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**Michael Buehler and Dani Muhtada. “Democratization and the Diffusion of Shari’a Law: Comparative Insights from Indonesia” *Southeast Asia Research* 24, 2 (2016)**

# Democratization and the Diffusion of *Shari'a* Law: Comparative Insights from Indonesia

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## Abstract

The democratization of politics has been accompanied by a rise of Islamic laws in many Muslim-majority countries. Despite a growing interest in the phenomenon, the Islamization of politics in democratizing Muslim-majority countries is rarely understood as a *process* that unfolds across space and time. Based on an original dataset established during years of field research in Indonesia, this paper analyzes the spread of *shari'a* regulations across the world's largest Muslim-majority democracy since 1998. The paper shows that *shari'a* regulations in Indonesia diffused unevenly across space and time. Explanations put forward in the literature on the diffusion of morality policies in other countries such as geographic proximity, institutions, intergovernmental relations and economic conditions did not explain the patterns in the diffusion of *shari'a* regulations in Indonesia well. Instead, *shari'a* regulations in Indonesia were most likely to spread across jurisdictions where local Islamist groups situated outside the party system had an established presence. In short, the Islamization of politics was highly contingent on local conditions. Future research will need to pay more attention to local Islamist activists and networks situated outside formal politics as potential causes for the diffusion of *shari'a* law in democratizing Muslim-majority countries.

## Key Words:

Democratization, Indonesia, Islamic Law, Islamization, Policy Diffusion, *Shari'a*

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## Introduction

As a result of the democratization of politics in many parts of the Muslim world, “elected governments face growing pressure to expand or preserve Islamic law” (Kendhammer, 2013, p. 291). Consequently, the democratization of politics has been accompanied by the spread of Islamic law in many Muslim-majority countries (Riaz, 1985, pp. 41-7; Kendhammer, 2013, p. 291; Villalon, 1994, p. 434; Yavuz, 1997, p. 63).

Most of the existing literature focuses on the *consequences* the adoption of Islamic laws, including human rights, the treatment of women and religious minorities, as well as state-religion relations more broadly. In recent years, a smaller literature has emerged that examines the *causes* behind the adoption of Islamic law in the context of democratization.<sup>2</sup> This article engages with the latter literature as we think it suffers from several shortcomings. Most important, the Islamization of politics implies a *process* that unfolds over time and across a democratizing country’s territory. However, despite a growing interest in the causes behind the Islamization of politics in the context of democratization, current scholarship neither understands the spread of *shari’a* law as a *dynamic* phenomenon nor does it explicitly address temporal and spatial issues. Most existing studies only show *that* the democratization of politics in Muslim-majority countries is often followed by an Islamization of politics.

Yet, studying the Islamization of politics’ temporal and spatial dimension is important for several reasons. Democratization is not unfolding in a unilinear fashion. Rather, it is a protracted process with frequent rollbacks and without a predefined outcome (Carothers, 2002, pp. 5-21.) Since the Islamization of politics seems tied to the democratization of politics, it is highly likely

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<sup>2</sup> See Kendhammer 2013 for an overview.

that the Islamization of politics is an irregular process too. It is therefore crucial to understand what facilitates and obstructs the Islamization of politics over time.

It is important to also study the spatial dimension of the Islamization of politics for several reasons. Democratization is an uneven process even *within* nation-states as the growing literature on subnational authoritarianism shows (Gibson, 2005; Sidel, 2014). Furthermore, democratic transitions are often accompanied by a decentralization of political authority. This has created multi-level democratic systems with complex power dynamics *across* government layers, including many Muslim-majority countries (Riaz, 1985; Villalon, 1994; Yavuz, 1997).

In short, existing studies do not account for the possibility that the adoption of Islamic law may occur gradually over time and unevenly across a democratizing country's territory. As the political landscape and institutional context in Muslim-majority countries become more heterogeneous as a result of democratization and decentralization, an explicit focus on the spread of Islamic law across time and space will therefore provide a more nuanced understanding of the Islamization of politics in democratizing Muslim-majority countries.

### **The spread of *shari'a* regulations in Indonesia**

To begin isolating factors that potentially facilitate or obstruct the spread of Islamic law across time and space in the context of democratization in Muslim-majority countries, we examined the adoption of *shari'a* regulations in Indonesia.

The collapse of the authoritarian New Order regime in 1998 abolished restrictions on party formation that Suharto had imposed during his reign. Now parties could be established freely, including parties with a religious platform. In addition, executive and legislative elections at both the national and local level were introduced. Finally, the national government

decentralized political and fiscal authority to the subnational level. These reforms turned Indonesia not only into the largest Muslim-majority democracy but also into one of the most decentralized countries in the world.

While the national government theoretically retained authority over religious affairs under the decentralization laws adopted in 1998, it also provided local governments with the authority to amend national laws through local regulations.

Provincial and district governments have used their new powers to adopt local regulations on a variety of moral and religious issues (Buehler 2106; 2013; Bush, 2008; Lindsey, 2008).<sup>3</sup> For example, some of these local regulations prohibit alcohol consumption, gambling and prostitution. Others regulate the collection of religious alms, Qur'an reading education and female dress codes.<sup>4</sup> Most scholars agree that the adoption of these *shari'a* regulations "clearly represents a historical breakthrough in the trajectory of political Islam in Indonesia" (Hasan, 2007, p. 10).

While sensationalist accounts claimed that the more participatory political environment after 1998 had triggered a widespread "Islamization of politics" and a "creeping shari'a-ization" of the archipelago (Anwar 2003), more nuanced assessments suggest considerable temporal and spatial variation in the adoption of these *shari'a* regulations. With regard to the temporal dimension, most scholars have argued that the spread of these *shari'a* regulations is linked to Indonesia's turbulent transition period. Concretely, *shari'a* regulations were adopted in the context of political instability, the breakdown of law and order and as a result of new players

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<sup>3</sup> Districts (*kabupaten*) and municipalities (*kota*) are situated below provinces in Indonesia's administrative hierarchy. For brevity's sake, we only refer to districts unless there are developments distinct to municipalities.

<sup>4</sup> For a more exhaustive list of these regulations, see Pisani and Buehler, *unpublished manuscript*.

entering politics who were eager to carve out a profile for themselves in a newly democratic political arena after 32 years of military rule (Eddyono, 2011; Hakimul, 2011; Hefner, 2011; Van Bruinessen, 2013). Several scholars claimed that the adoption of *shari'a* regulations slowed down as Indonesia's democracy became more consolidated (Bush, 2008; Makruf and Halimatussa'diyah, 2014). In short, the adoption of *shari'a* regulations in Indonesia varied across time. *Shari'a* regulations were adopted in rapid succession immediately after the collapse of the New Order regime in 1998 but such incidents became rare as Indonesia's transition matured.

With regard to territorial variance in the adoption of *shari'a* regulations, several studies showed that these regulations cluster in a small number of jurisdictions (Buehler, 2013; Bush, 2008). Concretely, 62 percent of all *shari'a* regulations that have been adopted since 1998 cluster in only six provinces. To provide another figure that shows the highly uneven adoption of these regulations across space, 60 percent of all *shari'a* regulations are concentrated in only 23 percent (115/ 497) of all Indonesian districts (Pisani and Buehler, unpublished manuscript).

While the Islamization of politics in Indonesia after 1998 seems to be characterized by considerable temporal and spatial variance, none of the existing studies offer concrete insights into the factors that potentially facilitate or obstruct the spread of *shari'a* regulations across time and space. To better understand the temporal and spatial distribution of these *shari'a* regulations in Indonesia after 1998, a more explicit focus on the conditions that potentially facilitate or obstruct the spread of such *shari'a* regulations is necessary. In other words, most of the existing

literature focuses on the ‘who’ of Islamist politics, whereas the contribution of this article lies in its disaggregation and comparative analysis of the “what”, “where”, and “when.”<sup>5</sup>

### **Situating the diffusion of *shari’a* regulations in the theoretical literature**

In this context, it is important to note that we are not interested in examining the *adoption* of *shari’a* regulations but the *diffusion* of such regulations across time and space. “Diffusion” denotes the movement of a policy or a law from one jurisdiction to another. “Adoption” means the enactment of a policy or a law in a specific jurisdiction (Karch, 2007, p. 56). In short, we study the *interdependence* between subnational polities with regard to the adoption of *shari’a* regulations to gain a better understanding of the conditions under which such regulations have spread in the context of democratization in Indonesia after 1998.

