

ANTI-DEMOCRACY POLICY OF THE INDONESIAN “NEW ORDER” GOVERNMENT ON ISLAM IN 1966-1987

Fuad Mahbub Siraj*

Abstract

This discussion aims to explain further the various policy of the Government of the Republic of Indonesia towards Islam from 1966 to 1987, which led to the occurrence of mutual suspicion between the government and Muslims. The new order government policy on Islam is interesting to discuss, especially to see how the paradigm or the pattern of Islam and the State in 1966-1987 in the New Order government as part of the history and continuity of Islamic thought. The New Order is a democratic order that have commitment to the 1945 Constitution and Pancasila. The New Order is synonymous with democracy and prosperity. However, in the field of Islam in 1966-1987 the opposite of that has occurred, anti-democracy policy shown by the new order government especially on *da'wa*, Islamic education, Islamic law and religious courts, organizing hajj and the ulema council. The reality in Indonesia shows that Muslims is the majority and the owners of the spirit of dynamics, nationalism and also an intellectual warehouse and in the life of democracy, the number determined and can even direct. Related to this, there is a tendency that the government with all its tactics and strategies trying to control the political life of Muslims. In this context, the government is fully trying, so that the problem of policy issues related to Islam is within its control. Based on that, Muslim in Indonesia felt that the new order government's policy to Muslim is the pressure to Muslim.

Keywords: The new order, Indonesian government, Policy, Islam, Muslim

Introduction

If we look more universally the New Order is a democratic order of commitment to the 1945 Constitution and Pancasila. According to Soeharto, the New Order is the regulation of the whole life of the people, nation and state which we put back to the purity of the implementation of Pancasila and the 1945 Constitution.¹ It was said so because the New Order was born as a correction to various irregularities that occurred during the Old Order, as a consequence the New Order was a regime that fought for and built a society that was democratic, united, just and prosperous as stated in the opening of the 1945 Constitution (fourth paragraph). If we operate politically, the New Order is synonymous with democracy and prosperity. The New Order is obliged to carry out all these objectives simultaneously, in a balanced and harmonious manner. Thus, the standard of the New Order regime is the ability to meet the demands of prosperity and democracy.

However, the political realities of the New Order showed a different situation where the development of democracy had stalled, on the one hand, the increasingly critical undercurrent always shouted for freedom while on the other hand, the executive tried to control democracy according to their interests. The reality of the tendency of the government can be seen from the fact that the political parties are paralyzed, the imbalance in the distribution of power among government institutions, the executive is very dominant as a result the legislature is made powerless as well as the judiciary. That condition also happen in the context of Islam. An anti-democracy policy made by the New Order regime on Islam in many field. The policy of the new order government on Islam in Indonesia felt by Muslims as the existence of obstacles and pressure. Muslim felt the government barriers and pressures, for example on *da'wah*, a monopoly on organizing hajj, Islamic religious courts and others.

The New Order regime know that that Islam occupies an important position in Indonesia. It is like what Deliar Noer stated that if you want to understand the reality of Indonesia, you have to connect it with Islam.² The Dutch government before also sees how important the position of Islam in Indonesia. They felt to appoint an expert adviser in Islamic matters, such as C. Snouck Hurgronje. He advises the Dutch

* Fuad Mahbub Siraj (Ph.D) (corresponding author), Lecturer, Department of Philosophy and Religion, Paramadina University, Jakarta, Indonesia. Email: fuad.siraj@paraamadina.ac.id.

¹ Okrisal Eka Putra (2008), "Hubungan Islam dan Politik Masa Orde Baru," *Jurnal Dakwah*, Vol. 2, p. 185.

² Deliar Noer (1983), *Administrasi Islam di Indonesia*, Jakarta: Rajawali, p. 7.

colonial government to reorientation the policy on Islam.³ Thus, the discussion of the role of Muslims in Indonesia seems like looking to the rise and fall of Muslim in the national history of Indonesia. The reality in Indonesia shows that Muslims is the majority in number. In the life of democracy, the number is determined and can even direct. Besides that, Muslim in Indonesia also known as the intellectual warehouse. They have a strong spirit of dynamics and nationalism. In relation to that, the government has a tendency to control the political life of Muslim. With all tactics and strategy, the policy issues related to Islam is within its control.

The policy of the new order government on Islam is very interesting to discuss, especially to see how the paradigm or pattern of Islam and the State in 1966-1987. The policy of the new order government on Islam also can help to see the big picture of the history of Islam in Indonesia and the continuity of Islamic thought. Muslim in Indonesia can learn from this history how the political relation between Islam and government is and realize that the duties of intellectuals and Muslim are how to harmonize Islam in Indonesia with government and make Islam as the tree of civilization which substantially grows in Indonesia.

The new order government of Indonesia began with the order from President Soekarno to Lieutenant General Soeharto on March 11, 1966. As a milestone in the political struggle and the destruction of the G 30 S, then in 1966, it assessed as the starting point of hope for the rise of the Islamic struggle, especially through politics. The year 1987 is the acceptance of Pancasila as the only single principle for all political parties in Indonesia.

Methodology

Historical studies assisted by various works of literature. At least, there are several major kinds of literature that help to explain this study. First, the *Islamic Party at the National Stage* written by Deliar Noer. The discussion of this book emphasized the government's policies on political parties only and the contents of this book besides the period only until 1965. This manuscript discusses the policy of the New Order government regarding Islam in 1966-1987 and discusses more aspects such as the existence of the Ministry of Religion, religious beliefs, Islamic Education, The Indonesian Ulema Council, and others. Therefore, this discussion differs from what Deliar Noer did.

