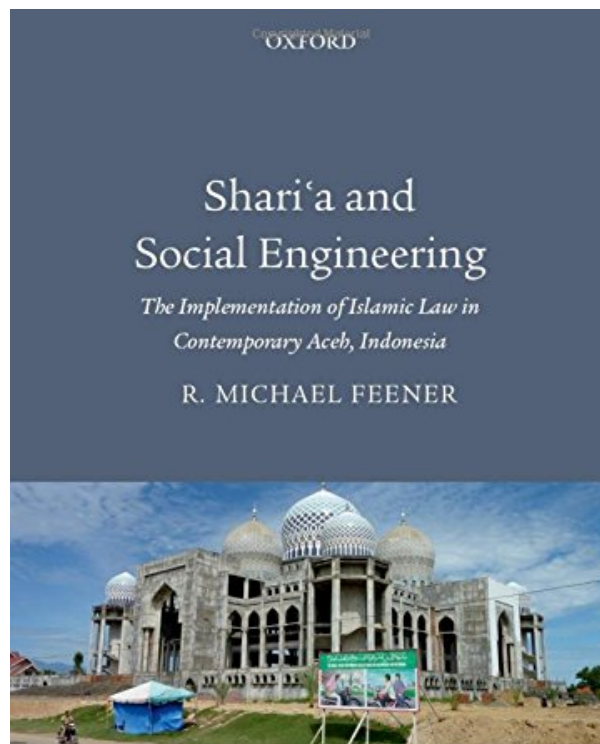


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# Shari'a and Social Engineering

*The Implementation of Islamic Law in  
Contemporary Aceh, Indonesia*

R. MICHAEL FEENER



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# **SHARI'A AND SOCIAL ENGINEERING: THE IMPLEMENTATION OF ISLAMIC LAW IN CONTEMPORARY ACEH, INDONESIA (OXFORD ISLAMIC LEGAL STUDIES) BY R. MI PDF**

This book seeks to open new lines of discussion about how Islamic law is viewed as a potential tool for programs of social transformation in contemporary Muslim society. It does this through a critical examination of the workings of the state shari'a system as it was designed and implemented at the turn of the twenty-first century in Aceh, Indonesia. While the empirical details of these discussions are unique, this particular case presents a remarkable site for investigating the broader issue of the impact of instrumentalist, future-oriented visions of Islamic law on modern Muslim calls for the state implementation of Islamic law. In post-tsunami/post-conflict Aceh, the idea of shari'a as an exercise in social engineering was amplified through resonance with an increasingly pervasive rhetoric of 'total reconstruction'.

Based upon extensive fieldwork as well as critical readings of a wide range of archival materials, official documents, and local publications this work focuses on the institutions and actors involved with this contemporary project for the state implementation of Islamic law. The individual chapters are structured to deal with the major components of this system to critically examine how these institutions have taken shape and how they work. It also shows how the overall system was informed not only by aspects of late twentieth-century da'wa discourses of Islamic reform, but also modern trends in sociological jurisprudence and the impact of global models of disaster relief, reconstruction, and development. All of these streams of influence have contributed significantly to shaping the ways in which the architects and agents of the state shari'a system have attempted to use Islamic legislation and legal institutions as tools to steer society in particular desired directions.

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2 of 2 people found the following review helpful.

A must read for all interested in Islamic law, Indonesian social transformation and post-disaster reconstruction.

By PD

This book is an excellent and highly insightful look at the formation of Islamic Law within Aceh, Indonesia from both an historical and anthropological perspective. It outlines the religious, social and political dynamics that morphed visions of Shari'a in Aceh over the past century. The author demonstrates an

extensive formal understanding of Islamic law, in-depth knowledge about the history of Shari'a in Indonesia, and an intimate perspective on how the project of Shari'a is seen on the ground in Aceh. Furthermore, for an Islamic legal scholar, the author did well to discuss the nuances of the post-tsunami reconstruction and craft a book that is equally relevant to students of Islamic Law and practitioners within the emergency humanitarian sector. A highly informative, well argued, and surprisingly accessible book on a poorly understood subject.

1 of 4 people found the following review helpful.

