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## Politics of Islamic Law in Indonesia During the Reformasi Era

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### Abstract:

*This study examines the politics of Islamic law in Indonesia during the Reformasi era, specifically during the administrations of Presidents B.J. Habibie, Abdurrahman Wahid (Gus Dur), and Megawati Soekarnoputri. This research employs a qualitative approach. The Reformasi era, which began after the fall of the Orde Baru regime in 1998, was marked by significant changes in Indonesia's legal and political systems. During Habibie's administration, political liberalization and efforts to strengthen the rule of law, including in the context of Islamic law, occurred. Gus Dur's era was characterized by more inclusive and pluralistic policies, as well as efforts to strengthen the position of Muslims in the national political and legal systems. Meanwhile, Megawati's administration focused on political and economic stability with a pragmatic approach to Islamic law. This study uses a descriptive-analytical method to understand the dynamics and shifts in Islamic law policies during these three administrations. The results indicate that the politics of Islamic law in Indonesia during the Reformasi era were significantly influenced by the political and social contexts of each administration, as well as the diverse aspirations of the Muslim community.*

**Keywords:** politics, Indonesia reformation, law policy, Islamic law

### 1. Introduction

Since the fall of the Orde Baru regime in 1998, Indonesia entered the Reformation era, marked by significant changes in various aspects of national life, including politics and law (Emzaed, Kamsi, &

Lubis, 2020). This era was preceded by the Asian financial crisis in the late 1990s, which seriously affected the political and social stability in Indonesia. The crisis exacerbated public dissatisfaction with the Orde Baru government, which had been in power for over three decades

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under the leadership of Suharto (Emzaed, Pelu, & Tokhirov, 2023). The Orde Baru government was characterized by authoritarianism and strong centralization of power, with restrictions on freedom of speech and political organization. In this context, political and legal policies were heavily controlled by the central government, leaving little room for opposition and public participation (Hasan, 2020).

The reformation brought demands for a more democratic and transparent government. Freedoms of the press, assembly, and speech began to be respected again, providing space for various groups to voice their aspirations. In the legal field, the reformation prompted improvements in the judiciary and legislation, emphasizing respect for human rights and the rule of law. The establishment of new institutions like the Corruption Eradication Commission (KPK) symbolized efforts to combat the rampant corruption of the Orde Baru era (AbdulRazaq, 2018).

As the country with the largest Muslim population in the world, Islam plays a crucial role in Indonesia's political dynamics. Since the early days of independence, Islam's political role was evident with the existence of Islamic political parties such as Masyumi and Nahdlatul Ulama (NU). However, during the Orde Baru, the political role of Islam was limited by government policies that tended to be secular and prioritized political stability.

In the Reformation era, Islamic-based political power resurged significantly. The emergence of Islamic political parties such as the Prosperous Justice Party (PKS), the United Development Party (PPP), and the Crescent Star Party (PBB) signaled the revitalization of Islam's role in Indonesian politics (Hasan, 2020). These parties not only sought to advocate for Muslim interests but also played a crucial role in national political dynamics.

The resurgence of Islamic political power post-Reformation was also reflected in various regional regulations based on Sharia law, especially in regions with a strong Muslim majority. These policies cover various aspects of life, including education, economy, and law, aiming to align governance with Islamic principles (Khdir, 2022). The rise of Islamic politics also faces challenges in a pluralistic country like Indonesia. There are concerns that the formal implementation of Islamic law could lead to tensions between religious and ethnic groups (Emzaed, Pelu, & Tokhirov, 2023). Therefore, the role of Islamic politics must be balanced with democratic principles and respect for the diversity that characterizes Indonesia.

The evaluation of how democratization during the Reformasi era has influenced the implementation of Islamic law in Indonesia involves examining various dimensions. Firstly, it requires an analysis of how the opening up of political space and the increase in civil liberties have allowed for greater advocacy and mobilization by Islamic groups advocating for the implementation of Islamic law (Yani & Barthos, 2020). This includes assessing the role of Islamic political parties, civil society organizations, and religious leaders in shaping legislation and policies related to Islamic law. The impact of democratization on the legal framework must be assessed (Supandi, 2019). This involves analyzing how changes in the legislative process, such as increased representation and participation, have influenced the formulation and adoption of laws related to Islamic jurisprudence. Additionally, the role of the judiciary in interpreting and upholding Islamic law within the framework of a democratic system needs to be examined (Supawi, 2023).

Beyond the legal and political aspects, the evaluation should also consider the broader societal implications of the democratization process on the implementation of Islamic law (Hidayati & Hidayatullah, 2021). This includes assessing how democratization has affected social attitudes towards Islamic law, interfaith relations, and religious freedom (Buehler & Muhtada, 2016). Moreover, the impact on marginalized groups, such as religious minorities and women, should be analyzed to understand whether democratization has led to greater inclusivity and protection of their rights within the context of Islamic law.

