

Majelis Ulama Indonesia:
The Unsuccessful Bureaucratization of Islam in Indonesia

By: Fika Fawzia

Indonesia has often been cited as a test case for Islam and democracy.¹ Despite formally not constituted as an Islamic state, with a Muslim-majority population comprising an estimate of 204 out of 238 million people², Islam has become a political force that influences the public sphere in Indonesia. This has not always been the case, however, as Islam in Indonesia during the presidency of Sukarno and Soeharto was often described as being depoliticized and managed under the state.³ Examining the role of the ulama (those who are formally trained in Islamic religious disciplines and are recognized as having a high degree of competence to deal with matters of religion)⁴, I would argue that *the Majelis Ulama Indonesia (Indonesian Council of Ulama - MUI) illustrates the case of an unsuccessful effort to bureaucratize Islam under the state*. The bureaucratization effort was unsuccessful because the establishment of the quasi-official MUI has been the endeavor of Soeharto particularly to use the ulama to legitimize his New Order regime and its

¹ See Robert W. Hefner, *Civil Islam: Muslims and Democratization in Indonesia* (Princeton: Princeton University Press, 2000).; Greg Fealy, "Divided Majority: Limits of Indonesian Political Islam," in *Islam and Political Legitimacy*, ed. Shahram Akbarzadeh and Abdullah Saeed (London: Routledge-Curzon, 2003).

² Brian J. Grim and Mehtab S. Karim, "The Future of the Global Muslim Population: Projections for 2010-2030," (Washington, D.C.: Pew Research Center's Forum on Religion & Public Life, 2011).

³ Martin van Bruinessen, "Islamic State or State Islam? Fifty Years of State-Islam Relations in Indonesia," in *Indonesien Am Ende Des 20. Jahrhunderts*, ed. Ingrid Wessel (Hamburg: Abera-Verlag, 1996).; Francois Raillon, "The New Order and Islam, or the Imbroglia of Faith and Politics," *Indonesia*, no. 57 (1993).

⁴ Abdullah Saeed, "The Official Ulema and Religious Legitimacy of the Modern Nation State," in *Islam and Political Legitimacy*, ed. Shahram Akbarzadeh and Abdullah Saeed (London: Routledge-Curzon, 2003).

government policies, but MUI during the New Order period has never been really controlled by the state and after 1998 it has become more independent in its stance. To a certain extent, MUI in its recent development has also become a player to reckon with in regard to the Islamization of the state.

My argument would firstly be based on the understanding of the bureaucratization of Islam and why this was the necessary approach taken by the government in the early phase of post-independence. Based on the writing of other scholars who have closely examined the *fatwas* and *tausiyahs* issued by MUI, I will then demonstrate how MUI has gradually distanced itself away from the state and have made efforts to appease the *ummah* (community of believers). Last but not least, I will explain why MUI serves as the venue for contestation in the future trajectory of political Islam in Indonesia, as it shapes the agenda of the state instead of the other way around.

Diversity of the Indonesian Muslim

Despite the Muslim-majority population, it is important to take note that there is such thing called the single identity of the Indonesian Muslim. First and foremost, drawing from the work of Clifford Geertz to describe Javanese Islam, there are distinctions between the *santri* (the more pious Muslims) and *abangan* (the ones who practices their faith either irregularly or with syncretistic tendencies). The *santri* Muslims are further divided between the reformists (or often called modernists) and the traditionalists. The reformists tend to advocate Islamic teachings based on the Quran and Sunnah and rejects the non-Islamic religious and cultural practices of which the traditionalist ulama are inclined to tolerate, as long as they are not specifically prohibited by Islamic law. Both the reformist and traditionalist groups

follow the Sunni tradition, although the traditionalists adheres strictly to the Syafi'i law school (*mazhab*). The largest traditionalist organization in Indonesia is the *Nadhlatul Ulama* (NU), which are predominantly based in East and Central Java and the largest reformist organization is *Muhammadiyah*, which is more widely distributed to the other and outer parts of Java, including Sumatra, Kalimantan and Sulawesi. Though the distinctions is debated by scholars of Indonesian Islam, it is important to notice the different streams as each of them had different and often contested approaches to politics and policy as well.