The book fails to provide a convincing argument that the adoption and implementation of shari'a law is not driven by politics

By Michael Buehler

In his most recent book, Michael Feener calls for a fresh perspective on the adoption of Islamic law in Aceh, Indonesia's westernmost province. Such a new analytical focus is necessary, according to Feener, because the existing literature has a tendency to portray the adoption of shari'a laws in Aceh as the result of a national government plan to bring the province under its control and to suppress support for the Free Aceh Movement. However, the adoption of shari'a laws in Aceh is not politically motivated, Feener argues. Rather, it is primarily driven by a distinct history during which Aceh's religious establishment developed an increasingly instrumentalist view of Islamic law, in combination with a local desire to "remake" Aceh in the aftermath of the Boxing Day tsunami that devastated large parts of the province on December 26, 2004.

The dynamics behind the adoption of shari'a laws in Aceh are indicative of a broader shift in the legal discourse surrounding Islamic law and show the need for a reinterpretation of why Islamic law is being adopted within the context of modern nation states. Shari'a law in other countries, too, is increasingly seen in an instrumentalist fashion and understood to stand in the service of "future-oriented agendas for social transformations" (p. xi), which aim at "stimulating and channeling social change in desired directions" (p. 3), according to Feener.

In Chapter 2, Feener provides a history of shari'a law in Aceh province and shows how Islamic law has become a defining element of Acehnese identity over time. Feener is particularly interested in examining the discourses that occurred within Acehnese society on how to position itself vis-à-vis "Islam." The first part of the chapter shows how, initially, shari'a law was adopted to bolster the legitimacy of rulers and how, over time, justification for shari'a law has shifted to a discourse about the role of the state in managing religious affairs. Feener then shows in the second part of the chapter how this discourse gave birth to a new "da'wa paradigm" in the latter half of the twentieth century that emphasized the use of Islamic law as a tool for social engineering and how this discourse shaped the formation of the legal system in Aceh province.

Chapter 3 shows how the education system in the province has formed present-day views on what role Islamic law ought to play in contemporary Aceh. The education system has not only shaped the definition and understanding of what "Islamic values" are, but has also contributed to the organizational structure of the shari'a regime in the province. Concretely, Feener shows that the campus of the State Institute for Islamic Studies (Institut Agama Islam Negeri, IAIN) "has played a primary role in the design, development, leadership, and day-to-day operations of the state institutions

responsible for the implementation of Islamic law under the current Shari‘a system” (p. 12).

Another institution that has played a pivotal role in the “shari‘a-ization” of Aceh province and in shaping the discourse around it is the Ulama Council. Chapter 4 shows how the Ulama Council had been established by the Indonesian national government in an attempt to curb dissent in the region. Later, the government used the council to propagate the state’s “development” programs. Today, the Ulama Council occupies a pivotal role in the discourse on what constitutes “acceptable” forms of Islamic belief and practice in the province and is also a key player in the dissemination of “modern Islamic discourses of social transformation” across Aceh (p. 13).

In chapter 5, Feener examines Islamic law in Aceh in its concrete manifestations over time. He shows that much of current Islam-influenced legislation is linked to efforts in the 1960s to introduce such laws in the province, including laws on the consumption of alcohol, gambling, and relations between the sexes. A comprehensive framework for Aceh’s Islamic legal system was only established after Indonesia’s political opening in 1998, however, and renewed attempts to strike peace with the Free Aceh Movement that ensued from it. Again, Feener uses this historical account of earlier attempts to adopt Islamic law to show that the present-day shari‘a system was by no means imposed by the national government for political purposes, but that local forces pushed for the adoption of Islamic law for decades.

The following chapters explore shari‘a bureaucracy as it has developed over time in Aceh, and its role in the implementation of Islamic law across the province. Chapter 6 looks at the Islamic courts over the past seventy years. The chapter also describes a court case that went through the Islamic legal system in 2005. Both the account of the historical trajectory of Aceh’s court system as well as the present-day case study show how the provincial Islamic legal system has become almost completely integrated into the country’s legal system. Yet, the instrumentalist vision of Islamic law that has developed in Aceh in past decades continues to be visible in the types of cases Islamic courts take on across the province, all of which “stress the importance of setting proper examples to reinforce the standards of public morality prescribed in [Islamic laws]” (p. 14).

Chapter 7 focuses on another part of Aceh’s shari‘a bureaucracy, namely, the State Shari‘a Agency (Dinas Syariat Islam, DSI). This coordinating body for the implementation of Islamic law across the province interests Feener because its guiding principles are deeply rooted in the da’wa paradigm that developed in Indonesia in the 1960s, and which has become popular in Aceh in past decades. Once again, Feener argues, the ideological basis of the DSI shows that the adoption and implementation of Islamic law is part of a forward-looking project that aims at improving governance through establishing a government system based on the rule of law.

