

ADMINISTRATION OF ISLAM IN INDONESIA

Deliar Noer

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(Publication No. 58)

Cornell Modern Indonesia Project
Southeast Asia Program
Cornell University
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PREFACE

With the size of its Muslim population greater than in any other country--an overwhelming majority of its 135 million people regarding themselves as adherents of Islam--it is natural that for Indonesia serious questions should arise as to the position of Islam within the state. Indeed that has been the case, and ever since the country proclaimed its independence there has been an ongoing tension between the attempts of Muslims to shape society in conformity with the tenets of Islam and the efforts of successive governments to control that religion as a political and social force. Although an increasing number of scholarly studies have been concerned with the endeavors of Muslim leaders to influence the course of Indonesia's social and political development, very little has been written about the other side of this equation--the politics of the government for controlling and regulating Islam. In this essay Deliar Noer has broken important new ground by providing significant insights into this badly neglected aspect of the relationship.

For this task Noer brings to bear strong credentials--extensive research on the political and social history of Islam in twentieth-century Indonesia, a solid training in political science and an intellectual integrity that has won him respect abroad as well as in Indonesia. He is the author of *The Modernist Muslim Movement in Indonesia: 1900-1942* (Oxford University Press, 1973) and of numerous scholarly articles. After securing his Ph.D. in Political Science at Cornell University, he served as a lecturer or professor of political science at the University of North Sumatra, the Jakarta IKIP, where he was also Rector, the University of Indonesia, and at Griffith University in Australia. Under both the Sukarno and Suharto regimes he has won the reputation of being a principled scholar unwilling to compromise his honesty and objectivity--despite the pressures exerted by government. It was because of such pressure that in 1974 he was prevented from delivering his professorial address, "Partisipasi Dalam Pembangunan" (Participation in Development). This was a valuable contribution to the pool of ideas relevant to his country's development, and for this infringement of academic freedom his country is the poorer.

Those concerned with understanding contemporary Indonesia are sure to be grateful to Noer for this present study.

George McT. Kahin
Ithaca, New York
January, 1978

INTRODUCTION

There has been considerable disagreement among scholars concerning the position of Islam in Indonesia. Some of them considered Islam's position to be important not only because of the substantial majority of Muslims in the country, but also because of the role Islam played throughout history--in many of the traditional kingdoms as well as during the period of the nationalist movement. Muslim kingdoms flourished in various parts of the archipelago, and it was their leaders who organized the most severe resistance against colonial encroachment. Likewise, in the modern period it was also the Muslims who started the first mass-based political party, Sarekat Islam (founded 1911), which dominated the political scene in Indonesia at least until the 1920s. The Dutch government recognized the importance of the position of Islam by appointing successive advisers for Islamic and "native" affairs, men who in general were experts in Islam. C. Snouck Hurgronje, the first and best-known Dutch adviser, studied Islam and the Indonesian Muslims in Mecca in 1885, using the name Abd al-Ghaffar and thereby disguising himself as a Muslim. Other Dutch officers who were connected with the office of the adviser were all Islamic experts, e.g., D. Rinkes and G. F. Pijper, who greatly contributed to our understanding of Islam in Indonesia. They all belonged to those groups of prewar scholars which realized the importance of Islam. Among the postwar scholars, Harry J. Benda and George McT. Kahin can be categorized as of this group. Although Kahin did not discuss Islam in Indonesia as such, his *Nationalism and Revolution* certainly points to this perspective. Because of the role of the Masjumi leaders in the revolution of 1945-1949, Kahin laid more stress on the significance of reformed Islam, while Snouck Hurgronje and Pijper referred more to traditional Islam.

Another group of scholars, however, believed that this first group assigned too great an importance to the position of Islam. These scholars claimed that in spite of Muslims being in the majority in Indonesia, they could not be considered as constituting a single group. There were both traditionalists and the group known as modernist or reformist. These divisions were reflected in differences in opinions, attitudes, inclinations, and political alignments within the Muslim community which weakened its position and unity. There were also Indonesian Muslims who did not care much

about religion or who were more influenced by ideas and rituals of the pre-Hindu and Hindu-Buddhist periods. Although these people were called Muslims, they were so only nominally. They were Muslims in a statistical sense, but they were more a liability than an asset to the position of Islam in Indonesia.

This latter group was not only neutral toward religion, they could become--and more than a few demonstrated this attitude--hostile to Islam. Clifford Geertz, in pointing to these differences between Muslims, has given the impression that he considered the position of these *abangan* (less devout) Muslims more important than that of the *santri* (devout) Muslims. Harry J. Benda has stated that the position of Islam in Indonesia became important mainly as a result of the Japanese occupation. Others, like Anthony Johns, have laid emphasis on the role of sufism, which tended to incorporate a more tolerant attitude towards other ideas and beliefs and which therefore was more consonant with the syncretic pattern.

It is not my intention to assess the views of these groups of scholars on Indonesian Islam. They certainly had reasons for their respective viewpoints, which can perhaps be questioned or justified. In general, in Indonesia there have indeed existed Islamic-oriented people who champion Islamic ideals in individual life, society, and government. These people played an important role in the struggle for independence, beginning in the colonial period; they continued their work in later efforts to develop the country. They were convinced of the need for Islam to play a leading role, for they believed that only Islam and its teachings could alleviate the ills of society, not only in Indonesia, but also those of what they thought was a morally declining world. They therefore championed the implementation of Islamic teachings in individual as well as social life; both government and society were held to be responsible for this implementation. In constitutional matters they were champions of the introduction of Islam as the basis of the state, as is reflected in the debates at the Committee for the Investigation into Indonesia's Independence in 1945, and later in 1957-59 in the debates on the same question in the elected Constituent Assembly. Their minimal demand was formulated in the so-called Jakarta Charter which was signed by nine leaders who were supposed to represent the nationalist, Muslim, and Christian communities. This Charter stipulated that it was the "obligation for the Muslims to carry out the *Syari'at*" (Islamic law). However, this formulation was abandoned on August 18, 1945, when the Constitution of the Republic of Indonesia was finalized. It was never reintroduced in any other constitution of Indonesia, and the efforts of the Muslims to include it in 1959, when the 1945 Constitution was about to be reapplied, failed.

This struggle in constitutional matters was a struggle between politicians and reflected the controversial issue of the position of Islam in Indonesia. The Islamic-oriented people considered the issue important because of their convictions about Islam as well as the fact that the majority of the Indonesian people were and are Muslim.

Non-Islamic-oriented people, however, non-Muslims as well as nominal Muslims, held an opposing view. Their differences were not confined to constitutional matters, but extended to other areas such as education; legal problems, especially those concerned with personal laws and the question of the *haj* (pilgrimage to Mecca); and in general the responsibility of the government for the fulfillment of all-important religious obligations by Muslims. Because of this concern, the Islamic-oriented Muslims had been demanding since prewar days that an independent department entrusted with handling Islamic affairs should be established in any future government of Indonesia. Traditionalist and modernist Muslims agreed to this demand. However, their ideas concerning its implementation differed, especially regarding recruitment of personnel for the department. Since the founding of the Ministry of Religion in 1946, the two groups have competed for control, not only in filling the ministerial post, but also in recruitment for lower positions, even in various educational institutions. At one time (1952) this competition was the factor precipitating the withdrawal of Nahdlatul Ulama, a traditionalist organization, from the Masjumi--Indonesia's largest Islamic party. After a vote in a meeting of its executive committee, the Masjumi had assigned the Religion portfolio to a Muhammadiyah leader. Muhammadiyah was a reformist organization founded in 1912, one of whose goals was to combat traditional, non-Islamic practices of Indonesian Muslims.

It is easy to conclude that varying interests, personal or organizational, caused differences between traditionalist and modernist Islamic organizations which led to competition for various posts in the ministry. Each organization wished to gain benefits for its own membership, possibly including more subsidies for its own schools and institutions, and in general sought rewards for its own members. The fact that Indonesian society had a paternalistic character to a certain extent makes this conclusion understandable. However, it should be remembered that ideals were also important. Leaders and organizations which emerged during the prewar days in Indonesia still maintain their ideas and ideals, to the detriment of possible material gain; this has also been the case with Islamic leaders and organizations. Since the beginning of this century, and becoming more obvious in the 1920s, traditionalist and modernist ideas have been in competition. Although after the period 1935-40 the two philosophies have

often been reconciled, since independence they have also often been at odds with each other, mainly for political reasons. Viewed from this perspective, the question of control of the Ministry of Religion during the independence period is at least in part an issue of conflict between modernist and traditionalist followers of Islam.

However, the problem of Islam in Indonesia has not been that simple. I have noted above that there were (and still are) many Muslims in Indonesia who maintain beliefs and practices related to pre-Islamic tradition. These people are often suspicious of Islamic-oriented people, for the possibility exists that their practices would be banned if devout Muslims ruled the country; not a few are therefore hostile towards Islamic people and towards Islam in general. Indeed, in the history of Java, there was at least one king, Amangkurat I (1645-77), who ordered some 5,000 *ulama* (Islamic scholars) in Java killed because of their efforts in championing pure Islamic teachings. Amangkurat was said to be a strong adherent of syncretic Islamic-Hindu beliefs. In spite of the fact that there were quite a number of kings in Java who were inclined to accept the principles of Islam in a more purified form, among certain sections of the population the syncretic attitude has been upheld strongly. After the Dutch introduced and developed secular education in the nineteenth century, the ranks of those religiously neutral or religiously hostile to Islam were strengthened by a number of graduates from Dutch schools. They included such leaders as Sukarno (the first president), Supomo (who played an important role in drafting the Constitution), and in general those affiliated with the Indonesian Nationalist Party and other nationalist organizations, including the Indonesia Party (Partindo), the Indonesian Movement (Gerindo), and the Greater Indonesia Party (Parindra). This does not mean that the Islamic movement was led entirely by graduates of religious institutions, for many of the Western-educated elite also joined as its leaders, but it does point to the widening gap between Islamic-oriented people, on the one hand, and the religiously neutral--if not hostile--people, on the other. In the nationalist movement in prewar Indonesia the two wings competed with each other for leadership. To borrow the terminology of Snouck Hurgronje, the Dutch, through education, had indeed been successful in "emancipating" part of the Indonesian Muslims from their own religion. These Western-educated people held the view that religion should be confined to personal matters, that it was up to the individual concerned whether or not he wanted to practice the teachings of Islam, and that government should be separate from religion.

The distinction between religion and government was copied from the West, where the separation of Church and

State was already accomplished by the end of the Middle Ages. However, when this view is applied to Islam, the questions arise (1) whether Islam recognizes a Church, in the form of an organized religion with a hierarchical structure of priests; and (2) whether Islamic teachings can be confined to personal and individual matters. Debates ensued among leaders of the nationalist movement on this issue, in the 1920s between Haji Agus Salim (of the Islamic party PSII) and Sukarno, and in the 1930s between Mohammad Natsir (of Persatuan Islam) and Sukarno. These people survived into the independence period, and in fact they all played important roles in national leadership. Sukarno became Indonesia's first president, Haji Agus Salim was foreign minister several times, and Mohammad Natsir was a minister several times and once prime minister. Natsir also led the Masjumi party from 1950 to 1958. It can therefore easily be understood that the pre-war ideas which had never been completely settled continued to survive and be debated during the independence period.

The question of the position of religion was often related to nationalism. What does nationalism entail? Should it be based on race, culture, religion, or something else? The racial considerations were in general dismissed in Indonesia, while culture, language, and religion were accorded a significant role in developing the nation. However, what was considered more important, surpassing any other consideration, was the "will" of the people to consider themselves as one nation and to continue to live as one nation in the future. Certainly the historical past and memories contributed greatly toward the creation and nurturing of this will, but the will itself was regarded as more important than the other factors. This "spiritual" aspect of nationalism which the Indonesian leaders adhered to was influenced by Ernest Renan's theory of nationalism, which they had read during their student days. The leaders of the Indonesian Nationalist Party--to name only the most important religiously neutral party--stressed this will. The Islamic-oriented leaders also stressed its importance, but with a slightly different emphasis. They laid more stress on the will of the Muslims, who they claimed wanted to base nationalism on their religion. Islam, they said, had tied them together through the ages and would continue to tie them together in the future. It did not mean, they added, that non-Muslims could not join them in building a national state, for in any national state there was always a majority and a minority, even in religion. The point was that nationalism could be based on Islam, and this was what they wanted to see established. In addition, there were relatively few non-Muslims participating in the independence movement.

The problem of the basis of the state as debated in 1945 and 1957-59 was therefore a continuation of the prewar problem.

As has been noted, the problem spread to other fields as well, and in these fields the question was not merely confined to ideas but also to their implementation. What kind of people should the educational system produce? What kind of subjects should children and youth be taught? Was it necessary for the schools to offer religion as a subject of instruction, or should the matter be left to parents and guardians? Some aspects of Islamic laws had been imposed in Indonesia by traditional sultanates as well as by the Dutch government. Religious courts were also recognized by the colonial rulers. Would these practices be continued in the independence period? How? Would the religious courts have the same powers as in prewar days or should they be changed? Certainly with independence a national law and a national court were preferred. But what did this entail?

It had been the wish of the Muslim people since prewar days that facilities for practicing the Islamic faith, especially those connected with the haj, be furnished by the government. During the Dutch period Muslims also planned to buy their own ships to transport pilgrims to Arabia. They therefore expected that in the independence period their wish would be realized. How could and should this be done? An important decision regarding the pilgrimage was whether its operation should be trusted to private companies or to government agencies. Organizing travel to Mecca could create enormous profits, and if this enterprise was trusted to private companies (certainly Muslim companies were preferred by the pilgrims as compared to religiously neutral or non-Muslim companies), would it not produce profits for the various Islamic parties? Or would not the various organizations indoctrinate the pilgrims with their own ideas which might run counter to those of the government in power? The Dutch government sent its ablest scholar, Snouck Hurgronje, to investigate the conditions and attitudes of Indonesian pilgrims in Mecca, and it always kept the pilgrims under surveillance in Arabia to prevent them from any possibly undesirable contacts. Would it therefore not be necessary to continue such activities during independence? Thus the question of the haj was related to the wider issue of political as well as religious freedom.

Another issue was that of government subsidies for educational and religious institutions. Subsidies to schools and prayer-houses were in principle granted by the government and were given to Christian and Hindu institutions as well. The problem was to determine just proportions for the various religious communities; because of the variety of Muslim organizations, another problem was the just proportion granted to each Muslim organization.

All of these issues can be viewed from the perspective of administration, hence the title of this monograph "Administration of Islam in Indonesia." I shall also focus on the much-debated issue as to whether there should be a Ministry of Religion. Christians have claimed that there has been discrimination in the Ministry, for indeed, if only because the majority of the population is Muslim, the Ministry has had to pay more attention to Muslims than to other religious groups. This bias has also been reflected in the budget and in personnel. The Ministry is expected to be able to cooperate with, if not control, the local ulama. However, this task has not been easy, for ulama gain their respected and revered position in society irrespective of their relationship with the government, while officials of the Ministry of Religion are part of the bureaucracy. In terms of unofficial authority and power, many of the officials are therefore relatively insignificant, especially because of the fact that the ulama's position in society is life-long, while that of the officials eventually terminates at their retirement. It is because of the Ministry of Religion's inability to control the ulama, or minimally cooperate with them on an equal basis, that the Indonesian government has established at various times a Council of Ulama (Majlis Ulama). The present Suharto government has had much to do with this council, even more than the Sukarno government. A discussion of the role of the Majlis Ulama is therefore included below. The information and the analyses contained here are not exhaustive, but I hope that this study will contribute toward greater understanding of the situation of Islam in Indonesia.

CHAPTER 1

THE MINISTRY OF RELIGION

Religious matters in Indonesia are officially administered by the government through the Ministry of Religion, a ministry unique to Indonesia. It administers not one religion, but all five religions recognized in the country--Islam, Protestantism, Catholicism, Hinduism, and Buddhism. It has been established in spite of the fact that Indonesia is constitutionally not a religious state. Unlike Egypt, for example, Indonesia's government is not based on religion (Islam), and unlike Malaysia she has no official state religion. But Indonesia's constitution is based on *Panca Sila* (Five Pillars), of which the first is *Ketuhanan Yang Maha Esa* (Oneness of God, Divine Omnipotence).¹ This principle has been regarded as justifying the existence of the Ministry of Religion.

Officially, the establishment of the Ministry was based on Article 29 of the 1945 Constitution,² which says that "the state is based on the Oneness of God" and that the state "guarantees the freedom of every inhabitant to embrace his own religion and to carry out services according to his religion." However, the founding of the Ministry was initially hampered by the drafters of the constitution themselves. It can justifiably be said that the establishment of the Ministry constituted an accommodation to the wishes of the Muslim majority. The Ministry was founded on January 3, 1946 in accordance with a proposal to the central Komite Nasional Indonesia (Indonesian National Committee) on November 11, 1945 by Kiyahi Haji Abudardiri, Kiyahi Haji Saleh Su'aidy, and M. Sukoso Wirjosaputro, who were all members of the committee representing the Banyumas area. Abudardiri himself was head of the Religious Office of Banyumas Residency. The proposal, which found support from Mohammad Natsir, Dr. Muwardi, Dr. Marzuki Mahdi, and M. Kartosudarmo (all members

¹The other four pillars include humanitarianism, national unity, people's sovereignty (or democracy), and social justice.

²Indonesia has had three constitutions: the 1945 Constitution, the Federation Constitution of 1949, and the Provisional Constitution of 1950. The 1945 Constitution was reintroduced in 1959.

of the committee), was approved by the Provisional Legislative Assembly.³

The Muslim desire to establish such a Ministry was rooted in the Dutch colonial period and was nurtured during the Japanese occupation. Under the Dutch regime, religious affairs were handled by various government offices: Islamic education and the haj were supervised by the Department of Home Affairs, religious courts came under the Department of Justice, religious movements were under the control of the Office for Native and "Mohammadan" affairs, and religious services were under the Department of Education.

Many Muslims in Indonesia believed that this dispersed administration of religious affairs had been devised deliberately to control and inhibit the spread of Islam. It was not expected that the colonial government would promote Islam, but this dispersed administration was considered an indication of the neglect of Islam by the Christian Dutch government. Moreover, most Indonesian Muslims experienced confusion concerning the particular kinds of problems each office handled. In 1941 the Islamic federation *Majlis Islam A'laa Indonesia* championed the suggestion that a Department of Islamic Affairs be established in a future Indonesian government.

Muslims felt discriminated against by the Dutch colonial government. Recognizing this and the role of Islam in Indonesia vis-à-vis her former colonizers, the Japanese appealed to the Muslims by administratively abolishing attitudes of discrimination towards them; and in many cases they gave them much more favorable positions, at least in comparison with their role during the Dutch period.

Toward the end of the Dutch period, the Dutch government in its efforts to reform the administration of Indonesia had dealt only with the religiously neutral group of the Indonesian independence movement. It discounted the appeal made by the Islamic group that they too be consulted. Perhaps it can be said that the Japanese exploited this disappointment of the Islamic group with the Dutch.⁴ In addition, the Japanese may have been suspicious of the nationalists, who during the Dutch rule expressed disagreement with and condemnation of Fascism on many occasions, even warning the people of the

³"29 Tahun Departemen Agama," *Panji Masyarakat*, 17, 167 (January 15, 1975), pp. 9-10. The central Indonesian National Committee acted as the Provisional Legislative Assembly.

⁴See the author's *The Modernist Muslim Movement in Indonesia* (Kuala Lumpur: Oxford University Press, 1973), pp. 271-75.

danger of the Fascists, whom they considered more suppressive than the Dutch colonizers. On the other hand, the Indonesian Islamic movement seemed to capitalize on the presence of the Japanese in the country to enhance their position vis-à-vis other groups.

During the Japanese occupation the only national organization recognized by the Japanese (in Java) was the Majelis Islam A'laa Indonesia (MIAI). This Indonesian Supreme Islamic Council of the Dutch period was later (in 1943) replaced by the Madjelis SjurMuslimin Indonesia (Masjumi), the Indonesian Muslim Consultative Council. Leaders of the Nahdlatul Ulama (Renaissance of Ulama), such as Kiyahi Haji Abdul Wahid Hasjim and Zainul Arifin, as well as of the Muhammadiyah, including Kiyahi Haji Mas Mansoer, sat on the committee. In addition, the Nahdlatul Ulama and the Muhammadiyah continued their educational and social activities, and both organizations obtained legal status in 1943. On the other hand, the activities of Taman Siswa, an organization of the religiously neutral nationalists which concentrated primarily on educational facilities, were restricted by the Japanese. Taman Siswa's general secondary education program was discontinued during the occupation.