Hostility towards a Secular State

An often misconception of categorizing the Indonesian state and its position regarding religion is that it is neither secular nor favors one religion over the other, but instead it is multiconfessional by law. With *Pancasila* as a state ideology, it believes in the one and only God, although it does not specify which God it refers to in the five officially recognized religion.⁵

Multiconfessionalism has been the byproduct of a struggle between the Islamist and nationalist groups prior to Indonesia's independence, which was the debate to include the Jakarta Charter as the preamble to the 1945 Constitution that would have given the implementation of *sharia* (Islamic law) a constitutional basis. Even after independence, the reformist Islamic political party Masyumi (*Majelis Syuro Muslimin Indonesia* – the Consultative Assembly of Indonesian Muslims)⁶, who won 20.9% of the vote in the 1955 elections, continued to pursue the inclusion of the

⁵ Only after the Presidency of Abdurrahman Wahid, Confucianism was added as the sixth officially recognized religion in Indonesia aside from Islam, Protestantism, Catholicism, Hinduism, and Buddhism.

⁶ Under the Japanese occupation (1942-1945) all Muslim organizations were merged in the Japanese-created umbrella organization Masyumi. After Independence it was transformed into a political party. Martin van Bruinessen, "Genealogies of Islamic Radicalism in Post-Suharto Indonesia," *South East Asia Research* 10, no. 2 (2002).

Jakarta Charter and *sharia* as the basis of the state although it was subsequently outvoted in 1959. Radical measures to enforce *sharia* have also been attempted in the case of the Darul Islam movement led by the Muslim politician Kartosuwiryo in 1949, whereby it declared the Islamic State of Indonesia and rejected the Republic. The movement stopped after Kartosuwiryo and other rebel leaders were captured during the period of 1962-1965.

The Jakarta Charter debates and the Darul Islam rebellion proved a case that making the state entirely secular, to confine religion only as a private matter, was a difficult task in the early stages of nation-building in Indonesia. This also provided the background of the suspicion towards political Islam from the stance of the secular-nationalist government and explains the rationale behind government policy towards Islam in the years to come.

Bureaucratization of Islam in Indonesia

One could argue that the bureaucratization of Islam is unavoidable because of the birth of the modern nation state.⁷ The bureaucratization process, however, might take into different forms, such as putting Islam *inside* the infrastructure of the state (the Malaysian Islamic state)⁸ or putting Islam under the *subordination* of the state and inevitably even administers what brand of Islam is permissible (the Turkish laicism state).⁹ In the context of Indonesia, the bureaucratization of Islam is seen as the effort to tame Islam under the effective supervision of the state bureaucracy¹⁰, though it cannot fully subordinate Islam under the multiconfessional state.

⁷ Saeed, "The Official Ulema and Religious Legitimacy of the Modern Nation State.", pg. 21.

⁸ Joseph Chinyong Liow, "Political Islam in Malaysia: Problematizing Discourse and Practice in the Umno-Pas 'Islamisation Race'," *Commonwealth & Comparative Politics* 42, no. 2 (2004).

⁹ Thomas W. Smith, "Between Allah and Atatürk: Liberal Islam in Turkey," *The International Journal of Human Rights* 9, no. 3 (2005).

¹⁰ Bruinessen, "Islamic State or State Islam? Fifty Years of State-Islam Relations in Indonesia.", pg. 19

To tone down the Islamist groups after their defeat in the Jakarta Charter debate, the Ministry of Religious Affairs (then called the Department of Religious Affairs) was founded in 1946 to supervise Islamic educational institutions, administering marriage law for Muslims, overseeing and managing other Islamic rituals such as the *hajj* and the timing of the fasting month. Although it formally oversees the other religions as well, the Ministry is essentially a Muslim institution, in which Bruinessen argues that it serves as a powerful machine for cooptation. George Fealy even argues that through the disbursement of funds and facilities, indirectly the Ministry has been the major employer of the ulama within the bureaucracy.¹¹ Historically, NU and its traditionalist camp have dominated the Ministry during the period of the 1950s and 1960s up until Soeharto appointed his Golkar representatives with reformist inclinations to helm the Ministry in the 1970s.