### ***Hypotheses on the diffusion of morality policies***

The literature on comparative public policymaking in general and the extensive literature on the diffusion of morality policies across the United States of America (USA) in particular provided a starting point for our own research (Mooney, 2000, p. 174; Graham et al., 2013).

Scholarship on the diffusion of morality policies across the USA has put forward competing explanations for the spread of such regulations. One of the earliest hypotheses claimed that *geographic proximity* facilitates the diffusion of morality policies. Polities that share boundaries with one another adopt similar policies because information flows easily between jurisdictions in close vicinity to one another. Furthermore, jurisdictions close to one another also

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<sup>5</sup> We are not explicitly addressing “how“ *shari’a* regulations diffuse. Instead, we try to isolate broad patterns in the diffusion of *shari’a* regulations that may become the starting point for a more detailed analysis of the mechanisms and processes through which *shari’a* regulations diffuse. Subsequent research will have to identify the *actual mechanisms and processes* through which Islamic law spreads in the context of democratization in Indonesia and other democratizing Muslim-majority countries. We thank one of the anonymous reviewers for encouraging us to be clearer on this point.

often face similar political challenges and therefore adopt similar policies. Finally, jurisdictions sharing borders often adopt the same policies to prevent spill-over effects. For example, prostitutes (and their clients) may travel from jurisdictions that adopted harsh regulations against the sex industry to jurisdictions with a less punitive legal environment. To prevent this, jurisdictions adjacent to early-adopters may follow suit and adopt similar policies.<sup>6</sup>

Another set of studies from the USA argues that the *institutional context* determines the diffusion of morality policies. This literature's main argument is that there are reformed and nonreformed jurisdictions. Reformed jurisdictions are districts that are ruled by district managers rather than district heads. Such managers are appointed by local parliaments based on professional management credentials. In nonreformed jurisdictions, district heads are directly elected by the people. Furthermore, local parliaments in reformed jurisdictions are elected based on a proportional or "at large"-electoral system, rather than from single-member districts. The latter, ward-based elections are characteristic of unreformed jurisdictions (Sharp, 2005, p. 16).

How do these institutional differences matter for the diffusion of morality policies? In reformed jurisdictions, both executive governments and parliaments are somewhat isolated from public pressures. In nonreformed jurisdictions, in contrast, it is easier for popular demands to influence policymaking. In other words, the institutional framework lends itself to politicization given the presence of direct elections for executive government posts and ward-based elections for local parliamentarians. Politicians in such jurisdictions are vulnerable to machine politics

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<sup>6</sup> A similar logic is said to have led to a "race to the bottom" in many American states with regard to social welfare policies. Fearful of attracting social welfare recipients from jurisdictions with lower quality social welfare regimes, many jurisdictions have cut back on social welfare provisions. In fact, US-states have often pro-actively pushed citizens considered a burden to local welfare systems across state borders. The infamous "Greyhound therapy" in Nevada is just one example. There, in an attempt to reduce health costs, mental health clinics were emptied in 2014 by sitting patients on an interstate Greyhound bus to California in the hope that the health system there would pick them up. Many of these patients became homeless in California instead. See Rather 2014.



based on clientelist relations, which works in favor of small but well-organized special interests, including conservative pressure groups.

Related to the literature that emphasizes the importance of institutions for the diffusion of morality policies are arguments that focus on *intergovernmental relations* as drivers of diffusion processes. Local jurisdictions are embedded in a complex institutional hierarchy. Hence, policy decisions at the subnational level are not made in isolation but often depend on rules and regulations issued by higher-level administrative layers. For example, if provinces (or states in the case of the USA) outlaw the possession of drug paraphernalia, it is challenging for districts located in such provinces to adopt policies on needle exchange programmes for drug addicts. In other words, morality policies against needle exchange programmes are more likely to spread to jurisdictions that are located in provinces which do not outlaw the possession of drug paraphernalia.

Furthermore, there are theories about the diffusion of morality policies that assign causal primacy to *economic factors*. For instance, morality policies against gambling are less likely to be adopted in jurisdictions that are in financial distress. There, economic pressures trump morality considerations. In prosperous communities, economic considerations are less likely to override morality concerns.

Finally, another strand of literature argues that *local cultures* define the diffusion of morality policies. Local policymakers are a product of the local culture they are embedded in. They are reflective of local values either because they have been socialized in the local communities whose politics they now shape or because they want to get re-elected and therefore adjust to the moral universe of their local communities. Morality policies are more likely to

diffuse across jurisdictions with conservative local cultures than across jurisdictions with progressive local cultures.<sup>7</sup>

### ***Studying diffusion through comparing policy content***

Most studies on the diffusion of policies focus on potential *actors* spreading a particular policy from one jurisdiction to another. However, such research is often conducted in consolidated democracies where the policymaking process is relatively well understood.

We considered it a more prudent approach to first isolate broad patterns in the spread of *shari'a* regulations by comparing the *content* of *shari'a* regulations across time and space. Such an approach has several advantages: Studying the diffusion of policies through a comparative content analysis is neglected in the existing literature (Graham et al., 2013, p.17; Karch, 2007, p. 55). This often limits the insights into diffusion processes because studies that focus on actors rather than policy content often treat the spread of regulations as a process with a dichotomous outcome. Actors either adopt or do not adopt a specific policy in their respective jurisdiction. However, the diffusion process may be more nuanced. For instance, a jurisdiction may adopt a more stringent or more lenient version of a policy that already exists in another jurisdiction rather than just adopt or not adopt a policy. For democratizing Muslim-majority countries, this raises the question whether jurisdictions that adopt *shari'a* regulations relatively early in the democratization process adopt more comprehensive and harsher *shari'a* regulations than jurisdictions that are relative latecomers. In other words, is there a radicalization in the Islamization of politics over time or does the Islamization of politics peter out as democratization

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<sup>7</sup> There has been a long debate in political science on how to conceptualize culture. Numerous scholars have tried to identify local cultures across the USA, with varying degrees of success. For instance, Rosdil differentiates between conventional and unconventional jurisdictions in US-local politics based on research that examines women's social roles, the prevalence of tertiary education, the number of non-traditional households, including unrelated individuals living together, female-headed families and the prevalence of service-related employment in the local economy. Rosdil then argues that morality policies are more likely to spread across jurisdictions with conservative local cultures than jurisdictions with progressive local cultures. See Rosdil 1991.

progresses? If there is no evolution in the content of *shari'a* regulations as they spread, does this indicate that the Islamization of politics is merely symbolic?

In short, tracking the diffusion of *shari'a* regulations through a comparison of their content provides insights into the *scope* of the Islamization process in the context of democratization that analyses with a focus on actors cannot provide.

We also compared the content of *shari'a* regulations because such content is relatively accessible compared to actors such as the local bureaucracies or Islamist networks through which the diffusion of *shari'a* regulations may occur.

We will elaborate briefly on the role of actors in the dissemination of *shari'a* regulations at the end of this paper but want to focus on the role of actors mainly in future research and after the broad patterns in the diffusion of *shari'a* regulations are better understood.

### **The diffusion of *shari'a* regulations across Indonesia since 1998**

To establish a dataset of *shari'a* regulations, we relied on the Ministry of Home Affairs (MoHA), which, theoretically, has to keep tabs on all local regulations. To verify and complete the data obtained from the MoHA, we checked the website of every jurisdiction in Indonesia. Many jurisdictions publish online the local regulations they adopt. We also utilized existing compilations of *shari'a* regulations collected by watchdog organizations and journalists. In addition, we conducted in-depth research in national and local newspaper archives. Finally, we conducted numerous interviews with government officials, civil society organizations, and Islamists on the ground in Indonesia between 2005 and 2014. If we were unable to obtain an actual hard- or soft-copy of the entire *shari'a* regulation, we did not include it in our list. This

way, we established a list of 422 *shari'a* regulations, making it the most comprehensive data set on *shari'a* regulations in Indonesia currently available.<sup>8</sup>

For some local regulations it was not immediately clear whether they classify as *shari'a* regulations. For instance, should regulations against the consumption of alcohol be considered a *shari'a* regulation or a public health regulation? It is important to establish a clear classification for local regulations because morality laws may diffuse differently than health laws.<sup>9</sup>

To address this issue, we looked at the content of the regulation and the justifications made therein as to why the regulation was deemed necessary by the local government that had adopted the regulation. For instance, if a district government prohibited the consumption of alcohol on religious grounds we considered it a *shari'a* regulation and included it in our dataset.

