

Discussion for Session 1

Toru Aoyama: Okay now we move to the comments from the two commentators. First, we have Dr. Ken Miichi from Iwate Prefectural University. Could you start, please? Thank you.

Ken Miichi: Thank you chairman. Because I have been researching on Indonesian issues and Soda-san who mainly discussed about Malaysia, my comments and questions mostly concentrate on the Mr. Muhamad Hisyam's presentation on South Sulawesi. I have also been researching on the KPPSI and other several regions which are trying to introduce the Shari'a into positive law around year 2001. So I really appreciated his presentation to remind these movements. Even the KPPSI was failed, in this one or two years I think the second Shari'a boom is coming into the several regions in Indonesia. So this topic is very important.

I have mainly three kinds of comments and questions. First, before I comment on South Sulawesi issues, I want to clarify general relation of Islam and politics in Indonesia especially under the Suharto's New Order. In the first page of his paper, he states the Suharto's New Order was accommodating aspiration of the Muslim students who tried to introduce Islamic laws. The government adopted the several laws such as the marriage law in 1974. But in my opinion, it is not because the Suharto's government was accommodative to the Muslim, but they are willingly to control Islam under these laws. It was a process of nationalization of Islamic administration in Indonesia which was similar to what happened in Malaysia. That is the first point.

In the introduction of this paper, he divided Indonesian Muslim as Abangan and Santri and he used new category such as Islamism without clear definition. But this conventional categorization of Muslim can not adopt to the contemporary situation, especially in outer Java. As everybody knows, this conventional division between Abangan and Santri was a result of researches in East Java in the

1950s. The perception of Islam by Indonesian themselves is still occupied by this conventional division, but current situation in South Sulawesi must be very different.

In the relation to the Suharto's New Order, on the one hand, the government tried to control Muslim through institutionalization of the Islamic administration. On the other hand, they promote Islamization of Indonesia by introducing modern schooling system especially in Outer Java. Most of the DDI's schools or other famous schools in South Sulawesi established or expanded during the Suharto's New Order.

During the Suharto's New Order there was continuous demand among Muslim politician to revive the Jakarta Charter. But what has happened in 1998 was that only two political parties supported to revive the Jakarta charter. The Suharto's New Order Islamized administration, but at the same time, imposed nationalism to the Islamic or— so called Santri politicians. So even after the democratization, Muslim politician did not support for the Jakarta Charter. That was the consequence of the Suharto's New Order.

In Mr. Muhamad's presentation, he explained the establish of KPPSI was because of the Islamic aspiration. But I think we should aware of regional aspirations. Yes, there was an Islamic demand for implementing Shari'a, but at the same time, we should know that South Sulawesi is very strong in regional aspiration. The Darul Islam movement in the 1950s, too, should be explained by regionalism and anti-Java sentiments.

The support for Golkar after 1998 also cannot only explain by Islam. It is partly true that Habibie represented Islam—introducing Muslim ministers during the Suharto's era. But after 1998 because so many Islamic parties are established, Golkar no longer monopolized Islam. It is more persuasive to be explained by patronage, which was created during the Suharto's era.

Finally I will make a few comments on KPPSI. I have researched on the several regions where pro-Shari'a movements grew around 2001 including Cianjur, Garut and Tasyikmalaya in West Java.

What happened in these regions was that these aspirations emerged before the elections of the local leaders like mayor. So called pro-Shari'a movements lobbied to candidates and after the election newly elected leaders made the committee for the Shari'a in the local government. They made several regulations such as women cannot go out alone after 9 o'clock at night or women bureaucrat should wear hijab.

KPPSI in South Sulawesi was not successful to implement Shari'a into positive law. I analyzed that KPPSI was consisted of a few ideological core and less ideological general members. These general members are not very enthusiastic to support the KPPSI's cause to implement Shari'a. After the head of KPPSI, Agus Dwikarna, was arrested in Manila, KPPSI was overloaded by the political parties and members joined the political parties for the 2004 elections.

There is only a few simple questions to Professor Azizah Kassim. In Indonesian case that there is a several prominent Chinese-Muslim including Ulama who are very important to convert other Chinese. I would like to ask if there is any similar figures in Malaysia. Second, if there are typologies of conversion, please clarify. Finally on government's policy toward Chinese converts. What is the impact to the national integration? That's all for my comments and questions. Thank you.