Yet all was not smooth for the Indonesian Islamic group. They too had to face difficulties. The *pesantren* (religious educational center) of Tebu Ireung, headed by the well-known ulama Kiyahi Haji Muhammad Masjim Asj'ari, had to close down for a few months after the Japanese invasion. Kiyahi Haji Mustafa of Tasikmalaya, West Java, was killed by the Japanese in 1944.⁵ Mohammad Natsir of the prewar Persatuan Islam of Bandung had to maintain underground communications with his colleagues and followers to avoid possible arrest. Revolts organized by ulama were also reported in Aceh and in South Kalimantan.⁶ The position of the Islamic group was therefore a favorable one only in comparison with their position during the Dutch period.

Another manifestation of the improvement of the Islamic group's position was the establishment in Java of Hizbullah and Sabilillah, two military youth organizations, in spite of the fact that Muslim youths could join Peta (Tentara Pembela Tanah Air, Army for the Defense of the Fatherland) and Heiho

⁵Okuma Memorial Social Sciences Research Institute, *Japanese Military Administration in Indonesia*, trans. of *Indonesia ni Okeru Nihon Gunsei no Kenkyu* (Tokyo: Kinokuniya Shoten, 1959), p. 205; George S. Kanahale, "The Japanese Occupation of Indonesia: Prelude to Independence" (Ph.D. Thesis, Cornell University, 1967), p. 139.

⁶*Japanese Military Administration*, pp. 208-11.

(a military corps auxiliary to the Japanese army). Peta and Heiho also included members of Islamic groups; indeed, many commanders of Peta came from prewar Islamic organizations such as Muhammadiyah, Nahdlatul Ulama, and Partai Syarikat Islam Indonesia (PSII).

The central war administration in Java established Shumubu, the Office of (Islamic) Religion, another manifestation of the attempts by the Japanese to win the support of the Islamic group. The office was planned to continue the activities of its counterpart (the Office for Native and "Mohammadan" Affairs) of the Dutch period, but with the hope that the Islamic group would regard it as their own, not as a supervisory agent of the Japanese administration. Especially when an Indonesian scholar, Professor Husein Djajadiningrat, and later (in 1944) an ulama, Kiyahi Haji Hasjim Asj'ari, were appointed head of the office, the Japanese hoped that the office would fulfill the Muslims' wishes.

It is therefore understandable that with independence many Muslims considered a religious office a natural part of the new central government; and for them this meant a Ministry of Religious Affairs. The question first arose at a meeting of the Committee for the Preparation of Indonesia's Independence (Panitia Persiapan Kemerdekaan Indonesia) on August 19, 1945 when an ad hoc committee headed by Achmad Subardjo proposed establishing such a ministry. After some debate the proposal was finally rejected by the meeting. Latuharhary, a Christian from Maluku, proposed to the meeting that religious affairs be handled by the Ministry of Education. He considered that establishing a special Ministry of Religion would only create uneasy feelings. If the minister were a Christian, he said, the Muslim community would naturally be dissatisfied, while if the minister were a Muslim, the Christian community would be unhappy. He added that the committee should not create feelings which might cause disunity among the people. Furthermore Latuharhary thought that one fewer ministry would "economize (state) expenditures."⁷

Abdul Abbas, a Muslim representative from Lampung, South Sumatra, supported the idea of a Ministry of Education handling religious affairs.⁸ Iwa Kusumasumantri, a nationalist from Pasundan, West Java, agreed with the view that the community already considered a Ministry of Religion a necessity ("sudah mendapat burgerrecht"), but he believed that because

⁷Muhammad Yamin, *Naskah Persiapan Undang-Undang Dasar 1945*, 1 (Jakarta: Jajasan Prapantja, 1959), p. 457.

⁸The name of the ministry would then be Ministry of Education, Training and Religion. Ibid.

of the nationalist nature of the government religion should not be handled by a special department. He shared Latuharhary's opinion, also pointing out that in the past three years "too much importance had been laid on Islamic affairs."⁹ Ki Hadjar Dewantara, the well-known Taman Siswa educator, preferred that religious affairs be handled by the Ministry of Home Affairs. With these prominent men opposing it, the proposal for the establishment of a Ministry of Religion was rejected; only six of the twenty-seven members of the Committee for the Preparation of Indonesia's Independence were in favor.¹⁰ The prewar demand of MIAI was rejected.

During the first days of independence there was another development which grieved the Muslims considerably and which still continues to disturb them. This matter concerned constitutional problems dealt with by the Committee for the Preparation of Indonesia's Independence. One day after the proclamation of independence, the committee deleted various points from the draft of the constitution which the Islamic group had fought for and which had previously been approved by various groupings within the committee. These included the stipulation that the president of the Republic of Indonesia be a Muslim, and that "it shall be obligatory for the Muslims to follow the Islamic Syari'at." Even the word *Muqaddimah* (an Indonesian word derived from Arabic) was changed into *Pembukaan* (both words mean Preamble), as if any references to what was regarded as Islamic were contrary to national aspirations. In particular, the deletion of the stipulation concerning the Islamic Syari'at, known later as "the question of the Jakarta charter," caused resentment within the Islamic group.¹¹ It was reported that Ki Bagus

⁹Ibid., p. 458.

¹⁰Ibid., p. 462.

¹¹On June 22, 1945, nine prominent members of the Investigation Committee for Indonesia's Independence (Badan Penyelidik Usaha-Usaha Persiapan Kemerdekaan Indonesia) signed an agreement, later known as the Jakarta Charter, in which the basic principles for the would-be Indonesian state were laid down. The charter was to be inserted as the preamble of the constitution. It was in this charter that the Syari'at stipulation was made.

The nine members were Mohammad Hatta, Muhammad Yamin, Subardjo, A. A. Maramis (a Christian), Sukarno, H. Abdul Kahar Muzakir, Wahid Hasjim, Abikusno Tjokrosujoso, and Haji Agus Salim. The charter was considered "a modus, an agreement between the Islamic and nationalist groups." Ibid., p. 153. Of the nine, only three are still alive at the time of writing this manuscript--Hatta, Subardjo, and Maramis (Maramis died in 1977).

On the deletion of the Syari'at stipulation, see Mohammad Hatta, *Sekitar Proklamasi* (Jakarta: Tintamas, 1969), pp. 57-64. Hatta said that at his meeting on August 18, 1945 with Ki Bagus Hadikusumo, Wahid Hasjim,

Hadikusumo, president of Muhammadiyah, who sat on the preparatory committee, called a conference of his organization in Yogyakarta with instructions to postpone its closing pending his arrival from the committee's meeting in Jakarta. When he arrived at the Muhammadiyah conference, he aired his anger with the religiously neutral nationalist leaders, thereby warning his group that the fight for Islamic ideals would still have to continue after independence.¹²

As the success of the revolution seemed already threatened by the possibility of the return of the Dutch, these feelings of discontent did not help the cause. Against this background, the decision for the establishment of the Ministry of Religion can be understood. The government needed the full support of the Islamic group, and it was hoped that support could be obtained, or at least courted, by the establishment of a Ministry of Religion. The decision of the Preparatory Committee for Independence was therefore reversed in January 1946. As further developments showed, this flexibility about the number and type of cabinet ministries in Indonesia has persisted.¹³

Even now, with the Ministry of Religion firmly established, its existence is still questioned by many sectors of the Indonesian population, Muslims and non-Muslims alike. Non-Muslims do not feel any need for such a ministry. This

Kasman Singodimedjo, and Teuku Mohammad Hasan (from Sumatra)--all considered Islamic leaders--it was agreed to replace the stipulation regarding the Islamic Syari'at with "Ketuhanan Yang Maha Esa" (the Oneness of God). Hatta called this meeting after he received information from an officer of the Japanese navy who claimed that Protestants and Catholics of the navy-occupied areas of Indonesia objected so much that they threatened to separate themselves from the Republic of Indonesia if the Islamic wording were not deleted, for Christians felt it discriminated against them.

Most probably the Islamic group felt content with the wording of *Ketuhanan Yang Maha Esa*, for in their opinion only Islam recognizes the sole unity of God. This opinion, which was derived mainly from theological considerations, caused disappointments in the future, for all Indonesians--including Communists--claimed that they recognized the unity of God.

¹²Interview with Abdul Kahar Muzakir, Bandung, 1956.

¹³It has been customary in Indonesia to change the number and type of cabinet ministries according to particular circumstances, often according to the wishes of a particular person or group. There have never been regulations about the number or type of ministries, not even a consensus which could be maintained for any length of time. This was especially true during the Sukarno period. Once, in 1965 and 1966, the cabinet contained about 100 ministers.

is especially true for Christians, who have their own organizations, e.g., the Protestant Dewan Gereja Indonesia (Indonesian Council of Churches) and the Catholic Majelis Agung Wali Gereja Indonesia (Indonesian Supreme Council of Churches), both of which are financially strong and well-organized. As was the case during the Dutch period, Protestants and Catholics in Indonesia have received substantial support from abroad, and foreign missions also have direct access to Indonesian territories. The idea of the separation of Church and State also influenced the Christians and other Western-educated Indonesians in the Ministry issue, bringing them to call for the abolition of the Ministry.

As was mentioned earlier, only the Muslims felt the need for such a ministry. But even some Muslims, including members of some Islamic groups, have occasionally questioned the need for the Ministry, as they did during the debates in the Committee for the Preparation of Indonesia's Independence. The question came up again in 1950 at parliamentary meetings with the man who was then Minister of Religion, Kiyahi Haji Wahid Hasjim. Some of the members of parliament said that it was too expensive to maintain the Ministry, adding that various tasks which were the responsibility of the Ministry could easily be handled by other existing ministries such as Justice, Social Affairs, Information and Education. Some claimed that the Ministry paid more attention to Islamic affairs, thus discriminating against other religions. Voices were raised urging that religion should be separated from politics.¹⁴

According to Wahid Hasjim, the government agreed in principle with the separation of Church and State in the sense that it did not interfere with the internal affairs of a particular religion. However, he said the government felt compelled to serve the religious needs of the people in accordance with Panca Sila. Wahid Hasjim also said that separation of Church and State was in fact only theoretical and had never been realized completely in any state except an "atheistic" one. Although the Minister considered that the Ministry of Religion actually could be abolished if its functions were performed by the various other ministries, he stressed that abolishing it would hurt the feelings of Indonesian Muslims.

Wahid Hasjim rejected the allegation that his Ministry had paid more attention to Muslims than to other religious groups. He proved this by showing that subsidies to private Islamic religious schools amounted to Rp. 1 per pupil, while those to private non-Muslim schools through the Ministry of

¹⁴*Kementeriaan Agama dan Parlemen* (Jakarta: Kementeriaan Agama, 1951), pp. 5-15.

Education were Rp. 4 per pupil. However, the Minister admitted that because Muslims were in the majority, the volume of work done for Muslims by his Ministry was indeed much larger than for the small minority of non-Muslims.¹⁵

Negative feelings against the Ministry of Religion have been kept alive by reports of corruption and misuse of funds, practices believed to have been common within the ministry. The handling of the haj has been continually criticized for this reason. Many people going to Mecca have indeed become victims of malpractices. I will discuss the pilgrimage question in a special section below.

Another weakness of the Ministry has been personnel--in the Ministry, regional offices, and educational institutions. Appointments, promotions, and transfers of personnel were alleged to depend on whether a person was affiliated with the same group or organization as a particular minister or section head. Since most of the Ministers of Religion in Indonesia, before as well as after the transfer of sovereignty at the end of 1949, have belonged to Nahdlatul Ulama, members of the Nahdlatul Ulama have reportedly been favorably treated by the Ministry. Institutions of higher learning such as the Institut Agama Islam Negeri have not been free of favoritism.

"Fictive" appointment of religious teachers has also been reported. This means that appointments were officially made and the salaries paid, but the persons concerned did not exist. It was reported that the present Minister of Religion, Dr. Abdul Mukti Ali, had to remove tens of thousands of such "fictive" cases from personnel rolls after his appointment in 1971.

Although these malpractices have been related to administrative weakness in general, which admittedly are found in other ministries, the fact that they have been reported among officials with a supposedly deeply religious and ethical background has caused all the more concern. People hope that, in addition to following administrative norms, religious officials should also be guided by religious and ethical norms--norms which many of the officials themselves discuss and propagate to the people at large.

Another problem related to the question of personnel is the fact that many administratively untrained people have been appointed to various posts in the Ministry. Many *kiyahi* (religious teachers), *muballigh* (religious propagandists) and the like who were well versed in religion have occupied

¹⁵Ibid., pp. 40-42, 56. Also K. H. A. Wahid Hasjim, *Kedudukan Agama dalam Kementerian Agama* (Jakarta: Kementerian Agama, 1951).

various posts in the religious offices. Many of these people have had no schooling except in purely religious disciplines; in general, especially in the early years of the revolution and the postrevolutionary period, they never had the chance to acquire additional training to equip themselves for administrative positions. The result was a poor performance by the Ministry as a modern administrative government body. On the other hand, religious life in villages and towns tended to be neglected because many religious teachers were transferred from the outlying areas to the Ministry or its provincial offices; only gradually could new religious teachers fill the vacancies. Usually the new replacements encountered difficulties, because people remained loyal to the former leaders who had become government officials. Recognition as a trusted leader by villagers could not be accomplished overnight.

Perhaps the appointment of the various Ministers of Religion from the time of the Ministry's founding also reflected this drain of religious leaders from their customary role in society to a role in government administration. Of the ten men who have been Minister of Religion, only two have had modern university training, the first Minister (Mohammad Rasjidi) in Egypt, and the current one (Abdul Mukti Ali) at McGill University. The other eight had training in various pesantren and traditional religious schools in Arab countries (peninsular Arabia and Egypt) and were recognized Muslim leaders. A few of them were heads or prominent leaders in their own pesantren.¹⁶

Whether the present Minister will be able to improve the image of his Ministry still remains to be seen. According to him, three main problems have to be tackled--personnel, finance, and management. He has said that many people have been victimized as a result of irresponsible personnel administration. He feels that every cent spent by the Ministry should reach the desired objective. Regarding management, the Minister has pointed out that sound administration should be simple, but that of his Ministry is still very complex.¹⁷

¹⁶They included K. H. R. Fathurrahman, K. H. Masjkur, K. H. Fakhri Usman, K. H. A. Wahid Hasjim, K. H. Mohammad Iljas, K. H. Abdul Wahib Wahab, K. H. Saifuddin Zuhri, and K. H. Mohammad Dachlan. Rasjidi and Rakih Usman were prominent in Muhammadiyah; Mukti Ali is an independent but leans toward Muhammadiyah. All others were from Nahdlatul Ulama. Although Fathurrahman studied at Al-Azhar, he seemed to have been more influenced by its traditional than by its modern orientation. In the first four decades of the century, Al-Azhar was still in a transitional stage from traditional to modern.

¹⁷See "Penertiban Menyeluruh di Departemen Agama," *Berita Buana*,

Let us turn our attention to the internal development of the Ministry from the time of its establishment, especially its aims and structure.

The first Minister of Religion was Haji Mohammad Rasjidi, then Minister of State. An important figure in Muhammadiyah, he received his early education at the modernist Al-Irsyad school in Jakarta and graduated from the Egyptian University in Cairo in 1938. He taught at the Muhammadiyah Teacher Training Institute in Yogyakarta and in 1945 at the Islamic University. He was unable, however, to initiate full-scale organization of a Ministry, and neither could Kiyahi Haji Raden Fathurrahman Kafrawi, a member of Nahdlatul Ulama, who was educated during the prewar period in Mecca and Al-Azhar and who succeeded Rasjidi as Minister of Religion in October 1946.

In early 1947, when hopes rose for a peaceful settlement of the Indonesian-Dutch dispute following the Linggajati agreement of late 1946, a start was made in reorganizing the central and regional offices of the Ministry. This attempt was disrupted by Dutch military action in July 1947. Renewed efforts to keep the Ministry functioning were again undone by the second military action of the Dutch in December 1948. Only after Indonesia's sovereignty was recognized by the

June 7, 1972; *Abadi* August 9, 1972.

While visiting Cairo at the invitation of the Minister of Waqf and Al-Azhar University, Minister Mukti Ali said that his Ministry had to tackle eleven problems: statistics (of religion), organization, administration, religious courts, the *hajj*, organization of state religious schools, private religious schools, the development of religious universities (IAIN) as proper Islamic scientific institutions, *zakat*, *waqf*, and peaceful interreligious relationships. See *Abadi* August 4, 1972.

It is also surprising to note that the Secretary General of the Ministry of Religion, Navy Colonel H. Bahrum Rangkuti, was not able to specify what the purpose and role of his Ministry was. He said this in an address at a refresher course for heads of provincial religious offices (*Abadi* August 2, 1972). However, a few days afterwards the Secretary General stated positively that the main task, function, and authority of his Ministry had been stipulated in the decree of the Minister of Religion No. 114/1969 and 269/1970 (*Abadi* August 4, 1972).

For various efforts of the Ministry of Religion to improve its organization and administration, see Jusuf Abdullah Puar, "27 Tahun Departemen Agama: Aparatur Perjuangan dan Pembangunan Mental," *Abadi* January 2 and 3, 1973. An example of the enormous problems faced by the Ministry, according to Puar, was how to supply an additional number of 88,029 religious teachers. Puar said the number of available religious teachers was 123,546, while 211,575 were needed.

Dutch in late 1949 could the function and structure of the Ministry be developed in detail.¹⁸

The aims of the Ministry as first formalized in 1949 and amended the following year were:¹⁹

1. To realize to the greatest extent possible the principle of the Oneness of God;
2. To ensure that every inhabitant enjoys the freedom to choose his own religion and to perform services according to his own religion and convictions;
3. To guide, support, maintain, and develop sound religious currents;
4. To provide, guide, and supervise religious education in state schools;
5. To guide, support, and supervise education and training at *madrrasah* (religious schools)²⁰ and other religious schools;
6. To organize training for religious teachers and religious judges;
7. To take care of everything related to the spiritual teaching of members of the armed forces, and those in hostels, prisons, and other necessary places;
8. To arrange, perform, and supervise all questions related to marriage, divorce, and reconciliation of Muslims;
9. To give material support for the repair and maintenance of places of worship (mosques, churches, etc.);
10. To organize and supervise religious courts and the Supreme Islamic Court;
11. To carry out investigations into matters related to *waqf* (property donated for religious or community use), to register *waqf* institutions and supervise their management;
12. To promote people's intelligence and skills in social and religious life.

¹⁸H. Aboebakar, *Sedjarah Hidup K. H. A. Wahid Hasjim dan Karangan Tersiar* (Jakarta: Panitia Buku Peringatan alm. K. H. A. Wahid Hasjim, 1957), pp. 608 ff.; *Peranan Departemen Agama dalam Revolusi dan Pembangunan Bangsa* (Jakarta: Departemen Agama R.I., 1965), pp. 114 ff.

¹⁹Peraturan Pemerintah (Government Regulation) No. 33/1949 and No. 8/1950; Peraturan Menteri Agama (Regulations of the Minister of Religion) No. 5/1951. *Kementerian Agama dan Parlemen*, pp. 91-93. See also Aboebakar, *Sedjarah Hidup*, pp. 600 ff., 621.

²⁰Madrasah refers in general to modernized religious schools.

In 1969 the functions of the Ministry were reformulated as follows:²¹

1. To organize and administer religious education in schools and to arrange and give guidance to religious schools at the elementary and secondary level;
2. To observe and develop everything connected with religion which is important to society and the state, and to guide people concerning marriage, waqf, *zakat* (religious tax), and social and individual religious services;
3. To give information and guidance on religion;
4. To organize and administer religious courts and to resolve questions on religious matters;
5. To found, organize, and develop religious institutions of higher learning;
6. To organize, administer, supervise, and improve the handling of the haj as well as visits to holy places of other (i.e., non-Islamic) religions.

In general it can be stated that the Ministry has had to perform its functions in three broad fields--education, information, and justice. Since 1970 it has also enjoyed a monopoly in administering the haj. Another kind of administration of Islam in Indonesia, though the work of the government civil and military authority rather than of the Ministry of Religion, is the council of ulama, Majelis Ulama.