The data collection process also showed that there are different types of *shari'a* regulations. We found regulations on “public order and social problems” such as alcohol consumption, gambling, and prostitution. There are also regulations on “religious skills and obligations” including Qur’an reading skills, prayer requirements or regulations that outline what constitute “proper” Islamic beliefs. Finally, there are regulations that resemble not much more than “religious symbolism.” These include dress codes for men and women (Salim, 2007, p. 126). Bush argued that the first kind of *shari'a* regulation should be categorized as “morality issues” since they “reflect the moral teachings of most religions and the majority of Indonesian society”, while the second and third category are directly linked to the Qur’an and are therefore

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<sup>8</sup> Previous studies have grossly underreported the number of *shari'a* regulations, estimating that there are only between 78 and 169 such regulations in Indonesia. See Bush 2008, 174–191 and Buehler 2013, 63-82 respectively.

<sup>9</sup> For a more extensive discussion on this issue, see Pisani and Buehler, unpublished manuscript.

best categorized as regulations pertaining to “Islamic teachings” (Bush, 2008, p. 177). We followed Bush’s categories in our paper.

### **The diffusion of *shari’a* regulations across time and space**

In order to show that the Islamization of politics through the adoption of *shari’a* regulations is a *process* that may vary across time and space, we first examined *when* and *where* *shari’a* regulations were adopted. Our data shows that *shari’a* regulations have spread relatively steadily between 1998 and 2013. If anything, their number has increased after 2005.<sup>10</sup> This refutes claims made in previous studies mentioned above that the Islamization of politics in Indonesia is a transitional phenomenon confined to the years immediately following the collapse of the military regime in 1998.

The diffusion of *shari’a* regulations is also cyclical. 68 percent (287/422) of all *shari’a* regulations were adopted by local government heads during their *first* term in office, while only 30 percent (125/422) were adopted during local government head’s second term in office.<sup>11</sup> Indonesian law limits the time politicians can occupy governor or district head posts to two terms, each lasting five years. Arguably, local politicians lose interest in adopting such regulations when they no longer have to stand for re-elections.<sup>12</sup>

With regard to the *spatial* dimension of the diffusion process, 62 percent of all *shari’a* regulations adopted between 1998 and 2013 cluster in six provinces. These *shari’a* clusters are West Java (85), West Sumatra (55), South Kalimantan (38), East Java (32), South Sulawesi (26),

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<sup>10</sup> This may have to do with the fact that direct elections for local government heads were introduced in 2005. For a detailed analysis, see Buehler 2016.

<sup>11</sup> Seven *shari’a* regulations were adopted by caretakers that occupy office in between two elected district heads. Furthermore, in the case of three *shari’a* regulations, we could not establish whether they had been adopted in the first or second term as they did not include any date.

<sup>12</sup> For a more in-depth analysis of how the adoption of *shari’a* regulations relates to election cycles, see Pisani and Buehler, unpublished manuscript.

and Aceh (25).<sup>13</sup> It is also in these provinces where the first *shari'a* regulations were adopted after the political opening in 1998. In other words, the number of *shari'a* regulations adopted outside these *shari'a* clusters was fairly low in the years immediately following the collapse of the New Order regime. Between 2004 and 2012 the number of *shari'a* regulations adopted *outside* these *shari'a* clusters increased.<sup>14</sup> This indicates that *shari'a* regulations have indeed diffused across the country in a gradual process. However, the majority of *shari'a* regulations continue to be adopted in the six *shari'a* clusters as shown in Table 1. Overall, the diffusion of *shari'a* regulations remains relatively confined. Most *shari'a* regulations diffuse within the provinces in which they have been adopted first. In other words, they have not spiraled out across the archipelago in great numbers from the six *shari'a* clusters.

**Table 1 The diffusion of *shari'a* regulations across Indonesia, 1998-2013**

<b>Year</b>	<b><i>Shari'a</i> Clusters</b>	<b>Percentage</b>	<b>Non-<i>Shari'a</i> Clusters</b>	<b>Percentage</b>	<b>Total</b>
1999	3	75%	1	25%	4
2000	11	85%	2	15%	13
2001	23	82%	5	18%	28
2002	16	53%	14	47%	30
2003	26	70%	11	30%	37
2004	18	56%	14	44%	32
2005	28	74%	10	26%	38
2006	20	54%	17	46%	37
2007	22	55%	18	45%	40
2008	21	54%	18	46%	39
2009	28	55%	23	45%	51
2010	18	78%	5	22%	23
2011	20	53%	18	47%	38
2012	6	55%	5	45%	11
2013	1	100%	0	0%	1
<b>Total</b>	<b>261</b>	<b>n/a</b>	<b>161</b>	<b>n/a</b>	<b>422</b>

<sup>13</sup> For an analysis of the political dynamics in these *shari'a* clusters, see Buehler, "Subnational Islamization," 63-82.

<sup>14</sup> There were no *shari'a* regulations adopted outside the *shari'a* clusters in 2013. It is not yet possible to say whether this is the start of a new trend.

To gain a better understanding for *how* these *shari'a* regulations diffused, we then compared their content. A brief examination of the 422 *shari'a* regulations provides a first impression of the spread of *shari'a* regulations across the country between 1998 and 2013. The content of 60 percent (252/422) of all *shari'a* regulations adopted between 1998 and 2013 is about “Islamic teachings”, while the remaining 40 percent (170/ 422) are concerned with “morality issues.”

Furthermore, of the 252 *shari'a* regulations concerned with Islamic teachings, 24 percent (62/ 252) regulate the collection of religious alms (*zakat*), 23 percent (59/ 252) are concerned with Islamic knowledge and skills, 15 percent (39/ 252) are regulating Islamic micro-finance, 11 percent (27/ 252) establish rules to foster “proper faith” and prohibit “Islamic sects”<sup>15</sup>, while 10 percent (25/ 252) regulations are establishing dress codes for Muslim. 17 percent (40/252) of this type of *shari'a* regulation deal with other issues pertaining to Islamic teachings.

A breakdown of *shari'a* regulations concerned with morality issues shows that 51 percent (85/168) prohibit the consumption of alcohol, 29 percent (49/ 168) prohibit prostitution, and 2 percent (4/ 168) prohibit gambling. The remaining 18 percent (30/ 168) of *shari'a* regulations on “morality issues” are relatively unspecific as they merely talk about encouraging “social order” or prohibiting “sins”.

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<sup>15</sup> Most of these regulations outlaw the practices of Ahmadiyah, a heterodox Islamic group.

Overall, these descriptive statistics on the content of *shari'a* regulations show that *shari'a* regulations concerned with Islamic teachings have diffused relatively more easily than *shari'a* regulations concerned with morality issues.

Based on this first finding about the distribution of *shari'a* regulations, we decided to compare the content of the two groups of *shari'a* regulations concerned with Islamic teachings that have been most widely adopted across jurisdictions, namely regulations on the collection of religious alms (*zakat*) and *shari'a* regulations on Islamic knowledge and skills. Such a focus was most likely to yield insights into the diffusion patterns of *shari'a* regulations.