In chapter 8, Feener joins Aceh’s shari‘a police (Wilayatul Hisbah, WH) on patrols and examines the interchange between the formal legal system and society. This exercise reveals how the operations of the WH and its involvement (or intrusion, depending on one’s view) in the daily lives of ordinary Acehnese are again informed by “conceptions of public pedagogy” (p. 15) rather than a backward-looking interpretation of Islamic law. Feener argues that Aceh’s shari‘a police, therefore, also contribute to the broader project of remodeling Acehnese society.



Finally, a broader discussion of how instrumentalist views of Islamic law have developed in Aceh is provided in chapter 9. Feener not only shows how concepts developed in US-American sociological jurisprudence in the twentieth century have and continue to inform the discourse on Islamic law in Aceh (and Indonesia in general), but also how understanding the trajectory of Islamic law in Aceh deepens our understanding of the discourse surrounding the adoption and implementation of shari‘a in the broader Muslim world. Aceh shows the importance of examining critically what the idea of a state based on “Islamic law” may actually entail in a specific local context rather than reacting reflexively to abstract agendas that push for the adoption of Islamic law, as has occurred frequently in the aftermath of the Arab Spring, with “various admixtures of fear and disdain” (p. 16). In other words, the discourse surrounding the adoption and implementation of Islamic law in Aceh shows that “conventional wisdom on calls for the implementation of Islamic law as expressions of identity politics and/or atavistic dreams of a return to the time of the Prophet is insufficient to understand the complexity and dynamism of evolving understandings of Shari‘a and society in the contemporary world” (p. 276). Feener’s book is an excellent, in-depth case study on what drives the shari‘a agenda in Aceh, a region that continues to be a reference point for many other provinces in Indonesia. Feener’s argument that the Islamic law agenda is a forward-looking project that is driven by society’s most proactive and well-connected members not only shows the misperceptions of accounts that have portrayed the adoption of Islamic law in Indonesia as a desperate measure by local politicians to establish authority in provinces and districts with low state capacity, but also the crucial role state institutions have played in pushing the Islamization of Aceh forward. Particularly important in this respect is Feener’s account of the role that IAIN has played (and continues to play) in the adoption of Islamic law. The local branches of IAIN are usually portrayed by experts as supportive of liberal Islam, and even “bulwarks of intellectual freedom and tolerance.”

Overall, however, Feener’s argument that the recent adoption and implementation of Islamic law is not politically motivated is unconvincing. While Feener states early on in his book that the goal of his study is to merely complement accounts that see the adoption of Islamic law in Aceh as a political project of Jakarta elites (and their local allies) or a reactive measure by conservative, inward-looking forces against the West, he reiterates his argument more forcefully towards the end of his book and states that the adoption of shari‘a laws in Aceh was “mainly” the result of a combination of apolitical factors, such as an instrumentalist understanding of Islamic law that developed over time in the province; the devastation of large parts of Aceh by the 2004 tsunami, which swept away the stalemate between the Indonesian government and the Free Aceh movement and allowed for a peace settlement; and an influx of foreign aid workers in the aftermath of the catastrophe, which triggered a discourse on “building Aceh back better” (p. 253) and provided a fertile ground for discussions about a total transformation of society from the ground up.

Yet, dynamics surrounding the adoption and implementation of Islamic law in other parts of Indonesia where aforementioned factors are absent have been strikingly similar to the developments Feener encountered in Aceh province. For instance, the adoption and implementation of shari‘a law is often justified in similar, “forwardlooking” terms and presented as a project that aims at the overall improvement of

society. In West Java, a province where, as Feener points out himself (pp. 168–69), the religious establishment differs in important ways compared to Aceh (e.g., many more Islamic judges have a pesantren background compared to Aceh, where most shari‘a court judges have degrees from IAIN; and judges in West Java usually cite Arabic fiqh texts in court decisions, while their counterparts in Aceh interpret the law closer to models set out by the Indonesian state in the Compilation of Islamic Law), justifications for the adoption of Islamic laws nevertheless follow a similar forwardlooking, modern narrative. For instance, in Cianjur, the district in West Java province that had adopted the most shari‘a regulations at the time of writing, the district head, Wasidi Swastomo, told the media during a press conference held after his inauguration in 2001 that “in order to fight for better conditions in the world in this time of moral crisis, the Islamic community, particularly in Cianjur, demands from the local government [that it become] directly involved in fostering the community and establishing moral values through adopting Shari‘a Law for the Islamic community of Cianjur.”