Second, *The Struggle of Islam in Modern Indonesia 1982* written by B. J. Boland. This book translated by Safoedin Bahar into Indonesian: *Pergumulan Islam di Indonesia 1945-1972*. This book still touched on government policy towards Islam. This book discusses how the effectiveness of Islamic politics at the national level. This book emphasis more on the political perspective of the New Order government towards Muslims. Therefore, this discussion differs from what B. J. Boland did.

The Policy on *Da'wa*

Da'wa is not practically understood as an activity and art of Islamic teaching delivery processes but further also as an Islamic movement to improve a Muslim faith, and believers to live in harmonious and prosperous society based on Islamic principles. As Islamic movement in Indonesia, *da'wa* has been experiencing significant growth and development, especially since New Order government. It is characterized by the proliferation of *da'wa* activities in public and media, the presence of regulations issued by the government to organize people's religious life and those dealing with Islamic banking, judicial, religious education, etc. In addition, the level of understanding and education of Indonesian Muslim communities has also been improving as the results of *da'wa* movement. *Da'wa* development in the New Order is influenced by several factors, including: first, the influence of transnational *da'wa* organizations and networks developing in some other Muslim countries in the world, especially those coming from Middle East; second, there are competitions with non-Muslim *da'wa* organizations in Indonesia; third, political, economic and social development in the New Order Government.⁴

³ H. Aqib Suminto (1985), *Politik Islam Hindia Belanda*, Jakarta: LP3ES, pp. 11-13.

⁴ Abdul Basit (2016), "The Ideological Fragmentation of Indonesian Muslim Students and *Da'wa* Movement in the Post-Reformed Era," *Indonesian Journal of Islam and Muslim Societies*, Vol. 6, No.2, pp. 199-200.

A policy of the New Order government that considered by Muslims to inhibit the development of their religion was the provision of Kaskopkamtib. This policy concern to the necessity of preaching or *da'wa* permission and dawn lectures for Muslims. Muslims felt that the limitation of *da'wa* through the necessity of permission not only inhibiting the development of religion but also a very painful one. One of the important teachings in Islam is popularizing the *amar ma'ruf nahi munkar*. The *amar ma'ruf nahi munkar* can only take place through *da'wa*. The Qur'an in many verses shows the importance of that. The Hadith also give many explanations about the virtues of *da'wa*. We can say that *da'wa* in Islam is one of the sacred duties of religion.

The government's reason for the necessity of *da'wa* permits is because many of the *da'i* or the preacher who deviate from the actual missionary duties apparently too sought after. But, even if the government's accusations are true, the policy of inhibiting *da'wa* through many licensing traits, is still a mistake. The government, in this case, seems not seeking the rats in the houses but burning the houses. That is a precise image of its policy, then Muslims too (at least some Muslims) connect the role of Kaskopkamtib with their leaders (Admiral Sudomo) who is non-Muslim/Christian. The suspicion of Muslims not to happen, if the government (in this case Kaskopkamtib) can take a more prudent way of *da'wah* and need not do obstacles through the "packages" of license.

Prof. Mukti Ali, a Minister of Religion, could not handle it. He considered rather successful in making improvements and improvements in the internal affairs of the Ministry of Religion, but he failed in removing the question of permitting of Islamic *da'wa*. Thus, he considered unsuccessful in relieving tension and suspicion between Muslims and the Government. Alamsyah is a figure who success to break the Government's "blockade" in the matter of *da'wa*. Only less than two months he served as a Minister of Religion, the stalemate was successful. He said, on the instructions of the President and his talks with Kaskopkamtib on May 20, 1978, then on May 23, 1978, he issued Decree No. 44 of 1978 concerning the release of preaching permits and dawn lectures.⁵ Muslims with pleasure feeling welcomed his decision. Alamsyah considered that he was successful in reducing the tension and suspicion of Muslims towards the Government.

Otherwise, the success of Alamsyah in freed the actual of *da'wa* permit, completely not resolving the problem. Because, one item in the decree (section C) emphasizes: "That, preaching and dawn lectures did not conflict with Pancasila and the 1945 Constitution and did not disturb the national stability."⁶ Because, the contents of the formulation of Pancasila, the 1945 Constitution and the meaning of national stability are general and elastic. Its general and elastic nature, allows its interpretation to be different according to taste and certain intentions of each interpreter. The experience in Indonesia shows that the government is the sole interpreter of Pancasila and the 1945 Constitution.⁷

In this context, the minister of religion's decree on *da'wa* can lead to stunted problems. For example, it stated that: Allah does not give birth and is not born by a person (in Surat *al-Ikhlās*). Thus, the Prophet Isa is not a child of God, let alone as God (according to Islamic teachings). The contents of the word of God in Surat *al-Ikhlās* conveyed by a preacher in a preaching or dawn lecture, which by a Christian, for example, who believed that Jesus was the son of the Father (in their terms) or Lord Jesus, complained about the contents of the *da'wa* to the officials who are Christian (Head of the District Prosecutor's Office or others). The official rule can easily accuse the contents of the preaching/dawn lecture against the Pancasila, or P4 (in relation to not respecting other religions). However, remembering before Alamsyah issued Decree No. 44 of 1978, first he got instructions from President Soeharto and held talks with Kaskopkamtib, then the results he could achieve maximum consider.

The Policy on Education and Islamic Law

Islamic Education

Education in the New Order is a centralized educational system. Education in the New Order is not to improve living standards, let alone to improve human resources in Indonesia, but give priority to political orientation so that all people always comply with any government policy. The Doctrine of the

⁵ Hafizh Dasuki, *Pembinaan Kehidupan Beragama di Indonesia*, Depag. RI, p. 72.

⁶ Hafizh Dasuki, *Pembinaan Kehidupan Beragama di Indonesia*, p. 73.