For logistical and financial reasons, we had to confine our content analysis to the *shari'a* regulations in the districts of two provinces. We focused on West Java and West Sumatra province because the majority of *shari'a* regulations on *zakat* collection and Islamic knowledge and skills were adopted in these two provinces. Concretely, of the 62 *shari'a* regulations on *zakat* adopted between 1998 and 2013, 18 percent (11/ 62) were adopted in West Java and 13 percent (8/ 62) in West Sumatra, totalling more than 30 percent of all *zakat* regulations adopted nationwide. Likewise, 58 percent (34/ 59) of all *shari'a* regulations on Islamic knowledge and skills concentrate in these two provinces. 18 such regulations were adopted in West Java and 16 such regulations were adopted in West Sumatra. The distribution *within* these provinces is also considerable. In West Java and West Sumatra, *zakat* regulations exist in 42.3 percent and 41.1 percent of all jurisdictions respectively, while *shari'a* regulations concerned with Islamic knowledge and skills exist in 30.5 percent of all districts in West Java and 42 percent of all districts in West Sumatra. More comprehensive data on the content of these *shari'a* regulations is available in online appendices accompanying this article.<sup>16</sup>

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<sup>16</sup> The appendices are available at [www.michaelbuehler.asia](http://www.michaelbuehler.asia)



### **The diffusion of *shari'a* regulations on *zakat*.**

In West Java and West Sumatra, 19 *zakat* regulations were adopted between 1998 and 2013. We successfully obtained 10 such regulations in West Java and 7 regulations in West Sumatra. Our content analysis revealed that the overall focus of these regulations on the collection of religious alms is similar across most jurisdictions in the two provinces. Most *shari'a* regulations contain rules on the collection of religious alms and a list of what items are taxable under *zakat* law. Finally, almost all these *zakat* regulations contain instructions for establishing Government Zakat Collection Bodies (BAZ, *Badan Amil Zakat*) and Private Zakat Collection Bodies (LAZ, *Lembaga Amil Zakat*).

Furthermore, our analysis showed that the content of the *shari'a* regulations on *zakat* in most jurisdictions in the two provinces was copied directly from the National Law No. 38/ 1999 on Zakat Management.<sup>17</sup>

However, our comparison also showed that many jurisdictions *enriched* paragraphs from the Law No. 38/ 1999. For instance, local *shari'a* regulations not only expanded the rules and regulations for the formation of BAZ and LAZ stipulated in Law No. 38/1999 but added new items on which *zakat* payments were required. Local jurisdictions also often changed the percentage figures for religious taxes. Some *shari'a* regulations also introduced new procedures for the collection of religious taxes.

Concretely, at least 17 of the 19 *shari'a* regulations introduced more stringent rules for the operation of local *zakat* collection agencies. They also ruled that local governments need to financially support the daily operations of the *zakat* collection agencies. There are no such stipulations in the Law No. 38/ 1999.

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<sup>17</sup> Law No. 38/ 1999 on Zakat Management was the first law adopted in post-1998 Indonesia that had an explicit religious focus.

Most *shari'a* regulations on the collection of religious alms also introduced new oversight mechanisms for the operations of local *zakat* collection bodies. Law No. 38/ 1999 merely states that these collection bodies need to submit an accountability report to the parliament in their jurisdiction. Many local *shari'a* regulations revised this stipulation to the extent that accountability reports need to be submitted to parliaments *and* local executive governments.

Finally, many local *shari'a* regulations also introduced new sanctions for violating the rules and stipulations outlined in the regulations on the collection of *zakat*. For instance, most local *shari'a* regulations introduced significant higher prison sentences and monetary fines for transgressors compared to the national law.

In short, *shari'a* regulations on the collection of *zakat* became more comprehensive and more stringent during the diffusion process from the national to the subnational level.

However, the content of *shari'a* regulations on the collection of religious alms has not only diffused in a vertical fashion from the national to the local level. Our content analysis showed that the Islamization of politics also occurred along horizontal lines. Concretely, jurisdictions in both West Java and West Sumatra “borrowed” paragraphs from one another, as shown in online appendix 1.

Finally, the enriched content of these local *shari'a* regulations subsequently spread to the national level. When the national government replaced Law No. 38/ 1999 with Law No. 23/ 2011 on *Zakat Management*, it introduced many of the more stringent provisions that had been introduced by local *shari'a* regulations on *zakat* adopted in previous years. For example, Article 30 of Law No. 23/ 2011 now states that the government is responsible for operational funding of

the state-sponsored *zakat* body, now called BAZNAS.<sup>18</sup> This was first mentioned in *local shari'a* regulations on *zakat*. The revised national law also introduced accountability mechanisms that drew on local *shari'a* regulations. For instance, Article 7, Paragraph 3 of Law No. 23/2011 requires the BAZNAS to deliver an annual report to *both* the President and the national parliament. Again, this has first been mentioned in local *shari'a* regulations on the collection of *zakat*. Sanctions for violating the new national law on *zakat* management have also been modeled after local *shari'a* regulations on *zakat*, which became harsher as these regulations diffused horizontally as mentioned before. This shows that the vertical diffusion of *zakat* regulations also occurred bottom-up.

To summarize, the diffusion of *zakat* regulations in Indonesia occurred both vertically and horizontally. Our comparison of the content of *shari'a* regulations on *zakat* showed that these regulations diffused vertically first. Subnational jurisdictions adopted such *shari'a* regulations only *after* Law No. 38/ 1999 on *Zakat* Management had been adopted. Subsequently, the content of these regulations diffused horizontally. Many jurisdictions copied the exact wording from the district that had adopted *shari'a* regulations on the collection of *zakat* first. In the process of this horizontal diffusion, the content of these *shari'a* regulations on *zakat* often changed. Many *zakat* regulations that were adopted later on were more comprehensive and also more stringent than the *zakat* regulations that had been adopted in the years immediately after the fall of Suharto.

### **The diffusion of *shari'a* regulations on Islamic knowledge and skills**

Next we compared the content of *shari'a* regulations concerned with Islamic knowledge and skills. Again, West Java and West Sumatra have the highest number of such *shari'a*

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<sup>18</sup> BAZNAS stands for *Badan Amil Zakat Nasional* and replaced BAZ, which stood for *Badan Amil Zakat*.

regulations. We obtained 14 of these regulations in West Java and 11 such regulations in West Sumatra. The *shari'a* regulations on Islamic knowledge and skills in both provinces emphasized the need to increase religious instruction for pupils and students after 1998.

However, there were considerable differences between the two provinces with regard to the means through which such additional religious instruction should be provided. In West Java, 89 percent (16/18) of all *shari'a* regulations concerned with Islamic knowledge and skills require pupils to attend private boarding schools, *madrasah diniyah*, for additional religious instruction. In West Sumatra, in contrast, 88 percent (14/16) of all *shari'a* regulations on Islamic teachings require students to improve their Islamic knowledge and skills through courses on Qur'an literacy that are offered as part of the official school curriculum. In other words, West Java's jurisdictions almost exclusively require the provision of additional religious instruction through extra-curricular means while in West Sumatra, almost all *shari'a* regulations concerned with Islamic knowledge and skills stipulate that additional religious instruction ought to occur as part of the official curriculum.

Furthermore, a comparison of the content of *shari'a* regulations on Islamic knowledge and skills both within and across these two provinces showed that such *shari'a* regulations diffused mainly horizontally, that is *within* administrative layers. The first *shari'a* regulation on providing extracurricular religious instruction through *madrasah diniyah* was adopted in Indramayu district in 2003. Many districts in the province subsequently adopted similar *shari'a* regulations and "borrowed" from this first *shari'a* regulation. Likewise, the *shari'a* regulations on improving Islamic knowledge and skills through increasing the hours of Qur'an reading at official schools spread horizontally across West Sumatra. The first such *shari'a* regulation was adopted in Solok district in 2001 from where it spread to other districts across the province in subsequent years.

During this diffusion process, districts liberally borrowed paragraphs from the initial *shari'a* regulation in Solok district as shown in online appendix 2.

To summarize, there was no vertical diffusion in the case of *shari'a* regulations on Islamic teachings unlike during the diffusion of *shari'a* regulations on the collection of *zakat*. In other words, there was no national law that triggered the diffusion of this type of *shari'a* regulation at the subnational level. *Shari'a* regulations on Islamic knowledge and skills also did not travel upward from the local level to inspire national laws.<sup>19</sup> In short, the diffusion of *shari'a* regulations on Islamic knowledge and skills is highly confined by a specific local context. This was also shown by the fact that in West Java, almost all *shari'a* regulations pertaining to Islamic teachings were regulating religious instruction through *madrasah diniyah*. In contrast, in West Sumatra, *shari'a* regulations to improve pupils' Islamic knowledge and skills aimed at doing so through additional Qur'an reading classes within the official school system.