The evaluation of challenges and obstacles in the implementation of Islamic law during the Reformasi era requires a comprehensive examination of various factors (AbdulRazaq, 2018; Fitri et al., 2022). Firstly, it involves identifying legal and institutional barriers that hinder the effective application of Islamic law, such as inconsistencies between Islamic law and the national legal system, limited resources for enforcement, and resistance from secular groups.

Socio-cultural challenges must be assessed, including differing interpretations of Islamic law among various Muslim communities, resistance to change from traditional practices, and the influence of non-Islamic cultural norms on legal implementation (Lavan, 2021). Additionally, the role of external factors, such as international pressure and globalization, in shaping the landscape of Islamic law implementation should be

considered. The evaluation should address the role of political dynamics and power struggles in shaping the implementation of Islamic law (Islamy, 2019; Yufriadi, Fitri, & Afifi, 2023). This includes analyzing how competing interests within the government and political parties, as well as tensions between religious and secular forces, impact policy-making and enforcement efforts related to Islamic law.

In the period of Reformasi in Indonesia, characterized by the fall of the Orde Baru regime in 1998, the politics of Islamic law played a crucial role in depicting significant changes in the dynamics of politics and the legal system of the country (Ramadhan, 2020). The administrations of B.J. Habibie, Abdurrahman Wahid (Gus Dur), and Megawati Soekarnoputri witnessed a long journey towards a more democratic and inclusive system. Under their leadership, there was a transition from authoritarian governance that hindered political and religious freedoms to a more open system that was responsive to the aspirations of the people (Samsunyah, 2021). One of the main aspects of this transformation was legislative changes, including in the context of Islamic law. The new policies implemented reflected the spirit of democratization and respect for human rights, which were the main focus of the Reformasi era (Supandi, 2019).

The process of implementing Islamic law politics was not without challenges. The complexity of Indonesian society, which is pluralistic, presented various views and interests that often clashed and led to intense debates (Toipah & Fiza, 2023; Afifi & Abbas, 2023). These challenges included issues such as the protection of human rights, religious freedom, and diverse understandings of Islamic legal principles (Supawi, 2023). At the same time, there was also a policy shift aimed at achieving a balance between the aspirations of Islamic politics and the principles of secular democracy (Supandi, 2019). These changes aimed to create an inclusive environment that respects diversity in the midst of a diverse society.

The research on the politics of Islamic law during the Reformasi period in Indonesia aims to analyze the impact of government policies, evaluate societal responses, identify implementation challenges, and examine legislative changes related to Islamic law. By understanding this complex dynamic, it is hoped that this research can provide deep insights into the journey of Islamic law politics in Indonesia during the Reformasi period and contribute valuable insights to the development of inclusive and just policies.

## 2. Method

The research method used in this study is a qualitative approach that includes document analysis, case studies, and interviews. Firstly, document analysis will be conducted to examine laws, presidential decrees, and government policies related to Islamic law politics during the Reformasi period, particularly during the administrations of Habibie, Gus Dur, and Megawati. This step will help in understanding the context of legislative changes and policies related to Islamic law.

Next, case studies will be used to investigate in-depth the administrations of each president and analyze specific policies relevant to Islamic law politics, societal responses, and implementation challenges. Interviews with experts, stakeholders, and Islamic law practitioners will be conducted to gain deeper insights into the dynamics of Islamic law politics during the Reformasi period. Data collected from document analysis, case studies, and interviews will be qualitatively analyzed to identify patterns, key findings, and trends in Islamic law politics. The validity of the research will be ensured through steps such as data triangulation, verification of findings with experts, and critical reflection on methodology and data interpretation. By using this approach, it is expected that this research will provide a comprehensive understanding of Islamic law politics in Indonesia during the Reformasi period, particularly during the administrations of Habibie, Gus Dur, and Megawati.

## 3. Result and discussion

### 3.1. Changes in Islamic law policies

In the context of legislative changes affecting the practice of Islamic law in Indonesia, the revision of laws becomes the main focus in analyzing its impact (Ramadhan, 2020). This revision not only covers the aspects of Islamic law directly but also affects various sectors of society. Through in-depth studies of related legislative revisions, such as the Criminal Code Bill, the Family Resilience Bill, and the Job Creation Bill, significant changes in the legal framework regulating the practice of Islamic law can be identified.