I will discuss these aspects of the administration of Islam below, excluding administrative capacity as an information agency. This capacity, though important, can be described in a few words. The Ministry has issued periodicals (which usually have ceased publication after a few years), brochures, and pamphlets concerned with the work of the Ministry as well as with religion. Because of the Muslim majority, the Ministry's activities in information have been largely directed to the Muslim population. Similarly, the commemoration of important events in Muslim history, such as the birth and ascension of the Prophet Muhammad, have been held by or with the support of the Ministry and its regional offices, in addition to commemorations held by Muslim organizations. Let us first examine the structure and organization of the Ministry and the reorganization it has undergone during the period since independence.

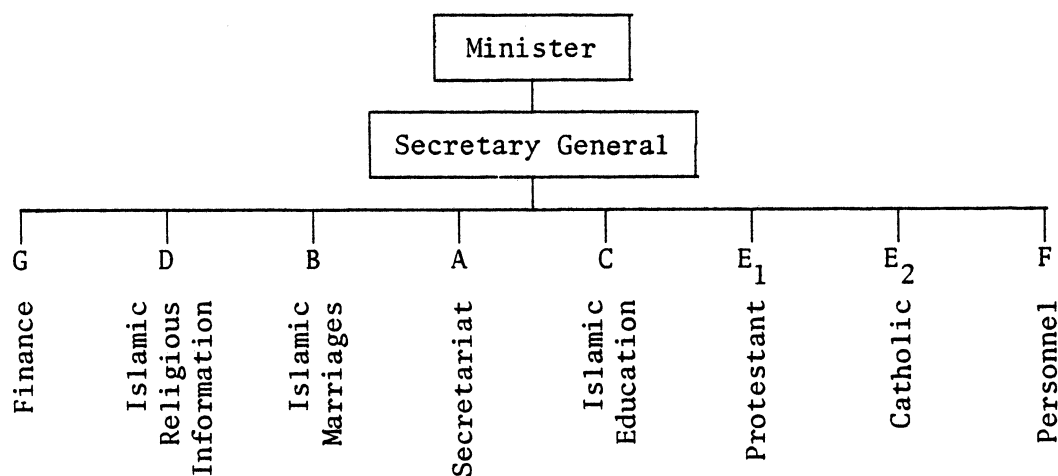
The structure of the Ministry and its branch or regional offices has been established and expanded to meet the needs

²¹Keputusan Menteri Agama (Decision of the Minister of Religion) No. 269/1970.

of the four fields listed above. The expansion of the structure and organization of the Ministry, as well as its geographical expansion throughout the country, raises the questions of need and efficiency. Regional offices have been opened at the *kecamatan* (subdistrict) level.²²

A decree of the Minister of Religion in November 1946 divided the Ministry into eight sections: secretariat, (Islamic) marriages, (Islamic) religious education, (Islamic) religious information, Protestant, Catholic, personnel, and finance.

DIAGRAM 1
ORIGINAL STRUCTURE OF THE MINISTRY OF RELIGION (1946)



Source: Decree of the Minister of Religion No. 2 1185/K.J., November 20, 1946.

Starting from this simple structure, the Ministry has now been divided into five directorates general, for the guidance of Muslim, Protestant, Catholic, and Hindu-Buddhist societies respectively, and for handling the haj. Recently an Inspector General has been established within the Ministry, thereby bringing the structure of the Ministry into line with that of all other ministries in Indonesia. Because of the small number of Christians and Hindu-Buddhists, the volume of activities of these separate directorates general clearly cannot match that of the Directorate General for the guidance of Muslims. It was for this reason that affairs related to the

²²In 1958 there were 26,868 officials working for the Ministry of Religion, and in 1963, 34,832--a relatively sharp increase. The 1963 figure places the Ministry fourth highest in number of employees among the 25 ministries in existence at that time.

Protestant, Catholic, and Hindu-Buddhist communities had previously been handled by sections of the Ministry called bureaus. During the 1950s, the haj was handled by an office of this type. The upgrading of these sections to the level of directorates general can therefore be considered an enlargement of the bureaucratic network of the Ministry, a process which raised problems of efficiency.

The reorganization of the non-Islamic sections into separate directorates general was motivated by the idea, prevalent from the early 1960s, that all recognized religions in the country were equal and enjoyed the same rights and privileges. The recognized religions should thus have similar and non-discriminatory treatment within the Ministry, embodied in their respective Directorate General.²³ As Diagram 2 shows, there are more divisions in the Directorate General for the guidance of the Muslim community than for non-Islamic communities.

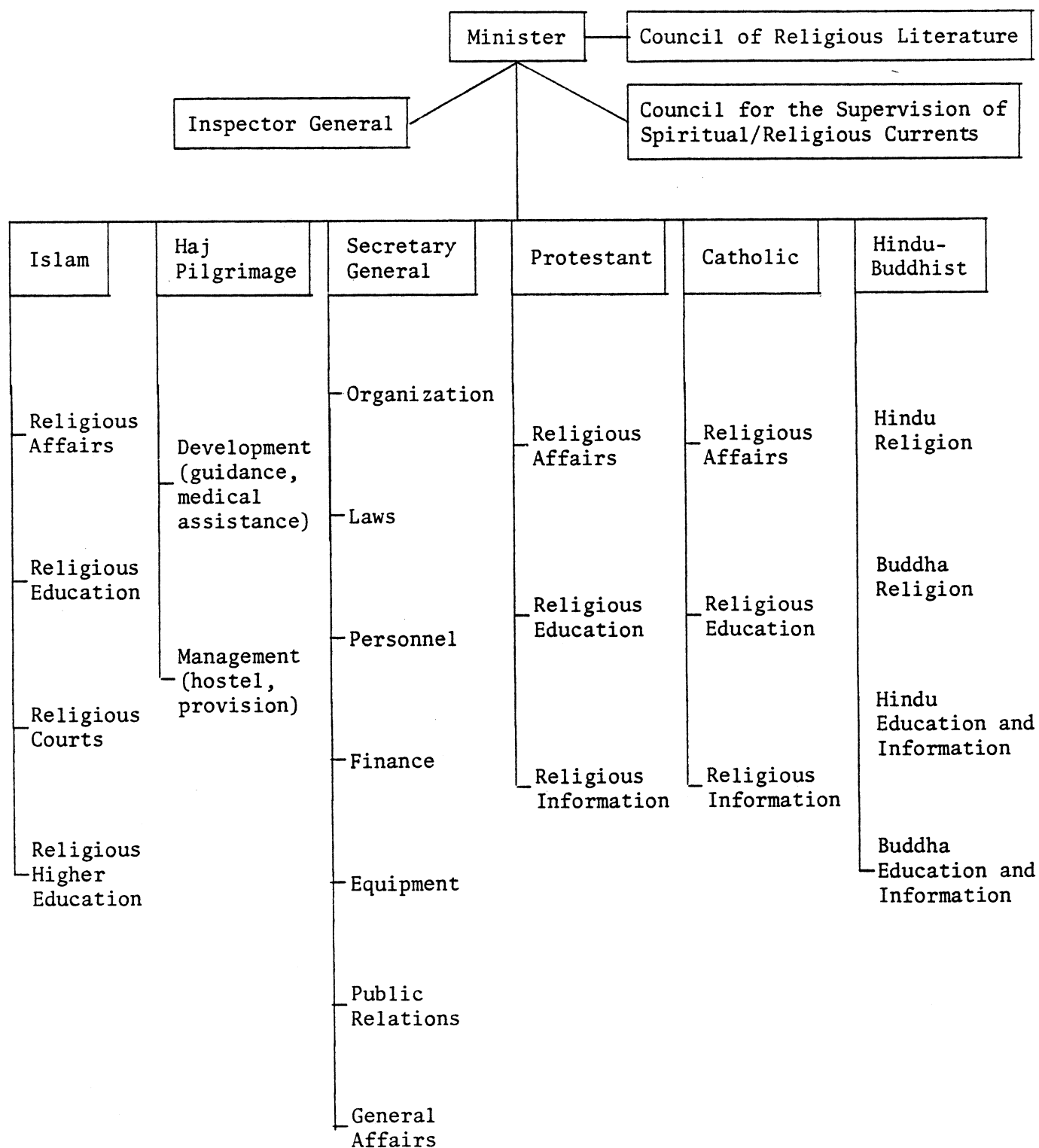
Islamic law (as covering matters of personal or private character such as marriages, divorces, and inheritance) is still recognized and followed by almost all Muslims in Indonesia; hence the existence of religious courts which are supervised by a special directorate. There are no religious courts for Christians and Hindu-Buddhists. In such matters they are subject to regulations under the jurisdiction of ordinary courts.

While the Christian communities organize their own theological schools, the Muslim community feels that the government should establish educational religious institutions from the elementary to tertiary level. The planning and supervision of Islamic institutions of higher learning have been entrusted to a special directorate (naturally absent from non-Islamic directorates general). Special schools for Hindu teachings have been established in Bali and these are supervised by the Directorate of Hindu Religious Education. There are also Protestant teacher training schools.

Two other sections have been established in the Ministry, the Council for Religious Books and the Council for the Supervision of Spiritual Matters or Currents. The Council for Religious Books has the task of examining religious publications, authorizing the printing of the Quran, translating, writing, and publishing religious books, and organizing and

²³For the development of the structure and organization of the Ministry of Religion see Keputusan Presiden (Presidential Decree) No. 170/1966, August 1, 1966; Keputusan Menteri Agama (Decision of the Minister of Religion) No. 56/1967, May 30, 1967; Keputusan Menteri Agama No. 114/1969, No. 14/1972, and No. 36/1972.

DIAGRAM 2
CURRENT STRUCTURE OF THE MINISTRY OF RELIGION



Source: Keputusan Menteri Agama No. 114/1969, 14/1972, 37/1972.

supporting libraries. In examining religious publications, it has not been the intention of the Council to act as a censorship body, but rather to examine and evaluate the publications concerned for references needed by the Ministry and other government offices. The printing of the Quran had been jealously guarded by Muslims for centuries in order to avoid errors. In prewar Indonesia such tasks were done voluntarily by all ulama, but since independence the work has been entrusted to the Council. However, ulama still guard the correct printing and publication of the Quran, and any possible errors are brought to the attention of the government.

The Council for the Supervision of Spiritual Matters (*kebatinan*) is designed to guide the various spiritual currents, in order that they be accommodated within their respective religions, and to cooperate with other agencies in efforts to encourage peaceful relations among religious groups. There have been many spiritual currents in Indonesia, ranging from the internationally known Subud to the notorious leftist group led by Mbah Suro.²⁴ To prevent potential disturbances by various kebatinan groups, the Ministry has established close cooperation with the Attorney General's office. In the last few years kebatinan groups have been requesting that the government recognize kebatinan or *kepercayaan* (literally, "belief") as one of Indonesia's recognized religions. The groups have also requested that a special section in the Ministry of Religion be created which would handle kebatinan affairs, a section comparable to the directorates general of the other recognized religions. On the whole Muslims have strongly objected to such recognition.

²⁴On *kebatinan*, see R. E. Djumali Kertorahardjo, *Beberapa Hal Tentang Agama dan Aliran Kebatinan di Indonesia* (Jakarta: Departemen Agama, 1972); *Materi Aliran-Aliran Kebatinan di Indonesia* (Jakarta: Departemen Agama, n.d.).

CHAPTER 2

ISLAMIC RELIGIOUS EDUCATION

One of the most important tasks of the Ministry of Religion is to organize religious education. As many officials, especially those recruited from the time of the revolution and the 1950s, were originally religious teachers themselves, this assignment is appropriate for them. I will not discuss the problem of religious education in Indonesia in its general context. What will be described are the activities, views, and policy of the Ministry of Religion, and in general of the government, concerning religious education.

During the Dutch period and the Japanese occupation, Islamic education was organized by Muslims themselves through founding private schools and training centers. The Dutch government was willing "to permit religious education to be carried out in the people's (primary) schools (*volksscholen*) when the people wish for it,"¹ but this was never realized. The idea of including Islamic religious schools in the state education system, considered to be "an understandable state interest," was also accepted in principle by the Dutch government but never actually developed.²

Presumably, the religious schools and centers originally had no formal connection with each other, each school being organized and run by an independent kiyahi or ulama. Often the school closed following the death of the kiyahi concerned, especially when the abilities of his successors--usually the kiyahi's son or son-in-law or another close relative--were inferior to those of the deceased teacher.

Spiritual relationships, however, existed among the madrasah and the pesantren. There also existed a common tradition concerning the subjects taught. In particular, basic religious training for the early years of childhood followed a fairly uniform pattern. It included the recitation of the Quran (without necessarily understanding it), learning the

¹A. D. A. de Kat Angelino, *Staatkundig Beleid en Bestuurszorg in Nederlandsch Indië*, vol. II (The Hague: Nijhoff, 1930), p. 226.

²I. J. Brugmans, *Geschiedenis van het Onderwijs in Nederlandsch Indië* (Groningen: Wolters, 1938), p. 210.

main principles of Islamic teachings such as *iman* (devotion), *tauhid* (the unity of God), the general regulations of *salat* (prayer), *saum* (fasting), and often also zakat (charity tax, at least the *zakat fitrah* tax, paid after the end of the Ramadan fast), and marriage--in general, all the requisite Muslim practices. Greater diversity in the religious subjects taught was found for those who continued with religious studies to their teens, principally because of the absence of a curriculum and any graded system. The diverse interests of the individual teachers also contributed to the variety in subjects taught. There existed a kind of free study which led to the students' progress being dependent on their own industry and diligence. Thus although teachers were very strict and intolerant of differences of opinion, they served primarily as guides.

With the introduction of modernist ideas in the early twentieth century, a new system of education was introduced. Some of the Indonesian Muslims began to recognize the importance of organization and initiated organized teaching themselves, with a more or less set curriculum. Learning by understanding rather than by rote was introduced. The personalized supervision of religious education began to develop into an impersonalized teaching system. The schools and training centers were organized by societies or foundations, although the role of individual teachers was still important. The organized schools were usually called madrasah whether they followed traditionalist *madzhab* lines or modernist ideas.³

In general, the madrasah in pre-independence Indonesia were divided into elementary (*ibtidaiyah*) and secondary (*tsanawiyah*, also *wustha*) levels. Training at the elementary level lasted 5-7 years, at the secondary, 3-5 years. The names of the secondary level institutions differed, particularly if they were modernist organizations, e.g., Normaál Islam (Padang and Amuntai) and the Islamic College (Padang). There were also Muhammadiyah-organized teacher training schools for boys (*mu'allimin*) and for girls (*mu'allimat*) in Yogyakarta, Solo, and Jakarta.⁴

³On the introduction and development of modernist Islamic education see D. Noer, *The Modernist Muslim Movement*, Ch. 1 and 2; Taufik Abdullah, *Schools and Politics: The Kaum Muda Movement in West Sumatra (1927-1938)* (Ithaca, N.Y.: Cornell Modern Indonesia Project, 1971); on traditional religious education see I. J. Brugmans, *Geschiedenis*, pp. 2-9.

⁴On the Muhammadiyah see Alfian, "Islamic Modernism in Indonesian Politics: The Muhammadiyah Movement During the Dutch Colonial Period (1912-1942)" (Ph.D. Thesis, University of Wisconsin, 1969); Mitsuo Nakamura, "The Crescent Arises over the Banyan Tree: A Study of the Muhammadiyah Movement in a Central Javanese Town" (Ph.D. Thesis, Cornell University, 1976).

It was only after the growth of religious schools using modern teaching methods and accommodating themselves to the government educational system that the Dutch began to offer subsidies to these schools.⁵ This trend began only in the 1930s. The Dutch government was only interested in controlling those religious schools which remained more independent. At one time or another the Dutch government endeavored to exercise stricter control, an effort which brought protest from the Muslim community. The Dutch goal was to keep politics out of the schools. Teachers were often screened, especially in the 1920s and 1930s, when many modernist-inclined persons were prohibited from teaching and even exiled. The Dutch concern was therefore in supervising and controlling rather than in developing religious education, at least as far as Islam was concerned.

In Dutch language secondary schools, such as MULO (junior high school) and AMS (senior high school), religious lessons were also part of the subjects taught. This started toward the end of the 1930s. Usually modernist Islamic teachers were entrusted with the instruction, which was given once a week as an extracurricular subject. Attendance was not compulsory. The lesson was given in the afternoon so that students had to make an extra effort to attend, for the normal school day ended at 1:00 p.m. Usually all interested students in a school gathered in one room to attend the religious lesson. The atmosphere was more like a public meeting than an ordinary class lesson.

No major changes in religious education were observed in the period of the Japanese occupation, except that in many cases some guidance was given by officials of the religious offices who had been recruited mostly from the ulama group, or by those active in the religious movement during the Dutch period. Religious instruction at secondary schools was given in the morning hours, although it was still an extracurricular subject. The contents of the lessons depended entirely on the particular teacher concerned; there was no coordination among the teachers. No religious instruction was given in the "general" elementary schools.

A discussion of the pre-independence religious education system serves to clarify further the problem of religious education in the independence period, for the religious educational problems of independent Indonesia found their origin in the colonial period. From the above description, it is clear that Indonesia recognizes two kinds of education: religious, which in the colonial period had been the task of

⁵Brugmans, *Geschiedenis*, pp. 210, 360-61.

Muslims themselves, and "general" (Indo. *umum*) of a neutral character with respect to religion. Schools founded by Christian missionaries and organizations, although having a Christian religious slant, can for purposes here be included in the latter category. Schools organized by religiously neutral nationalists belong to the same category. For simplicity's sake this system can be called the Western educational system as opposed to the Islamic educational system.

There were also Islamic schools which followed the Dutch model, in which general subjects were stressed. These schools were founded by Islamic organizations such as Muhammadiyah and Persatuan Islam. However, since the schools were run by Islamic-oriented organizations and thus were based on Islam, they should not be included with the Western-system schools.

The difference between the "general" schools founded by Islamic organizations and those founded by non-Islamic or religiously neutral societies, including the government, was that the former hoped to create an Islam-conscious population. According to Indonesian Muslims, graduates of non-Islamic schools generally became estranged from their own religion, and at least indifferent, if not hostile, towards Islam. They pointed out that the religiously neutral nationalists were examples of products of the Western system.

When Indonesia proclaimed her independence on August 17, 1945, the prevalent educational concern among the Islamic-oriented people was how to produce persons capable of meeting the needs of the time but still devoted to and conscious of their religion. They wanted to fill the gap which had been created in the past by divergent Islamic and Western educational systems.

With the establishment of the Ministry of Religion, many of the Islamic-oriented people entertained the hope that the Ministry would be able to guide the madrasah and other Islamic schools in developing a sound educational system; to guide the "general" schools in the matter of instruction in Islam; and to establish schools of its own which might serve as models for both the Islamic and the "general" schools, while sharing with the Islamic community the burden of providing religious schools.

Hopes were indeed high, for as we have seen, the staff of the Ministry came from the Islamic-oriented community itself, many having served as teachers in the pre-independence period. In the past, lacking funds and equipment, these people had been able to spend much of their time and energy on Islamic education; it would be expected that by receiving

government salaries they would be able to devote even more attention to it.⁶

The Muslims were also aware of the weaknesses of the prewar Islamic educational system. They hoped that the government could eliminate these weaknesses, which in the colonial period could be blamed on the Dutch. One of the weaknesses of the religious school system in the pre-independence period--referring here to the modernized system--was the fact that there was no common standard. Schools which were able to recruit well-trained staff members--and these were only a few--were able to organize a more or less accountable curriculum, but many schools were unable to achieve this standard. There were also no standard textbooks, and the books used ranged from those used in Dutch government schools to those intended for the schools in Arabic-speaking countries, classical religious books of the Middle Ages, and books written by a few of the recognized Indonesian religious teachers. Often the teachers dictated their own lessons to the students. These factors resulted in graduates of these schools attaining different levels and kinds of education, although officially their certificates were equal.

Another weakness of the religious schools of the pre-independence period was their neglect of academic administration. In general, the people who ran the schools had no knowledge of administration except that gained by experience. They were careless about administration; perhaps they did regard a sound administrative system highly, but achieving such a system was beyond them. They joined a religious school more to teach religion than to work for a living. They believed that administrative skills were not necessary to achieve their aim and that their graduates could still be of use to society. Students at religious schools were given the impression that what was important was the ability to talk, to deliver speeches and sermons. Indeed, graduates as a rule were able public speakers and enjoyed debating. They were skilled in oral communication, and some could even write well.⁷ I have noted that the Ministry of Religion performed administrative work poorly. This was understandable, for many of its officials were graduates of the pre-independence religious schools.

⁶Even in 1962, seventeen years after independence, there were still 45,000 private religious schools with some 3.5 million pupils who requested guidance from the Ministry of Religion. See Abdul Rachman Saleh, "Pendjelasan Sekitar Perkembangan Perguruan Agama di Indonesia," *Laporan Penelitian dan Seminar Pendidikan Agama pada Perguruan Agama* (Jakarta: Departemen Agama R.I., 1970-71), p. 288.