The Establishment of the MUI

If the Ministry of Religious Affairs was already in existence, why was it then necessary for the government to establish the MUI? One possible answer to this question is because the government needed to further tame Islam since the Ministry was still ineffective to control the ulama outside the bureaucracy. This is partly aggravated by the marginalization of Islamic political parties and hence made independent ulama organizations such as NU as quasi-opposition groups to the government. Masyumi was dissolved by Sukarno in 1962, and when Soeharto came into power, he consolidated the remaining Islamic political parties into one single party, the United Development Party (*Partai Persatuan Pembangunan – PPP*).¹² NU

¹¹ Fealy, "Divided Majority: Limits of Indonesian Political Islam.", pg. 156.

¹² Apart from being an ulama organization, NU was also a political party that contested in the 1955 elections. It was subsequently consolidated to PPP, but NU still remained as a religious organization ever since.

through its Ansor youths did more than support the New Order regime in the anti-Communist suppression by the end of 1965, but it became a nuisance due to its non-Pancasila identity and its ulamas were increasingly vocal in criticizing the regime.¹³ Soeharto then realized that while he minimized the role of political Islam, at the same time he still needed the ulama to provide religious legitimacy to his political agenda, in which he hoped can be achieved through the creation of the MUI.

Many Muslim leaders were initially suspicious to the idea of a national council of ulama, of which it would be assigned the function of issuing *fatwas* (opinion on a particular topic from the point of Islamic law). Professor Hamka, a Muhammadiyah ulama and later on became the first General Chairman of the MUI, initially rejected the idea and instead recommended the government to appoint a *mufti* (fatwa-giver) who would advise the government and Muslim communities.¹⁴ Nevertheless, the Ministry of Religious Affairs (who was then headed by Professor Mukti Ali – coincidentally from Muhammadiyah as well), through the Centre for Indonesian Islamic Propagation (*Pusat Dakwah Islam Indonesia*) and the Council for Indonesian Mosques (*Dewan Masjid Indonesia*) concretized the national ulama council idea in 1975 with the founding congress aptly titled “Ulama and Development”, signifying the usage of the ulama to mobilize Muslim support for Soeharto’s development policies.

In its founding congress, Soeharto stated that the four roles of MUI is as follow¹⁵:

- (1) Serve as the “translator of the concepts and activities of national or local development for the people”;
- (2) Be a form of advisory council that “gives advice and opinions to the government concerning religious life;

¹³ Raillon, "The New Order and Islam, or the Imbroglia of Faith and Politics.", pg. 208.

¹⁴ Nadirsyah Hosen, "Behind the Scenes: Fatwas of the Majelis Ulama Indonesia (1975-1998)," *Journal of Islamic Studies* 15, no. 2 (2004)., pg. 149.

¹⁵ Moch. Nur Ichwan, "Ulama, State and Politics: Majelis Ulama Indonesia after Suharto," *Islamic Law and Society* 12, no. 1 (2005)., pg 48.

- (3) Be the “mediator between the government and ulama”; and
- (4) Function as a place where the ulama discuss “the problems related to the duties of ulama”.

MUI was designed as an inclusive umbrella organization of the existing Islamic groups in Indonesia, including both NU and Muhammadiyah and other groups such as Syarikat Islam, Perti, Al Washliyah, and Math'laul Anwar.¹⁶ Although MUI's funding is provided by the government, by law it is not a statutory body and the government had no say on who can become the General Chairman as it was elected periodically among themselves.

Illusion of Control

Despite being envisioned as the mediator between the government and the ulama, in practice, some see MUI more as the government's rubber stamp through its actions, or the absence of its actions. At least two controversial issue to evidence this argument was MUI's stance on the government's sports lottery program, *Porkas* (derived from the English 'forecast'), and on family planning. The majority of MUI members regarded the *Porkas*, which was started in 1986, as gambling and was strongly opposed to it, but MUI wasn't able to issue a fatwa to ban lottery programs until 1991 when the relationship between the state and Islam had become relatively more friendly.¹⁷ The head of MUI's then fatwa committee, Ibrahim Hosen, even published a book in defense of the program and argued that it was not something that Islam would have prohibited. Family planning was also an issue among the Muslim circles because contraception was deemed contrary to the teachings of Islam and many traditional ulama favored the large family. The government on the other hand, wanted to introduce birth control programs and encouraging families to only

¹⁶ MUI, "Profil Mui,"

http://www.mui.or.id/index.php?option=com_content&view=article&id=49&Itemid=53.