### **Factors shaping the diffusion of *shari'a* regulations**

What accounts for these patterns in the diffusion of *shari'a* regulations on *zakat* and Islamic knowledge and skills? Existing scholarship on the diffusion of morality policies suggested geographic proximity, the institutional framework, relations between administrative layers, economic conditions as well as local cultures as factors potentially shaping the diffusion of morality policies.

In Indonesia, geographical proximity does not seem to drive the diffusion of *shari'a* regulations, at least not beyond the provincial level. Most of the *shari'a* regulations adopted since 1998 cluster in six provinces as mentioned before. None of these provinces share

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<sup>19</sup> Only the provincial government in West Sumatra adopted one *shari'a* regulation on Islamic knowledge and skills in 2007.

boundaries with one another. *Shari'a* regulations also show considerable difficulties to spill over into provinces that *do* share borders with these *shari'a* clusters, as shown in Figure 1.

**Figure 1: Number of *shari'a* regulations enacted in Indonesia at the provincial or district level between 1999 and 2012, by province.**



Source: Pisani and Buehler, unpublished manuscript.

The fact that most districts in the six *shari'a* clusters have adopted at least one *shari'a* regulation between 1998 and 2013 suggests that geographical proximity plays a role in the diffusion of *shari'a* regulations *within* these clusters. However, this needs to be qualified. Most jurisdictions in each these *shari'a* clusters adopted a different “mix” of *shari'a* regulations compared to neighboring districts. A few districts in the two provinces have adopted no *shari'a* regulations at all. Finally, we are aware of only one occasion during which local politicians were pondering the adoption of a *shari'a* regulation because the existence of such a regulation in a neighboring district. In Pare Pare City in South Sulawesi province, the head of the local branch of the Preparatory Committee for the Implementation of Islamic Law (KPSSI, *Komite Persiapan Penegakan Syariat Islam*), a conservative pressure group lobbying for a state based on Islamic law, argued in a hearing with the local parliament that Pare Pare City needed to outlaw the consumption of alcohol because, otherwise, hordes of “drinkers” (*peminum*) from a nearby

district that had outlawed alcohol consumption would flock to Pare Pare City to drink liquor (Tribun Timur 2009).<sup>20</sup>

Arguments that institutional conditions determine the diffusion of morality policies also struggle to explain the *shari'a*-ization of politics in Indonesia after 1998. In the USA, for instance, where most of the literature on the diffusion of morality policies comes from, federal structures provide local jurisdictions with considerable authority over the design of their local electoral and political institutions. Consequently, there are great institutional differences between reformed and non-reformed local jurisdictions. In contrast, Indonesia is a decentralized unitary state where the national government defines the boundaries of institutional changes at the local level. Hence, there are no institutional differences between Indonesian districts. The argument that morality policies diffuse more easily among non-reformed districts, that is jurisdictions with electoral institutions that facilitate the influence of groups situated in society, compared to reformed districts where the institutional environment confines the possibilities for societal groups to influence politics, does therefore not apply to Indonesia. In short, as there are no institutional differences between districts, institutional factors cannot account for why *shari'a* policies diffuse among certain districts but not others.

In fact, in most Indonesian districts the institutional framework is underutilized from a *shari'a* policy perspective. *Shari'a* regulations have diffused to only a small number of districts despite the fact that the institutional framework would allow *all* jurisdictions in Indonesia to adopt such regulations. This provides further evidence that theories which emphasize the causal

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<sup>20</sup> Arguably, geographical proximity does not facilitate the diffusion of *shari'a* regulations because they are rarely implemented. Hence, politicians do not have to be concerned about potential spill-over effects even if neighboring districts adopt *shari'a* regulations against prostitution or the consumption of alcohol. Subsequent research will need to examine such hypotheses through surveys and in-depth process tracing.

primacy of institutions in the diffusion of morality policies cannot explain the Indonesian case well.

Arguments that have been made in the literature on the diffusion of morality policies about how intergovernmental relations shape the diffusion of morality policies also do not travel easily to the Indonesian context. In the USA, for instance, morality policies seem to spread predominantly to local jurisdictions that are situated in states whose legal context is conducive to the causes pushed by morality policies.

Such intergovernmental relations may explain some of the diffusion processes in Indonesia. The diffusion process of *shari'a* regulations on *zakat* was clearly triggered by the adoption of Law No. 38/ 1999 on Zakat Management.<sup>21</sup> However, the legal framework of higher administrative layers in which districts are embedded is, again, underutilized by most local jurisdictions Indonesia. In other words, many districts could adopt *shari'a* regulations according to the provincial legal framework, yet have not adopted any *shari'a* regulations. Concretely, only 12 percent (61/510) of all districts in Indonesia have adopted *shari'a* regulations on the collection of *zakat*, despite the fact that the national law would allow *all* jurisdictions in Indonesia to adopt such regulations. If intergovernmental relations would play a decisive role in the diffusion of *shari'a* regulations in the sense that it enables local jurisdictions to adopt such regulations, we would expect to see a diffusion of *shari'a* regulations to a much higher number of districts.

Economic considerations also do not seem to play much of a role in the diffusion of *shari'a* regulations. Theoretically, many *shari'a* regulations provide local governments with opportunities to generate additional income, ranging from tax revenues to the extortion of money

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<sup>21</sup> Likewise, *shari'a* regulations prohibiting the religious practices of the Ahmadiyah only emerged *after* a national Joint Decree on Ahmadiyah was issued in 2008.



from karaoke bars and nightclubs (Buehler, 2008). Poor jurisdictions would therefore be more likely to adopt *shari'a* regulations, according to our argument.

Yet, the economic conditions of jurisdictions that have adopted *shari'a* regulations differ considerably. For instance, West Java is relatively wealthy while West Sumatra is relatively poor. Yet both West Java and West Sumatra are provinces where *shari'a* regulations have come to cluster. Again, it is not the case that only jurisdictions in financial distress adopt *shari'a* regulations while jurisdictions that do well economically do not adopt such regulations. Economic conditions therefore struggle too to explain the diffusion of *shari'a* regulations in the archipelago.

Arguably, differences in local cultures explain best the diffusion patterns we identified. Most *shari'a* regulations were adopted in six provinces and mainly diffused within these six clusters. With the exception of East Java<sup>22</sup>, in all other provinces local Islamist movements calling for a state based on Islamic law have existed for several decades (Buehler, 2013). Suppressed for most of the authoritarian New Order period, recent research showed that the democratization after 1998 has revived these local Islamist groups and allowed them to push for the adoption of Islamic law once more (Buehler 2013). Locally rooted and parochial, these groups nevertheless frequently refer to other *shari'a* clusters when making claims for the necessity of *shari'a* regulations in their respective jurisdiction. For instance, the KPPSI, a conservative pressure group in South Sulawesi mentioned before, explicitly referred to the legal framework in Aceh province when it demanded in an open letter that local governments adopt Islamic law (KPPSI, 2005, 5).

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<sup>22</sup> For an account of why *shari'a* regulations have spread to East Java, see Endang Turmudi 2004, 38-60.

In fact, patterns in the diffusion of *shari'a* regulations on Islamic knowledge and skills identified above suggest that even *within* these clusters diffusion is shaped by local conditions. In West Java, *shari'a* regulations on Islamic teachings stipulated that additional religious instruction had to occur through *madrasah diniyah*. Such stipulations were absent in West Sumatra. There, local governments issued *shari'a* regulations that require students to improve their Islamic knowledge and skills by taking additional Qur'an reading classes offered as part of the *official* school curriculum. We believe that local cultural differences account for these differences.

The Dutch colonial administration tried to incorporate local education networks into the standard school curriculum through various rules and stipulations. However, Islamic schools located outside the colonial education system continued to grow in West Java and maintained their unique Islamic traditions (Steenbrink, 1974).

These *madrasah diniyah*, prevalent across West Java, are informal afternoon schools. Unlike a *pesantren* that is usually owned and controlled by a charismatic religious cleric (*kyai*), *madrasah diniyah* are managed by a committee of Islamic teachers recruited from village communities. Since these schools do not have paying students unlike *pesantren*, their financial situation depends mostly on voluntary donations (El-Saha, 2008). Across the province, there are also still many boarding schools that are rooted in the *Guru Kula* system. In this system, a religious teacher instructs a few students only, most of whom who live in his home. He therefore depends on other sources of income to make a living. Additional sources of income often come from teaching at *madrasah diniyah*. In short, underfunded religious boarding schools situated outside the official education system form the backbone of the educational infrastructure in West Java.

