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‘Indeed, the Sundanese in rural West Java fervently consider themselves to be as Muslim as they are Sundanese. This Muslim identity provides a strong and direct contrast with the Christian religion of the Dutch who colonised them for 350 years and of those Chinese who converted to Catholicism after the troubles of 1965. Moreover the strength of this identification implies that, while the Javanese are also Muslim, the Sundanese are more so. Being Muslim for the Sundanese, then, is associated with being indigenous to West Java, where affiliation with Islam tends to suggest a certain ethnic purity.’ (Newland 2000: 203)

5.1 INTRODUCTION

In the previous chapters I have discussed the legal history of the Islamic courts on Java and Madura (Chapter 2), and family law for Muslims in Indonesia (Chapters 3 and 4). In this chapter I turn to the history of the district of Cianjur in West Java’s *Preanger* region, one of my two field research sites, in order to assess how the performance of the Islamic courts has been influenced by their historical, political, and socio-economic context. Whereas the history of the Islamic courts on Java, which also covers the *Preanger* region, has already been discussed in Chapter 2, the focus in this chapter is on the historically strong position of the *kyais*, leaders of Islamic boarding schools, and *ulamas* in West Java. They are the actors who have traditionally contested the authority of the state in religious affairs, and by extension of the Islamic courts in marriage and divorce affairs. I will confirm Nurlaelawati’s finding that most *ulamas* in West Java support the validity of Muslim marriage or divorce outside the realm of the state, and that as a result of their influence on local communities, out-of-court Islamic marriage and divorce remains widespread. This chapter will delve deeper into the origins of these *ulamas*’ autonomous stance, depicting the historical trajectory of the Islamic courts in Cianjur society, which as we will see in Chapters 7 and 8, has been fundamentally different in Bulukumba.

5.1.1 A short description of Cianjur

Cianjur is the name of both a rural district (*kabupaten*) in the province of West Java and of its capital town. It is located between the cities of Jakarta and Bandung. The district has a population of 2,122,756 (2007). The vast majority of the 2.1 million inhabitants of Cianjur is Muslim and ethnic Sundanese, and the town of Cianjur, with a population of 150 thousand, considers itself the centre of Sundanese language and culture. The Islamic court is located in Cianjur town, which lies in the northern part of the district at the crossroads to Jakarta, Bandung and Sukabumi. North and south are separated by a mountain range, which makes travel to the south coast, over the long and winding road, a time-consuming operation.



The district of Cianjur is the number one rice-producing province of Indonesia and has West Java's highest percentage of people working in the agricultural sector. In 2005, 61 percent of the working population was made up of farmers, 15.4 percent of small business owners and 6 worked in industry.¹ Although I have not found specific unemployment figures for Cianjur, official statistics by the Central Agency of Statistics (*Badan Pusat Statistik*; BPS) indicate unem-

1 Penyusunan Sosial Ekonomi Daerah (Suseda) 2005, BPS Provinsi Jawa Barat dan Bapeda Propinsi Jawa Barat [The 2005 Regional Socio-Economical Survey, Central Bureau of Statistics and Regional Spatial Planning Bureau, Province of West Java].

ployment for West-Java of 14.5 percent, relatively high compared to the whole of Indonesia (9.7 percent in 2007).² A different figure is available at the district's official website for non-working heads of household in Cianjur for 2007. Unlike the unemployment statistics, this figure is based on households rather than individuals, and includes those heads of household who are not considered part of the Indonesian labor force, such as people above sixty years. I have calculated that a total of 24 percent of heads of household in Cianjur was not working.³ Both figures indicate a relatively high number of households in Cianjur without stable income from labor. According to official figures by the BPS, in the year 2007 18.5 percent of Cianjur's population was poor,⁴ slightly higher than the national poverty rate in the same year, 16.6 percent.