⁷Some of the weaknesses are elaborated in *ibid.*, pp. 27-29.

After independence, some of the Islamic leaders in Sumatra seemed to be more able to pay immediate attention to the improvement of religious education than those in Java. Haji Mahmud Junus, a Cairo graduate who had headed the Normaâl Islam of Padang in the Dutch period, developed an educational plan when he was head of the Islamic section of the provincial religious office there. It included a 6-year course ibtidaiyah, a 4-year junior tsanawiyah, and a 4-year senior tsanawiyah, later called *aliyah*, in which general subjects were also taught; these were comparable to the 6-year elementary, 3-year junior secondary, and 3-year senior secondary schools in the secular system. This plan was put into effect by the Religious Office of Lampung Residency in 1948, when three junior tsanawiyah and several ibtidaiyah schools were founded.⁸ Other areas of Sumatra, however, were not able to realize this plan since they had to face military attacks by the Dutch. Aceh, however, apparently did organize its religious schools, many of the originally private institutions being transferred to government control, or at least receiving government subsidies.

Mahmud Junus also suggested that religious instruction be given two hours a week at all government "general" schools from elementary to senior high school. The participants at a conference of Sumatran educational officers in Padang Panjang, March 2-10, 1947, agreed with this suggestion, and from then on all schools in Sumatra offered religious courses. To improve the quality of Islamic teaching, the provincial Religious Office organized special courses for teachers at Pematang Siantar, then capital of Sumatra, in June 1947. One religious teacher from every district of that island participated. The course was led by Mahmud Junus. The participants in this course were instructed to organize similar courses in their respective regions in order that other teachers might share what they had learned.⁹ However, the teachers were kept from carrying out their duties properly by the first military operation of the Dutch on July 21, 1947.

In the beginning, the religious teachers in Sumatra were appointed by the Education Office, not by the Religious Office. The Religious Office was merely concerned with the content of the courses for which it gave guidance.¹⁰ Only in 1951, following instructions from the Ministry of Religion, were religious teachers administered directly by the Ministry itself; this change created some tension with regular teachers, who were placed under the jurisdiction of the Ministry of Education.

⁸Mahmud Junus, *Sedjarah Pendidikan Islam di Indonesia* (Jakarta: Pustaka Mahmudiah, 1960), pp. 115-17.

⁹Ibid., p. 113.

¹⁰Ibid., p. 114.

In 1948 Mahmud Junus also designed a plan for teaching Islam at the "general" junior secondary school level. His interest in this field drew favorable response from the provincial government, which appointed him inspector of Islamic courses at the provincial Education Office; at the same time he retained his position as head of the Islamic section of the provincial Religious Office.¹¹

In the revolutionary period, when everyday life and government administration were disrupted, the schools received little guidance in organizing their religious courses. Much depended on the teachers themselves. Junus's efforts, however, are one indication of the importance of the question of religious education in independent Indonesia. Several junior tsanawiyah schools based on Junus's plan were established in West Sumatra in 1949 with the approval of the Minister of Religion (Teuku Mohammad Hasan) of the emergency government;¹² however, these schools remained privately organized after the Ministry of Religion objected in 1950 to their transformation into state-operated institutions.¹³

Although the central government in Java was unable to establish religious schools of its own during the revolutionary period, it was not ignoring the goal of religious education. The executive of the Central Indonesian National Committee (Badan Pekerja Komite Nasional Indonesia Pusat, or KNIP) as early as December 1945 urged that education in madrasah be continued; it also urged that the government give material assistance to the madrasah.¹⁴

In mid-1946 a government educational research committee headed by Ki Hadjar Dewantara stated as one of its findings that education in pesantren and madrasah needed improvement and modernization as well as material assistance, as the KNIP had recommended. The Ministry of Religion soon set up a special section charged with the task of organizing "education

¹¹Ibid., p. 117.

¹²Since Sukarno, Hatta, and many of the members of the central government were captured by the Dutch following the second military action in December 1948, Sjafruddin Prawiranegara, who was then Minister of Prosperity (and in Sumatra at that time), took the initiative to create an emergency government.

¹³Mahmud Junus, *Sedjarah Pendidikan*, p. 119. For Junus's description of the syllabus, see *ibid.*, p. 120.

¹⁴H. Arso Sosroatmodjo of IAIN Sjarif Hidayatullah, Jakarta, to the Seminar of Education at Religious schools, Tugu June 1-5, 1971, *Laporan Penelitian dan Seminar Pendidikan Agama pada Perguruan Agama*, p. 456.

and instruction in the Islamic and Christian religions," overseeing the "appointment of religious teachers," and supervising religious education.¹⁵ The Ministry was also able to provide some guidance for instruction in Islam at the "general" elementary schools--instruction which, unlike that in Sumatra, was given only beginning with the fourth class.¹⁶ A two-week training course was organized in Yogyakarta in December 1946 for ninety candidate teachers from Java, of whom forty-five were afterwards certified as teachers.¹⁷ Another plan to establish a two-year and a four-year teacher-training course for religious teachers was developed. This plan was realized in 1948 with the founding of a Sekolah Guru dan Hakim Islam (Teacher and Judge Training School) in Solo. The school was moved to Yogyakarta in December, where it was forced to close down following the second Dutch military action on December 18, 1948 and the capture of that city by the Dutch a few days later. The school was not reopened until 1950.¹⁸

Immediately after the revolution, an attempt was made to coordinate the religious schools, not only for Java and Sumatra but for all of Indonesia. For this purpose a special Religious Educational Section was established in the Ministry of Religion.

It was stated in the Educational Act of 1950, and stressed again in 1954, that "education at a religious school which finds recognition (*pengakuan*) from the Minister of Religion is regarded as having fulfilled the compulsory education."¹⁹ However, a law on religious education as stipulated by the 1950 act²⁰ has never been promulgated. Regulations concerning religious education have therefore been instituted by ministerial decrees, with the result that changes have been frequent, depending on a minister's particular policy. These changes reflect on the one hand the extent of government concern about religious education and its

¹⁵*Laporan Survey dan Seminar Pendidikan Agama pada Perguruan Umum* (Jakarta: Departemen Agama, 1969-70), p. 6.

¹⁶Mahmud Junus, *Sedjarah Pendidikan*, p. 308.

¹⁷Arso Sosroatmodjo, "Laporan Survey Pendidikan Agama pada Perguruan Umum," *Laporan Penelitian dan Seminar Pendidikan Agama pada Perguruan Umum*, p. 7.

¹⁸*Ibid.*, p. 8.

¹⁹Act No. 4, 1950 and No. 12, 1954 on general education, Art. 10 Sub. 2. Compulsory education, however desirable, has not yet been realized in Indonesia. When mentioned in an act such as the above, it reflects desire rather than fact.

²⁰Act No. 4, 1950 Art. 2 Sub. 2.

eagerness to make improvements, and on the other hand its inability to find a sound plan for religious education which might fill long-range needs.

The school structure was divided into a 6-year ibtidaiyah, a 4-year tsanawiyah, and a 3-year aliyah. Religious teacher-training schools and schools for religious judges were established as well.

The schools for religious teachers, at first called Sekolah Guru Agama Islam, gave 5-year courses for those who had finished the "general" elementary schools or the ibtidaiyah, or 2-year courses for those from the "general" junior or the tsanawiyah. The schools for religious judges, called Sekolah Guru dan Hakim Agama Islam, offered 4-year courses after students had passed the tsanawiyah or the "general" junior secondary schools. As the name indicates, these schools produced religious teachers as well as teachers for arts and science subjects. These schools for religious teachers and judges, planned by Abdullah Sigit, a Dutch university graduate who headed the Religious Education Section of the Ministry in 1950, were confined to Java until 1950. Under different names, viz., Pendidikan Guru Agama (PGA) and Sekolah Guru Hakim Agama (SGHA), they were established all over Indonesia beginning in 1951.²¹

The two kinds of schools again underwent a change in 1953 when Haji Mohammad Arifin Tamiang, a graduate of a Dutch teacher training school (Hogere Kweekschool), became head of the Educational Section of the Ministry of Religion. The PGA was then transformed into a 6-year training school, divided into a 4-year junior PGA and 2-year senior PGA. The SGHA was completely abolished in 1954 and was replaced by the Pendidikan Hakim Islam Negeri (State Educational Institute for Islamic Judges), a 4-year course recruiting students from the junior PGA. The Ministry of Religion thus confined itself to training religious teachers and judges, while training arts and science teachers at secondary level PGAs was abolished. When State Institutes of Islamic Religion (Institut Agama Islam Negeri) were established in the late fifties, English language teachers were trained there.

Although statistical records on the number of religious schools are poor, it can safely be said that the number of religious schools established by the Ministry of Religion was far less than those organized privately. The number of madrasah in 1954 is shown in Table 1; it includes all registered madrasah, private and public. The number of government madrasah in 1971 is shown in Table 2. The number for 1971

²¹Mahmud Junus, *Sedjarah Pendidikan*, pp. 311-12.

TABLE 1
NUMBER OF MADRASAH AND PUPILS--1954

No.	Province	Elementary		Junior Secondary		Senior Secondary		Total	
		Number of Madrasah	Number of Pupils	Number of Madrasah	Number of Students	Number of Madrasah	Number of Students	Number of Madrasah	Number of Students
1	Aceh	494	40,260	46	3,338	-	-	540	43,598
2	North Sumatra	1,125	96,937	64	7,294	1	43	1,190	104,274
3	Central Sumatra	1,001	116,492	235	25,131	9	1,243	1,245	142,866
4	South Sumatra	340	28,346	36	2,870	2	275	378	31,491
5	Jakarta	128	30,387	5	630	-	-	133	31,017
6	West Java	5,059	872,107	57	6,986	-	-	5,116	879,093
7	Central Java	1,947	313,206	109	15,962	-	-	2,056	329,168
8	Yogyakarta	156	20,361	36	5,067	1	103	193	25,521
9	East Java	1,807	296,845	73	8,933	-	-	1,880	305,778
10	Kalimantan	262	33,640	19	3,095	-	-	281	36,735
11	Sulawesi	516	58,375	76	6,982	3	217	595	65,574
12	Nusa Tenggara	145	15,442	18	1,494	-	-	163	16,936
13	Maluku	77	5,379	2	150	-	-	79	5,529
		13,057	1,927,777	776	87,932	16	1,881	13,849	2,017,590

Source: Mahmud Junus, *Sedjarah Pendidikan*, p. 339.

TABLE 2
NUMBER OF GOVERNMENT AND PRIVATE MADRASAH, 1971

Kind of School	Government		Private	
Ibtidaiyah ^a	460	356	16,074	15,300
Tsanawiyah	144	180	1,215	1,220
Aliyah	41	42	272	300
PGA 4-years	90	120	902	825
PGA 6-years	90	105	173	185
PGA <i>puteri</i> (girls) ^b	0			
<i>Pondok</i> pesantren ^c			2,776	2,800
Places for religious instruction ^d			15,961	

^aTwo sources have been used for these figures: H. Mahmud Usman, "Pendjelasan Sekitar Penelitian dan Seminar Pendidikan Pada Perguruan Agama," *Laporan . . . Perguruan Agama*, p. 27; and Abdul Rachman Saleh, "Pendjelasan Sekitar Perkembangan Perguruan Agama di Indonesia," *ibid.*, p. 290. Both claimed to use the Directorate General of Religious Education of the Ministry of Religion as their source. The left-hand figures of the "government" and "private" columns are from Usman, the right-hand figures from Saleh.

^bThese are exclusively for girls. Many of the madrasah are coeducational, although there are also madrasah for boys only. Traditional institutions, like pesantren, are not coeducational. Pesantren for girls are very few.

^cPondok is originally the place where students in a pesantren spend the night. It is like a hostel, where students can also cook their own meals.

^dIn Indonesian, *tempat pengajian*. Less formalized instruction in religion would be offered at such places, usually *langgar* (prayer houses smaller than mosques and usually not used for Friday prayers) or private homes.

has been considered too low. One writer has claimed that there were at least 104,000 madrasah in Indonesia at that time.²²

Religious education has also been given at the tertiary level. While a private university (Sekolah Tinggi Islam) was founded as early as 1945, a few months before the Japanese surrender, the Ministry of Religion took its first step in 1951 with the founding of an Islamic state university called Perguruan Tinggi Agama Islam Negeri (PTAIN). It consisted of the faculty of the University of Islamic Indonesia (Universitas Islam Indonesia), a private institution which was a transformation of Sekolah Tinggi Islam. An Academy of Religion was founded in Jakarta in 1957. It offered a three-year course with two sections, religion and Arabic literature, and was intended only for Ministry officials and teachers.

These two schools, PTAIN and Akademi Dinas Ilmu Agama, were integrated into an Institut Agama Islam Negeri (State Institute of Islamic Religion) in 1960, a full-fledged university with campuses in Yogyakarta and Jakarta. They each had two faculties, *ushuluddin* (theology) and Syari'at (law) in Yogyakarta, and *tarbiyah* (education) and *adab* (humanities) in Jakarta. The branches have now become separate institutions, each with a number of faculties. Now there are IAIN in more than a dozen major cities throughout the country (see Table 3).

We have seen that the Ministry of Religion is also concerned with religious instruction in "general" schools. I have mentioned the efforts of Mahmud Junus in drawing up a syllabus for these schools in Sumatra during the revolution and the activities of the Ministry of Religion to recruit teachers of Islam for the "general" schools in Java in the same period.

After the recognition of independence late in 1949, renewed efforts were made to develop a syllabus for the "general" schools. In 1951 the Sumatra and Java plans were both replaced by a new plan which seemed to be a compromise between them. Religion was to be taught in the elementary schools beginning with the fourth grade. However, in "extraordinary areas," i.e., where warranted, religious instruction could be given beginning with the first grade. A new consultative council for the teaching of religion was founded in 1953.

The great need for religious teachers for "general" schools could not be met by the existing supply and the new graduates of schools for religious teachers. As an emergency

²²Laporan Survey dan Seminar Pendidikan Agama pada Perguruan Umum, p. 9.

TABLE 3
STATE INSTITUTE OF ISLAMIC RELIGION (IAIN), 1970

Name	Location	Year Established	Number of Faculties	Number of Preparatory Schools ^a
1. IAIN Sunan Kalijaga	Yogyakarta, Central Java	1960	9	7
2. IAIN Sjarif Hidayatullah	Jakarta, West Java	1963	12	5
3. IAIN Raden Fatah	Palembang, South Sumatra	1964	5	6
4. IAIN Alauddin	Ujung Pandang, South Sulawesi	1965	11	3
5. IAIN Sunan Ampel	Surabaya, East Java	1965	11	9
6. IAIN Sultan Thaha Saifuddin	Jambi, Central Sumatra	1967	5	2
7. IAIN Imam Bonjol	Padang, West Sumatra	1966	6	3
8. IAIN Ar-Raniry	Banda Aceh, North Sumatra	1963	6	10
9. IAIN Antasari	Banjarmasin, South Kalimantan	1964	6	2
10. IAIN Sunan Gunung Jati	Bandung, West Java	1968	4	0
11. IAIN Raden Intan	Tanjung Karang, Lampung	1968	5	0
12. IAIN Walisanga	Semarang, Central Java	1970	4	0
13. IAIN Sultan Syarif Kasim	Pekanbaru, Riau	1970	3	0

Source: *Daftar Alamat Institut Agama Islam Negeri Seluruh Indonesia* (Jakarta: Departemen Agama, 1970).

^aThe preparatory schools were one- to two-year courses to help potential students matriculate.

step, the Ministry recruited new teachers by holding examinations in religious teaching proficiency (called Ujian Guru Agama) for tsanawiyah graduates who had had teaching experience.²³ Thousands of new government religious teachers were recruited through this system. This combination of factors--the great need on the one hand, and the great influx of new or candidate teachers on the other--meant that many incompetent new teachers were appointed, resulting in a lowering in the quality of education. Malpractices were also reported, and unqualified candidates still managed to pass the exam.²⁴

The demand for teachers increased following successive decisions by the (Provisional) People's Consultative Assembly (Majlis Permusyawaratan Rakyat) in 1960 and 1966.²⁵ While according to the Joint Ministerial Decree of 1954, religious education was to begin in fourth grade and was not to be given at universities, the 1960 decisions of the People's Consultative Assembly provided that religious instruction should be given "from the state elementary schools to the universities." There was an additional stipulation that students were exempt from attending religious courses should their parents or guardians so wish, but the 1966 MPR decision abolished this exemption. Religious instruction became a requirement for promotion. Satisfactory performance in religious lessons was also required for graduation from elementary and secondary schools.

The development of religious instruction at "general" elementary and secondary schools was affected by differences over the position of religion in general from the Dutch period on. The overriding question concerned the compatibility of Islam with the needs of modern times. Some Westernized intel-

²³Abi Sjamsuddin Makmun, "Perumusan Tujuan dan Pembinaan/Penyelenggaraan Madrasah Dalam Masa Pembangunan," *Laporan Survey dan Seminar Pendidikan Agama pada Perguruan Agama*, p. 427.

²⁴*Laporan Survey dan Seminar Pendidikan Agama pada Perguruan Umum*, p. 10. In 1970 there were already 58,856 teachers recruited through this special examination system; see K. Dangkoa, "Masalah Guru Agama pada Perguruan Umum," *Laporan Survey dan Seminar Pendidikan pada Perguruan Umum*, p. 415.

²⁵The increasing need for more religious teachers can be seen from a report drawn up by the Religious Guidance and Training Service of the Ministry of Religion on April 20, 1970 which states that elementary schools alone needed 57,857 religious teachers, junior secondary schools 533 teachers and senior secondary schools 284 teachers. Considering the annual increase in Indonesia's population (2,000,000), an additional 8,000 religious teachers are needed annually. See A. Ghozali, "Beberapa Masalah Guru Agama Bagi Perguruan Umum," *Laporan Survey dan Seminar Pendidikan Agama pada Perguruan Umum*, pp. 424-25.

lectuals--and these people exercised great influence in, even dominated, the development of education in independent Indonesia--considered religion, i.e., Islam, incompatible with modern needs. They wanted to confine religion to the individual realm and took Western concepts concerning the separation of Church and State as their model. Their negative attitudes towards the Ministry of Religion seem to have extended to the field of religious education: the government should not meddle in the affairs of religious education. These leaders argued that if society needed religious education, it should be organized independently of the school system.

Some of the intellectuals considered that instruction in codes of behavior (*akhlak, budi pekerti*) should be given rather than instruction in religion. All students could then attend such classes, whereas with classes on religion, non-Muslim pupils and students left the classroom when Islamic instruction was given, and Muslim students did other work when Christian or Hindu-Buddhist instruction was given. There would thus be a simpler organization of classes; and it would be easier to find teachers. An ordinary class teacher might give instruction in codes of behavior, while specially trained religious teachers were needed for each religion. Such a plan would therefore be less costly.

It was also felt that some discrimination was inevitable in religious instruction. A devout Muslim principal would pay more attention to Islamic instruction than to other religions, while a Christian principal would neglect Islamic instruction. The chance of this bias gaining expression was all the greater because religious teachers usually taught part time, being regularly employed by the Ministry of Religion and the local Religious Office, or by Islamic organizations; and in the case of Christian religions, by church organizations. In addition there has always been competition, even rivalry, among the various religious communities in Indonesia, especially between Muslims and Christians.

What was more important in the case of Islamic instruction was the fact that there had not been a uniform religious teacher training school in the past; teachers of Islamic religion came from a variety of institutions, modernist as well as traditionalist. In the Dutch colonial period, teachers of religion in the "general" secondary schools were recruited from modernist organizations. At that time there were no problems with the subject matter or the quality of teachers, for there were not many schools and the content could be confined to general topics. After independence more teachers were needed, particularly since the number of schools had increased tremendously. Teaching religion for more than twelve

years' schooling demanded a well-organized curriculum, which was difficult to develop and standardize. The teachers had different backgrounds, coming from traditionalist or modernist schools, or having been trained abroad; and the extent of their religious training varied considerably. Many had associated only with members of religious groups, and these teachers in particular encountered difficulties; when they became teachers in a "general" school they had to relate to other teachers whose religious knowledge was extremely limited. They might face students who had previously had no religious instruction at all. The teachers might also have to interact with parents from quite different backgrounds than their own. All these factors contributed to dissatisfaction on the part of the teachers of religion. And indeed, many of them complained about their position. They often could not understand the attitudes of some of their colleagues, the students, and the parents. On the other hand, the religious teachers were often considered conservative, backward, and not keeping pace with modern development--whatever these words meant. For many religious teachers, contact with other people has often been confined to those of the same background. In the religious schools in which they had been trained, they might not have received any instruction in fields such as psychology or teaching methods. Their knowledge of teaching was based largely on experience, especially for those who became teachers through UGA special examinations.