Arguably, these local conditions have shaped the *shari'a* regulations on Islamic knowledge and skills that spread across West Java after 1998. All districts in West Java that adopted *shari'a* regulations on Islamic knowledge and skills channel students towards the *madrasah diniyah* and promise financial support to the clerics administering these schools.

In West Sumatra, in contrast, Islamic schools have long tended to mix general education with religious study (El-Saha, 2008, pp. 57-61.) Emblematic of this school type is *Madrasah Adabiyah*, which was founded in West Sumatra's Padang Panjang by Abdullah Ahmad in 1907. In addition to instruction in Arabic and Islamic religious instruction, the school also offered courses in mathematics, as well as reading and writing training in the Latin alphabet (Steenbrink, 1974, pp. 38-9). It was easier for the Dutch to incorporate these kind of Islamic schools in West Sumatra into the official colonial education system. Consequently, private boarding schools situated outside official educational structures figure less prominently in West Sumatra's political landscape today. Arguably, this explains why *shari'a* regulations on Islamic knowledge and skills adopted in West Sumatra after 1998 emphasize the importance of additional Qu'ran reading instruction *within* the official school curriculum. None of the *shari'a* regulations on Islamic knowledge and skills in West Sumatra refer to Islamic boarding schools situated outside the official education system.

In short, differences in the nature of the local Islamic education system in West Java and West Sumatra have *facilitated* the diffusion of certain types of *shari'a* regulations on Islamic teachings within these provinces but also *prevented* the diffusion of *shari'a* regulations on Islamic knowledge and skills to other provinces or an upward diffusion to the national level.

### **Summary of findings and avenues for future research**

Our research suggests that examining the diffusion of *shari'a* regulations across time and space can contribute to a better understanding of the Islamization of politics in the context of democratization. We identified several patterns in the diffusion of *shari'a* regulations in Indonesia:

One, the diffusion of *shari'a* regulations in Indonesia after 1998 was steady but cyclical. This refutes claims that the spread of *shari'a* regulations in Indonesia was a transitional phenomenon. Two, with regard to the diffusion across space, we showed that certain *shari'a* regulations diffused both vertically and horizontally. Other *shari'a* regulations diffused mainly horizontally. The fact that not all *shari'a* regulations spread in the same fashion suggests that the content of *shari'a* regulations shapes the diffusion process. Certain issues seem to have relevance in certain localities only and therefore hardly spread beyond certain localities as our comparison of *shari'a* regulations on Islamic knowledge and skills showed. *Shari'a* regulations with a more technical content, such as the regulations on *zakat*, diffused more easily both across and within government layers. In other words, the content of *shari'a* regulations can be an *independent* variable that shapes the outcome of the diffusion process as it influences which constituencies and organizations become involved in debates about specific *shari'a* regulations. Future research will have to examine how exactly the content of *shari'a* regulations shapes the Islamization of politics and identify the reasons for why certain *shari'a* regulations spread in a top-down manner while others seem to be almost exclusively local affairs.

Three, our research showed that the content of *shari'a* regulations can also be a *dependent* variable. In other words, rather than the content shaping the diffusion process, the diffusion process also shaped the content of *shari'a* regulations. For instance, many *shari'a* regulations on the collection of *zakat* we tracked became more comprehensive and more

stringent over time. This shows, again, that the temporal dimension in the diffusion of *shari'a* regulations deserves more attention because the *timing* seems to have an effect on the content of *shari'a* regulations. In fact, existing research on the diffusion of morality policies suggests that there is something “different about leaders, middle adopters and laggards, and perhaps about how policies spread across these temporally segmented sets of governments” (Graham et al. 2013, p. 26). In the USA too, for instance, late adopters usually issue more comprehensive morality policies (Karch, 2007, 70).

Laggards may adopt more stringent *shari'a* regulations for various reasons. For example, looking at the adoption of policies and laws of early adopters, laggards are able to examine the public debate about the acceptability of certain policies and adjust their regulations accordingly. Future research needs to identify more specifically the reasons for why the content of the same type of *shari'a* regulation differs between early adopters and laggards.

Three, our research suggests that the adoption of *shari'a* regulations across space and time is contingent on local culture. Geographical proximity, institutional, intergovernmental, and economic explanations for the diffusion of morality policies seem to be, at best, necessary but not sufficient explanations for the diffusion of *shari'a* regulations in Indonesia. Instead, most *shari'a* regulations spread mainly within provinces that have a long history of Islamist activists pushing for a state based on Islamic law. In addition, our comparison of the content of *shari'a* regulations showed that different kinds of *shari'a* regulations diffuse in different ways. *Shari'a* regulations concerned with Islamic knowledge and skills were different in West Java and in West Sumatra. In other words, local conditions also *contained* the diffusion of *shari'a* regulations on Islamic knowledge and skills beyond the respective province.

Future research will have to examine more in-depth what makes local cultures conducive to the spread of *shari'a* regulations and other morality policies. For instance, the important role historically entrenched local Islamist groups play in the diffusion of *shari'a* regulations in Indonesia raises the question whether such groups simply aggregate the interests and aspirations of the local population or whether these groups are somewhat more isolated within local society.<sup>23</sup>

In other words, while conservative Islamist pressure groups have a well established presence in all clusters to which *shari'a* regulations mainly diffused, little is known about whether such groups reflect popular opinion.<sup>24</sup> Future research needs to examine the relationship between such groups and the general public and how this relationship shapes the diffusion of Islamic law.

In this context, it is also important to examine in future research whether local culture shapes the diffusion of the *adoption* of *shari'a* regulations in different ways than the diffusion of the *implementation* of *shari'a* regulations. The following anecdote shows the importance of differentiating between the two. After Indonesian media reported that the *implementation* of *shari'a* regulation on the collection of *zakat* were mainly targeting local bureaucrats<sup>25</sup>, there were several jurisdictions in which local bureaucrats began to push back after their local governments

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<sup>23</sup> Recent research suggests that many of these *shari'a* regulations are adopted *despite* a lack of popular demand. In fact, the adoption of certain *shari'a* regulations diminished incumbents' chances to get re-elected. See Pisani and Buehler, unpublished manuscript. Why this is the case needs to be addressed in future research. It may be that the majority of citizens do not dare to speak out against such *shari'a* regulations as they fear to be seen as "bad Muslim." They may therefore openly support such regulations while in private (or in secret during the electoral process) may reject such *shari'a* regulations. On "preference falsification" and its political consequences, see Kuran 1997.

<sup>24</sup> Mooney showed for the USA that the homogeneity of an electorate influences the probability of morality policies being adopted or rejected. See Mooney2000: 179.

<sup>25</sup> The weak Indonesian state does not have the capacity to collect taxes from most of its citizens. Only around 10 percent of Indonesians pay taxes. Consequently, most local governments have resorted to targeting bureaucrats. They are an easy target for tax collection because their salaries are controlled by the state. Governments have resorted to simply cutting bureaucrats' salaries by the amount they are supposed to pay according to the respective *shari'a* regulation on *zakat*.

began to actually implement *shari'a* regulations on the collection of *zakat*. In Bulukumba and East Lombok district, for instance, thousands of schoolteachers protested against salary cuts based on local *shari'a* regulations on the collection of *zakat* (Wikileaks, 2009; Suaedy, 2007). In both jurisdictions, the district heads had to promise *not* to collect *zakat* from local bureaucrats to appease the situation. In Pangkep district, also in South Sulawesi province, the district head referred to the demonstrations in Bulukumba a few years later when he announced plans to adopt a *shari'a* regulation on *zakat*. He reiterated on several occasions in the local press that the salaries of bureaucrats would *not* be cut. Bulukumba, Pangkep and East Lombok district, like many other jurisdictions in Indonesia, now have *shari'a* regulations on the books that are not enforced due to public resistance. This not only shows the merely symbolic character of many of these *shari'a* regulations but also that different dynamics may be at play in the diffusion of the *adoption* of *shari'a* regulations and the diffusion of the *implementation* of *shari'a* regulations in Islamic countries in the context of democratization. Future research will have to examine why the adoption of *shari'a* regulations spreads relatively easily compared to the implementation of such regulations. In addition, research on the Islamization of politics in democratizing Muslim-majority countries needs to examine whether the implementation of *shari'a* regulations in one jurisdiction facilitates or prevents the implementation in another jurisdiction.