When Swastomo unveiled his comprehensive shari‘a program, titled “The Gate to Marhamah,” an acronym for “The Movement for the Development of a Noble Society” (Gerbang Marhamah, Gerakan Pembangunan Masyarakat Berakhlakul Karimah), he also expressed his confidence that, after the adoption of his shari‘a agenda, the bureaucracy would be completely overhauled: “Hopefully, employees will work diligently, are no longer lying, and, of course, no longer corrupt.”<sup>5</sup> Finally, during his time in office, Swastomo invited “Islamic music” groups to write songs that praised his Islamization campaign and provided them with money for recordings.<sup>6</sup> In 2002, Yus Wiradiredja, a famous local artist, and his group Ath-Thawaf released two music tapes financed by the district government. The first tape, “Gerbang Marhamah,” contained a speech by Swastomo and a song about Cianjur’s “noble society.” The lyrics read:

Gerbang Marhamah/Cianjur lives in comfort and the Islamic way/Gerbang  
Marhamah/A means for vital power in eternity/Gerbang Marhamah is our purpose/The essence for an  
Islamic community with a noble/moral character/  
Gerbang Marhamah/Take a firm decision to be pure, show honesty/Gerbang  
Marhamah we establish the entire Islamic religion for pursuing matters that are  
approved by Allah  
[Chorus] Cianjur lives in comfort and the Islamic way/We have to make it fit, we  
need to prove it/Cianjur lives in real comfort/Gerbang Marhamah is the means  
for this.

In short, forces pushing for the adoption and implementation of Islamic law in other parts of the archipelago, too, have justified the adoption of Islamic laws by referring to how it will result in deep-reaching societal transformation and increase the efficiency of the bureaucratic apparatus and eventually improve the governance of the modern nation-state, which the bureaucracy serves. In other words, the adoption of shari‘a laws based on a vision that “actively engages with modern developments ...” that Feener described for Aceh (p. 260) also occurs in parts of Indonesia that do not share the distinct characteristics of the Aceh case that were driving the adoption of shari‘a law there, according to Feener’s argument.

In addition, Feener’s argument that shari‘a laws began to be adopted quickly and

widely only after the devastation caused by the 2004 tsunami and in the context of a discourse on “social engineering” and “building back better” that ensued from an influx of foreign aid workers, is again undermined by the similar trajectory the adoption of shari‘a laws has followed in other parts of Indonesia. While the legal framework to adopt Islamic law has been in place since 1999, there was an uptick in the adoption of shari‘a regulations across the country in 2005, that is, soon after direct elections for local government heads were introduced that year. These direct elections increased the need for local politicians to be seen as innovative and visionary. It is difficult, in other words, to disentangle the effects that the late-2004 natural disaster had on the Islamization in Aceh from the effects changes in the political system had on the adoption of Islamic law throughout the province.

Finally, Feener’s study provides various accounts of how the adoption—particularly the implementation—of shari‘a law in Aceh is defined by political dynamics. Feener not only shows how the implementation of shari‘a laws and the works of the DSI (p. 193) “are contingent upon the support of the district head ...” and how “as a result there has not been any uniform implementation of such programs across the province as a whole ...” (p. 194), but also how the funds available for the implementation of Islamic laws are closely tied to the rise and fall of local governments, particularly local government heads (p. 213). These dynamics are, again, very similar to those in other parts of the archipelago, where elites controlling key positions in the local state apparatus define the Islamization of politics by mediating the influence of Islamist activists situated in society.

Overall, then, Feener’s book fails to provide a convincing argument that the adoption and implementation of shari‘a law is not driven by political factors. The shari‘a-ization of Aceh may indeed not have resulted from the strategizing of national political elites based in Jakarta vis-à-vis rebellious local forces. Yet, situating Aceh in the context of broader developments in Indonesian local politics since political reforms in 1998, suggests that local political conditions—such as the introduction of direct elections in the context of democratization; the decentralization of political and fiscal power to subnational governments; the competition between local elites and the ensuing pressures for contenders for local government office to engage in rhetoric heavy in references to development; good governance and modernization; as well as a need all politicians whose political fortunes depend on mass support have to “appeal to the presumed values of subordinates ... [that] aims at showing how power is in fact exercised on behalf of the best interests of subordinates,” but which in reality “serves cosmetically to beautify power, to highlight its beneficent side, and to obscure nasty truths”—all strongly suggest that the adoption and implementation of shari‘a law in Aceh and elsewhere is an inherently political project.

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