⁷ In the era of Guided Democracy, Soekarno was a legitimate interpreter of Pancasila and could not be denied by anyone. During the New Order, the government declared to be contrary to Pancasila. Will experiences like this (similar) repeat? History will later provide answers

New Order in our education system is the government decision is a decision that should not be violated. The New Order gave a new style to the policy of Islamic education, because of the shifting influence of communism toward purification of Pancasila through sustainable national development plans.⁸

What meant by Islamic education here includes religious (Islamic) education given to educational institutions under the Ministry of Education and Culture and Islamic educational institutions under the auspices of the Ministry of Religion. When the New Order Government took power, the relationship between the two systems started to change. The Government wanted to manage education solely under the ministry of education, a plan known as single roof education policy. The effort, however, was not easy and was considered unsuccessful. For various reasons, the Muslim schools refused to be managed by the Ministry of Education, and insisted that *Madrasahs* and *Pesantrens* remained under the coordination and supervision of the Ministry of Religious Affairs. Avoiding a social clash between the two proponents, the government maintained the status quo with several condition. As a result, the dualism of educational management at the national level remained in place, noting that the government was able to narrow the gap through the creation of the standardized curriculum for Muslim. This marked the beginning between secular and religious curricula recognized by the state.⁹

In 1966, the *Majelis Permusyawaratan Rakyat Sementara* (MPRS) determined that: Religion lessons must give from elementary school to college. A decision that has been since the proclamation of independence has always been a dream of Muslims in Indonesia. The decree of the MPR-1966 was a sign of growing and developing a new awareness among the Government and representatives of the people, after having to witness that the Indonesian nation almost destroyed by the PKI with its G 30 S.

The 1966 MPRS decree was more advanced than the contents of subsection 20 of Law No. 4 of 1950, which gave parents the freedom to determine for their children to attend the religious studies or not.¹⁰ The leniency given by that law allows students not to attend religious education. In addition, based on a joint decision of the Minister of Religion and the Minister of Education, Teaching, and Culture in 1954, religious studies only given to the student starting from grade 4 of elementary school to senior high school. In order to realize the MPRS provisions in 1966, the Government, through the Ministry of Religion, tried to appoint as many religious teachers as possible. Because the graduates of the religious teacher schools (PGA) where could not fulfil their needs, the Department of Religion than recruited prospective religious teachers through the "Religious Teacher Examination" (UGA). The UGA graduates who later appointed as elementary school religious teachers turned out to be unqualified. This policy is detrimental to Muslims (Islamic students) themselves.

Since a few years ago, the graduates of the Teacher Education School (SPG), PGAN graduates appointed by each governor on behalf of the Minister of Education and Culture, as religious teachers in their respective regions according to the quota determined from the government. This policy seems to be able to overcome quickly the problem of lack of religious teachers. The problem of fostering religious education teaching (including curriculum material and manuals) remains the authority of the Ministry of Religion. The appointment of a lecturer in religion at the Public College has been long carried out by the Minister of Education and Culture at the proposal of the Chancellor. The prospective lecturers sometimes selected from their own graduates and some are from IAIN (State Institute of Islamic Studies) graduates.

There are two factors that cause the emergence gap between religious teachers or lecturers with their students. The factors of inadequate mastery of Islamic religion and the narrowness of religious studies (Islam) because of the traditional school of thought or fanaticism and problems of *fiqh* (*shari'a*).

The appearance of Mukti Ali as Minister of Religion has brought a drastic change of policy in Islamic education institutions, The *Madrasah Ibtidaiyah*,¹¹ *Tsanawiyah*¹² and *Aliyah*¹³ (also PGA), which experienced curriculum changes from the original 70% religion and 30% became the opposite. This

⁸ Heni Yuningsih (2015), "Kebijakan Pendidikan Islam Masa Orde Baru," *Jurnal Tarbiya*, Vol. 1 No. 1, p. 175.

⁹ Muhammad Zuhdi (2015), "Construction of Dual Curriculum in Indonesian Education System during the New Order Government," *Tarbiya: Journal of Education in Muslim Society*, Vol. 2 No. 1, p. 51.

¹⁰ Atho Mudhar (1982), *Pembinaan Pendidikan Agama*, Jakarta: Departemen Agama RI, p. 41 and p. 135.

¹¹ *Madrasah Ibtidaiyah* is an elementary school level for an Islamic school in Indonesia under the Ministry of Religion.

¹² *Aliyah* is a senior high school level for an Islamic school under the Ministry of Religion.

¹³ *Aliyah* is a senior high school level for an Islamic school under the Ministry of Religion.

policy is in a decree with the Minister of Religion, Minister of Education and Culture and Minister of Home Affairs, No. 6 of 1975, No. 1,037 / U / 1975 and 1975 concerning in Quality Improvement of Education in Madrasas.¹⁴

The Ministerial Decree can reach chapters II- subsection II, namely recognition of diplomas and transfer of Madrasah students to Public Schools. But, the decree has failed in several ways. The reversal of the curriculum to gain the same general knowledge standard as the equivalent of Public Schools does not reach the target. Because, from one side of the madrasa curriculum immediately changed according to the contents of the SKB, while from the other side, the parties involved did not carry out the contents of the SKB properly, especially subsection 5 and 6. The subsection 5 and 6 emphasized the procurement of books and educational tools in public teaching, teaching staff and construction of school buildings charged to the Ministry of Education and Culture's Budget and the Ministry of Home Affairs Budget. After the 13-year SKB signed, the implementing of subsection 5 and 6 almost never materialized. As a result, unless the quality of general knowledge of the madrasah is not the same as public schools at the same level, the mastery of the knowledge of religion and Arabic also decreases, which is due to the reduction of study hours in the field. The lameness then became a heavy burden on the IAIN in building it.