Evaluating government regulations issued as steps towards implementing these legislative revisions is also crucial (Wicaksono, 2022). These government regulations determine the details of implementing Islamic law in daily life and have the potential to be the main determinant of the effectiveness and success of implementing Islamic law at the national level. By strengthening the

analytical framework that considers both aspects holistically, a better understanding of the dynamics of Islamic law changes in Indonesia, as well as their impact on society and the legal system as a whole, can be achieved (Yani & Barthos, 2020).

In analyzing the practice of Islamic law in Indonesia, it is important to consider the role of both local and international policies. Local policies play a key role in shaping the implementation of Islamic law at the community level. Through tracing regional policies related to Islamic law, such as local regulations on Sharia law, we can understand how Islamic law is concretely implemented at the local level (Bilal Nasir, 2022). Changes in local policies can also have significant impacts on the practice of Islamic law, both directly and indirectly.

The connection between Islamic law policies in Indonesia and international trends and norms is also worth considering. In the context of globalization, Islamic law policies in Indonesia cannot be separated from broader international norms. By observing the relationship between Islamic law policies in Indonesia and international norms, such as human rights and democratic principles, we can evaluate the extent to which Indonesian Islamic law aligns with widely recognized international standards.

### 3.2. *Implementation of Islamic law policies*

Stakeholder resistance is an important aspect to consider in implementing Islamic law policies. In-depth analysis of the attitudes and opinions of various parties, including the general public, religious leaders, advocacy groups, and government institutions, can provide valuable insights into how the policy is perceived and understood by the broader society (Brulé, 2022). By understanding the potential resistance from various perspectives, strategic steps can be designed to overcome any obstacles that may arise in the implementation of these Islamic law policies.

Conflicts of interest often pose a major challenge in the implementation of Islamic law policies. Tracing the conflicts of interest that arise, both among stakeholders and within government institutions, is crucial in ensuring the success of policy implementation (Halevi, 2020). By identifying the root causes and understanding the dynamics of the conflicts, effective and inclusive resolution efforts can be undertaken to achieve consensus and support the sustainable implementation of fair and effective Islamic law policies.

Administrative constraints often pose a major obstacle to the effectiveness of implementing Islamic law policies. A careful evaluation of these constraints, such as complex bureaucracy, lack of trained human resources, and complicated administrative procedures, is essential to enhance the efficiency and effectiveness of policy implementation (Kayahan, 2022; Jumanda et al., 2023). By identifying these obstacles, appropriate improvement measures can be designed and implemented to reduce administrative burdens and ensure that Islamic law policies can be implemented smoothly and efficiently.

Enforcing Islamic law also faces various complex challenges (Massoud, 2019). A comprehensive review of these challenges, such as lack of awareness of Islamic law, resistance from certain parties, and limited resources, is crucial in developing effective strategies to enhance the enforcement of Islamic law. Measures such as training for law enforcement officers, public awareness campaigns, and increasing cooperation between law enforcement agencies and communities can be effective steps to address these challenges and ensure more effective and fair enforcement of Islamic law.

It is important to consider contextual and cultural factors in designing effective strategies for enforcing Islamic law (Muamar, 2017). Understanding local values, traditions, and cultural norms can help build more appropriate approaches that are accepted by the local community. With a sensitive approach to the local context, the enforcement of Islamic law can be more effective in achieving the desired justice and sustainability within the community.

### 3.3. *Public response to Islamic law politics in Indonesia*

The reaction of religious groups is an important factor that needs to be analyzed in examining the implementation of Islamic law policies. In-depth analysis of the responses and attitudes of religious groups, including religious leaders and organizations, can provide a better understanding of the dynamics within the communities affected by these policies (Nielson, 2012). In this context, it is important to observe the variations in the responses of religious groups, ranging from full support to resistance towards Islamic law policies. Understanding these diverse perspectives and thoughts can assist the government and policymakers in designing more effective strategies

to communicate and implement Islamic law policies (Nielson, 2012).

Public response is also crucial to evaluate in the context of implementing Islamic law policies. Evaluating the views of the general public, including minority and majority groups, on the implementation of Islamic law policies can provide a more comprehensive understanding of the acceptance and support of the policies within society (Nielson, 2012). By understanding the diverse perspectives and public reactions, the government can gauge the level of societal acceptance of Islamic law policies and improve communication strategies and policy implementation according to the needs and expectations of the public.

Political response is an important aspect to consider in the context of implementing Islamic law policies in Indonesia. Reviewing the responses of political parties and other political actors, such as parliament members, government officials, and political advocacy groups, can provide valuable insights into the support or rejection of Islamic law policies (Peters, 1988). Understanding the political stance regarding these policies can help in designing effective political strategies to support or improve the Islamic law policies being implemented.