It was this situation which many people argued the Ministry of Religion should remedy. The Ministry itself, which similarly lacked experience in tackling the problem, relied on trial and error. The consecutive decrees on religious instruction, each decree superceded by another in the space of a few years, reflected this trial-and-error approach. The Ministry has not been able to learn from the experiences of other countries, for the problem has indeed been unique. The result is that the Ministry must accept the blame for any lack of improvement in religious education. Whether justifiable or not, its approach gave support to the opinion held by part of the Indonesian community that the Ministry was a waste.

One of the remedies which the Islamic community and the Ministry attempted was to found an educational faculty at the IAIN (Institut Agama Islam Negeri, State Institute of Islamic Religion). Graduates were to be trained in teaching methods for instructing secondary school students and perhaps also university students. Whether IAIN will be successful in this matter still remains to be seen.

While it has been difficult to find the right teachers in religion for the "general" elementary and secondary schools, it is even more difficult to find qualified lecturers in reli-

gion at the "ordinary" universities. Religion has been considered a compulsory subject at the tertiary level institutions since 1960, and the rule has been enforced especially since the Communist Party's attempted coup in 1965. The universities themselves have had to recruit lecturers in consultation with the Ministry of Religion and the Ministry of Education. In 1963 the Ministry of Education established a body for the development of religious education at universities, the Lembaga Pembina Pendidikan Agama, in order to find ways to recruit lecturers and to draw up a suitable syllabus. Seminars have been held to discuss the syllabus, but no uniform pattern has been formulated.²⁶ Bandung Institute of Technology and the Jakarta Teacher Training Institute (Institut Keguruan dan Ilmu Pendidikan), for example, have for some years been experimenting with upgrading religious teachers who in most cases are graduates of the institutes themselves. The two institutes have also drawn up their own syllabuses.

Sometimes criticism has been voiced against having special religious schools at the elementary and secondary levels. Indeed, the existence of this type of school indicates the presence of dualism in education in Indonesia. There has thus been no comprehensive national system of education. It has also been considered in some circles that education at religious schools is a waste, especially when viewed from the perspective that everyone's energies are needed for developing the country, while graduates of religious schools are "only able to chant the Quran, recite the Hadits and reiterate *fatwa* of ulama."²⁷ Especially in the era of development, so they argue, everyone should be productive, productive economically.

On the other hand, those in favor of religious education claim that no graduates of the religious schools are unemployed. They have all been able to find work, not only as religious teachers, but also in farming, small industries, or trade. While statistics are not available, the arguments of the people in favor of religion can often be substantiated by observation. Religious education has always been a kind of community education, especially where tradition is still strong, for the relationship between religious schools and the community has often been so close that students have been able to take part in community activities. Unlike graduates of the "general" schools, graduates of religious schools have not become estranged from the community and are ready to do the work of the ordinary villagers.

²⁶See, for example, *Kurikulum Tawif* (Jakarta: Departemen Perguruan Tinggi dan Ilmu Pengetahuan, 1955).

²⁷These are expressions commonly voiced by critics and often heard in conversations as well as speeches.

In spite of this fact, the Ministry of Religion, especially since the appointment of Abdul Mukti Ali as Minister, has introduced instruction in handicrafts and various other economically productive skills into the curriculum of the religious schools in order that students receive systematic training in these subjects. Although given some attention in the past, such training had not generally been incorporated into the curriculum, not even as extracurricular subjects. It had been acquired in casual ways through students associating with the community. This was especially true for government schools. We now find religious schools, government as well as private, engaged in projects such as raising chickens. Economically productive training has been introduced in line with Suharto's policy of boosting productivity in the economic field.²⁸

To what extent curriculum innovation in the religious schools will reach its aim remains to be seen. The task of the Ministry of Religion in religious education is indeed enormous. Society's expectations are high, perhaps too high to be met in a short period.

²⁸On the various versions of development in Indonesia, see the author's *Partisipasi Dalam Pembangunan* (Jakarta, 1974). This was the writer's intended address at the Jakarta Institute for Teacher Training and Education (IKIP) in June 1974; however, it was banned by the Minister of Education before it was delivered. A Malaysian version under the same title was published by Angkatan Muda Belia Islam in Kuala Lumpur in 1977.

CHAPTER 3

ISLAMIC LAW AND COURTS

One of the institutions of utmost importance in Islam is its law, or Syari'at, which is even regarded by some as Islam itself. Observing how Islamic law is applied in society might help to assess the position of Islam; however, since this paper is concerned with the administration of Islam, the following discussion of law will be confined to Islamic courts, even though the role of Islamic courts in Indonesian society (or in any Muslim society for that matter) will not be an adequate measure of the influence of Islam. Many teachings of Islam have been practiced by Muslims without thought being given to how a court would react to them.

The aspect of Islamic law which concerns relationships between people (*mu'amalat*) is important for this discussion. Laws that are incumbent upon a Muslim but are concerned with individual practice will not be considered here. Unlike the courts in some parts of Malaysia, Islamic courts in Indonesia do not handle matters of salat (prayer), saum (fasting), and zakat (religious tax).

Of the laws concerning *mu'amalat* only those relating to family matters such as marriage, divorce, and reconciliation (*ruju'*) and to a certain extent *faraidh* (inheritance), have an important place in the Islamic courts. All the Islamic courts in Indonesia have jurisdiction in matters of marriage, but only in the islands outside Java do the Islamic courts have jurisdiction over inheritance and other matters such as *hadhanah* (custody and support of children), *waqf*, *hibah* (gifts), and *baitul mal* (community funds). The Islamic courts in Java can hear inheritance cases for consultation purposes only. All other laws concerning human relationships, such as trade, land laws, and criminal offenses, have been promulgated without reference to Islamic law.

Regulations on Islamic courts in Indonesia originated during the Dutch period. The number of courts increased after independence, and they spread from Java to the other islands as of 1957, but there has been no change in matters coming under their jurisdiction. A discussion of contemporary Islamic courts in Indonesia should therefore start with a review of their function and role in the Dutch period.

Islamic courts, at first wrongly called priestly courts (*priesterraad*), were established for Java and Madura in 1882.¹ Prior to this time, regents in Java and Madura had been instructed to refer what were considered religious disputes, such as questions of inheritance, to ulama. According to the regulations of 1882, an Islamic court was headed by a *penghulu* (not to be confused with a Minangkabau *penghulu*, who is an *adat* [traditional] chief, or a Malay *penghulu* on the east coast of Sumatra, who is a village head). The court had from three to eight members. Three members, including the chairman, constituted a quorum, and the chairman was empowered to break a tie vote. The members of the court were not paid. The chairman, however, received a salary as *penghulu* of the civil (secular) court, where his duty was merely to administer the oath to persons appearing before the court.

The Islamic courts had jurisdiction over family law such as marriage and inheritance and also over waqf. However, decisions of Islamic courts could only be executed after the civil court had given its affirmation (*executoir verklaard*). This relationship made it possible for the ordinary court to nullify decisions of an Islamic court if it considered that the latter had overreached its jurisdiction.

In 1937 the Dutch Indies government promulgated a regulation which narrowed the jurisdiction of Islamic courts. From that year on, inheritance and waqf disputes were referred to civil courts, which based their decisions on *adat* rather than Islamic law.² A higher Islamic court of appeal was established the following year.³ Previously, all appeals had been directed to the Governor General, who usually did not pay any attention to them.

In those areas outside Java and Madura where there were Muslim princedoms, religious affairs were handled by sultanate courts (*pengadilan swapraja*). Where there were no sultanates (as in the cities of East Sumatra where the sultanate governments had no jurisdiction) the application of Islamic law was left to the Muslim society at large. Muslims living in these cities who were not subjects of the sultans (and had generally migrated from other areas) often disregarded the sultanate marriage officials, and officiated at marriages themselves, conducting them in accordance with Islamic regulations.

It can therefore be concluded that Islamic courts in the Dutch colonial period had very limited power and jurisdiction.

¹*Staatsblad* 1882 No. 152.

²*Staatsblad* 1937 Nos. 116 and 610.

³*Staatsblad* 1937 No. 610.

Even on matters of inheritance, a very important part of Islamic law, the Islamic courts were subject to decisions of the secular courts. In the Dutch period Muslims were very critical of this arrangement. Many considered it a manifestation of the Dutch policy to reduce and if possible to eliminate the use of Islamic law, thereby encouraging pre-Islamic adat law;⁴ for in this matter of inheritance faraidh could be applied only if it had been reconciled with adat law.⁵

During the Japanese period the position of Islamic courts remained unchanged. Although Japanese terminology was introduced for the court and the positions of its officials, the functions and jurisdiction were the same.

After independence, Islamic courts, which previously had been administered by the Ministry of Justice, came under the jurisdiction of the Ministry of Religion. The change was announced in 1946. Sultanate courts outside Java and Madura were abolished in 1951, resulting in confusion about how religious disputes should be settled. The confusion was resolved only in 1957, when a government regulation was promulgated⁶ stipulating the establishment of religious courts in areas outside Java and Madura with more extensive jurisdiction than the religious courts on those two islands. According to the regulation, the religious courts outside Java and Madura, for instance, have jurisdiction over inheritance matters. The composition of the Islamic courts has been similar to that of the Dutch period. The chairman and secretary, however, are

⁴Many books written by Western scholars often contrast *adat* with Islam. Indonesians themselves seem to adopt this trend of thought; see Mohammad Radjab, *Perang Paderi di Sumatera Barat (1803-1838)* (Jakarta: Perpustakaan Perguruan Kementerian PP dan K, 1954). What is overlooked is the fact that adat and Islam have blended. There are indeed parts of adat which are not compatible with Islamic teaching, but in many cases no distinction can be made as to which customs belong to adat and which to Islam. Such a distinction is particularly difficult if one premise of Islamic teaching is considered, i.e., to recognize any teaching as Islamic as long as it is not contrary to Islamic laws. It is on this basis that one can speak among the Minangkabau or in Aceh of "adat bersendi syara', syara' bersendi kitabullah" (adat based on Syari'at, and Syari'at based on the Quran). An analogy is found in the tendency of many Western writers to contrast *santri* and *abangan* as if abangan Javanese were not Muslims.

Taufik Abdullah suggests that one should consider adat and Islam together as an embodiment of the whole structure and way of life; there should be no dichotomy between these two ways of life. See his "Adat and Islam: An Examination of Conflict in Minangkabau," *Indonesia*, 2 (October 1966), pp. 1-24.

⁵This was called the "reception theory."

⁶Peraturan Pemerintah No. 45/1957.

now on the government payroll, while the vice-chairman and other members receive an honorarium only when the court is in session. The higher Islamic court of the Dutch period continues to serve as an appellate court for Java and Madura, while in the other areas this function is fulfilled by the respective provincial religious courts. All members of the appellate courts are on the government payroll.

The development of the Islamic court system--its maintenance in Java and Madura and its expansion to the other islands--was not without difficulties. During the Japanese occupation Indonesian law experts had already considered the possibility of abolishing the Islamic courts. This idea was entertained by none other than the adat expert Professor Dr. Raden Supomo, adviser to the then Justice Department, who seems to have been antagonistic to Islam and who exercised great influence in the preparations for the introduction of the constitution. What Supomo championed was the revival of adat law vis-à-vis Islam.⁷

Adat law experts on the whole were indeed opposed to the application of Islamic law. It should be noted that positions in the Department of Justice and the civil courts have generally been filled with graduates of Dutch law schools in which Islamic law constituted only a small fraction of the curriculum. The content of the courses on Islam and Islamic law as taught at Dutch law schools was confined mostly to the established *Syafi'i madzhab* as applied by traditionalists in Indonesia. They did not encourage students to investigate the basic teachings and philosophy of Islam. In general, these graduates were not recruited by the Islamic courts. Their training prepared them to fill positions in the civil courts. This situation caused them to feel estranged both from Islam itself and from the desires of part of the Muslim community to see religious law practiced.

The Islamic courts in the colonial period had consequently been run by ulama, who on the whole were traditionalists whose knowledge of Islamic law was confined to the traditional

⁷The conflict between adat and Islamic law in Indonesia dates from the Dutch period and was especially aggravated after colonial law experts in the Netherlands "discovered" adat law at the beginning of this century. Previously, the Dutch had assumed that since most of the population was Muslim, most of the regions of Indonesia used Islamic law. The discovery of adat law led the Dutch to revive the application of adat law in various aspects of personal law, thereby diminishing the influence of Islamic law. See C. van Vollenhoven, *Het Adatrecht van Nederlands Indië*, 3 vols. (Leiden: Brill, 1918-33). R. Supomo, *Politik Hukum Adat di Indonesia* (Jakarta; Djambatan). On Supomo's attitude see Daniel Lev, *Islamic Courts in Indonesia* (Berkeley: University of California Press, 1972), pp. 20, 35.

Syafi'i madzhab. Although devout, they had not followed the development of Islamic law in the modern period in other Islamic countries, let alone the philosophy and ideas of Dutch secular law as it had been introduced by the Dutch in Indonesia. Even their knowledge of adat law had been obtained through experience, not through systematic study. A gap thus arose between two kinds of law experts in Indonesia, one trained by the Dutch, the other trained along traditional lines in the pesantren, and in some cases also in Mecca.

The Muslim modernists who had been trained in madrasah and other schools with a modern orientation and who championed *ijtihad* (the right of individual interpretation; exerting oneself to form an opinion in a case or as to the rule of law) and condemned *taqlid* (adopting the already established *fatwa* and practices as final and as having an authoritative character; *fatwa*, a decision of religious character, given by a recognized ulama) in general remained outside the Islamic judicial bureaucracy. They were distrusted by the Dutch as well as by indigenous leaders. They also disdained government service, preferring to work as muballigh or to join the independence movement.

The situation during the Japanese occupation was much the same. The Islamic courts in Java continued their usual activities, handling marriage disputes and sometimes advising on matters of inheritance. As has been noted above, the Islamic courts in Java had no jurisdiction over inheritance; despite protests from many Muslim elements, including the organization of Islamic judges (Perhimpunan Penghulu dan Pegawainya), the ordinary civil courts had dealt with inheritance problems in the Dutch colonial period. The Islamic courts under the various sultanates in the islands outside Java and Madura still had broader functions which included settling inheritance disputes.

The situation during the Japanese period was thus one of preserving the status quo. However, top Indonesian leaders in Jakarta were considering the issue of Islamic courts and their powers. In June 1944, Supomo submitted a report on Islamic courts in which he recommended abolishing them. His proposal was ignored, probably for fear it might give cause for protest by the Muslims, something which the Japanese preferred to avoid. The question was raised before the board of Indonesian advisers to the various Departments in Jakarta in the same year. Not one Islamic law expert participated. Only six of the eleven members of the board, a narrow majority, agreed that there was a need for Islamic judges. But considering the overwhelmingly secular nationalist majority

on the board, the ratio was not too disappointing for Muslims.⁸

The number of Islamic courts increased only slowly because of the conflicting attitudes among Indonesian law experts toward the existence of Islamic courts and toward Islamic law in general, and also because of the widespread debate concerning the position of Islam in the state.⁹ It was therefore understandable that development of the Islamic courts in the independence period did not run as smoothly as had been expected, in spite of the various decrees issued by the Ministry of Religion. Even Professor Hazairin, who is regarded as an expert in both Islam and adat, expressed disagreement at one time with having Islamic courts. Hazairin himself rejected the reception theory (that only those laws of Islam which had been accepted by adat were to be used). He called this theory a "theory of the devil," and when an Islamic court was established in Palembang he opposed its existence.¹⁰

It is probable that Hazairin's disagreement arose from his concern over the poor administration and work procedure of the Islamic courts in general and not with the content of Islamic law itself. Indeed, Hazairin was one of those few Dutch law graduates who were sympathetic to Islamic law and made attempts to reformulate it in terms of Indonesian needs.¹¹ Another Dutch-trained lawyer with a similar attitude is Professor Notosusanto, one-time secretary to the Mahkamah Islam Tinggi, the Islamic appellate court. Notosusanto complained about the rigidity of Islamic judges who adhered to Syafi'i madzhab tradition and did not admit the possibility of

⁸The members included Abikusno Tjokrosujoso, Sukardjo Wirjopranoto, Samsi, Woerjaningrat, Suwandi, Mohammad Hatta, R. Singgih, Ki Hadjar Dewantara, Buntara Martoatmodjo, Abdul Rasjid, and Sartono. Only Abikusno can be regarded as belonging to the Islamic group, although Rasjid and Hatta were devout Muslims.

On Supomo's paper see Lev, *Islamic Courts*, pp. 35-36. On the opinions of the members of the board of advisers, see *ibid.*, p. 38. Only Abikusno and Rasjid believed that the Islamic courts should have jurisdiction over inheritance and waqf. The other members preferred the status quo.

⁹Of the projected number of Islamic courts in the islands outside Java in 1959, only 50 percent could be established. Their creation was based on Government Regulation No. 45/1957.

¹⁰Lev, *Islamic Courts*, p. 88.

¹¹See his *Hukum Kekeluargaan Nasional* (Jakarta: Tintamas, 1962) and *Pergolakan Penjesuaian 'adat kepada Hukum Islam* (Jakarta: Bulan Bintang, 1952).

applying other madzhab traditions which might be more suited to a particular case. In his study of other Islamic countries he found out that such possibilities existed.¹²

Hazairin's rejection of Islamic courts but acceptance of Islamic law (at least part of it, i.e., personal law) is typical of some Indonesian lawyers who still consider Islamic law important. These lawyers believe that the realization of Islamic law does not depend on the existence of Islamic courts but on the fact that it can also be applied by civil courts, either by a section of the civil court or by particular judges on particular cases.

Objections from the Islamic side ranged from practical economics to ideology. The Islamic judges and many of their supporters certainly were against personal law being administered in ordinary courts, partly for economic reasons and partly for reasons of prestige. They had been officials for a long time, independent of secularly trained administrators. Islamic judges had been under the direction of the Directorate of Religious Courts of the Ministry of Religion, and the staff, whether traditionalist or modernist, had had religious training. Together with the Islamic judges, they all had a common background, understood each other's ways of thinking, and, more important, trusted one another. Although the Directorate had occasionally interfered in the work of the Islamic courts, the judges did not consider such acts as interference by the Executive in the Judiciary, but as a guide to realizing justice. The principle of the separation of powers, in this case between the Executive and the Judiciary, seemed not to play a very important role in Islamic law as applied in Indonesia.¹³ Interference by the secular-trained lawyers in the

¹²See his *Organisasi dan Jurisprudensi Peradilan Agama di Indonesia* (Yogyakarta: Gadjah Mada, 1963).

¹³The functions of the Directorate of Religious Justice include administrative work, guidance to Islamic courts in order that a uniformity of decisions can be attained, advice on legal problems to the Ministry and the other government offices, and officially reviewing national legislation for conflicts with Islamic law, in which case the Directorate would consult the Ministry of Justice. See Lev, *Islamic Courts*, p. 95.

The Directorate even has review powers. The decision of the Minister of Religion No. 19/1963, dated February 2, 1963, states: "The Head of [Directorate of] Religious Justice is authorized to examine and determine whether or not a decision of a religious court, in the first and second instance, the conditions and rules laid down by statute, and also to declare such a decision invalid."

According to the decision of the Minister of Religion No. 56, dated May 20, 1967, the Directorate of Religious Justice has the tasks of administering religious courts, organizing court sessions, reconciling religious

civil courts or the Ministry of Justice would not be tolerated by the Islamic judges in the Islamic courts not only for reasons of prestige. More important was their distrust of the secular-trained officials.

The unsympathetic attitude toward Islamic courts arose in part from the poor quality of the Islamic judges, attributable to their restricted education, and their limited association with other people. The poor quality of the judges has been demonstrated in various cases; two recent examples are discussed below. These two cases, interestingly enough, involved two daughters of former President Sukarno, Megawati and Rachmawati.

I. Megawati was married by the penghulu of Sukabumi (Hadji Mohammad Cholil) to an Egyptian, Hasan Gamal, a former staff member of the Egyptian Embassy in Jakarta, on June 27, 1972. Previously she had been married to an air-lieutenant, Sukindro, whose plane crashed in Irian Jaya on January 22, 1971. The remains of his body were never found; he was declared "missing in action" by the Indonesian Air Force Command.