The incompatibility between words and actions (such as the case of the Joint Decree concerning the implementation of subsection 5 and 6) in our country based on Pancasila, seems to have penetrated almost all fields of life. The world of Islamic higher education, especially in the IAIN have other different issues. On the one hand, IAIN is a state institution of Islamic higher education under the government. But IAIN has not received confirmation from the government about its structure as the higher education institution under the Ministry of Education and Culture. As a state university, only the chancellor and the deans received the structural office benefits. The structural office benefits must take from the compulsory student contributions for the other officials. As a result, it was not only difficult for the IAIN to develop it, even the path also halted.

The Fresh air then blew from heaven. This happened after a long struggle, in 1985 the Government issued PP. No. 33 of 1985, which confirms the position and the structure of the IAIN. In, PP. No. 33 emphasized that IAIN as a state Islamic higher institution owned by the government was equivalent to a public higher education institution under the Ministry of Education and Culture and its guidance remained under the Ministry of Religion. Two years later, followed by issuing a Presidential Decree No. 9 of 1987 supplemented by the implementation guidelines with the Decree of the Minister of Religion No. 15 of 1988. After that, the IAIN was busy fixing itself, in the atmosphere of the new wisdom. It feels, it is natural that among of the IAIN, including students, the atmosphere is bright and cheerful. According to the Ministry of Religion and IAIN officials, the gap in funding and facilities that are too deep and gaping, between IAIN and public universities expected reduced.¹⁵

In the meantime, the appointment of Daed Joesoef, an economics doctor who graduated from Sorbonne University as the Minister of Education and Culture, also brought new colors to the world of education. He wanted all educational institutions in Indonesia included in his department. It is also including all Islamic religious schools. The ambition of Daed Joesoef's strongly opposed by Islamic leaders and Islamic organizations. Because, according to the last group, Daed Joesoef's plans and thoughts will speed up the process of secularization in education.¹⁶

The objections to Daed Joesoef's ideas also came from the Ministry of Religion, Islamic Education Institutions (including IAIN) according to Anton Timur Djailani, not graduating an Islamologists, otherwise graduating the Islamic scholars and fostering followers. According to him, the Ministry of Education does not have a mission for that. The Ministry of Religion, according to its historical establishment, carries out this mission. The Islamic boarding school graduation (*pesantren*) can study religious texts and convey them to the community appropriately. If religious issues left by the other experts, then it is certain the community will receive inadequate religious information.

¹⁴ Atho Mudhar (1982), *Pembinaan Pendidikan Agama*, pp. 138-143.

¹⁵ In the past according to Dr. Mulyanto Sumardi, MA, former Director of the Islamic Higher Education and Head of the Ministry of Religion's Research and Development Agency, the funds for 14 IAINs throughout Indonesia are still smaller than ITB Bandung.

¹⁶ Deliar Noer (1985), *Administrasi Islam di Indonesia*, Jakarta: Rajawali, p. 78.

Daed Joesoef's efforts apparently did not just end there. He, by not paying attention to the aspirations of Muslims, since 1979 abolished school holidays in Ramadhan. Islamic leaders, especially those from Muhammadiyah, deeply regretted that Daed Joesoef's wisdom. Because, the Islamic schools are closed in the fasting month so far, to provide opportunities for worship training for their students, both in mosques or in their own schools. Daed Joesoef threatened to revoke subsidies for private schools that did not fulfill their policies. The dismissed Muhammadiyah schools experienced the termination of subsidies from the Ministry of Education and Culture. Welcoming Daed Joesoef's actions, the Muslim leader M. Natsir,¹⁷ invited Muslims to contribute funds to help Muhammadiyah's educational institutions. His invitation received a warm welcome, especially from the Muslims of the capital city.

The tensions arose due to the policy of the Minister of Education and Culture Daed Joesoef in education (especially for Islamic education institutions), then became a relief with the appointment of Nugroho Notosusanto as the Minister of Education and Culture replacing Daed Joesoef in the cabinet change. Prof. Dr. Nugroho Notosusanto,¹⁸ then restored the subsidies of Muhammadiyah schools which stopped by Daed Joesoef.

Islamic Law and Religious Courts

Implementing Islamic law in Indonesian society has stretched its long history. At first the New Order government was expected to provide new hope, for the dynamics of the development of Islamic law in Indonesia. This hope arises at least due to the considerable contribution made by Muslims in overthrowing the Old Order regime. However, in reality, the desire and hope of Muslims to develop and transform the values of Islamic law into the products of legislation at this time faced considerable obstacles, as they conflicted with the development strategy of the New Order government authorities. At this time the role of political parties was marginalized, including discussions on issues related to ideology (other than Pancasila), especially religious ideologies.¹⁹

The religious court as an institution that handles matters concerning Islamic law, according to Deliar Noer, comes from the colonial period.²⁰ After the independence of Indonesia, the existence of the Religious Courts institution increasingly maintained by Muslims. Because, the Islamic religion besides having teachings about the procedure regarding the relationship of beings (humans) with the God, also contains teachings that govern human relations.

However, implementing Islamic law in Indonesia in relation to the authority of the Religious Courts limited to the laws of *munahakat* and *muamalat*.²¹ Implementing Islamic criminal and civil law merges into the authority of the (general) district court. When considering the problem above, in fact, the New Order Government's policy in implementing Islamic law remained revolved around the problem of *munahakat* and *muamalat*, and still did not reach the criminal and civil fields of Islam. Similarly, the authority of the Religious Courts still revolves around the two problems above.

