

SYAFIQ HASYIM, *The Shariatisation of Indonesia: The Politics of the Council of Indonesian Ulama (Majelis Ulama Indonesia, MUI)*. (Studies in Islamic Law and Society 52). Leiden: Brill, 2023. 480 pages, €222.56. ISBN 978-9-0045-2570-2 (hb)

One of the most striking differences in the state administration of Islamic law among the Muslim-majority states of Southeast Asia is the absence of a state *mufti*, or *fatwa* giver, in Indonesia. A *fatwa* is a ruling issued by a Muslim scholar in response to a question of Islamic law and is thus central to the formation of doctrine. This makes the role of the mufti important for any government with a significant Muslim population. Typically, the challenge these governments face is to strike a balance between, on the one hand, recognising Islamic authority – often crucial to regime legitimacy – and, on the other hand, preventing the emergence of a clerical “state within a state” that could become an alternative power centre.

Many Southeast Asian governments have responded to this dilemma by co-opting and tightly institutionalising the office of the mufti, making selected *ulama* (Muslim religious scholars) integral to the mechanism of state administration. In the Malaysian federation, for example, a mufti presides over each constituent state’s fatwa committee and serves as the head of the state’s mufti department or office. In most cases, the mufti is appointed by the “Head of Religion” in the state – typically the ruler – either at the ruler’s sole discretion or on the advice of the state religious council or state executive. The ruler must approve all fatwas issued by the mufti. State muftis are also members of a national fatwa committee, which operates under the authority of the (federal) prime minister’s department and includes other members chosen by the state rulers.

Likewise, in Brunei, the state maintains a monopoly over the issuance of fatwas: the authority to issue them is the exclusive right of the Islamic Religious Council (of which the national mufti is a member) and, in certain circumstances, of the sultan. Since 1955, it has been a criminal offence to issue a fatwa in Brunei without state permission. Even Muslim-minority Singapore has a state-appointed fatwa-issuing body, the Office of the Mufti and the Legal Committee (Fatwa) of the Islamic Religious Council of Singapore, while the Philippines has its moribund Jurisconsult on Islamic law.

Traditionally, a fatwa is not binding, but this poses a challenge for a government seeking to manage doctrine, debate and controversy among its Muslim population. This is particularly the case when a government seeks to instrumentalise religion to support its policies – that is, to use the *fiqh* (Islamic jurisprudence) articulated in fatwas to advance its own social engineering objectives. One solution is to regulate fatwas to make them legally binding. In Malaysia, state rulers have the power to adopt a fatwa and publish it in the government

gazette. Once published, these fatwas become authoritative and binding decisions on Islamic law that can be enforced in the courts. Likewise, in Brunei, fatwas published in the gazette – an action that can only be taken at the request of the council or the sultan – are automatically legally binding on Muslims of the Shafi'i *madhhab* (school of Islamic law). It is a criminal offence to breach a gazetted fatwa.

However, Indonesia has taken a dramatically different approach from its Southeast Asian neighbours. It neither regulates nor formally approves fatwa production. It has not created a state mufti, nor has it made the fatwas of any group or individual scholar legally binding. Instead, fatwas in Indonesia are issued collectively by a wide range of councils, all independent of the state and appointed by autonomous Islamic organisations.

Among the most significant of these are Muhammadiyah and Nahdlatul Ulama (NU). Often described as the largest Muslim organisations in the world, they are in constant competition for doctrinal, political and social influence, rendering unity of opinion elusive. Syafiq Hasyim's book, *The Shariatisation of Indonesia*, focuses on another key fatwa-maker in Indonesia: the Council of Indonesian Ulama (Majelis Ulama Indonesia, commonly known as "MUI"). Unlike NU and Muhammadiyah, MUI does not have a mass membership, but its aspiration to be the peak body representing all major Muslim organisations in Indonesia means it is inevitably entangled in the rivalries between much larger organisations.

Hasyim's meticulously researched 459-page book begins with a theoretical exploration of what he calls "Shariatisation" (Chapter 1) before recounting the history of MUI (Chapter 2), its organisation and structure (Chapter 3) and its approach to Islamisation (Chapter 4). He points out that MUI's central organisation in Jakarta does not have clear hierarchical authority over its hundreds of regional branches, rendering the nature of their relationship sometimes obscure. The central MUI describes this relationship as "consultative" and based on "coordination, communication and information".¹ As a result, fatwas issued by the central or local branches are regarded by MUI as having equal status, meaning that one cannot override the other. MUI thus functions more like a national network of autonomous *ulama* associations than a single, coordinated organisation. While this structure can lead to incoherence and internal rivalry, it is also a key factor behind MUI's far-reaching influence despite its lack of mass membership.

Hasyim's book is the product of years of research and extensive fieldwork in Indonesia, which greatly enriches the case studies in Chapter 5. These focus on Aceh, South Sulawesi and West Java – regions long known for conservative interpretations of Islam. In Chapter 6, Hasyim carefully analyses a selection

1 Art. 8, Decision of the MUI Leadership Council on Guidance on Determining MUI Fatwa, No. U-596/MUI/X/1997.

of MUI fatwas on topics ranging from morality and worship to the Islamic economy, highlighting their influence on public opinion. Chapter 7 provides the book's conclusion.

Much of Hasyim's fieldwork was completed before 2010, rendering parts of the study somewhat dated. However, in the final chapter, he updates his account of MUI to 2020, covering some of MUI's experiences under the government of President Joko Widodo (popularly known as "Jokowi", 2014–2024). The final case study examines MUI's response to the COVID-19 pandemic, particularly the debate over whether available vaccines were *halal*, or permissible under Islamic law. His account reveals tensions within MUI regarding its stance on government policy during the pandemic.

