harmony both internally and externally.

Second, during the implementation of sharia by-laws in Pamekasan, it was found no tension between believers from different religions. However, it does not automatically mean the absence of the seeds of conflict at all. In fact, it can be well handled by interfaith dialogues as it is regularly planned and organized by both government and Islamic mass organization. The implementation of the regulation does not disturb

interfaith relation although it is valid for all believers and some others are only valid for Muslims.

Third, the role of religious elites in constructing tolerance culture in Pamekasan is the crystallization of external potentials as mentioned above through interfaith dialogues which are routinely held. They typically take a form as preventive action or solution on certain problems, such as doing social work, the procurement of clean water aid, providing funding help for cataract surgery, harelips surgery, prosthetic feet and hand aids, and so forth. Additionally, the dialogues and meetings are also through mutual respect of each other's worships and religious teachings.

BIBLIOGRAPHY

Azizy, A. Qodri, *Hukum Nasional: Eklektisisme Hukum Islam Dan Hukum Umum,* Jakarta: Teraju, 2004.

Armia, Muhammad Siddiq., "Caning in Front of Public: Should it Be Maintained or Eliminated? (A Reflection of Implementation Sharia Law in Indonesia)," *QIJIS (Qudus International Journal of Islamic Studies),* Vol.7, No.2, December 2019.

Armia, Muhammad Siddiq., "Implementing Islamic Constitutionalism: How Islamic Is Indonesia Constitution?," *Al 'Adalah Journal,* Vol.15, No.2, December 2018.

Armia, Muhammad Siddiq., "Ultra Petita and the Threat to Constitutional Justice: The Indonesian Experience," *Intellectual Discourse,* Vol.26. No.2, Desember 2018.

Anfasul Marom, Ahmad, The Sharia Movements In Contemporary Indonesia*, Al-Manahij,* Vol. V No. 2 Juli 2011. 155.

Dahlan, Moh., "Nilai-Nilai Kemanusiaan dalam Legislasi Hukum Islam di Indonesia", *Al-Manahij,* Vol. 10, No. 2, Desember 2016.

Hanafi, Hasan, at all, *Islam dan Humanisme, Aktualisasi Humanisme Islam di Tengah Krisis Humanisme Universal,* Yogyakarta: Pustaka Pelajar, 2007.

Harahap, Syahrin, *Teologi Kerukunan,* Jakarta: Prenada Media Group, 2011.

Ismail, Faisal, *Dinamika Kerukunan Antarumat Beragama, Konflik, Rekonsiliasi dan Harmoni,* Bandung: Remaja Rosdakarya, 2014.

Khazin, KH. Abdul Mu'id, 1 Oktober 201 6.

M., Sirajuddin, "Sejarah Pergulatan Politik Hukum Islam di Indonesia", *Al-Manahij,* Vol. 10, No. 2, Desember 2016.

Maarif, Ahmad Syafii, *Islam dalam Bingkai Keindonesiaan dan Kemanusiaan Sebuah Refleksi Sejarah,* Bandung: Mizan & Maarif Institut, 2009.

Machasin, *Islam Dinamis Islam Harmonis, Lokalitas Pluralisme Terorisme,* Yogyakarta: LKiS, 2011.

Maimun, *Reformasi Pemikiran Hukum Islam,* Surabaya: Pena Salsabila, 2013.

Maimun dan Ainul Haq, "Melacak Motivasi dan Efektifitas Peraturan Daerah Bernuansa Syariah di Pamekasan", *Al-Ihkam,* Vol. 13, No, 1 Juni 2018.

Misrawi, Zuhairi, *Quran Kitab Toleransi, Inklusifisme, Pluralisme, dan Multikulturalisme,* Jakarta: Fitrah, 2007.

Muhatadin, Mustafa, Dg. "Reorientasi Teologi Islam dalam Konteks Pluralisme Beragama (Telaah Kritis dengan Pendekatan Teologis Normatif, Dialogis dan Konvergensif)", *Hunafa* Vol. 3 No. 2 Juni 2006.

Raharjo Jati, Wasisto, Permaslahan Implementasi Perda Syariah Dalam Otonomi Daerah, *Al-Manahij,* Vol. VII No. 2 Juli 2013

Rifai, Mien, *Lintasan Sejarah Madura,* Surabaya: Yayasan Lebbur Legga, 1993.

Rofiq, Ahmad, *Hukum Islam di Indonesia,* Jakarta: PT RajaGrafindo Persada, 2003.

Roqib, Moh., "Diseminasi Kerukunan Umat Beragama Model Pesantren Mahasiswa Di Purwokerto", dalam *Ibda',* Vol. 15, No. 2, Oktober 2017.

Smith, Wilfred Cantwell, "Orang Kristen di Tengah Pluralitas Agama", *Agama Untuk Manusia,* ed. Ali Noer zaman, Yogyakarta: Pustaka Belajar, 2000.

Soleh, Achmad Khudori dan Erik Sabti Rahmawati, *Kerjasama Umat Beragama dalam Quran, Perspektif Hermeneutika Farid Esack,* Malang: UIN Maliki Press, 2011.

Sunaryo, Agus, Teori Inklusif Nurcholis Madjid Dan Pengaruhnya Terhadap Fikih Lintas Agama Di Indonesia, *Al-Manahij,* Vol. 6 No. 1 Januari 2012.

Wahid, Abdurrahman, *Muslim di Tengah Pergumulan,* Jakarta: LapPenas, 1981.

Wahid, Abdurrahman, "Dialog Agama dan Masalah Pendangkalan Agama", dalam Komaruddin Hidayat, dkk (ed.), *Passing Over: Melintasi Batas Agama,* Jakarta: Gramedia, 1998.

Wibiseno, M. Yusuf, 5 September 2016.

Wijaya, Aksin, *Hidup Beragama dalam Sorotan UUD 1945 dan Piagam Madinah,* Ponorogo: STAIN Ponorogo Press, 2009.

Yakin, Ayang Utriza, *Islam Moderat dan Isu-Isu Kontemporer,* Jakarta: Kencana, 2016.

Zainuddin, *Pluralisme Agama, Pergulatan Dialogis Islam-Kristen di Indonesia,* Malang: UIN Maliki Press, 2010.

Zahid, Moh, 1 Agustus 2016.

This page is intentionally left blank