If we look at religious affiliation, 99 percent of Cianjur's population is Muslim. Cianjur's self-image of piety and 'Sundanese-ness' is reflected in the first part of the district's motto *maos, mamaos, maenpo*. *Maos* is Sundanese for reciting the Qur'an, *mamaos* is performing traditional poetry and *maenpo* is the martial artform *pencak silat*. The Muslim character of Cianjur is also reflected in the number of Islamic schools. In present-day Cianjur there are 328 *madrasah* (Islamic day schools) and 67 *pesantren* (Islamic boarding schools), on a total number of 1819 schools.⁵ These Islamic schools are led by local Muslim scholars referred to as *kyai*, *uztad* or *ulama*, who have considerable authority in their community in Islamic matters. In Cianjur there is much variation in the religious affiliation of these Islamic boarding schools and their leaders. The traditionalist *Nahdlatul Ulama*, and modernist *Muhammadiyah* and *Persis* all have considerable support, as well as smaller Muslim currents and sects. As a consequence, many competing interpretations of Islamic law exist in Cianjur.

In the *Reformasi* era, national developments also influenced Cianjur's political landscape. For supporters of a sharia-based Indonesian Republic *Reformasi* meant, among other things, the freedom to publicly propagate their cause. In the year 2000, a national gathering in Yogyakarta established the Indonesian Mujahideen Council (*Majlis Mujahidin Indonesia*). The gathering included Fuad Amsyari, the chairman of a respected organization as ICMI (see 1.1.1), but also the formerly banned radical Abu Bakar Ba'asyir, the alleged leader of the *Jemaah Islamiyah* who in the following years would be linked to several terrorist activities in Indonesia (ICG 2008). The gathering proclaimed

2 <http://jabar.bps.go.id/templates/BRS/2009/FEBRUARI/BRS%20Ketenagakerjaan%20022008.pdf>, last accessed 19-03-2012.

3 Calculation of figures from the table 'Kepala keluarga menurut jenis kelamin, pekerjaan, dan perkawinan' [Household heads according to sex, work, and marital status] published on www.cianjurkab.go.id. 142,802 non-working households divided by 594,323 (total households) multiplied with 100 percent equals 24 percent.

4 http://cianjurkab.bps.go.id/tabel_kemiskinan.php.

5 Figures from <http://schomap.ditpsmk.net/schomap/report.php?Rep=tsissmksemuamts&IdKabR=0205>.

the Yogyakarta Charter, calling for the obligatory implementation of sharia in Indonesia and rejecting man-made laws. The Yogyakarta Charter also formulated the way to achieve this: by targeting local bureaucracies throughout Indonesia and converting them into a support-base for Islamic law (Hilmy 2010: 110-111).

In the following years Cianjur and many other districts introduced sharia-based regulations, for the most part aimed at the behavior of civil servants (Bush 2008; Buehler 2008a). Moreover, all over West Java radical organizations sprang up with the mission to defend Islamic interests, if necessary with violence. Most notorious is the Islamic Defenders Front (*Fron Pembela Islam*; FPI), but on the local level many affiliated organizations operate under different names. In the case of Cianjur, the Islamic Reformist Movement (*Gerakan Reformasi Islam*, Garis), founded in 1998, has been involved in several incidents against Muslim minorities such as the *Ahmadiyah*. Most of the radical organizations find their following outside the community of established organizations like *Muhammadiyah* and NU, but some overlap has been reported (Setara Institut 2010).

The local sharia-based regulations were decrees issued by the former district head (*bupati*) of Cianjur Wasidi Swastomo (2001-2006) from the *Golkar* party, who made Islamization (*syariasasi*) a mission of Cianjur's government. The Institute of Islamic Study and Development (*Lembaga Pengkajian dan Pengembangan Islam*, LPPI) was established in Cianjur in order to prepare the further implementation of sharia on all aspects of life, including civil and criminal law (Tanthowi 2008: 27). In addition, the Movement to Create a Society with High Morals (*Gerakan Pembangunan Masyarakat Berakhlakul Karimah*, Gerbang Marhamah) intended to bring about a society in Cianjur that is 'both wealthy and Islamic' (*Sugih Mukti Tur Islami*). These institutions, however, did not lead to more Islamic law-based regulations; District Regulation 3/2006, which at the very end of Swastomo's term was adopted by Cianjur's district parliament, merely formalized already existing decrees of Swastomo. Cianjur's district head in office when I conducted my fieldwork, Tjetjep Muchtar Soleh (2006-2011), did not issue new sharia-based decrees at all.