¹⁷ Ichwan, "Ulama, State and Politics: Majelis Ulama Indonesia after Suharto," pg. 61.

have a maximum of two kids in order to stem the population growth. After long deliberations, the MUI issued a fatwa in 1983 saying that the birth control was acceptable to Islam on the grounds of ensuring the welfare of the *ummah*.¹⁸

Supporters of the MUI provided the counter argument saying that as an institution, MUI was neutral, because it had some reservations in the *fatwas* that it had issued and some *fatwas* was even deliberately opposed to the government's stance. MUI nevertheless still issued a fatwa banning government lottery programs, despite the financial interests that the government had on it. As regards to family planning, even if MUI agreed to it in principle there is still reluctance towards accepting intra-uterine devices (IUD), the government's most preferred birth control method, whereby the women's sexual parts would be seen by a stranger. Muhammad Atho Mudzhar also cited a case in which the government encouraged the common celebration of Christmas by Christians and Muslims, but MUI issued a fatwa declaring that Muslims are not allowed to attend such a celebration.¹⁹ Thus, even if MUI's stance was influenced by the government, MUI wasn't fully controlled by the government where they can issue a *fatwa* immediately to legitimize policies as the government would please.

Strange Bedfellows

Prior to the stepping down of Soeharto in 1998, an important development in regards to the relationship between the state and Islam would be the development of the Association of Indonesian Muslim Intellectuals (ICMI) in December 1990. BJ Habibie, who was a close associate of Soeharto, was made its first chairman. Many believed that a civilian Muslim organization (of which Soeharto was allergic to in the

¹⁸ Bruinessen, "Islamic State or State Islam? Fifty Years of State-Islam Relations in Indonesia."

¹⁹ Ichwan, "Ulama, State and Politics: Majelis Ulama Indonesia after Suharto.", pg 51

early period of his regime) was needed and allowed under his auspices in order to become his ally because Soeharto was losing control over the military.²⁰ It was then interesting when Soeharto stepped down as President and Vice President BJ Habibie was next in line, MUI did their part to support the transition. MUI, through the issuance of a *tausiyah* (recommendation)²¹ supported the leadership of BJ Habibie as the President as it was “the mandate of Allah and of all Indonesian people...to implement the mandate of development, and *reformasi* in particular, in a constitutional way”.²² To some, this particular action of MUI was seen as another way to legitimize the actions of the government because many at the time debated whether the handing down of the Presidential position was unconstitutional because it took place in the palace instead before the People’s Representative Assembly (parliament). However, I would see this as a move from MUI to position itself politically, because Habibie was seen as someone that could represent the *ummah* and was hoped to be more accommodating towards Muslim interests.

Increasing Political Activism

The 1999 election also proved to be a case of MUI’s increasing political influence. MUI issued three *tausiyahs* on the general elections, which is unusual by itself because it was issued back-to-back closely before the elections. Of the three, the last *tausiyah* issued by MUI gave a clear instruction to Muslims to vote for parties that “struggle for the aspiration and interests of the *ummah*, nation and state” and to not vote for non-Muslim political leaders and parties dominated by non-Muslims –

²⁰ Bruinessen, "Islamic State or State Islam? Fifty Years of State-Islam Relations in Indonesia."

²¹ Ichwan argues that although there are no formal distinctions between a fatwa and a *tausiyah*, he argued that a fatwa is produced by a special fatwa and legal commission, whereas a *tausiyah* is issued by the Leadership Board, member meetings, conferences, or the Islamic Brotherhood Forum (Forum Ukhuwah Islamiyah). Ichwan, "Ulama, State and Politics: Majelis Ulama Indonesia after Suharto.", pg. 51.

²² Ibid., pg. 54

and in this case was Megawati Soekarnopoetri's Indonesian Democratic Party of Struggle (PDIP).

When Abdurrahman Wahid (which was the former chairman of NU) was elected as President by the People's Representative Assembly in 1999, he was supported by his traditionalists National Awakening Party (PKB) and a coalition of rival modernist Islamic parties led by Amien Rais. This coalition was made possible because the Islamic parties did not want Megawati to be the new president.