Toru Aoyama: Thank you very much Dr. Ken Miichi. Since our time is limited, I would like Dr. Naoki Soda to give his comments first and then we get responses back from the two speakers.

Naoki Soda: Thank you Professor Aoyama. Good morning and selamat pagi. I would like to express my sincere thanks to the organizers of this project, distinguished speakers and guests. I am working on modern Malaysian history, particularly on the interrelations between colonial education and the formation of pan-Malay ethno-national identity in British Malaya. As Miichi-san suggested, my comments will mainly be on the Malaysian case and also the interaction between

the Indonesian and Malaysian cases.

Today's symposium puts an emphasis on transnational networks in local context as appeared in its subtitle. I greatly enjoy reading the thought-provoking working papers by Dr. Muhamad Hisyam and Professor Azizah Kassim, because both papers successfully display transnational networks and local contexts. As for transnational networks, I am very interested in Dr. Muhamad Hisyam's paper about the interaction of Islam and politics in Indonesia and Malaysia exemplified by the KPPSI's study on the case of the state of Terengganu in Malaysia where the Pan-Malaysian Islamic Party or PAS had ruled between 1999 and 2004. So my question is, based on their discovery on the case of Terengganu, to what extent KPSSI tried to legislate and implement the Shari'a law in South Sulawesi.

While the Shari'a law is officially implemented in various fields in Malaysia, hudud law is not implemented even in Terengganu and Kelantan. Although the legislative council of the two states passed the bills about the introduction of hudud, it failed to be implemented because it is not in accordance with the Federal Constitution of Malaysia. Thus, I would like to know whether KPPSI's leaders seriously attempted to introduce the Shari'a including hudud. In other words, to what extent they are trying to legislate or implement Shari'a considering the case of Terengganu.

I think Professor Azizah Kassim's paper on conversion into and out of Islam and inter-faith marriage in Malaysia successfully sheds light on the local contexts by showing the interrelations between civil laws and Shari'a laws as well as the inter-religious relations between Muslims and non-Muslims in the Malaysian context based on very rich data on conversion and inter-faith marriages in Malaysia.

My first question is concerned with decentralized nature of Islamic affairs in Malaysia. Basically speaking, the enactment and implementation on the Shari'a law in Malaysia is made by the state governments, not by the federal government. It means that each state has its own Shari'a law including the regulations concerning the procedure of conversion out of Islam. My question is whether you find any case in which difference in Shari'a laws makes some impact on the issue

of conversion and inter-faith marriages in Malaysia, particularly on converting out of Islam in Malaysia.

My second question to Prof. Azizah Kassim is related to the nature of the public debate on conversion and inter-faith marriages in Malaysia. As you precisely point out in your paper, the issue of conversion and inter-faith marriage is paid attention to not only by Muslims but also by non-Muslims in Malaysia. Therefore, not only Muslims but also non-Muslims, for instance, the Article 11 supporters, try to participate in public debate on the issue unlike the usual cases of what are considered as purely Muslim issues.

So, in one respect, public debate on conversion and inter-faith marriages seems to contribute the formation and development of the inter-faith and multi-religious public sphere, if we borrow the concept from Habermas, because both Muslim and non-Muslim people attempt to take part in the debate. On the other hand, some leaders of Islamic NGO question the qualification of non-Muslims to take part in public debate on Islam and tend to try to limit the public sphere to discuss the issue only among Muslims.

So in other words, this seems to me there is also debate about who can be qualified to take part in public debate on conversion and inter-faith marriages in Malaysia. So my second question is in what way and to what extent the debate on conversion and inter-faith marriages in Malaysia contributes to the formation or the development of the public sphere in Malaysia. Thank you.

Toru Aoyama: Thank you Dr. Naoki Soda. But it is regretful that our time is quite limited. So I would like to narrow down the questions to a few questions each.

Firstly, a question from Dr. Miichi to Dr. Hisyam. The question for Dr Hisyam is a question on regionalism. You explained the situation in South Sulawesi mostly from the viewpoint of the revitalization of Islam and the attempted implementation of the Shari'a. But Miichi-san also pointed out the possibility of regional, political kind of dynamics in South Sulawesi, which might have contributed to the situation you explained. So this is something we would like to have

response from you.