The rules in such regulations and decrees mostly concern Muslim civil servants. They consist of a dress code for civil servants with compulsory veils for Muslim female civil servants and long-sleeved *batik* blouses for males. Muslim civil servants are encouraged to pray five times a day and improve their skills in reciting the Qur'an. The district government's formal policy, aimed at society at large, does not go beyond soft persuasion to live according to Muslim norms. Exemplifying this are billboards carrying slogans like 'wearing a veil is a characteristic of a pious Muslima.' As I observed during my eight-month stay in Cianjur, both in the towns and villages, this state advice can be ignored without consequence and a large portion of Muslim women still choose not to wear a veil – not even, as I observed on numerous

occasions, in the Islamic court. On the other hand, as a result of this persuasion, many schools have made veils compulsory for girls.

5.2 THE COLONIAL HISTORY OF CIANJUR

5.2.1 Cianjur and forced coffee production at the time of the VOC

In the sixteenth century, the area of present-day Cianjur was located in *Prahy-angen* (in Dutch: *Preanger*), Sundanese for 'empty land', and battleground of the Central Javanese Muslim Sultanates of Demak (1500-1550) and Mataram (1588-1681) in their wars with the West Javanese Sultanates of Cirebon (1445-1667) and Banten (1527-1813). The colonial period started in Cianjur in 1677, when the Sultanate of Mataram and the VOC signed a treaty that brought large parts of the empty lands in West Java, including the area of Cianjur, under the authority of the VOC. Cianjur became part of the indirectly ruled Territory of Batavia's Surroundings (*Bataviasche Ommelanden*). In 1691 the VOC reorganized its territory administratively, creating the district (*afdeling*) of Cianjur. In 1707 the town of Cianjur became the chief town of the district after the regent moved the district government's office there, and ever since the town of Cianjur has been the capital of district Cianjur (Suryaningrat 1982).

In 1711, Cianjur was the first district to supply the VOC with coffee. This proved to be a lucrative business for the Dutch, and in 1723 the VOC claimed a monopoly on coffee trade in the region and introduced a system of compulsory supplies by the regents. Thus, a system of forced coffee production, the *Preanger* system⁶ had been introduced in West Java more than a century before the similar and notorious Cultivation System (*Cultuurstelsel*) was introduced in the rest of Indonesia by Governor-General Van den Bosch in 1830. In 1726, only three years after the VOC had established the monopoly on coffee trade, the company unilaterally decided to pay a price for coffee four times lower than before. This created great turbulence. The *regent* of Cianjur was even killed by one of his subjects, who was outraged by the low prices. Nonetheless, order was soon restored.

From the perspective of the VOC, the *Preanger* system was a success. Cianjur's great economic significance for the VOC at that time is reflected in the trade figures for 1726, the year Cianjur's regent was murdered. They reveal that at the start of the *Preanger* system the VOC controlled three-quarters of global coffee trade, half of which was being produced in Cianjur (Breman 2010: 74). In the early eighteenth century the VOC rewarded the regent of Cianjur twice for his loyalty and achievements in the coffee production by increasing

6 I follow Breman (2010) by setting the birth of the *Preanger-stelsel* around the early 1720s, when the monopolization of the coffee trade and the forced production of coffee by the VOC started.

Cianjur's territory at the expense of a neighboring district less loyal to the VOC (Bremas 2010; Dienaputra & Gunawan 2004). Because of its central position in the coffee production, Cianjur was made the capital of the province of the *Preanger* regencies in 1816 and became an important colonial administrative centre. This was short-lived, however, as in 1864 the provincial capital of the *Preanger* regencies was moved to the fast-developing regency of Bandung (Dienaputra & Gunawan 2004: 41-50). Although this meant a substantial decrease in administrative importance, Cianjur remained one of the major coffee production centers of the Netherlands Indies.

5.2.2 Landlords, land-laborers and forced labor

The success of the forced coffee cultivation relied heavily on the cooperation of local power-holders. In eighteenth century Sundanese society, the aristocracy (*menak* in Sundanese, better known by the Javanese term *priyayi*) ruled the administrative centers, but their authority in the country side depended on the loyalty of the class of landowners. The latter originated from the *jalma bumi*, clans who claimed to be descendants of the founders of the towns and villages in West Java, who had organized clearance of the lands and the construction of irrigation networks, mainly for the rice fields (Ensering 1987).