Abdurrahman Wahid was deemed as a controversial figure by MUI since he was critical of MUI and suggested that MUI should be financially independent of the Ministry of Religious Affairs and should find itself an office outside the Istiqlal mosque, which was operationally funded by the government as well.²³ As a result, several of MUI's actions was not in line with President Wahid's policies. Wahid wanted to decriminalize communism, but MUI issued a *tausiyah* stating that Muslims would be in danger if atheistic communism were to be revived. MUI also issued a fatwa stating that bribe and corruption is forbidden under Islamic law, though it did not issue such *fatwa* under the presidency of Soeharto and Habibie. Last but not least, MUI issued a *fatwa* declaring that monosodium glutamate (MSG) products produced by Japanese company Ajinomoto was *haram*, but it was challenged by Wahid himself declaring that the products were safe for consumption by Muslims. Most of the Islamic and Islam-based parties supported MUI's fatwa, which contributed to the general situation at the time where the parties were already increasingly hostile towards Wahid, who was then seen more as a secularist. This unfriendly relationship between the President and MUI ultimately proved a case where MUI was ultimately no longer the reliable government's ally as it was really not under control of the state's bureaucracy.

²³ Ibid., pg 62.

Questioning MUI's Power

Before moving on to seeing the future trajectory of MUI, an underlying question that needs to be answered is in regards to MUI's actual power in mobilizing the ummah. Should MUI be really considered as a significant authority despite the fact that its *fatwas* are never binding?

It is important to remember that the establishment of MUI does not replace the two big ulama organizations, NU and Muhammadiyah, as they are still in existence. Like MUI, the two organizations have also the capacity to issue *fatwas* if any *mustafti* (inquirer) were to ask them. The *fatwas* that NU and Muhammadiyah issued are often in competition with the stance of MUI. The only difference then, is that MUI's *fatwas* is seen more legitimate because it is believed to be the "official ulama" because its establishment was government sponsored, even if they are not officially the state *mufti* (unlike the Islamic Religious Council of Singapore - MUIS). This echoes Abdullah Saeed's argument that instead of the bureaucracy needing the legitimacy of the ulama, it is in fact the ulama that is dependent on the legitimacy of the bureaucracy, to give them recognition and prestige and most importantly, financial support.²⁴

MUI's financial independence from the government has continued to be a puzzle, because there are no exact numbers on how much taxpayers money is actually used to fund MUI. At least two institutions under MUI gives them financial sustainability: MUI's Research Institute for Food, Drugs, Drinks and Cosmetics (LP POM MUI) and the National Syariah Council (DSN) – whereby any company that wants to get the *halal* stamp from MUI, be it food, cosmetics or financial products, they must pay a certain fee beforehand. However, MUI still enjoys "operational budget" from the Ministry of Religious Affairs as several Ministerial Decrees

²⁴ Saeed, "The Official Ulema and Religious Legitimacy of the Modern Nation State.", pg. 27.

evidenced this²⁵, in addition to operational support from the Ministry of Finance and Bank Indonesia for certifying *halal* financial products.²⁶ Some news articles point out how the local/regional branches of MUI was dependent on the local government budget as well.²⁷

Oddly enough, as I have explained before, though MUI is funded by the government, it has never been under their full control. Instead, Islamic groups have used the MUI to mobilize their own agenda, and none is more apparent than the *fatwa* MUI issued in 2005 that condemned pluralism, liberalism and secularism. Through this *fatwa*, the more conservative groups within MUI managed to reassert itself which was the culmination of the resentment towards the increasing voices of pluralist religious thought in Indonesia (i.e. Abdurrahman Wahid and Nurcholish Madjid).²⁸ Even if generally *fatwas* in Indonesia are not binding, this particular *fatwa* of MUI became the basis of legitimacy used by Islamic hardliners that uses violence, such as the Islamic Defender Front (FPI). Ahmad Suaedy from the Wahid Institute commented that the relationship between MUI and FPI became mutually beneficial, as FPI uses these *fatwa* to legitimize their violent acts and at the same time MUI has perversely used this violence to justify its *fatwa*.²⁹ The most notorious of FPI acts were the violent acts towards Ahmadiyya (of which MUI considers as deviants), closing down churches that does not have permits, and extortion against

²⁵ See Religious Affairs Ministerial Decree No. 69/2008, No. 76/2008 and No. 58/2009 available on their website where it stipulates the operational fund support by the Ministry to MUI.