Finally, future research on the diffusion of Islamic law will have to go beyond a focus on *the content* of such *shari'a* regulations and examine the *actors* involved in the diffusion process. In light of our findings about the importance of local cultural *contexts*, such a focus on actors ought not to follow rational-choice theory but understand actors as political players who face “cognitive and normative pressures to conform to cultural rules, norms and expectations” (Miller and Banaszak-Holl, 2005, p. 191).

Our findings corroborate existing research on the Islamization of politics in Indonesia that showed how local Islamist groups in a small number of provinces are putting pressure on local governments to adopt *shari'a* regulations (Buehler, 2013; 2016).<sup>26</sup> However, these groups are too fragmented, parochial and locally defined to establish structures *across* jurisdictions. It is therefore unlikely that they shape the interdependence between districts when it comes to policymaking. Hence, more information is needed on whether there are interest associations whose apparatus spans across jurisdictions and administrative layers and what role they play in the actual diffusion of Islamic law (Balla 2001).<sup>27</sup>

A potentially important organization in Indonesia in this respect is the Indonesian Ulema Council (MUI, *Majelis Ulama Indonesia*). The MUI was established during the authoritarian New Order period in 1975 by President Suharto to foster closer relations with the emerging Islamic community (*ummah*). The democratization of Indonesian politics after 1998 has allowed the MUI not only to redefine its role – it now officially serves the *ummah* rather than the government – but also to become more directly involved in politics. In past years, the MUI has become a crucial player in local discourses on morality and religious orthodoxy, and has played a crucial role in formulating national policies such as the law against pornography or the ban on the Ahmadiyah community, a heterodox Islamic group (Ichwan, 2013).

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<sup>26</sup> Of course, local elites are not only at the receiving end but may actively approach Islamist groups and networks. How Islamic educational networks are used by elites for political ends in Indonesia, see Elisa Brewis “Education, Islam and Politics in Post-Suharto Indonesia,” *unpublished MA Thesis*, Department of Southeast Asian Studies, SOAS University of London.

<sup>27</sup> In South Sulawesi, the KPPSI as well networks of local Muhammadiyah branches organized knowledge exchange seminars and workshops on *shari'a* regulations. Often, local MUI branches are waiting for the national headquarters to approve their decisions, raising the question about national level political actors in the diffusion of *shari'a* regulations. On the MUI as a crucial actor in the diffusion process, see Ruddy 2005: 27; Suaedy 2007: 205; Alamsyah, forthcoming: 12-32.



Despite MUI's repositioning, it remains a semi-governmental organization with a centralized bureaucracy, branches in almost every jurisdiction across Indonesia and considerable financial strength, mainly due to state funding (Hasyim, 2013, pp. 42-55).

In recent years, the MUI has used its institutional capacity to organize numerous workshops, study tours and knowledge exchange seminars. It has also published "best practice" guides and organized speaker tours for district heads that had pioneered the adoption of *shari'a* regulations in their respective jurisdiction.<sup>28</sup> Arguably, it is through channels of organizations such as the MUI that *shari'a* regulations have spread between jurisdictions where local politicians were under pressure from local Islamist groups and therefore receptive to the Islamization of politics practiced in other jurisdictions (Hasyim, 2013, p. 63). In the context of most Islamist groups being locally confined, the vertical networks of national organizations such as the MUI and the role they play in the top-down dissemination of *shari'a* laws adopted at the national level need to be studied further.<sup>29</sup> Future research in Indonesia and other democratizing Muslim-majority countries needs to examine more in-depth the role of such epistemic communities in linking jurisdictions across which *shari'a* regulations have diffused. Studying the role of academics, lobbying groups but also diasporas and the mass media seems particularly important.<sup>30</sup>

Arguably, the MUI also plays a more important role in the Islamization of politics in Indonesia than Islamist parties. Indonesia's Islamist parties are poorly consolidated and lack grassroots networks on the ground. Their agenda has also become more moderate as a

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<sup>28</sup> For instance, the MUI organized a talk for a politician from Sukabumi district to brief his colleagues in Cianjur district on the *shari'a* economy in Sukabumi (Ruddy 2005: 85-8).

<sup>29</sup> For some initial findings, see Hasyim 2013: 156. On the importance of the vertical nature of "go-between" organizations for the diffusion of policies, see Graham et al. 2013: 20-1. Certain *shari'a* regulations exist only at the provincial level, as is the case in Gorontalo. However, this is a rare exception and needs further investigation.

<sup>30</sup> Graham et. al. 2013: 12-4.

consequence of electoral pressures (Buehler 2012). This is also the case in other democratizing Muslim-majority countries. Not all Islamist parties have grown out of social movements but are cadre parties. Many Islamist parties therefore do not command over broad networks on the ground. Likewise, many Islamist parties abandon their *shari'a* agenda as they become enmeshed in the compromise-laden business of government. In other words, as most Islamist parties are subject to moderation after becoming more formally included in politics such are parties are arguably unlikely to be the main driver behind the diffusion of Islamic laws a few years into the democratization process. In light of these findings, future research needs to look more critically at whether Islamist parties really play such an central role in the Islamization of politics in democratizing Muslim-majority countries.

## **Conclusion**

The political influence of Islamist activists is likely to grow in the context of democratization in Muslim-majority countries. However, the Islamization of politics in new Muslim-majority democracies is poorly understood. Most important, the Islamization of politics is rarely explicitly examined as a process with a spatial and temporal dimension.

In this paper, we began isolating conditions that potentially facilitate or contain the Islamization of politics. We did so by comparing *shari'a* regulations that have been adopted in different jurisdictions after Indonesia became a democracy in 1998. Our content-tracing showed that the diffusion of these *shari'a* regulations is a highly dynamic process that unfolds unevenly across time and space. We argued that the variance behind the diffusion of *shari'a* regulations is contingent on local factors and that competing explanations such as economic deprivation or institutional conditions do not explain the patterns we isolated equally well.

In addition to showing a need to analyze the content of Islamic laws across time and space in other democratizing Muslim-majority countries to better understand the diffusion of such regulations, our paper also called for a focus on the actors involved in the diffusion of Islamic laws. We believe that the MUI, a semi-government organization, is one of the main drivers of the Islamization of politics in Indonesia. This suggests that future studies need to consider a broader range of potential explanations for why the democratization of Muslim-majority countries often triggers an Islamization of politics. The current scholarly debate is dominated by a focus on Islamist parties and how they shape national politics. However, our research not only showed that there can be considerable subnational variance in the Islamization of politics but also that local conditions, especially a history of Islamist activism, may play an important role in shaping the diffusion of Islamic laws. Finally, semi-governmental organizations that command over a relatively well-financed bureaucratic apparatus that stretches across jurisdictions may play a more important role in the Islamization of politics compared to Islamist parties. The Indonesian case can therefore shed light on other Muslim-majority countries emerging from an authoritarian past and in which Islamic sentiment may not only be highly fragmented and poorly organized but also weakly institutionalized and lacking in resources.

## References

Alamsyah, Rahman Andi. *Laporan Penelitian Awal: Peraturan Daerah Syariah di Sumatera Barat (1998-2013)*. [Preliminary Research Findings: Syariah Regulations in West Sumatra (1998-2013)]. Jakarta: Rajawali Foundation (forthcoming).

Anwar, Syafi. 2003. "Developing Social Fiqh?," *ICIP Journal*. 1 (April). Available at <http://tinyurl.com/d5anpfm>

Balla, Steven J. "Interstate Professional Associations and the Diffusion of Policy Innovations." *American Politics Research* 29 (2001): 221-45.

Buehler, Michael. *The Politics of Shari'a Law: Islamist Activists and the State in Democratizing Indonesia*. Cambridge: Cambridge University Press, 2016.

Buehler, Michael. "Subnational Islamization through Secular Parties: Comparing Shari'a Politics in Two Indonesian Provinces." *Comparative Politics* 46, no. 1 (2013): 63-82.