However, there are several developments regarding the implementation of Islamic law and the Religious Courts in the New Order period that need to address. The constitution No. 14 of 1970, concerning the Basic Provisions of Judicial Power, the existence of the Religious Courts has a clear position together with the General Courts, Military Courts, and State Administrative Courts. (Subsection 10 paragraph 1).²² This does not mean that in the Old Order the Religious Courts did not have a place. However, in the constitution No. 14 of 1970, the position of the Religious Court according to the Directorate of Religious Courts, more revealing the affirmation of his position.

¹⁷ M. Natsir, a prominent Islamic figure from West Sumatra. He was the General Chair of the Masjumi, the Minister of Information of the Republic of Indonesia, and the Prime Minister of the Republic of Indonesia after he expelled from the Old Order Government (Soekarno), without going through a court process, he founded and became the leader of the Indonesian Islamic Da'wah Council. He also appointed (elected) as one leader of "Rabithah Alam Islami", based in Mecca. Finally, this self-taught figure received the highest award from the Saudi Arabian Government, for his services to the development of worldwide Islam.

¹⁸ Among the high officials of the Indonesian Ministry of Religion consider Prof. Nugroho contributed to working hard with Minister of Religion Munawir Syadzali and Minister of Defense Prof. Dr. Saleh Afif in the planned and proposed a concept about the position of IAIN to President Soeharto who later gave the rise of P.P. No. 33 of 1985.

¹⁹EMK Alidar (2012), "Hukum Islam di Indonesia Pada Masa Orde Baru (1966-1997)," *LEGITIMASI*, Vol. 1 No. 2, p. 88.

²⁰ Deliar Noer (1985), *Administrasi Islam di Indonesia*, p. 84

²¹ *Munahakat* is related to marriage matters, *muamalat* is related to *faraidh*, *wakaf*, grants, *Baitul mal* and others. Implementing the *munahakat* law, become the authority of all religious courts. While the question of *muamalat*, it only becomes the authority of religious courts outside Java and Madura.

²² The Ministry of Religion Library.

In the meantime, the ratification of the Marriage constitution becomes the constitution No. 1 in 1974 on marriage seen to be an interesting development of the New Order Government's policy regarding the implementation of Islamic law in Indonesia. It seems the New Order government is very ambitious to have the Marriage constitution applicable to all Indonesian people.

Muslims concern to the contents of the plan which seen as contrary to the teachings (*Shari'a*) of Islam. Because, it is still fresh in our minds that, almost all figures and leaders of Islamic organizations in Indonesia view the plan as contradicting to the teachings of Islam.

Apparently, both the executive and the legislature cannot convey the objections of the Islamic leaders. As Deliar Noer revealed in his book, that Parliament can finally finish by changing the draft of constitution again so that all its contents are under the demands of the Islamic community.²³

After the birth of the constitution No.1 of 1974 concerning on marriage, whose the implementation regulated by Government Regulation (PP) No. 9 of 1975, impressed by a more orderly atmosphere in the implementation's the matter of marriage and the more adequate protection of women's rights. Although the problem is actually, it still requires a special study. However, the order was very much felt like the impact of the constitution No. 1/1974 there are among Civil Servants arranged in more detail in PP. No.10 of 1983 concerning marriage and divorce permits for civil servants. PP. No. 10 of 1983, not only contained subsection by the subsection on procedures for marriage permits and divorce but also stipulated strict sanctions, in the form of dismissal for Civil Servants who violated them (subsection 16 and 17).

Violations of the Act. No. 1 of 1974 and PP. No. 10 of 1983 does not exist. Both from the mass media and the rumors of the people, there are still often people from civil servants with over one wife, and some of them feel safer looking for "night butterflies" that have no legal sanctions. However, the forms of violations above whether there is a relationship with the enactment of the Marriage constitution need a separate study. Because it is possible for people to think the violation was an impact for the Marriage constitution which was too great. Or, it can be considered the opposite, because of the lack of commendable individual morals which then scapegoated by the Marriage constitution.

In Islam, polygamy is not recommended by the *sharia*, but rather a justification of tradition that has taken place before Islam, with the strictest requirements of justice. Islam itself offers a more explicit path to human dignity as "fasting", for people with high sexual abilities. Thought about this one can be different, but for writers, fasting is a better alternative than adding a wife which will be inviting family problems. Therefore, the socializing of the teachings of Islam and Islamic morals for Muslims considered more important than the Marriage constitution.

The affirmation of Deliar Noer stated that the success of the constitution depends, among others, on the quality of the court, which needs to be considered.²⁴ The warning, rather referring to the inadequate weighting of the judges of the Religious Courts, would not solve the court's problems properly.²⁵

The government seems to realize the urgency of increasing religious judges in various aspects. The collaboration steps were taken by Minister of Religion Alamsyah and Chairman of the Supreme Court Mudjono, SH. which results in a Collaboration Decision, reflecting that. The Collaboration Decision of the Chairman of the Supreme Court Republic of Indonesia and the Minister of Religion of Republic of Indonesia Number: KMA / 001 / SK / 1/1983, no. 1 of 1983 concerning Cooperation/Consultation Forum in the Functional Administration, Personnel and Religious Courts containing the formulation of efforts to improve the Religious Courts Agency. In a collaboration decision which contains four dictums, namely:

1. Supervision of judges.
2. Lifting, level of rank and career development of judges and lifting of the judges' quality.
3. The formation, the changes of class and organizational structure of religious courts.

²³ Deliar Noer (1985), *Administrasi Islam di Indonesia*, p. 98.

²⁴ Deliar Noer (1985), *Administrasi Islam di Indonesia*, p. 99.

²⁵ Deliar Noer (1985), *Administrasi Islam di Indonesia*, pp. 93-96

Several years later, the Government recruited the *Sharia* scholars from IAIN to be appointed as candidates for judges and clerks at the Religious Courts. Other aspects of the development of the Collaboration Decree have not widely known. On March 28, 1982, President Soeharto inaugurated the Chief of Justice Prof. Bustanul Arifin, SH. as Chairman of the Supreme Court for the Affairs of the Religious Courts.²⁶ This is a new phase in implementing Islamic law in Indonesia, which still needs to be addressed in the coming days.