According to Islam, a widow is allowed to remarry after her *'iddah* period, i.e., four months and ten days after the death of her husband. Perhaps anticipating disapproval from her family, she ran away and married Gamal in Sukabumi. However, she seemed unable to endure the separation from her child by her first marriage and returned to her mother's home in Jakarta a few days later.

Shortly thereafter, Guntur Sukarnoputra, Sukarno's eldest son, claiming to be his sister's *wali* (guardian),¹⁴ filed a suit at the religious court in Jakarta to nullify the marriage of his sister to Gamal. The judge at the court, who was reported to have summoned the court session in January 1973 at the suggestion of the Ministry of Religion, complied with the request of Guntur and annulled the marriage. In addition, on the basis of evidence produced by Guntur, the judge declared that Megawati had to wait for another four years before remarrying in order to allow time for ascertaining the fate of Sukindro.

disputes, planning holidays for government offices, supervising religious courts, and doing research on religious aspects of Indonesian law.

¹⁴There are contradictory opinions as to whether Guntur can still be regarded as his sister's *wali*. Many consider that a widow is free to act on her own behalf.

The decision attracted strong criticism from Indonesian Islamic law experts. The well-known ulama Hamka supported the Sukabumi penghulu and considered the marriage valid. Hasbullah Bakry, a popular police official in charge of (Islamic) spiritual affairs, pointed out defects in the procedure of the Sukabumi penghulu in contracting the marriage as well as in that of the religious court in Jakarta.¹⁵

II. Another daughter of Sukarno, Rachmawati, was married to Dr. Martomo Marzuki and was divorced by her husband on February 17, 1973. Rachmawati did not want a divorce and filed her case with the religious court in Jakarta. Previously the religious office in the Menteng district of Jakarta had tried unsuccessfully to reconcile the couple.

At its session on June 6, 1973, the court ratified the divorce without giving either Rachmawati or her lawyer an opportunity to present her objections.¹⁶ Although asked to do so by the court, Dr. Marzuki did not wish to disclose his reasons for seeking a divorce. It seems that the court did not know the reasons for the respective stands of either husband or wife. What the court did was merely to ascertain the validity of the divorce. Another matter which illustrated irregularities in the court was the fact that the decision was not read by the judge during the court's session but by the clerk in the presence of the judge.

In spite of their weaknesses, however, the Islamic courts have partially been able to fulfill their functions, particularly in reconciling many marriage disputes. For many of the people, especially villagers, who are not acquainted with laws and legal procedures, consultations have always been useful, and these have been provided by the Islamic courts as well as local religious offices. Perhaps such work does not belong to a court's work in the ordinary sense, for the judge does not hand down decisions in these matters. The function of consultation would certainly not be assumed by an ordinary civil court, whose judges as a rule make judicial decisions only.¹⁷

¹⁵"Masalah Hukum Disekitar Kasus Pernikahan Megawati--Hasan Gamal," *Harian Kami*, July 31, 1972. See also M. H. Semendawai, "Suatu Koreksi Pengadilan Agama dan Humas Depag," *ibid*.

¹⁶The court's decision was based on *I'anat al-Thalibin*, 2, p. 27, and *Muhazzab*, 2, p. 82.

¹⁷In various religious offices throughout the country an advisory committee on marriages and the settlement of divorces (Badan Penasehat Perkawinan dan Penyelesaian Perceraian) has been set up. Islamic judges often act as an advisory body in areas where there is no BPPPP.

No one, including Islamic-oriented people and the Islamic judges themselves, will deny that the courts need improving. That the judges recognize the need for improvement is evidenced by their willingness to accept guidance from the Directorate of Religious Justice. The founding of the secondary level religious law schools and later the faculties of Syari'at at the Islamic institutes of higher learning (IAIN) constituted attempts toward improvement. In-service training of judges and officials of the Ministry of Religion was another attempt.

However, all these efforts have not yet been sufficient to meet the needs of society. This has partly been the result of the enormous task which the Ministry faces. Insufficient planning in the past to improve the quality of the Ministry officials, including the judges, is another reason; other ministries have also had similar experiences.

Mutual distrust between "Islamic" lawyers and those of the Ministry of Justice also constituted a handicap for joint efforts for improvement, with the result that no great progress has been made. As mentioned earlier, the political climate has retarded attempts at finding solutions to the marriage law problem. Ideological considerations have indeed complicated the matter, as has been the case with religious education and the overall position of Islam in the state. In Indonesia everything involving Islam seems to be intertwined with politics.

It would be too large a task to discuss the development of the present national marriage law which was enacted in January 1974 after being passed by Parliament in December 1973. A few comments may be made, however.

Attempts to promulgate a national marriage law began in 1950 with a special committee headed by former governor of Sumatra, Teuku Mohammad Hassan. This committee originally wanted to draft a national law that would be applied to all citizens irrespective of religion. In 1952, in response to demands from interest groups, especially the Muslim community, it had to abandon this aim and formulate separate laws for each religious community in the country. In March 1954 the committee completed work on a draft for Islamic marriages. This draft was not discussed in Parliament until 1958, together with a counterdraft submitted by members of the religiously neutral nationalists under the leadership of Mrs. Sumari of the PNI. The result was a deadlock in the parliamentary debates, and both were tabled. The same thing occurred in 1973 when the Catholic faction in Parliament declined to participate in a debate on a draft based on Islamic law. In fact two drafts were introduced, the first in 1967 and the second in 1968. The 1967 draft was intended for the Muslim community

exclusively and was based on Islamic law; the 1968 draft was to serve as the basic marriage law and mentioned the particular Islamic draft. Although the Catholics had only a very small number of representatives (8 out of some 500 members), they were able to cause a deadlock; for according to the rules of Parliament, any decision should be based on the *mufakat* or consensus system. The government had to withdraw the two drafts; a new draft was submitted on July 31, 1973.

A lengthy discussion would be needed to analyze this draft adequately, but for purposes here it is sufficient to state that the draft met with much opposition from Muslims. Once the Minister of Religion was forced to stop his speech on the draft which he was delivering to Parliament because a few hundred religious school students, including many primary school pupils, shouted at the Minister and sat in the seats of members of Parliament. When the draft was finally approved by Parliament in December 1973, it incorporated almost all the demands of the Islamic group and no longer reflected the idea and spirit of the first draft.¹⁸

The success of a marriage law depends *inter alia* on the quality and the powers of the courts concerned, in this case the Islamic courts. The quality of the courts depends on personnel, and in this area the Ministry, with a well-planned program, can do much. The courts have no authority to execute decisions. They depend on the ordinary courts, and the issue involves the Ministry of Justice and the Home Affairs Ministry as well as the police. Government national policy is therefore highly significant.

¹⁸On the development of the marriage law in Parliament the writer is indebted to Mr. Ismail Hassan Metareum, M.P., who kindly made his notes on this question available to the writer. On the marriage act, see *Undang-Undang Perkawinan Berikut Penjelasannya* (Jakarta: Badan Penerbit Alda/Pentja, n.d.).

CHAPTER 4

ADMINISTRATION OF THE HAJ

To make the haj has always been a strong desire of de-Muslims. It is one of the pillars (*rukun*) of Islam, although it is only obligatory for those who are financially and physically able.

Among the non-Arab Muslim countries, Indonesia has always had a great number of pilgrims. In prewar days the peak year was 1926/27, when some 52,000 people went to Mecca.¹ Although this figure has only been exceeded in the last few years, number of pilgrims has been increasing rapidly, the wish of Muslims to go to Mecca has never diminished.

The number of pilgrims from 1950 to 1975 is given in Table 1. In the last ten or fifteen years, top-ranking officials of the Indonesian government, including Ministers, have also made the haj. That many people want to do so can also be concluded from the number of *calon haji* ("candidate pilgrims"--those who express their wish to do the Mecca pilgrimage by registering themselves with the government agencies concerned) from 1950 to 1969. Not all of them could go, as their number far surpassed the quota. Thousands of people see their friends and relatives off at the port of departure, all of them hopeful that they too might someday go to the Holy Land.

Since the colonial period, it has also been the wish of Indonesian Muslims to organize the pilgrimage themselves, using their own ships. In spite of individual contributions, this wish had never been realized in the Dutch period.

After independence efforts were continued. In 1950 a foundation called Yayasan Perjalanan Haji Indonesia (PHI, Foundation of the Indonesian Haj Pilgrimage) was founded in Jakarta. It was headed by the late Haji Sudjak who in the Dutch period invited all interested Indonesian Muslims to join together in setting up a haj shipping company. (The plan could not be realized because of the outbreak of World War II.) The foundation was empowered by the government to help administer

¹Jacob Vredenburg, "The Haddj," *Bijdragen tot de taal-, land- en volkenkunde*, 118 (1962), p. 149.

TABLE 1
INDONESIAN HAJ PILGRIMS AFTER INDEPENDENCE

Year	Candidate Pilgrims	Quota	Number of Pilgrims		MPH (Haj Leaders)	RKI (Medical Team)
			By Sea	By Air		
1950	20,135	10,000	9,892	-	27	14
1951	22,079	1,853	1,843	-	6	15
1952	11,398	11,870	9,502	-	24	20
1953	39,777	14,031	14,031	293	32	28
1954	30,146	10,154	10,085	82	27	25
1955	113,662	10,400	10,436	240	30	43
1956	108,538	12,348	12,333	288	36	23
1957	105,163	13,111	13,184	240	36	28
1958	102,069	6,841	6,842	-	24	23
1959	96,828	10,413	10,411	146	24	35
1960	89,767	10,738	10,738	-	24	34
1961	79,273	11,613	11,613	-	32	34
1962	99,866	7,850	7,820	-	32	38
1963	125,724	10,000	10,000	-	60	34
1964	396,879	15,000	15,000	-	60	109
1965	245,400		15,004	-	60	108
1966	305,028		15,000	-	60	104
1967	456,595		15,585	364	60	102
1968	474,961		16,316	633	60	102
1969	493,663	-	15,350	1,188	53	82
1970	-	-	12,845	1,229	43	78
1971	-	-	19,781	2,511	47	118
1972		-	16,039	6,192	47	94
1973		-	16,505	23,449	49	97
1974		-	15,396	53,752	51	128
1975		-	9,719	45,140	111	200

Source: Figures for 1950-64 are from *Peranan Departemen Agama Dalam Revolusi dan Pembangunan Bangsa* (Jakarta: Departemen Agama, 1965), pp. 242-43. Also *Laporan Kerdja Koordinator Madjelis Pimpinan Hadji, 1389H-1969/70 M.* (Jakarta: Direktorat Jenderal Urusan Haji, Foreword, 1970). Figures for 1965-69 from *ibid.* Figures for 1970-75 from Public Relations, Directorate General of Haj Pilgrimage, Department of Religion, Jakarta.

Since 1969 the government has withdrawn its subsidies for the haj. Therefore there has been no arrangement made for a quota since then.

The writer has not been able to obtain the exact quota figures for 1965-68, but 15,000-16,000 would not be too much far off as an estimate.

and organize the haj. It established a bank, Bank Haji Indonesia, and a shipping company, Pelayaran Muslimin Indonesia (Musi). However, after ten years of operation the shipping company still acted only as an agent for chartering vessels from other (foreign) companies and had no ships of its own.

Until two or three years ago, going on the pilgrimage from Indonesia was much more difficult than it is now. One had to sign up with the local government, for which the necessary forms were supplied by PHI. A committee consisting of representatives of the local government, the local religious office, the local police, and the PHI selected the candidates on the basis of financial ability and health. Selection was necessary because of the lack of space available on the ships as well as the fact that the government granted subsidies to cover the pilgrimage costs. Medical examinations were performed by a local physician who was assisted by PHI officials. Payment of the pilgrimage cost was made through PHI offices, which deposited the funds in Bank Haji Indonesia. The cost involved was calculated jointly by the Ministry of Religion and PHI. The latter also arranged for passports and visas.

As mentioned above, transportation from Indonesia to Arabia was handled by the Musi company, which chartered the necessary vessels. This procedure was followed until 1962, when Musi was frozen by the government, probably for political reasons. Local transportation to the respective ports of embarkation was the responsibility of PHI, which made arrangements with the assistance of local governments. Hostels were provided by PHI at various ports of embarkation.

A committee called the Majelis Pimpinan Haji (Haji Leadership Council) was formed for the training of the pilgrims in pilgrimage rituals and guidance during the trip. A certain number of members were appointed each year by the Ministry of Religion. They usually consisted of prominent men from various Muslim organizations as well as officials from various Ministries. Favoritism was not unusual in such appointments, for the MPH members also had the opportunity to go on the pilgrimage without cost to themselves. Each member of the council was assigned responsibility for a given number of pilgrims. In addition to acting as leaders, they also became contact persons with ship's officers.

After arriving in the Holy Land, the pilgrims came under the care of Arab *syaikh*, for according to the regulations of the Saudi Arabian government, only licensed Arab *syaikh* are allowed to organize the administration of pilgrims in Saudi Arabia. The costs for this service were already included in the fees paid by Indonesian pilgrims before they left home.

The PHI also established the Rombongan Kesehatan Indonesia (RKI, Indonesian Medical Group), which consisted of a number of doctors and nurses, to look after the pilgrims' health. The members of this medical group, in spite of their responsibilities, were able to participate in the haj rituals and become *haji*.

For political reasons--many members of the PHI belonged to the former Masjumi party--the PHI foundation was frozen in 1961.² As a result, illegal practices increased. As stated above, pilgrimage costs were not entirely covered by payments made by the pilgrims themselves, and the government granted subsidies to defray expenses. This subsidy was connected with the regulation of foreign exchange, which was tightly controlled by the government. Each year the government had to decide on the number of pilgrims, based on a quota system. Selections had to be made by drawing lots. This situation created opportunities for mismanagement, for, as can be seen from Table 1, the number of people desiring to go on the pilgrimage far exceeded the quota. The haj official often demanded additional sums of money from a haj candidate. The higher the sum, the greater a candidate's chances of being accepted. This graft constituted one of the serious weaknesses of the government, especially of the Ministry of Religion and its local offices. It often happened that a candidate pilgrim had to wait for a number of years before being given an opportunity to go on the pilgrimage, especially when he was not prepared to pay the additional expenses or when he had no contacts in positions of power. Many became victims of such practices.

In 1961, a new body which included a number of ministers was established to find ways to improve the haj. Although two years later the PHI was again invited to participate in managing the haj, the establishment of this body was the beginning of direct government involvement in the pilgrimage organization, which became a government monopoly in 1970.³ A new shipping company, Perseroan Terbatas "Arafat," was founded, its capital coming from contributions made by pilgrims and candidate pilgrims. The candidate pilgrims were lured into buying Arafat shares with the promise that they could later go on the pilgrimage at special rates.

²*Pandji Masyarakat*, IV, 15 (September 1, 1965). After the introduction of the new spelling in 1972, *Pandji Masyarakat* became *Panji Masyarakat*.

³The decision to monopolize the handling of the haj was stipulated in Presidential Decree No. 22, 1969.

In 1964 the committee for the improvement of the haj became the Dewan Urusan Haji (Council of Haji Affairs).⁴ It was this committee which invited the PHI to participate once more in managing the haj. A new policy was formulated. Responsibility for the departure of the pilgrims now rested with the local governments. The members of MPH and RKI were given improved guidelines, and training for the pilgrims before departure as well as on board the vessels was intensified. But, in addition to the usual training in the necessary rituals, the training now included political indoctrination as well. This modification was in line with the government policy at that time to secure loyalty from its citizens; political indoctrination was in fact fashionable during the height of the Sukarno regime.⁵

But all efforts for improvement were not successful. After the fall of Sukarno in 1966, private organizations also began to participate in organizing the haj. Many pilgrims became victims of more than a few of these agents they either could not depart for Mecca or were neglected during the trip. This was one of the reasons for the government monopoly, which began in 1970.⁶ No opportunities were given to private companies to participate in organizing the haj, regardless of their past records.

One of the private organizations which had been able to handle the haj successfully was Himpunan Usahawan Muslimin Indonesia (Association of the Indonesian Muslim Businessmen, often referred to as Husami), headed by Sjafruddin Prawiranegara, who was former governor of the of Indonesia (Bank Indonesia) and who had served several times as a minister. Not only were pilgrims satisfied with Husami's arrangements, but the fees were below what the government charged. There was also satisfaction in the fact that the haj could be completed without relying on government facilities. It should be remembered that Prawiranegara was a member of the central board of Masjumi and in 1948-49, when many members of the central government in Java were captured by the Dutch, following their second military action, established the emergency government, which he himself headed. Later he was one of the leaders in Central Sumatra who organized revolts against Sukarno in 1958, serving as president of the rebel PRRI government from 1958 to 1961. Thus, there was suspicion

⁴Presidential Decree No. 112, 1964.

⁵Hamba, "Perbaikan Perjalanan Haji Indonesia," *Gema Islam*, II, 31 (May 1, 1963), pp. 7-10; and 32 (May 15, 1963), pp. 11-12. Also H. Musjaffa Basjir, "Sekitar Penyelenggaraan Haji th 1964: Kesungguhan P3H," *ibid.*, III, 49 (May 1, 1964), p. 21.

⁶Presidential Decree No. 22, 1969.

on the part of the government that political loyalty to Sjafruddin, and to former Masjumi leaders in general, might be enhanced by Husami's efforts.⁷

In any case, the government did not allow Husami to continue operating, in spite of its success. Presidential Decree No. 22 of 1969 stipulated that "all handling of the haj should only be carried out by the government" (Article 1). The instructions which followed stipulated that "private companies and individuals are not allowed to carry out activities on the handling of haj affairs."⁸ This policy and the manner in which it has been carried out have been criticized from many quarters.

Sjafruddin Prawiranegara has tried to show how much injustice the government has done to pilgrims in particular, and to Muslims in general. He claims that the government regulation contravenes existing laws. The government monopoly was understandable when there were government subsidies and when the number of pilgrims per year was limited, although this policy still meant limiting the opportunity for Muslims to perform the haj. But now that subsidies have been withdrawn and the quota system eliminated, Sjafruddin feels that the government monopoly is completely out of place.

Sjafruddin believes that any monopoly easily becomes a source of corruption and inefficiency. According to him, the government sees the weaknesses and deficiencies of private organizations without recognizing its own faults, as illustrated by the mismanagement and corruption in the government administration of the pilgrimage. The government monopoly deprives Muslims of a choice of agents who might offer better service at lower cost. Sjafruddin would prefer that private organizations be allowed to compete, although private companies could certainly be supervised by the government. He also notes that because of the monopoly system the Ministry of Religion does not regard itself as a public utility agent but as a commercial enterprise.

According to Sjafruddin, who has been strongly anti-Communist throughout the postindependence period, the prohibition against private companies handling the haj implies a socialist-Marxist orientation and violates the constitution. The regulation gives the impression, he feels, that only the government is "good" and that private agents are "bad" and

⁷The present government in general is suspicious of former Masjumi leaders; many of them were not allowed to become candidates during the 1971 and 1977 general elections.

⁸Presidential Instruction No. 6, 1970.

"capitalist." He points out that constitutionally the "state guarantees the freedom of every inhabitant to embrace his own religion and to carry out services according to his own conviction and belief."⁹ The injustice felt by the Muslims derives from the fact that non-Muslims are free to make their own choice regarding travel bureaus or agencies, as when Catholics perform pilgrimages to Rome and other places in Europe. The Husami chairman also criticizes the fact that the pilgrims are issued a special passport valid only for Saudi Arabia and that regular passports of Muslims who go abroad are stamped "not valid for travel to Saudi Arabia during the haj season."¹⁰ Another matter which Sjafruddin raises is the cost involved. He states that the government calculations for both sea passage and air fares are too high. He quotes an alternative cost, lower than that of the government, at which Husami would be able to handle the haj.¹¹

Husami's calculation of expenses, however, was contested by the Arafat shipping company, which monopolizes sea transportation of pilgrims (Garuda Indonesian Airways monopolizes air transportation). Arafat said that, although on paper Husami's calculation was lower than government figures, it was in fact higher. For Husami's pilgrims were allowed only Rials 450 (about US\$150) in Saudi Arabia for living expenses, while the government allowed for Rls 700. Besides, the government calculation also included contributions to various general needs of the Muslims, such as for continuing construction of Istiqlal mosque in Jakarta and for assistance to madrasah, which according to Husami should not be calculated as pilgrimage costs. Arafat commented that as far as transportation costs were concerned, its fare was about Rp. 10,000 below that of Husami (US\$1 = about Rp. 415).¹²

⁹Article 29, 1945 Constitution.