²⁶ The Wahid Institute, "Sepuluh Pedoman Penyesatan, Masyarakat Bertindak Sendiri," in *Monthly Report on Religious Issues*, ed. Rumadi (Jakarta: The Wahid Institute, 2007)., pg. 2.

²⁷ Syaiful Anshor, "Miris, Anggaran Mui Jatim Hanya 150 Juta Per Tahun " Hidayatullah.com, <http://www.hidayatullah.com/read/16691/29/04/2011/hidayatullah.com>.

²⁸ See Piers Gillespie, "Current Issues in Indonesian Islam: Analysing the 2005 Council of Indonesian Ulama Fatwa No. 7 Opposing Pluralism, Liberalism and Secularism," *Journal of Islamic Studies* 18, no. 2 (2007).

²⁹ Ridwan Max Sijabat, "Islamic State Only a Step Away: Scholars," *The Jakarta Post*, 8 June 2006.

Playboy magazine through the anti-pornography agenda.³⁰ The inaction of the state, particularly the reluctance for any police intervention to apprehend FPI members serves as an example of how influential the *fatwas* of MUI can be.

MUI as Venue for Political Islam in Indonesia

Through its *fatwas*, MUI has therefore become a venue for voicing interests of not just the government, but also for the Islamic groups that comprises MUI. Nadirsyah Hosen calls this the “big tent” strategy of MUI, its effort in trying to accommodate all voices of Islam in Indonesia which was only possible after the fall of Soeharto.³¹ MUI has then become the arena for horizontal contestation between the different brands of Islam in Indonesia, because MUI had a strategic position in which it can access funding from the state. The unsuccessful bureaucratization of Islam in the case of MUI, I would argue is because in its later development MUI has become the representative of the ulama, instead of the representative of the state to legitimize government policies to the ummah.

The follow-up question for this would be, isn't this a measure of success of bureaucratization because without government intervention this venue would not be available? The answer to this would be to go back to the understanding of bureaucratization of Islam – the government was successful in creating MUI as an institution but it was never successful in creating an official ulama whereby the government can control what kind of *fatwa* or *tausiyah* MUI should or should not issue. The perceived domestication of the ulama seemed to be attributed to Soeharto's authoritarian leadership rather than the institutional design of MUI.

³⁰ Ian Douglas Wilson, "As Long as It's Halal': Islamic Preman in Jakarta," in *Expressing Islam: Religious Life and Politics in Indonesia* ed. Greg Fealy and Sally White (Singapore: Institute for Southeast Asian Studies, 2008).

³¹ Rohaiza Ahmad Asi, "Idss Public Seminar on Whither the Indonesian Council of Ulama (MUI)?," in *IDSS Seminar Notes* (Singapore: Institute of Defense and Strategic Studies (IDSS), 2006).

Looking back, designing MUI with a “quasi-official” (or “quasi-independent”) status managed to a certain extent to tame Islam, but it rather failed to control the ulama who make up the main focus of potential and real rival legitimacy to the government in the long run. One would then question whether at the time of the establishment of MUI, appointing a state *mufti* proposed by Professor Hamka was more appropriate, as the supervision of the ulama under the bureaucracy of the state would then be more effective.

Conclusion

Out of this paper, several questions still remained to be a topic of further research, especially in regards to the transparency of the state funds directed to MUI. Should MUI be subject to government budgetary audits and if yes, how can good governance principles (which has secular tendencies) be applied to the ulama? Would other religious organizations be entitled for the same funding as well or is MUI given a special preference because it was the effort to compensate a Muslim-majority population and the multiconfessional identity?

Despite the questions, one issue became clear. There was a false perception that the establishment of MUI was successful in the beginning to tame Islam under the administration of the state bureaucracy. As I have demonstrated in this paper, it in fact did not, because the government was not fully able to tell MUI what to do or what not to do, and to a certain point in history MUI has distanced itself away from the government. What is also apparent is that we are now witnessing how MUI has opened up as the vehicle for the Muslim elites to bring their own political agenda. The real test case whether Islam and democracy will mix in Indonesia is to look at whether MUI can become the middle ground for the Muslim voice in Indonesia.

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