And then also Soda-san has a question about to what extent KPPSI tried to implement the Shari'a law. It seems that even the committee itself is not quite sure about the extent of the Shari'a to be implemented. But if you can elaborate on this, we would like to hear your opinion. So these are the two questions from the two commentators to Dr Hisyam.

And then to Professor Azizah, there are three specific questions from Dr. Miichi. The first one is about prominent figures among Chinese Muslims. The second one is about the difference between urban and rural situations, or between regions. And thirdly, about the government policy on Chinese converts to Islam. So these are specific questions from Dr. Miichi.

And then there is a question from Dr. Soda about public sphere, which seems to be very interesting and have a great deal of relevance to the theme of today's symposium. The question is about who can be qualified to participate in this discussion, in this public sphere on conversion and inter-faith marriage in Malaysia. And the other question from Soda-san is this: There is difference among the Shari'a laws implemented in the states in Malaysia. So does this difference have any effect on the debates on inter-marriage and conversion that you mentioned in this session? OK, so Dr. Hisyam, please.

Muhamad Hisyam: Thank you very much for comment from Dr. Ken Miichi and also from Dr. Soda. I would like to answer not all questions but about just I remember the problem. Dr. Ken Miichi remind me that the accommodation was not only to some laws like law on marriage (1974) and law on Islamic court (1989) but also in education. So since early time the government adopted Islamic schools in all levels, and other schools which aimed to serve Islamic teaching in the public schools and that to maintain the Islamic court. So there were the school for religious (Islamic) teachers and school for Islamic judges. Islamic schools are called madrasah. Madrasah Ibtidaiyah for elementary level, Madrasah Tsanawiyah for low secondary level and Madrasah 'Aliyah for high sec-

ondary level, whereas for university level called State Institute for Islamic Studies which starting 2000 changed to be State Islamic University.

Related to the local aspirations to adopt regulations for implementation of Shari'a in the regencies (kabupaten), I would think that the aspirations are the consequences of the failure of the demand to reintroduce the "Jakarta Charter" in our constitution. I would say that KPPSI is an effort to reintroduce the soul of the charter in the level of province, but it was failed. In such condition Muslim leaders in the local level then altered to propose local regulation in the framework of implementation of the Shari'a in local (regencies) context.

Concerning Agus Dwikarna who was arrested in the Philippines, I think that the case has no relation with KPPSI. This probably related to the underground jihadis movement organized by Jamaah Islamiyah, but I am not sure.

One I would like to mention that the strong demand of the South Sulawesi people for special autonomy is a kind of spontaneous reaction to the failure of Habibie to be reelected president in 1999. We know that Habibie is a figure of South Sulawesi which played significant rule in national level. He was the president in the time of political change from authoritarian to the democracy. His presidency role was less than two years. People of South Sulawesi strongly wanted their figure would be elected for president in the general election of 1999, but in fact he lost the opportunity to be elected again. And without any deep thinking and account, the failure of KPPSI is the consequence of lack of support from the top figures of South Sulawesi in Jakarta like Habibie himself, Jusuf Kalla, A.M. Fatwa and others. I think this is my answer. Thank you very much.

Toru Aoyama: Thank you very much. And so that's how the KPPSI failed in South Sulawesi in the implementation of the Shari'a law. Now we would like to hear the response from Professor Azizah Kassim.

Azizah Kassim: Thank you very much. I will first attempt (to answer) Miichi-San's questions - there are three (of them). Are there any prominent figures among

the Chinese Muslims today? Well, as far as I know there is the Mah family, (who are) very prominent but they are not converts. They are Chinese-Muslims - they were born Chinese-Muslims. But among the converts, of course we have people like Omar Ong Yoke Lin and Aishah Ong. But there are not many that we can talk about.

Second question – the difference between urban and rural. Inter-marriage is a very urban phenomenon. In the rural areas inter-marriage is quite rare. The reason is that, it is in the urban areas where there is space for close interaction. That's okay as an answer?

Now (about) government policy. I think the government has taken a very supportive attitude towards conversion to Islam. At (the) beginning in 1960, for example, with the formation of PERKIM under the first Prime Minister. PERKIM is Persatuan Kebajikan Islam Malaysia - Malaysian (Muslim) Welfare Association. And it has given a lot of support to such association. And then PERKIM is for the Peninsula, in Sabah there is USIA and in Sarawak there is HIKMAH, doing organization (work) with the support of the government for dakwah activities ... proselytizing activities.