¹⁰Husami pointed out that ordinary passports were used for the haj from 1950 to 1969 and that only since 1969 have special passports been issued for this purpose. This practice, according to Husami, restricts one's ability to go on the haj. The special passport can only be obtained after payment of pilgrimage costs to the government.

¹¹Sjafruddin Prawiranegara, "Tanggapan Husami Tentang Persoalan Haji," I-III, *Abadi* May 12-14, 1969. Also "Mengapa sedikit pendaftaran orang naik Haji?" *Pedoman* August 12, 1969. The writer spoke with Sjafruddin Prawiranegara at various times in 1970 and 1971 regarding his views on this matter.

¹²"Perbandingan Husami dan Arafat: Komentari P.T. Arafat atas tulisan Sdr. Sjafruddin Prawiranegara," *Abadi* July 6, 1970. It should also be noted that the government-stipulated expenses per pilgrim are increasing annually:

The government itself considered it necessary to refute Husami's allegations. In a booklet published in 1970 by the Minister of People's Welfare, it accused Husami of obtaining a sum of Rp. 12,000 from every pilgrim who went by sea and Rp. 77,000 from every pilgrim who went by air.¹³ This allegation was denied by Husami, which pointed out that among other things the booklet itself admitted that the government received between 450 and 500 million rupiah by administering the haj in 1969/70. Husami pointed out that the profits which the government accumulates annually from its monopoly have not been deposited in the state treasury. The public is not informed of how this money is spent.

According to Husami, which gave specific calculations of pilgrimage costs, government profit per individual was Rp. 13,500 above the figure which the government claimed was Husami's profit; the government profit was therefore Rp. 25,000 per pilgrim. This amount was in addition to the "unofficial taxes" (*pajak-pajak tidak resmi*), which amounted to Rp. 68,000.

Husami admitted that the government's costs for air travel were Rp. 7,000 less than Husami's, but pointed out that the government used its own extensive facilities, while private agents like Husami had to pay for their own organization and agents.

Sjafruddin also mentioned the possibility for *riba* (usury) for government benefit. *Riba* is strictly forbidden by Islam, but in modern times *riba* has been given several interpretations. Sjafruddin used A. Yusuf Ali's interpretation and stated that a percentage of the government calculation could be categorized as *riba*.¹⁴ The Husami leader also

1967	-	Rp. 27,500
1968	-	Rp. 62,500
1969	-	Rp. 165,000
1970	-	Rp. 347,000 (air pilgrimage Rp. 382,500)
1971	-	Rp. 336,000 (air pilgrimage Rp. 380,000)

The 1967-68 cost was relatively much lower than the cost in the succeeding years because of government subsidies. The 1975 cost came to about Rp. 700,000, the 1976 cost almost Rp. 1 million.

¹³*Pokok2 Pendjelasan Penjelenggaraan Urusan Hadji Tahun 1970/71* (Jakarta: Menteri Negara Kesra, 1970), pp. 32-33, 40-41.

¹⁴*Riba* is mentioned in the Quran 2:275. On this question Yusuf Ali said:

"The definition I would accept would be: undue profit, not in the way of legitimate trade, out of loans of gold and silver, and salt (according to the list mentioned by the Holy Apostle himself). My

regretted the "secrecy" of the publication of the government booklet, which he said seemed to serve as a confidential guide for those officials arranging the haj. He protested against this secrecy for two reasons. First, since the haj is a concern of the society at large, anything to do with it should be available for public surveillance. Second, since the booklet criticized Husami's handling of the pilgrimage, even to the point of accusing Husami of profiting from it, it would only be fair, he said, if a copy of the booklet were sent to him if "the *pembuat buku* [publisher or writer] is a Muslim."¹⁵

On April 14, 1970, before the publication of the booklet, Sjafruddin Prawiranegara made an appeal to the President to permit him to participate in managing the haj. He explained his viewpoint in hopes that the government would lift its monopoly. In addition to providing calculations of costs, which he maintained Husami could handle at a lower rate than the government, he also suggested that:

1. The pilgrimage should be regulated by an act of Parliament, not by presidential decree. He used the decision of the Provisional People's Representative Council of 1966 to support his view. He stated that the monopoly system as contained in the presidential decree violated existing laws.

2. Etatism, as reflected by the government monopoly in handling the pilgrimage, should be abandoned, as this is not in line with the state philosophy.

3. Any monopoly which is harmful to the people should be lifted. He pointed out that the government monopoly in handling the pilgrimage was harmful to the people, or at least was not in the best interests of the people.

The letter in which the appeal was made also thanked the President for his help in solving the problem of those pilgrims on the ship Gambela. These were pilgrims who had been able to avoid the government monopoly. This was a unique

definition would include profiteering of all kinds, but exclude economic credit, the creature of modern banking and finance."

Sjafruddin calculated that for the 1970/71 pilgrimage season, a total of Rp. 56,000 per person was *riba*. Although this payment was "sound" (to be used, for instance, for Islamic da'wah), the government pilgrim has no alternative than to pay Rp. 56,000 on top of real costs. The "addition is therefore *riba*." Sjafruddin's explanation of *riba* in connection with the pilgrimage was dated May 28, 1970; it was mimeographed and distributed widely.

¹⁵Sjafruddin stated that he tried to obtain the booklet through normal channels, but no one would give him a copy.

story in the history of the haj in Indonesia, and it also involved Husami.

In 1970, the year in which the government monopoly of the pilgrimage began, Husami attempted to circumvent the regulation, not by organizing pilgrims directly but by helping them make their own arrangements. Some 1,200 people wanted to participate, but only about 800, including 712 who went by sea, actually made the trip. The reasons why these people acted as a group were largely psychological and political: the pilgrims were almost all members or sympathizers of the former Masjumi party. Their action constituted overt criticism of the government policy, which they believed hindered rather than facilitated making the haj.

The pilgrims who went by sea encountered difficulties during their departure as well as during their arrival back in Indonesia; their experiences became headline news. The pilgrims had acquired Indonesian passports which were originally valid all over the world, except Israel, but, since it was pilgrimage season, the passports were stamped with the special limitation "not valid for Saudi Arabia in the haj season." The pilgrims came from various parts of Indonesia, including Bima, Lombok, South Sulawesi, South Kalimantan, Java, and Sumatra. They did not travel directly from Indonesian ports to Saudi Arabia, for their ship was prohibited from entering Indonesian waters. They went to Singapore to board the Gambela, but there, too, they were prevented from boarding by the Singapore government. Luckily at Port Swettenham, a harbor on the west coast of Malaysia, they were allowed to board, and the trip was uneventful. In Jedda they received a grand welcome, not only from their co-religionists but also from the Saudi Arabian government. In line with the tradition which says that pilgrims "are the guests of the King and of Allah," the leaders of the Gambela pilgrims were even entertained by the Saudi authorities in the name of their king.

But on the return trip, the Gambela was not allowed to enter Indonesian ports. It had to lie at anchor at Penang, where Dato Raos, the Malaysian Minister for Pilgrimage, visited the pilgrims on board the vessel. By coincidence, President Suharto paid an official visit to Kuala Lumpur during this time. Probably an appeal to Suharto by the Malaysian government had some effect, for the Gambela was eventually allowed to enter the harbor at Jakarta. But when the ship docked, on March 26, 1970, the returning pilgrims were met by sixty prosecutors. They had prepared forms which were to be signed by the pilgrims, forms requesting "forgiveness" from the Indonesian government. It was a formality in order that the government should not lose face.

Sjafruddin Prawiranegara, who felt responsible for the Gambela pilgrims, welcomed them at the dock. After a short welcoming speech, he instructed the returning pilgrims to sign the forms which the prosecutors had prepared for them. He said there was no need to read the forms first, adding that the procedure was necessary "not because of legal needs, but because of Muslim brotherhood." By this he meant that the pilgrims had done nothing wrong "from the national as well as the international legal point of view."¹⁶ The Indonesian government, Sjafruddin pointed out, had condemned the unusual procedure of performing the haj, and because the government was headed by President Suharto, who was a Muslim, the government request for signing the forms could and should be viewed from the co-religionist point of view. In recognition of his authority, the instructions of Sjafruddin were obediently followed by the pilgrims. Even the few who refused to comply were allowed to return home.

The Gambela affair attracted the attention of the Indonesian press. Many editorials urged the government to discard its policy of monopolizing the pilgrimage. Some of them considered that the government should confine itself to supervisory and controlling actions and that organizations like Husami, which had proven themselves competent, be allowed to assume their former responsibilities.¹⁷

The government was in an awkward position. In terms of its own regulations it should have taken action against those who had violated them. However, these people had found moral support from the Saudi Arabian and Malaysian governments as well as from many sectors of Indonesian society itself. In addition, taking all of the pilgrims to court would only increase attention given to the affair and aggravate existing social tensions.

All the Gambela pilgrims seemed to be satisfied with their trip in spite of their difficulties. They all felt like *mujahid*, those who have fought along the path of Allah. Sjafruddin and Husami felt that they gained credibility with the success of the Gambela trip, although it was said that they lost some Rp. 3 million on the venture. Certainly the moral victory belonged to them and the *mujahid*.

¹⁶H. A. Yasin, "712 Mujahid Gambela yang Menggemparkan" (Malang: U. B. Milan, 1971 [?]).

¹⁷Some of the comments made by the Indonesian press included those in *Indonesia Raya* January 28, 1970, *Suluh Marhaen* January 31, 1970, *Nusantara* January 27, 1970, *Harian Kami* January 31, 1970 and March 27, 1970, and *Merdeka* April 10, 1970. Also "Antara Prinsip Agama dan Politik," *Panji Masyarakat*, IV, 51 (February 1970), pp. 3-4.

One might ask why the government has remained adamant in retaining its monopoly. Much thought has been given to the question of the haj, especially by the Ministry of Religion, yet the government's reputation has not been improved. On the contrary, it has been condemned for its policy and management.

One of the reasons for this adamant attitude is probably that the government had been able to realize a profit. Pilgrims must pay fees above and beyond the actual costs of the pilgrimage. The extra funds are intended to subsidize various government sponsored Muslim activities such as the construction of the Istiqlal mosque in Jakarta and the development of various educational institutions. In the latter case, discrimination has not been unusual; political considerations are a decisive factor in deciding which institutions receive subsidies.

Another reason has political overtones as well. The haj was always viewed with suspicion by the Dutch. This attitude justified sending Snouck Hurgronje to Mecca in the 1880s. His task had been to investigate the activities of pilgrims as well as find out what influences they were exposed to in the Holy Land.

Mecca is still a city which attracts many Muslims from Indonesia, not only for the haj but also for education. Besides performing the haj rituals, Muslims also attend lectures. They associate with people from other countries as well as with Saudi Arabians. A few of them even stay behind when the pilgrims return home. They do not have the necessary permits but nonetheless have been able to travel in Arabia, some becoming syaikh, or Islamic teachers. Many of the syaikh in Mecca are descendants of Indonesians.

The pilgrims are also exposed to new ideas, not only in the Holy Land, but also throughout the entire process of becoming haji. As noted earlier, MPH council members train the pilgrims in haj rituals before they leave for Mecca, and during the Sukarno regime the pilgrims were given political indoctrination. It would thus not be strange to expect other people to provide other kinds of training and indoctrination. The selection of MPH members has therefore been jealously guarded by the government. As far as Husami activities on the question of pilgrimage were concerned, it should be remembered that they were former members or sympathizers of Masjumi whose efforts to find recognition from the government for the party's rehabilitation were rejected. Being together for several weeks or months during the pilgrimage under their own trusted leadership might enhance their hope for the realization of their own ideals and would strengthen their mutual loyalty. Here again we find an aspect of Islam intertwined with politics.

CHAPTER 5

MAJLIS ULAMA (COUNCIL OF ULAMA)

One means for administering Islam in Indonesia has been through government efforts in organizing ulama. Beginning in the Sukarno period, Majelis Ulama (Councils of Ulama) have been established in various parts of the country as well as in Jakarta. Indeed, ulama still have much influence in many regions; their advice is widely sought. A government program, especially if it is related to religion in any way, can only be successful if supported by the ulama. Cooperation with, and, if possible, support from them is necessary to realize government policies.

A Council of Ulama was first established in West Java on July 12, 1958, when such a step appeared necessary for security reasons. At that time, the Darul Islam movement in the area was a continual threat to the government, which also had to deal with the PRRI-Permesta revolt in Sumatra and Sulawesi. The fact that the ex-officio head of the West Java council was the regional military commander clearly showed the motivation for its establishment. The council originally served security needs, and security was the responsibility of the military commander. He ordered that similar councils be set up in the districts and subdistricts of the province, each under the leadership of the local military official.

However, the council in West Java has also been active in areas not directly linked to security matters. This was especially so after security had returned to the area. In September 1967 it still discussed questions related to the 1965 Gestapu coup attempt, but in May the following year it turned its attention to *da'wah* (missionary work) by holding a seminar on how Islamic teachings could be spread to everyone. In this seminar lectures were given by nationally-known Muslims such as Mohammad Natsir. The seminar also sought to define what was meant by *da'wah*, and what its function was, as well as how to ensure its success. In addition it discussed effective means for training cadres. The next year, June 1969, the council paid attention to Islamic education and a conference was held for this purpose. It discussed ways and means to promote Islamic education in the area.

Councils of ulama in the other provinces were set up much later, soon after the establishment of the Central Council of

Ulama in October 1962, in accordance with instructions from the central government. According to the ministerial decree, the council was:

. . . to act as a contact body between the Muslim community, especially the ulama, and the government in efforts to realize and to give content to the Jakarta Charter as well as to execute reconstruction in the menal, spiritual and religious fields;
to work out and solve all religious matters in society, especially in Muslim society;
to act as a coordinating body for the development of Islam and the unity of Muslims.¹

Motivation for the establishment of a Council of Ulama on a national basis can be found in the context of government control of all activities of importance within society at that time. Indonesia was then under the guidance of the "Great Leader of the Revolution," Sukarno, whose teachings were intended to penetrate all layers and sectors of the community. Indonesia was then also carrying out a confrontation policy (*konfrontasi*) with Malaysia, a Muslim country, so that support for this policy from Indonesian ulama was needed.

Members of the committee of the central Majelis Ulama were mainly government officials and leading figures from various Islamic organizations, or, more precisely, from those organizations which supported Sukarno without reservation.² The chairman was Kiyahi Fatah Jasin, Minister for Relations with Ulama, who was later succeeded by Deputy Minister Haji Marzuki Jatim; the secretary was Colonel Muchlas Rowi, head of the Islamic religious section of the army. The committee also included K. H. A. Wahab Hasbullah and K. H. Idham Chalid (Minister Coordinator and Deputy Chairman of the Supreme People's Council) of Nahdlatul Ulama; O. K. H. Abdul Aziz, Professor K. H. Faried Ma'ruf, and Mahmud Junus of the Ministry of Religion; and Arudji Kartawinata (Minister Coordinator and Chairman of Parliament) of PSII.³

The role of the Central Council of Ulama was, however, insignificant. It merely served to regiment support for the government from the ulama, whom it considered to be one of the

¹Ministerial Decree No. Kpts/003/V/MP AUL/62 dated June 13, 1962. The intent was similar to Article 4 of the constitution of the council, although the wording was somewhat different.

²According to Article 7 of the council's constitution, the council was to consist of representatives of Muslim organizations, ulama, Muslim leaders (*zu'ama*), and Muslim intellectuals.

³*Antara* October 1, 1962.

most important groups in society. At the meeting of Indonesian ulama in Jakarta on May 26-28, 1964, for example, the members decided to propose that the various ministers involved give a "scientific degree" to President Sukarno as a symbol of gratitude from the Muslims. They also expressed the opinion that the struggle to crush Malaysia through konfrontasi constituted a *fardh 'ain*, an obligation incumbent upon individual Muslims.⁴

That the central Majlis Ulama did not give any guidance at all to the regional ulama councils was deplored by A. K. Basuni, secretary of the West Java Majlis Ulama: "It should be very much regretted that the central Majlis Ulama, whether during the period [of office] of the Minister of Relations with Ulama, K. H. Fatah Jasin, or during the period [of office] of the Deputy Minister for Relations with Ulama, K. H. Marzuki Jatim, almost never gives any guidance whatever to the Majlis Ulama in the regions."⁵

In general, it can be said that only after the decline of the Sukarno regime following the failure of the Communist coup in 1965 could increased activity be observed among the regional ulama, especially in Aceh, West Sumatra, West Java, and South Sulawesi--all strongly Islamic regions. In one way or another they gave advice to regional governments or military commanders on whatever problems they thought most merited attention. Directions from the government have been less significant.

In West Sumatra the provincial ulama council has been headed since 1966 by Mansur Daud Datuk Palimo Kajo, former leader of Masjumi and one-time Indonesian ambassador to Iraq. The recognition by the regional government of his outstanding qualities as ulama only reflects the fact that Masjumi retains a great influence in the area, despite its having been banned and many of its leaders compelled to leave the province. Among other things, the West Sumatra Majlis Ulama has recommended that the provincial governor block the plans of the Baptist Church to build a hospital in Bukittinggi, arguing that the organization was motivated by proselytization rather

⁴*Gema Islam*, III, 52 (June 15, 1964), pp. 5, 10.

⁵Speech by A. K. Basuni to the Conference on Islamic Education organized by the West Java Majlis Ulama, Bandung, June 1969. Although his regrets were expressed in 1969, when the period of Guided Democracy had been succeeded by the New Order, they served as an indication of the discontent felt by some of the Muslims for the situation before 1966.

than humanitarian concern. The effort was successful until 1975, when the hospital was finally built.⁶

The West Sumatra Majelis Ulama also demanded that the building of churches in the area should be regulated in such a way that no Muslim feelings would be hurt. It pointed out that the Christians built churches as provocations, e.g., in areas where there was no need for them. The council was particularly referring to the Pasaman area, where transmigrants from Java had settled and where Christian missionaries were active.

The demands of the ulama council were echoed by those of the regional and central Dewan Da'wah Islam Indonesia (Indonesian Muslim Missionary Council), an organization chaired by Mohammad Natsir, the former chairman of Masjumi. The DDII's demands were the same as those of the Majelis Ulama, many of whose members in West Sumatra were also members of DDII. It should be noted that the members of the West Sumatran Majelis Ulama and DDII did more than just criticize the Baptists' activities. Through the Ibnu Sina Foundation they collected funds for building their own hospital in Bukittinggi. The effort was supported by all sectors of the population as well as by the local government.⁷

In Aceh, Teungku Daud Beureuh, the well-known rebel ulama, served as honorary chairman of the council in 1967, but he was removed from this position in 1969, probably because he remained too independent in his relationship with the post-coup government (he had disassociated himself from the Sukarno regime as well). However, in 1970, he was adviser to the ulama council of Pidi Regency, his home area. This role demonstrates his undiminished influence in Aceh. As was the case in West Java, the regencies in Aceh have also organized councils of ulama. But unlike the situation in West Java, the chairmen of the provincial and regency ulama councils in Aceh were all ulama.

Aceh has indeed been known as the "porch of Mecca." Even its Regional Representative Council has occasionally demanded social change directed toward realizing a more strictly Islamic society. For example, in 1962 the Representative Council decided that Islamic law should be applied in Aceh. This decision was rejected by the Supreme War Command (Pengua-

⁶The Baptist Church has demonstratively made efforts in Christianizing people in West Sumatra. *Panji Masyarakat*, XVII, 183 (September 15, 1975), p. 20.

⁷"Operasi Keristen Baptis di Bukittinggi," *Pandji Masyarakat*, IV, 50 (January, 1970), p. 29.

sa Perang Tertinggi) of Jakarta, which based its decision on the grounds that Islamic law in Indonesia, where the state was founded on Panca Sila, could not be applied automatically; Islamic law could only be applied if it was incorporated into a governmental act.