The Policy in the Field of Organizing Hajj

Based on Presidential Decree No. 22 of 1969 and Presidential Instruction No. 6 of 1969, then since 1970 the organization of Hajj was in one hand, namely the Government. Thus, a new era in Government policy began, namely the Government monopoly in implementing Indonesian Hajj. With the Government's monopoly policy, it means that it is closed down the possibility of the participation of the private sector in organizing the hajj.

In fact, at the beginning of the New Order, the private sector entrusted with holding a hajj trip, based on the recommendations of the Minister of Welfare and a letter from the Cabinet Secretary No. B-3731 / SETKAB /12/1968. But in reality, there are many prospective pilgrims become the victims, because of fraud or by other causes. According to Deliar Noer, there are those who cannot leave or left without service on the way (Deliar Noer 1983, 108). That background is a reason for the Government to implement its policy, monopolizing the implementation of Hajj. In fact, according to Alamsyah, the private sector or the foundation ended up with the left of the debt to the Yusen Toyo shipbuilding company Co., Ltd. for the US \$ 151,848.87 and to the General Director of Hajj Affairs for Rp. 40,681,099.90 (in 1969).²⁷ Unfortunately, Alamsyah did not explain whether the debts paid by the Government or the organizers. So, according to Alamsyah for the Government's responsibility towards Muslims, Presidential Decree No. 22 of 1969 which stipulates; the operation of the hajj was only carried out by the Government, and the quota system abolished.²⁸ So, the Government's monopoly in the hajj's implementation, according to the Government's version is solely for the benefit of Muslims (especially the prospective pilgrims).

Although the Government's monopoly policy immediately invited pro and contra attitudes, some Muslims held several hopes. In their minds, they dream of better and more satisfying hopes in the matter of organizing the Hajj. The more important thing from that for them the "relief" Cost of Ride on Hajj. The hope of the community is very reasonable, because, is not the responsibility of the Government to ease the burden on its people. Moreover, if it linked to the need for worship in order to further increase the piety to Allah SWT.

Presumably, we need to first review the Government's policy from the point of view of the monopoly itself, especially regarding the reasons that presented earlier. It is true, perhaps there have been several cases in the matter of organizing the Hajj by the private sector. However, is this reason enough for the Government to implement its monopoly policy? Syafruddin Prawiranegara, the head of the Indonesian Muslim Business Community argues that the Government's monopoly actions have not only treated Muslims unfairly and improperly but also contradicted to the applicable laws.²⁹ According to Syafruddin, as stated by Deliar Noer, the Government's monopoly can still be understood if the number of pilgrims limited, and the Government also provides subsidies. However, with the abolition of subsidies and quotum by the Government, implementing the Hajj was out of place.

Furthermore, the former Governor of Bank Indonesia and several times as Minister before this Guiden Democracy, also revealed corruption, mismanagement and various other weaknesses from Government officials. He is also a former Masyumi figure who acknowledged the weaknesses and shortcomings of private organizations. However, the appeal of Syafruddin did not get a positive response by the Government.³⁰ The government goes on with its monopoly policy package, even now and maybe for a long time.

²⁶ Ministry of Religion republic of Indonesia (1982), *Hukum Waris Islam*, Jakarta: Depag RI, p. 17.

²⁷ Moeslim Abdurrahman (1982), *Bimbingan Masyarakat Beragama*, Jakarta: Departemen Agama RI, p. 143.

²⁸ Moeslim Abdurrahman (1982), *Bimbingan Masyarakat Beragama*, p. 144.

²⁹ Moeslim Abdurrahman (1982), *Bimbingan Masyarakat Beragama*, p. 110.

³⁰ Syafruddin Prawiranegara is a former figure of Masyumi. People think the Government does not agree with Masyumi figures to interfere in matters that can handle by the Government.

We try to uncover further the policies of the Government's monopoly, by not relating it to the question of the law as stated by Syafruddin. As neutral people, we argue that the Government's policy monopolizes the implementation of the Hajj because of the emergence of cases which are actually very weak in their arguments. Because there are also private parties who succeeded in organizing the Hajj like Husami. The irregularities or mismanagement not found only in the private sector. Even among the government officials, such matters often encountered. Irregularities among government officials are even bigger than those that occur on the private side.

Isn't the number of billions of corruption, is usual news that used to decorate the pages of newspapers? And if our press has the same freedom as the western world, the numbers of corruption will multiply. This disclosure is not the intention of the writer to disparage the Government, especially for the purpose of stripping him off. Its disclosure is solely for the purpose we can be more honest, rational and proportional. We should be honest and rational not only in seeing others but also in seeing ourselves.

Therefore, the reason for the Government's policy of monopolizing the Hajj because the private sector mismanaged, and the recognition that the Government is always right, never mismanaged. Therefore, the Government's policy of monopolizing the Hajj based on the reasons disclosed by Alamsyah (the Government), will only be consumed by the Government itself.

Especially if we associate with the mandate of GBHN which emphasizes equity, Government policy is more incomprehensible. The Government's policy monopolizes the hajj, does not support and even hamper the equity.

The government should not need to monopolize the Hajj and continue to provide opportunities to the private sector. The government acts to oversee the organizers in a more professional manner. For this reason, the Government sets strict and binding rules and regulations. The government also stipulates stricter sanctions to the organizers who deviate, and the Government must be selective in determining which organizers considered being given a trust.