And of late, for example, there are awards being given too. This year, this award being given to dakwah personalities. Two awards were given, one to (Mr) Ann Wan Seng who is the secretary of the Malaysian Chinese Muslim Association, MACMA and also to Aishah Ong, Omar Ong's wife. Now so there is a lot of support in this respect. And if I said... I mentioned about the NRC, the point we have to remember is that sometimes what the government does, does not fully filter down to the civil administration. You can get a policy, and government officers acting contrary to that policy. It happens all the time in Malaysia. So I think that should help.

Now that's the government policy. Now to Soda-san's question about the public sphere whether or not non-Muslims qualify (to participate in the discussion on conversion and inter-marriage). First, who are qualified? Now for me ... you want my opinion? My opinion is that Muslims should be discussing with non-

Muslims. The reason why they are having problem now is because Muslims have their own discussion groups, so do the non-Muslims, and they are not aware of what happens or the impact of implementation of laws on the other side. For example, married men using conversion to Islam, or married women as well, not just men....in my paper, I also refer to women, who want to get out of their marriage, who converted.

So I am sure when they were implementing this, they were not thinking about the (impact) of their action on the non-Muslim aspect. So I think now there is awareness of the need for both parties to come together. So now the government, like the Ministry of National Integration and Unity has already started to implement dialogues (between) Muslims and non-Muslims. The non-Muslims comprise of there is an organization of Hindus, Buddhists, Christians – I forgot the name it's a very long name. So they come to the table and talk about all these problems.

Inter-faith dialogue was also done by UM (University of Malaya) quite a long time ago. Also by SUHAKAM. SUHAKAM is Suruhanjaya Hak Asasi Malaysia - which is our national human rights association they have initiated that as well. So people have recognized the need for both sides to come together.

What happened in the case of the Bar Council was. ... they looked as if they were trying to champion the cause of non-Muslims, because they've brought the (estranged) wives - Shyamala and Subhashini there and asked them to explain what are the bad things happening to them because of the conversion of their husband to Islam. So, many people believe that by doing so you are not hearing the side of the Muslims. So that's my answer to the first one.

Now the second one is (about) differences in state implementation on the debate on inter-marriage and conversion. This is actually the real problem, because different states have their own interpretation of apostasy, of what should be done. And states like Negeri Sembilan - which is my state- it is the most accommodating. And according to sources that I have met with, I haven't verified it yet, there were like six hundred applications to go out of Islam and 62 were ap-

proved but it was never advertised, because they do not want to put these things in the media.

But in certain states..... Penang is also a very accommodating state. But in certain states apostasy is a criminal offense, like in Pahang and Kelantan. So these differences are making people a bit unhappy. So depending on where you brought your case like Lina Joy who brought her case to the Federal Territory. But she went to the wrong court.. you know. Because people believe that if she had gone to the Shari'a, there is a possibility (her exit from Islam would have been allowed) because the feeling is if she has already rejected Islam and admit that she is a Christian, leading a Christian life, I don't think any decent Muslim would want to have her as a Muslim. I certainly do not too, because she will be an embarrassment to Muslims. What if she starts drinking alcohol and eating pork in public, it gives Muslim a bad name. And from that point of view, I think the religious authority or Shari'a would approve (her exit from Islam). But (it did not) because (she went) to the wrong court. That was it.

These are the debates that are going on.

So there is a move now to bring together (the two courts) instead of having two (family) courts well a chief justice, the present one, is reported to have said ... why don't we have just one family court. And then have all our lawyers train in both (family laws) instead of having one court for Muslims and one for non-Muslims. But others say, okay, there is nothing wrong in having two courts but (there is need for) reform. Look for weaknesses on both sides and then try to improve on what is missing or what is weak on both sides, so that when they (the laws) are applied nobody loses, whether it is the Muslim side or the non-Muslim side.

Toru Aoyama: Thank you very much for very illuminating responses. And I am sure all of us have some questions to raise and comments to make, but unfortunately we have run out of time already. So I would like you to exchange your comments and questions during the lunchtime and in the general discussion to

be held this afternoon. This concludes the first session of the symposium and I would like to say thank you again to the speakers Dr. Hisyam and Professor Kassim and the commentators Miichi-san and Soda-san. Thank you very much.