The following year, the Aceh Regional Representative council stipulated certain conditions which were to be observed by society at large: all offices and shops should be closed during the time of Friday prayer, all entertainment and even activities such as film shows and meetings should be prohibited during the time of the *maghrib* (evening) prayer, and every person should observe the fasting month. The council also decided that any offense against these decisions would result in one month imprisonment or Rp. 1000 fine.⁸

The council in Aceh discussed various matters of importance, including religious and social issues. Thus, for example, in November 1967 the council had a meeting on religious affairs; it discussed the observance of various rituals, such as *Jum'ah* (Friday) prayer for women, and the number of *raka'ah* in *tarawih* prayer,⁹ social and political matters (such as zakat, baitul mal, challenges to Islam, the unity of Muslims, the realization of Islamic Syari'at in society), and the integration of religious and "general" education. It would be inappropriate to discuss these questions further here. They are mentioned in this context merely as examples of problems with which the ulama council was concerned. It should also be pointed out in this connection that the provincial representative body and the Governor of Aceh jointly endorsed the decisions of the conference of ulama of November 1968. Unlike the position of the Council of Ulama in the other regions, where they made recommendations only, the ulama council in Aceh seems to have had a more or less decisive role.¹⁰

⁸*Gema Islam*, I, 23 (January 1, 1963), p. 4; and II, 36/37 (August 1, 1963). Although these stipulations have not been observed strictly, they certainly reflect the attitude and spirit of Aceh regarding Islam.

⁹*Raka'ah* is one complete part of salat (prayer) ritual. *Tarawih* is night prayer in the month of Ramadhan.

¹⁰According to the decree of the Governor of Aceh No. 038/1968, the Ulama Council of Aceh has the following functions:

1. To act as an advisory and a consultative body for the regional government in religious and social affairs;
2. To act as a fatwa council of the regional government in religious matters;
3. To unify the Muslim community.

In South Sulawesi, the ulama have been organized through conferences with the military commander. A team of experts participates; they are mostly university people who have been assisting the commander in regional development. The provincial government realizes that development can only be successful if the ulama support, and participate in it. At the conference of ulama held in Ujung Pandang in September 1970, various questions dealing with education, economic development, and Islamic da'wah were discussed, each topic introduced by the heads of the local institutions of higher learning--the rector of the local teacher training institute (IKIP Ujung Pandang), the rector of the local university (Universitas Hasanuddin), and the rector of the local Institute of Islamic Studies (IAIN Alauddin).

Given the above examples, it should be clear that the role of the Majelis varies according to government needs and local conditions. There seems to be no nationwide uniformity.

Another effort of the government to organize ulama was the establishment of the Pusat Da'wah Islam Indonesia (Center for Indonesian Islamic Da'wah Activities). From its inception on September 8, 1969, its committee has been headed by Lieutenant General Sudirman. It is a semiofficial organ in which leading Muslims from government circles, Muslim organizations, and scholarly circles are represented. It was founded as the result of a resolution made at a seminar on da'wah that was held in June 1969 at the Faculty of Theology of the Institute of Islamic Studies (IAIN) in Jakarta. Its purpose is to increase the number of activities relating to Islamic missionary work and to coordinate them by acting as consulting body and intermediary. According to K.H.M. Dachlan, the Minister of Religion at that time, the establishment of the new organization, as well as its membership, was approved of and warmly welcomed by the President. It was hoped, the Minister said, that this committee would constitute a manifestation of the unity of Muslims in Indonesia, a matter of concern to every Indonesian.¹¹

¹¹Speech by K.H.M. Dachlan at the founding ceremony on September 8, 1969. The Minister's official recognition of the organization was contained in a ministerial decree issued on September 4, 1969. At the invitation of the head of state, the members of the committee broke the fast together with the President on December 8, 1969. Afterwards, a meeting was held at Wisma Negara, an annex to the Presidential Palace, where guests of state are usually accommodated.

At the meeting, the President stated that it was one of the duties of Pusat Da'wah Islam Indonesia to urge Muslims who were financially able to pay the zakat. He said that a weakness of the Indonesian Muslim community lay in its limited financial resources; payment of zakat and

It should be pointed out, however, that there already was a similar da'wah organization which had been set up independently of government initiatives. Mohammad Natsir, the former president of Masjumi who had been barred from participating in politics, did not wish to remain a mere spectator; he still wanted to participate in improving the welfare of his fellow Muslims. On May 9, 1967, with a few friends--all from the former Masjumi party--he established the Dewan Da'wah Islamiyah Indonesia with the goal of encouraging and improving Islamic da'wah within Indonesia. The founding of this body was welcomed in almost every region of Indonesia, and local representative bodies were soon established. Like the central executive committee in Jakarta, the regional bodies were overwhelmingly filled with former members of Masjumi or its sympathizers. Unofficially it soon became an organizational focus for former Masjumi activists. DDII established relationships with international organizations, especially with the Rabithah Al-Alami al-Islamy (World Muslim League) of Mecca and the World Muslim Congress of Karachi. Natsir acted as vice-president of both.

The establishment of the government-sponsored PDII cannot therefore be viewed separately from the activities of DDII, which could possibly evade government control. However, it is wrong to assume that these organizations are rivals. Mohammad Natsir, and also the late Prawoto Mangkusasmito (president of the Masjumi party after Natsir joined the rebels in Sumatra in 1958), were invited by the founders of PDII to sit on its consultative council, but they refused. Their disappointment with the government's attitude toward former members of Masjumi seemed to be the reason for their refusal. They had originally entertained the hope that they would be given freedom in political activities after Sukarno's fall. But both men were anxious that Pusat Da'wah Islam succeed. Natsir stated that the research which PDII planned to do would be very useful to all Islamic missionary organizations; he added that the new organization could serve as a "da'wah laboratory" in which all *da'i* (missionaries) would be able to improve their qualifications.¹²

The Dewan Da'wah Islamiyah still continues its activities without government support, but this does not mean that it is anti-government. It operates solely in the field of da'wah,

additional "taxes" for making the haj could alleviate the problem. He added that from 1969 onwards government subsidies for the haj would be reserved for subsidizing Islamic activities. This sum amounted to Rp. 1,200 million annually.

¹²Speech by Mohammad Natsir on the occasion of the founding of Pusat Da'wah Islam Indonesia in Jakarta, September 8, 1969.

in the broadest sense of the term; it organizes educational activities and trains and upgrades cadres. When Pusat Da'wah Islam was founded, the DDII expressed its willingness to co-operate. The existence of two central da'wah organizations, one sponsored by the government, the other quite independent and run by persons who on the whole have not been popular with those in political power, has therefore been brought about by political rather than religious conditions.

In early October 1970, Pusat Da'wah Islam organized a national conference of ulama, during which various topics, including education, moral decadence, participation of ulama in the country's development, and factors related to the spread of Islam were discussed. A plan for the establishment of Lembaga Fatwa (Fatwa Institute) was considered; in fact, it became a topic of heated debate at the conference. This would be an institute consisting of selected Islamic scholars empowered to issue fatwa--decisions of a religious character. The government would rely on this institute whenever there a need for a fatwa, which would be binding on the society. With the support of the government, the implementation of the fatwa would be easy. However, there is a danger involved in this plan, i.e., the possibility that such an institute would merely become a tool of the government.

According to the Minister of Religion at that time, K. H. M. Dachlan, the concept of a Lembaga Fatwa reflected the government's views on the role of ulama. The government wanted to find ways of establishing better cooperation with the ulama, "for the government likes to consider ulama as its partners and as its most trusted friends in the development of the state and the nation."¹³ The Minister added that it was not the intention of the government to dictate to the ulama.

Lieutenant-General Alamsjah, who was at that time State Secretary and who was also active as vice-chairman of the consultative council of Pusat Da'wah Islam, stated at the conference that ulama should understand government programs and should not always take the role of opposition (to the government), but that they should work to make government programs successful "for the sake of the Muslim community." The one-time head of the personal staff of the President urged the ulama to abandon a political approach in their thinking, for, he said, this would merely result in disunity among the Muslims.¹⁴

¹³Panji Masyarakat, IV, 66 (October 1970), p. 7; also *Islam, Alim Ulama dan Pembangunan* (Jakarta: Pusat Da'wah Islam Indonesia, 1971), p. 24.

¹⁴Panji Masyarakat, IV, 66 (October 1970), p. 7; also *Islam, Alim*

The idea for establishing the Fatwa Institute did indeed originate with the government. But this idea did not meet with complete approval at the conference, and it was therefore abandoned, or at least tabled. Some of those present expressed the opinion that the establishment of such an institute was premature. Hamka, a well-known and influential ulama in Jakarta, said that it could easily be misused by people in power. He reminded the conference of an incident during the Dutch period, when several ulama issued a fatwa favoring a prayer of praise for the Queen of the Netherlands; during the Japanese occupation similar misuses of fatwa by certain ulama were also reported. Instead of the Fatwa Institute, Hamka was in favor of a *mufti* (an official who issues fatwa), or of having several mufti in Indonesia. This idea was not shared by many of the ulama present. They said that a mufti, like the Fatwa Institute, could also misuse his power. The conference finally decided that all opinions about this institute should be noted and presented to Pusat Da'wah Islam Indonesia so that a more serious and thorough study could be made.

Indeed, on the particular question of Lembaga Fatwa, the conference did not achieve what the government wished it to. Decisions of a positive character were made on other matters, but on the whole the conference served more as a forum in which ulama were given the opportunity to exchange views which had no direct bearing on the government program. At the very least, many of them were able to meet together after losing contact with each other for several years, particularly since 1965.

In 1975 renewed efforts were made to establish a new-style Majlis Ulama. The efforts originated from the government which began to realize that development should also involve man's spiritual aspect, and therefore that participation of ulama in the development was needed. During the first few months of 1975 the ulama councils for all the provinces were established. The central Majlis Ulama was founded in Jakarta at a congress of representatives of the provincial councils on July 21-28, 1975.

The new Majlis Ulama, which is headed by Hamka, has the functions to:

Ulama dan Pembangunan, p. 35. Alamsjah also stated that because of the ulama's political approach the government had once prohibited an all-Indonesia Islamic conference that had been planned. This conference was to be organized by Muslim leaders themselves, where, it was hoped, Muslim unity would be realized.

- Issue fatwa and advice on matters of religion and society to the government and the people within the framework of *amar ma'ruf nahi munkar* (enjoining the right, shunning the wrong).
- Strengthen Muslim brotherhood and maintain peaceful relationships with other religious communities.
- Represent the Muslim community in any meeting with other religious communities.
- Act as a liaison between ulama and government officials and interpret government development policies in such a way that they might be easily understood by the common people.¹⁵

It was also stressed at the congress that the Majelis Ulama should not participate in politics, nor should it duplicate the activities of existing Muslim organizations. Thus it should not build and maintain mosques and schools, and it should not collect zakat. The actual development and role of the new Majelis Ulama remain to be seen.

¹⁵Article 4 of *Pedoman Pokok* (Principal Guidelines) of Majelis Ulama. *Keputusan Musyawarah Nasional Ke 1 Majelis Ulama Seluruh Indonesia* (Jakarta: Panitia Musyawarah Nasional Ke 1 Majelis Ulama Seluruh Indonesia, 1975), p. 5.

CHAPTER 6

CONCLUSION

I have reviewed the administration of Islam in Indonesia as reflected in the work of the Ministry of Religion. Four fields have been covered in detail--education, law and the courts, the haj, and the organization of ulama in the Majelis Ulama.

The Ministry of Religion in Indonesia has an enormous task to fulfill. In a country with a population of some 130 million, of which about 90 percent are Muslim, its job has not been easy. Added to this is the fact that the country is still experiencing setbacks in development, setbacks which date from the time of the revolution and the failure of past Indonesian governments to fulfill people's needs for welfare and prosperity.

In the field of education, pesantren and madrasah are still necessary not only to meet the emotional and spiritual needs of the children but also to help educate part of the school-age population which cannot be absorbed by ordinary schools. From this point of view, institutions like the madrasah and the pesantren are complementary to the "general" schools. Once this situation is acknowledged, the question is not whether madrasah and pesantren are needed, but rather how they can be improved. This involves curriculum development as well as upgrading and training teachers in religious and non-religious subjects. In the long run, the question which faces Indonesia in education is how to devise an educational system in which the secular as well as the spiritual needs of children can be filled. However, there still exists a polarizing element in religious education in Indonesia. Some Indonesian leaders are in favor of including religious education in existing schools where the various religious communities receive religious instruction. But others consider religious education unnecessary. They believe that religion is an individual or family matter and that it is the students' and parents' responsibility to obtain religious instruction on their own. What the state should supply, they believe, is moral education, with the same courses for all pupils and students irrespective of their religion.

There are disagreements between lawyers who have had a secular training and those who are Islamic-oriented with

regard to Islamic religious law. Some of the latter still cling to the traditional *fiqh* (jurisprudence) and ignore recent ideas on Islamic law which have developed in response to present-day needs. Others among the Islamic-oriented group, while partially aware of such developments, have no influence in the bureaucracy, particularly within the Ministry of Religion itself. Their careers have been in other fields, especially politics, and they have given only slight attention to Islamic law and bureaucracy. Indeed, it seems almost as if they have dissociated themselves from the Islamic judicial bureaucracy in spite of their recognition of the importance of law in Islam.

The long-term problem related to this issue concerns the training Indonesian lawyers receive. The nature of legal education depends on the philosophies of the country's leaders, in government as well as in society, on the question of law. Should it be based on adat law, which means a variety of laws for the individual regions, or should a national law be created? What does a "national" law imply? Does it mean abandoning any consideration of the question of religion, which, according to Islamic ideology, should also regulate mu'amalat problems, the relationship between man and man? Would this be acceptable to the Muslims in Indonesia? And if the influence of religion, that is of Islam, is recognized, to what extent should it govern the life of the individual and society?

The crucial issue is the position of Islam within state and society. The problem is political, not only religious. Indeed, as noted earlier, political questions originally played an important role in the decision of the Indonesian government to monopolize the organization of the pilgrimage. Husami, the Muslim traders' association which attempted to convince the government of its reliability in managing the pilgrimage, exposed the political nature of the problem when it applied for approval to resume operating. It denounced the government's position, which it considered against the people's interests and discriminatory, especially as compared with the facilities non-Muslims enjoyed in their pilgrimages. All of these arguments are political.

The establishment of councils of ulama in various regions, and for that matter the establishment of the new central Ulama Council in 1975, are certainly actions having a political character. It is hoped that the various councils will be able to aid government development programs. Simply having the ulama councils may be beneficial to the overall development of society, especially when one thinks of the important position of the ulama in the rural areas of Indonesia. Their role depends particularly on how powerful they are and on the

attitude of the government, as well as society, toward them. In the past the councils have sometimes acted as spokesmen for the government, justifying its policies, as was the case with the central Majlis Ulama during the Sukarno regime; at other times their opinions were ignored because their views on the position of religion in state and society differed from those of the government. The decision of the Aceh representative council on the application of Syari'at, which was rejected by the central government, reflects these opposing views.

Some of the difficulties encountered in the administration of Islam originate from within the Ministry of Religion itself. In the past it became a battlefield for the aspirations of traditionalists and modernists. Attention was deflected from the real problems that needed to be solved. Moreover, the staff of the Ministry was on the whole poorly trained, since it had initially been recruited from pesantren and madrasah, where administrative ability was not emphasized. Later, the Ministry was able to recruit people with more advanced training, including graduates from its own tertiary training institutions such as the Institut Agama Islam Negeri. However, the quality of these institutions themselves was, at least until a few years ago, steadily declining. This situation was also apparent in the "general" schools, especially toward the end of the 1950s and during most of the 1960s, and has not yet been overcome completely.

All of these factors resulted in a poorly organized and poorly run Ministry. With low pay for employees and a lack of funds for operational expenses, it was and still is a hard task for a Minister of Religion to meet the demands of the Muslim community. The entanglement of religious and political issues inevitably increases its difficulties.

Yet another problem has arisen in the development of the administration of Islam in Indonesia. As was stated at the beginning of this paper, the Ministry of Religion was established by the government to meet the wishes of the Islamic-oriented people. At first, the Ministry cooperated closely with existing Islamic organizations, and it was particularly sensitive to the wishes of Muslims. In the last few years, however, a gap has developed between the Ministry and the Islamic people. For example, many of the latter do not understand, or cannot agree with the policy of the government in its monopolistic handling of the haj; in its handling of religious education, in which the religious content of the courses has been cut considerably; in its proposal on marriage regulations, in which Islamic teaching was nearly discarded; and in its reaction to the da'wah activities of various ulama, whereby some of the ulama have been hampered in their work.

The Islamic people also feel discriminated against as a result of what they consider to be the greater freedom enjoyed by non-Muslim communities in the propagation of their teachings. The Islamic people have hoped that the Ministry, even if unable to protect their own interests, would at least remain neutral in its attitude towards all religious communities.

This gap can only be filled if mutual trust and understanding can be recreated between the government and the Islamic-oriented people. The government's general policy toward Islam will either promote or hamper the successful operation of the Ministry of Religion. Indeed, how Islam is administered in Indonesia, and for that matter in any Muslim country, depends very much on the overall relationship between the government and the Islamic people.

GLOSSARY

abangan	less devout Muslims
adab	humanities
adat	tradition(al)
akhlak, budi pekerti	codes of behavior
aliyah	senior-level <i>tsanawiyah</i>
amar ma'ruf nahi munkar	enjoining the right, shunning the wrong
baitul mal	community funds
calon haji	"candidate pilgrim"--a person who registers himself with government agencies in order to be able to go on the pilgrimage according to government regulations
da'i	propagandist, missionary
da'wah	missionary or propaganda activities directed at Muslims and non-Muslims
executoir verklaard	affirmation by a civil court of a judgment made by a religious court so that it can be executed
faraidh	(Islamic) law of inheritance
fardh 'ain	an obligation incumbent upon individual Muslims
fatwa	decision of religious character, given by a recognized <i>ulama</i>
fiqh	jurisprudence
hadhanah	custody and support of children
Hadits	Traditions; statements by or about the Prophet Muhammad
haj	pilgrimage to Mecca
haji (also hadji)	title usually used before one's name after one has performed the <i>haj</i>
hibah	gift
ibtidaiyah	elementary-level <i>madrasah</i>

'iddah	waiting period for a widow following the death of her husband during which she is not allowed to marry (four months and ten days)
ijtihad	the right of individual interpretation; exerting oneself to form an opinion in a case or as to the rule of law
iman	devotion (faith)
Jum'ah (also Jum'at)	Friday
kebatinan	spiritual matters
kecamatan	subdistrict
kepercayaan	belief
kiyahi (also kiyayi, kiai)	(Islamic) religious teacher
konfrontasi	confrontation
langgar	prayer house smaller than a mosque, not usually used for Friday prayers
madrasah	(Islamic) religious school
madzhab (also mazhab)	school of thought
maghrib	sunset, evening
Majlis Ulama (also Majelis Ulama)	Council of Ulama
mu'allimat	lit. lady teachers; here referring to teacher training school for girls
mu'allimin	lit. teachers; here referring to teacher training school for boys
mu'amalat	relationship between two people
muballigh	(Islamic) religious propagandist
mufakat	consensus
mufti	an official having authority to issue <i>fatwa</i>
mujahid	those who fight along the path of Allah
Muqaddimah	Preamble
pajak-pajak tidak resmi	"unofficial taxes"
Panca Sila	Five Pillars (referring to the five ideological principles of the Indonesian state)
pembuat buku	lit. bookmaker; publisher or writer of a book

Pembukaan	Preamble
pengadilan swapraja	sultanate court
pengakuan	recognition
penghulu	in Java: marriage official in Minangkabau: <i>adat</i> (traditional) chief on east coast of Sumatra: village head
pesantren	Islamic religious education center
priesterraad	priestly court
pondok	small house where students in traditional <i>pesantren</i> spend the night and where they are able to cook their own meals
raka'ah	one complete part of ritual in <i>salat</i> (Islamic prayer)
riba	usury
ruju'	reconciliation in marriage
rukun	pillar, principle
salat	prayer
santri	devout Muslims
saum	fasting
Syafi'i madzhab	<i>madzhab</i> founded by Syafi'i (767-820)
syaikh	old man, leader. In the context of <i>haj</i> , <i>syaikh</i> are Arab pilgrims' guides in Mecca; they are responsible for the board, lodging, and transportation of pilgrims during their stay in the Holy Land.
Syari'at	Islamic law
taqlid	adopting the already-established <i>fatwa</i> and practices as final and as having an authoritative character
tarawih	nightly prayer during the month of Ramadhan
tarbiyah	education
tauhid	the oneness of God
tempat pengajian	place for religious instruction
tsanawiyah (also wustha)	secondary-level <i>madrrasah</i>
Ujian Guru Agama	examination for religious teachers

ulama	Islamic scholar
umum	general
ushuluddin	(Islamic) theology
volksscholen	people's (primary) schools
wali	guardian
waqf (also waqaf, wakaf)	property donated for religious or community use
zakat	religious tax
zakat fitrah	religious tax paid at the end of the Ramadhan fast
zu'ama	Muslim leaders different from <i>ulama</i>