But apparently, the Government prefers "monopoly". Why does the Government strongly insist on monopolizing the hajj, for some people (observers) "it's understandable what's behind it". However, after the Hajj monopoly by the Government, it does not mean that complaints have subsided. The complaints after complaints still heard in the matter of service and the swelling of the cost of the hajj from year to year. The government includes certain components in the hajj's cost which have nothing to do with Hajj. Such as presidential funds which said to be used to build a religious facility (Islam) and hajj facilities. However, to know exactly what sectors are being brought to the cost of the Hajj, it is equally difficult to dive in.

To build religious facilities and the facilities for the Hajj, no one argues redundant and useless. All would argue that these things are useful. However, why were the religious facilities and the Hajj facilities charged with development funds to the prospective pilgrims? And where also the responsibility of the New Order Government made it easier and easier for the Indonesian Hajj journey? And what is the real motive behind the Government's policy in monopolizing the implementation of the Hajj? Several questions above even though the Government can provide answers, but it is difficult to convince people to believe it.

The Policy on the Ulema Council

The New Order government also considered the important role of the ulema. The ulema besides being close to the community is also of high authority. Besides being respected by the community, The Ulema's words or advice, are very much considered by people. Because among the ulemas have unity or correspondence between words and deeds.

Recognizing the central role and position of the ulema in society, the government is very interested in embracing the ulemas. The government expects the ulemas can have one-language to assess the development programs. But it is difficult to expect that the ulemas do not organized. That is why the government is very interested in bringing together the ulema in one forum, namely the Indonesian Ulema Council (MUI).

At the beginning of the New Order, during KH. M. Dahlan as Minister of Religion, since 1969, has seen the Government's initiative to form the Ulema Council organization. The establishment of the Indonesian Islamic Da'wah Center (PDII) on September 8, 1969, chaired by Lieutenant General Sudirman, according to Deliar Noer, as a preliminary body of the 1975 Ulema Council.³¹

The Ulema Council existed since the Old Order Government (the Soekarno regime). In West Java, the Ulama Council established since 1958, because of the security needs.³² Thus, the ulama organization functions as a tool from the Government. The Ulema Council duty is to help overcome the securities issue even though we see it as an oddity. The West Java trail followed by other regions such as West Sumatra, Aceh, and South Sulawesi, although the intensity of the role of the Ulama Council, especially in West Sumatera, and Aceh, differed slightly from the first. While at the central level, according to Deliar Noer, Ulema Council established in 1962, under the wishes and instructions of the Government.³³

How the Central Ulema Council too deeply mired in politics as a tool or mouthpiece for Soekarno. We can see this in the view he made. They argue that the struggle to defeat Malaysia (which is also Islam) is a *fardhu'ain*. Even though they have strayed far in planning the law, it seemed difficult to launch criticism.

Because it was not the purpose of this article to elaborate on developments in the era of Sukarno, the discussion then led to the New Order. PDII as a body formed by the Indonesian Ministry of Religion through Decree No. 108 In 1969 it also did not realize the Government's intention to establish a Central Ulema Council. The plan to establish a Fatwa institution in the Indonesian Ulema Council meeting in early October 1970 also failed. Many participants opposed the idea, including Prof. Hamka, a figure who later became Chairman of the Indonesian Ulema Council.

The Government's efforts to form the Ulema Council were finally successfully carried out by Prof. Dr. H.A. Mukti Ali in 1975. Even after the Government passed the instruction of the Minister of Home Affairs to the governors, it established the Ulema Council in each Level I Region through Government initiatives and held an Indonesian Ulema Council Meeting, which headed by Lieutenant General (Pr) H. Soedirman with an advisory committee comprising Prof. Dr. Hamka, KH Abdullah Syafi'i, and K.H. Syukri Ghozali. On July 26, 1975, the day before the closing of the deliberation, the Indonesian Ulema Council formally formed, with its management structure chaired by Prof. Dr. Hamka.³⁴

The main task of the council concerns the formation of the ummah in increasing the faith and experience of Islamic teachings associated with Pancasila, the 1945 Constitution and GBHN (subsection 14 of the Basic Guidelines).³⁵ This main task under the Government's intentions, which desperately need help from the Ulema Council which stated in promoting the ideas of the Government. Thus it seems about the function of the Ulema Council. The function of the Ulema Council stated in subsection 5 and comprising 4 verses is very much under the contents of the mandate of President Soeharto.³⁶

The initial idea of the establishment of the MUI was a macro idea that had been born by the Ministry of Religion which later realized by Mukti Ali while serving as the head of the Ministry of Religion. With a stood out of the program during his leadership, namely first, religious harmony by initiating the need for a tradition of interfaith dialogue. Second, making religion as the foundation of national development, and thirdly is empowering the people's leadership. However, in reality, the Ulema group behaves deviated from the interests of its establishment. The fatwa of the MUI shows several of the biases in the government's political interests. So, in the wider community, especially Muslims, there has been a pro-contra of the fatwas issued by the MUI. Because, it felt that every fatwa issued by the Ulema always runs under the pressure of the New Order regime, from every policy issued by the government. That is why, then some observers assume that the Indonesian Ulema Council (at the central level in particular), is desirable to become a spokesperson for the Government in matters of development.

³¹ Moeslim Abdurrahman (1982), *Bimbingan Masyarakat Beragama*, p. 134.

³² The Chair of the Ulema Council in West Java, from the province to the regency and sub-district areas ex officio is in the hands of the military.

³³ Moeslim Abdurrahman (1982), *Bimbingan Masyarakat Beragama*, p. 126.

³⁴ Complete Board Arrangement I of Indonesian Ulema Council in 10 MUI (26 Juli 1975-26 Juli 1985), Jakarta Deppen RI, pp. 53-54.