Overall, this book provides a comprehensive and detailed account of MUI's development since its foundation in 1975, as well as the figures and events that have shaped it. In particular, Hasyim illustrates how deeply MUI's trajectory is entwined with the broader course of Indonesian politics. He carefully traces its evolving strategies as Indonesia transitioned from army-backed authoritarianism to a vibrant, emerging democracy, though he gives less attention to the accelerating deterioration of that democracy under Jokowi.

The complex and changing relationship between MUI and successive governments during these political transitions is central to Hasyim's narrative. He shows that the repressive Soeharto regime (1966–1998) encouraged the formation of MUI, which largely supported state policy while Soeharto remained in power. At times, MUI's degree of acquiescence resembled state fatwa-making, although this was never formally institutionalised and MUI has never been a state agency.

After Soeharto's fall in May 1998, a new atmosphere of tolerance for Islamic identity emerged, leading to the proliferation of Islamist organisations that had previously been regarded as threats to the state. Hasyim demonstrates that, facing a crisis of relevance, MUI pivoted, gradually reinventing itself as a mainstream advocate for Islamic conservative values and a critic of many liberal government policies. Freed from the "dual demands of not alienating the government and at the same time satisfying the Muslim mainstream" (Van Dijk 2008: 47), MUI appeared to gain confidence.² It forged ties with newer, more hard-line Islamic organisations and began to present itself as a "big tent", an umbrella for orthodox Sunni Muslim groups.

These changes empowered MUI to the point that post-Soeharto governments (with the notable exception of former NU leader Abdurrahman Wahid's administration) rarely openly criticised MUI, even when its fatwas challenged their policies. Instead, they more often endorsed MUI as a source of state policy on

2 Cees van Dijk (2008): Religious Authority: Politics and Fatwas in Contemporary Southeast Asia. In: R. Michael Feener / Mark E. Cammack (eds): *Islamic Law in Contemporary Indonesia: Ideas and Institutions*. Cambridge, MA: Harvard University Press, pp. 44–65.

Islam, as did President Susilo Bambang Yudhoyono (2004–2014), who stated that he wanted to “place MUI in a central role in matters regarding the Islamic faith”.³ Rather than using it as a tool, as Soeharto did, successive governments found themselves needing to constantly negotiate their relationship with MUI, carefully balancing attempts at co-optation with displays of respect and deference.

Never was this clearer than in 2019, when Ma’aruf Amin, a prominent leader of both MUI and NU, was chosen as vice president for Jokowi’s second term (2019–2024). His appointment was intended to neutralise Islamist opposition by establishing the regime’s religious credentials, but it also meant that MUI now had one of its own at the heart of power. Hasyim argues that this led Jokowi to “mak[e] a significant contribution to the Shariatisation of public life” (p. 397), although many observers would view Amin’s role as little more than symbolic. Far from his appointment representing MUI’s apogee, Amin seems to have been cynically used to legitimise the Jokowi administration’s efforts to marginalise conservative Islamist groups. As Hasyim admits (p. 398), during Amin’s tenure, MUI was forced to adopt a position of “compromise and collaboration” with the ruling regime.

As this example illustrates, while MUI has always received some funding from the government (the amount of which has never been clear), it remains a non-state organisation that must constantly manage its relationship with the state. While its religious authority makes it influential, it is not necessarily decisive: its fatwas are still not binding. Recent legislation has made a limited range of its fatwas authoritative in certain contexts, such as Islamic banking and finance, but this does not apply to most fatwas produced in Indonesia, nor to MUI fatwas in general. There are no state regulations broadly applicable to fatwas, which are not formally recognised within the legal system at all (except in the limited contexts just mentioned).⁴ Although criminal courts usually follow MUI fatwas in blasphemy cases, they do so not because the fatwas are law, but more often due to pressure from demonstrations and riots, often engineered by MUI and related Islamic organisations. As *primus inter pares* among Indonesia’s many *ulama* groups, MUI’s authority remains a matter of negotiation with these groups, the public and the elites who control the state; its power fluctuates according to the degree of influence it can exert on those groups.

This suggests that MUI will likely face major challenges over the next five years under President Prabowo Subianto, who took office in October 2024. A champion of conservative Islamism in the 2019 elections, which he lost, Prabowo quickly shifted sides after his defeat, joining Jokowi’s cabinet as a loyal defence

3 Susilo Bambang Yudhoyono, *Pidato President RI: Musyawarah Nasional Majelis Ulama Indonesia*, 2005. www.presidentri.go.id/index.php/pidato/2005/07/26/370.html (accessed 5 December 2010).

4 Fatwas are mentioned in Presidential Instruction No. 1 of 1991, which formalised the *Kompilasi Hukum Islam* (Compilation of Islamic Laws) as a guide for Religious Court judges. However, the *Kompilasi* recognises fatwas only as a source of legal thought consulted by the *Kompilasi*’s drafters, not as positive law in its own right.

minister and securing the latter's endorsement for the 2024 presidential race. It is unlikely that Prabowo, a former army general with a Christian mother and brother, holds much genuine sympathy for the morally and socially conservative Islamist orthodoxy that MUI now represents. A former son-in-law of Soeharto who has frequently expressed enthusiasm for the repressive policies of the New Order, Prabowo is more likely to view MUI as one of many potentially troublesome political forces that he must manage.

A new chapter in MUI's story has thus opened. Hasyim's richly detailed account of MUI's past and its complex relationship with the Indonesian state offers important insights into a key institution in the fragmented and rivalrous world of Indonesian Islam, and provides guidance for understanding how MUI is likely to respond to a new and still unpredictable presidency.

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