Buehler, Michael. "Revisiting the Inclusion-Moderation Thesis in the Context of Decentralized Institutions: The Behavior of Indonesia's Prosperous Justice Party in National and Local Politics." *Party Politics* 19, no. 2 (2012): 210-29.

Buehler, Michael. "The rise of shari'a by-laws in Indonesian districts: An indication for changing patterns of power accumulation and political corruption." *South East Asia Research* 16, no. 2 (2008): 255-85.

Bush, Robin. "Regional Sharia Regulations in Indonesia: Anomaly or Symptom?" In *Expressing Islam: Religious life and politics in Indonesia*, edited by Greg Fealy and Sally White, 174-191. Singapore: ISEAS, 2008.

Carothers, Thomas. "The end of the transition paradigm." *Journal of Democracy* 13, no. 1 (2002): 5-21.

Eddyono, Sri Wiyanti. *Politicization of Islam During the Democratic Transition: New challenges for the Indonesian women's movement*. Jakarta: SCN-CREST, 2011.

El-Saha, M. Ishom. *Dinamika Madrasah Diniyah di Indonesia: Menelusuri Akar Sejarah Pendidikan*. [The Dynamics of Madrasah Diniyah in Indonesia: Tracing the Historical Roots of Education] Jakarta: Transwacana, 2008.

Gibson, Edward. "Boundary Control: Subnational Authoritarianism in Democratic Countries." *World Politics* 58, no. 1 (2005): 101-32.

Graham, Erin R., Charles R. Shipan, and Craig Volden. "The Diffusion of Policy Diffusion Research in Political Science." *British Journal of Political Science* 43, no. 3 (2013): 673-701.

Hakimul, Ikhwan. "Gerakan Syariah dan Demokrasi [The Syariah Movement and Democracy]." *Kompas*, 26 December, 2011).

Hasan, Noorhaidi. "Islamic Militancy, Sharia, and Democratic Consolidation in Post-Suharto Indonesia." *RSIS Working Papers*, 143, Singapore: S. Rajaratnam School of International Studies, 2007.

Hasyim, Syafiq. "*Council of Indonesian Ulama (Majelis Ulama Indonesia, MUI) and its Role in the Shariatization of Indonesia*." PhD diss., Freie Universität Berlin, 2013.

Hefner, Robert. "Indonesia: Shari'a Politics and Democratic Transition." In *Shari'a Politics: Islamic Law and Society in the Modern World*, edited by Robert Hefner, 280-318. Bloomington: Indiana University Press, 2011.

Ichwan, Moch Nur. "Towards a Puritanical Moderate Islam: The Majelis Ulama Indonesia and the Politics of Religious Orthodoxy." In *Contemporary Developments in Indonesian Islam: Explaining the "Conservative Turn"*, edited by Martin Van Bruinessen, 60-104. Singapore: ISEAS, 2013.

Karch, Andrew. "Emerging issues and future directions in state policy diffusion research." *State Politics & Policy Quarterly* 7, no. 1 (2007): 54-80.

Kendhammer, Brandon. "The Sharia Controversy in Northern Nigeria and the Politics of Islamic Law in New and Uncertain democracies." *Comparative Politics* 45, no. 3 (2013): 291-311.

KPPSI. *Ikhtiar Menuju Darusslam: Perjuangan Menegakkan Syariat Islam di Sulawesi Selatan*. [Towards the Abode of Peace: The Fight for Syariat Islam in South Sulawesi] Jakarta: Pustaka AR-Rayhan, 2005.

Kuran, Timur. *Private Truths, Public Lies: The Social Consequences of Preference Falsification*. Cambridge: Harvard University Press, 1997.

Lindsey, Timothy. "When Words Fail: Syariah Law in Indonesia—Revival, Reform or Transplantation?" In *Examining Practice, Interrogating Theory: Comparative Legal Studies in Asia*, edited by Penelope (Pip) Nicholson and Sarah Biddulph 195-222. Leiden: Brill, 2008.

Makruf, Jamhari, and Iim Halimatussa'diyah. "Shari'a and Regional Governance in Indonesia: A Study of Four Provinces." *Australian Journal of Asian Law* 15 (2014): 1-15.

Miller, Edward Alan, and Jane Banaszak-Holl. "Cognitive and Normative Determinants of State Policymaking Behavior: Lessons from the Sociological Institutionalism." *Publius: The Journal of Federalism* 35, no. 2 (2005): 191-216.

Mooney, Christopher Z. "The decline of Federalism and the Rise of Morality-Policy Conflict in the United States." *Publius: The Journal of Federalism* 30, no. 1 (2000): 171-88.

Pisani Elizabeth and Michael Buehler. "Election Cycles and the Adoption of Shari'a Law in Muslim-Majority Democracies: Evidence from Indonesia." *Unpublished manuscript*.

Rather, Dan. "'Greyhound Therapy' and America's Mental Health Crisis." The Huffington Post, 6<sup>th</sup> May 2014. Available online at [http://www.huffingtonpost.com/dan-rather/greyhound-therapy-mental-health\\_b\\_5275916.html](http://www.huffingtonpost.com/dan-rather/greyhound-therapy-mental-health_b_5275916.html)

Riaz Hassan. "Islamization: An Analysis of Religious, Political and Social Change in Pakistan." *Middle Eastern Studies* 21, no 3 (1985): 263-84.

Rosdil, Donald L. "The Context of Radical Populism in US Cities: A Comparative Analysis." *Journal of Urban Affairs* 13, no. 1 (1991): 77-96.

Ruddy, AS. *Gerbang Marhamah: Sebuah Gagasan Pembangunan Moral Bangsa*. [The Gate to Marhamah: Thoughts on How to Establish a Moral Nation], Cianjur: n.a., 2005.

Salim, Arskal. "Muslim Politics in Indonesia's Democratisation: the Religious Majority and the Rights of Minorities in the Post-New Order Era." In *Indonesia. Democracy and the Promise of Good Governance*, edited by Ross H. McLeod and Andrew MacIntyre, 115-37. Singapore: ISEAS, 2007.

Sharp, Elaine B. *Morality Politics in American Cities*. Kansas: University Press of Kansas, 2005.

Sidel, John T. Economic foundations of subnational authoritarianism: Insights and evidence from qualitative and quantitative research. *Democratization* 21, no. 1 (2014): 161–84.

Steenbrink, Karel A. *Pesantren, Madrasah, Sekolah: Pendidikan Islam dalam Kurun Modern* [Pesantren, Madrasah, School: Islamic Education in Modern Times]. Jakarta, ID: LP3ES, 1974.

Suaedy, Ahmad. *Politisasi Agama dan Konflik Komunal: Beberapa Isu Penting di Indonesia* [The Politicization of Religion and Local Conflict: Several Important Issues in Indonesia]. Jakarta: The Wahid Institute, 2007.

Tribun Timur. "KPPSI Ingin Perda Miras Diterapkan." *Tribun Timur*, June 15, 2009.

Turmudi, Endang. "Patronage, Aliran and Islamic Ideologies during Elections in Jombang, East Java." In *Elections in Indonesia: The New Order and Beyond*, edited by Hans Antlov and Sven Cederroth, 38-60. London: Routledge, 2004.

Van Bruinessen, Martin. "Introduction: Contemporary Developments in Indonesian Islam and the "Conservative Turn" of the Early Twenty-first Century." In *Contemporary Developments in Indonesian Islam: Explaining the "Conservative Turn*, edited by Martin Van Bruinessen, 1-20. Singapore: ISEAS, 2013.

Villalon, Leanordo A. "Sufi Rituals as Rallies: Religious Ceremonies in the Politics of Senegalese State-Society Relations." *Comparative Politics* 26, no. 4 (1994): 415-37.

Wikileaks, "Sharia in Eastern Indonesia Waning," *US Cable*, Accessed May 24, 2015. [https://www.wikileaks.org/plusd/cables/09SURABAYA109\\_a.html](https://www.wikileaks.org/plusd/cables/09SURABAYA109_a.html)

Yavuz, M. Hakan. Political Islam and the Welfare (Refah) Party in Turkey. *Comparative Politics* 30, no. 1 1997: 63-82.