International responses also have significant impacts in the context of Islamic law policies in Indonesia (Emzaed, Pelu, & Tokhirov, 2023). Tracing the responses and reactions from international parties, including other countries, international organizations, and human rights bodies, can provide an overview of how Islamic law policies in Indonesia are perceived and evaluated by the international community (Yunan et al., 2023). This is important to understand the diplomatic and political implications of these policies and their effects on Indonesia's image on the global stage.

Through a holistic understanding of political responses and international reactions to Islamic law policies in Indonesia (Rahayu et al., 2023), further steps can be better designed to ensure the success of implementing these policies and maintain positive relationships with the political and international communities.

### 3.4. Social and cultural impact

The implementation of Islamic law policies in Indonesia has ushered in a significant transformation in societal values and cultural dynamics. Analyzing these changes reveals a multifaceted impact on various facets of Indonesian life (Robinson, 2006). Firstly, there's a discernible

alteration in social values, reflecting a growing adherence to Islamic principles in areas such as family structure, gender roles, and community relations (Emzaed et al., 2020b). This shift underscores the integration of Islamic teachings into legal frameworks and daily practices, shaping societal norms and behaviors.

The influence of Islamic law policies on interreligious relations demands careful scrutiny. These policies have presented both challenges and opportunities in fostering harmony among diverse religious communities (AbdulRazaq, 2018). While some perceive them as a threat to religious diversity and tolerance, others view them as a means to strengthen communal bonds and mutual respect. Understanding these dynamics is paramount for nurturing peaceful coexistence and interfaith dialogue across Indonesia.

The implementation of Islamic law policies has triggered various social dynamics, reshaping the fabric of everyday life. From adjustments in family structures to evolving community norms, these policies have instigated shifts in social interactions and behaviors (Al-Ansi et al., 2023). For instance, certain legal provisions may impact traditional practices related to marriage, inheritance, and education, necessitating a nuanced examination of their societal implications.

The interplay between Islamic law policies and cultural identity is evident in the reconfiguration of Indonesian society (Emzaed, Kamsi, & Lubis, 2020; Yufriadi, Syahriani, & Afifi, 2023). As legal and cultural realms intersect, there's a reassessment of cultural practices and expressions in light of Islamic principles (Khdir, 2022). This reassessment affects the preservation of cultural heritage and the promotion of diversity, emphasizing the need to navigate the evolving landscape of Indonesian cultural identity with sensitivity and inclusivity.

Assessing the administrative and legal frameworks surrounding the implementation of Islamic law policies is crucial (Hasan, 2020). Administrative challenges, such as bureaucratic complexities and resource limitations, can impede the effective execution of these policies. Addressing these obstacles requires strategic planning and resource allocation to streamline administrative processes and ensure the smooth implementation of Islamic law (Hidayati & Hidayatullah, 2021; Afifi & Abbas, 2023).

Engaging with international perspectives on Islamic law policies provides valuable insights into their global implications. Tracing international responses and reactions offers a broader

understanding of how Indonesia's approach to Islamic law is perceived and evaluated on the global stage (Khdir, 2022). This awareness is essential for navigating diplomatic and political landscapes and maintaining Indonesia's standing in the international community while upholding its commitment to Islamic principles domestically.

#### 4. Conclusions

Islamic Law Politics in Indonesia During the Reform Era: during the periods of Habibie, Gus Dur, and Megawati. Islamic Law Politics in Indonesia has undergone significant developments during the Reform Era, particularly during the administrations of Habibie, Gus Dur, and Megawati. Under President Habibie's leadership, initial steps towards liberalization in Islamic law politics were taken. Although limited, these policies provided room for discussion and the development of a more inclusive Islamic law.

During Gus Dur's presidency, Indonesia witnessed a diverse period in Islamic law politics. Despite being known for his liberal approach, Gus Dur also faced resistance from some conservative groups. However, the policies he implemented laid

the groundwork for further reforms in Islamic law development.

Under Megawati's presidency, Islamic law politics tended to stagnate. Although there were no significant steps to reform or substantially change Islamic law, Megawati's government also did not assert a liberal approach like previous administrations. This reflects the challenges and complexities in managing the diversity of views and interests in Indonesia. In this context, it is important to acknowledge that Islamic law politics in Indonesia is not static but continues to evolve according to the political and social dynamics occurring in society.

Overall, the Reform Era has brought significant changes in Islamic law politics in Indonesia. Despite the diversity of approaches and perspectives, each period of governance has made meaningful contributions to the evolution of Islamic law in the country. However, the remaining challenges, both internal and external, indicate that the journey of Islamic law politics in Indonesia is ongoing and requires further cooperation and dialogue to achieve more inclusive and sustainable goals.

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