³⁵ Complete Board Arrangement I of Indonesian Ulema Council in 10 MUI (26 Juli 1975-26 Juli 1985), Jakarta Deppen RI, p. 39.

³⁶ Complete Board Arrangement I of Indonesian Ulema Council in 10 MUI (26 Juli 1975-26 Juli 1985), Jakarta Deppen RI, p. 39.

Observing the history of its foundations which can say to be almost completely (can also say fully) on the initiative of the Government, people also wonder about their independence. Will it be possible for the MUI to think of giving advice to the Government freely? Especially if the statement related to funding the MUI's operations which fully borne by the Government. People hope that there will be no connection between the funds provided with freedom of opinion and function. But is that possible?

Seeing the matter of changing members of the board, by occupying people who only liked by the Government and ignoring religious factors, further made people pessimistic about the realization of freedom and independence within the MUI. The most obvious case was the occupation of H. Aswarmarmo SH, as a leader replacing Drs. H. Kafrawi, MA. The figure who known not to have at all, both educational background and experience that allows people to appreciate him as an ulema, placed as a chairmen who replaces Kafrawi who graduated from PTAIN (State Islamic College) and Islamic Studies, only because his position as Secretary General of the Ministry of Religion Republic of Indonesia.³⁷ Such shifts reflect the absence of freedom or independence within the MUI body.

Something that cannot be missed in this discussion, is the case of the resignation of Prof. Dr. Hamka, the Chairman of the MUI. The MUI, under Hamka's leadership, has a sharp sensitivity to the dangers of the Islamic faith in attending Christian celebrations, Christmas collaboration between religious people, especially regarding the participation of Muslims. It is known that Christmas collaboration celebration created in such a way that between the ceremonial and the *aqidah* there was no dividing line.

Hamka, an ulema figure who has been struggling for the glory and purity of Islamic faith from a young age, considers Christmas together is dangerous to the Islamic faith. To maintain the faith of Muslims, the MUI in one of its fatwas stated: Unlawful for Muslims to attend Christmas together. The fatwa, as explained by Deliar Noer, "widespread in the community, and in connection with that the Minister of Religion criticized him".³⁸ In a meeting of the Minister of Religion with the MUI, Alamsyah said he would resign if the circulation of the fatwa not revoked. Responding to the threat and condemnation of the Minister of Religion of the Republic of Indonesia, MUI revoked the fatwa from circulation, not canceling the contents of the fatwa itself. Fatwas are valid and valid for Muslims. But apparently, the revocation of the MUI fatwa must pay handsomely by the Government and the MUI itself, in the form of Hamka's resignation, a charismatic ulema from the stage of the leadership of the Indonesian Ulema Council. According to his son H. Rusydi, the resignation of Hamka from the Chairman of the Indonesian Ulema Council without consulting with anyone and only he who knew beforehand, "laid down his position, as General Chair of the Indonesian Ulama."³⁹

The case of Hamka's resignation which had shocked people and the Government was proof that the MUI did not have the freedom and independence to advice and foster Muslims. The Muslims have also wondered, "For what MUI did the former if they shackled it?" If so, what is the benefit of the MUI for the spread of the purity of Islamic faith from things that can damage it?

For Muslims, Hamka's resignation has provided a valuable lesson. His resignation, which was more concerned with the establishment of the Islamic faith of his personal interests and to show that the ulema should not regulate according to the wishes of the Government, is a valuable example that will continue to remember. However, paying attention to the Government's intervention, in fact, has reached the kitchen of the council, as in the matter of requesting revocation of the fatwa and the change of members of the board, the Muslim suspicion of the Government has become more reasonable.

It can also see that the motivation of the Government to establish the Ulema Council seems to be a "friend" to translate its development concepts to Muslims. The government is trying to use the Ulema Council to popularize the version of its religious concept to Muslims. Hamka's resignation has shown to Muslims that the Government intends to impose its version of the concept of harmony to Muslims by using the council.

³⁷ Deliar Noer (1983), *Administrasi Islam di Indonesia*, p. 147

³⁸ Deliar Noer (1985), *Administrasi Islam di Indonesia*, p. 147.

³⁹ H. Rusydi (1981), *Pribadi dan Martabat Prof. Dr. Hamka*, Jakarta: Pustaka Panjimas, pp. 195-196.

Conclusion

The Government of the New Order in 1966-1987 was full of socio-political dynamics and tried to create various situations and conditions to maintain the status quo under its paradigm. In the Government's view, religion has a very basic meaning and function for human life. However, this sometimes lacked in understanding by some high-ranking State officials. While the flow of trust according to the perception of the Government is a cultural side that grows among some people (Java). The placement of a belief stream in an important position in the state by the Government has aroused suspicion and disapproval of Islamic leaders.

The Ministry of Religion as a Government institution carries a heavy duty in carrying out Government policies regarding the field of Religion including Islam. In addition, the emergence of the attitude of suspicion and displeasure of Muslims to the Government was more because of its policies which considered pressuring Muslims, such as the necessity of permission to preach and dawn lectures.

In Islamic education aside from inadequate funding and facilities compared to general education, the Three Ministerial Decree impacts the decline in the quality of religious studies at madrasas both public and private. The development of Islamic education in public education institutions and educational institutions within the body of the Ministry of Religion is also often a problem because of the emergence of the secular thinkers who became managers of the Ministry of Education and Culture. Because both efforts to improve Islamic education in public schools or the development of Islamic education institutions in the Ministry of Religion have a collaboration between the Ministry of Religion and the Ministry of Education and Culture.

The government also enforces monopoly policies in organizing the Hajj and does not provide an opportunity for Muslims (Islamic institutions) to take part in organizing the Hajj. The government also embraces the ulama through the Ulama Council, to explain its development program to Muslims.

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