To maintain relations with the local power-holders, the indigenous district administration traditionally recruited local officials, including religious officials, from the ranks of the local *jalma bumi*. The VOC's system of indirect rule left most matters concerning lower officials to the indigenous rulers. In practice this meant that the religious bureaucracy which already existed in the *Preanger* continued to operate. This religious bureaucracy was headed by the chief *penghulu*, who was usually of aristocratic origin and related to the ruling elites. Lower-ranking officials in the villages came from *jalma bumi* families. In the intermediate ranks intermarriages between family members of *penghulus* and prominent *jalma bumi* were quite common (Ensering 1987).⁷

A third class was formed by peasants who owned a house on a small parcel of land (*tanah pekarangan*), but mostly worked the land of the *jalma bumi*. The fourth landless class comprised of land laborers (Dienaputra & Gunawan 2004: 21-22). The small landed and landless farmers were the ones who had to work in the coffee-plantations as service for their landlord and ultimately for the VOC (*herendiensten*), whereas their local landowners and the district's aristocracy were rewarded by the VOC for the coffee produced. In fact, the whole agricultural economy in the *Preanger* relied on the landowner-farmer relationship in the labor-intensive wet-rice cultivation. This existing relationship was used in the *Preanger* system of forced coffee-production.

7 See 2.1 for a description of the Islamic bureaucracy on Java.

Because in the early eighteenth century a large part of the *Preanger* was uncultivated, a considerable part of the population had the option to open up land themselves and to live as slash and burn farmers, not tied to any landowners. Hence they were able to operate largely outside the *Preanger* system. In order to tie more *Preanger* farmers to local landlords and thus increase the potential labor-force in the coffee plantations, in 1706 the VOC urged the Sultan of Cirebon as the suzerain of the *Preanger* districts at that time, to increase the number of settlements based on wet-rice cultivation. In addition, the VOC organized the regencies (*regentschappen*) into fixed territories, ending the situation in which their boundaries were elastic and dependent on the ever-changing loyalties of the landlords to a regent. As a result of these VOC policies Cianjur's society gradually became more hierarchically stratified, consisting of patron-client networks in which the commoners paid taxation in tribute and labor to the landlords, who in turn deferred to the regent (Breman 2010).

5.2.3 The role of Muslim officials as colonial after the demise of the VOC

When the VOC went bankrupt in 1798, the Dutch Republic took over the administration of its territories. Herman Willem Daendels (1808-1811) is the most renowned, and notorious, Governor-General of the early period of Dutch colonial rule. In Indonesia Daendels is especially known for building the *Grote Postweg* (main postal road) on Java by forced labor. One of his other measures was to make the *Preanger* Muslim religious officials responsible for the organization of a population administration. Daendels decided to employ the indigenous Muslim bureaucracy in order to increase Dutch control and checks over the forced coffee cultivation, because they could read and write well and were already experienced as registrars of the religious *zakat*.

The colonial government asked the Muslim bureaucracy to keep local population records which were used to determine the number of peasants that could be recruited for forced labor. As a reward for their services, Daendels increased the tax tribute local peasants had to pay to the religious officials from one-twentieth to a tenth of their rice production. As a result of this colonial policy, which remained in force until 1870, many higher religious officials in the *Preanger* became wealthy landlords, and acquired a central position in the rice-trade (Breman 2010: 279; Ensering 1987).

In the 1830s the interests of the colonial government and the land-owning *Preanger* class began to diverge. The taxation and labor service of the *Preanger* system relied heavily on religious officials' population reports. The wet-rice land-owners, however, were also in need of laborers. The colonial government paid relatively low prices for coffee and the increase in rice revenues for the local level religious officials had made rice production twice as lucrative to them compared to the coffee incentives (Breman 2010). Religious officials began

to under-register the number of peasants as a strategy to evade the extraction of labor from the rice-fields to the coffee plantations (Nitisastro 1970).⁸ This had no effect on the interests of the land-owners themselves, as the collection of their portion of the rice harvest relied on their personal relation with the farmers rather than on the population registration. To the colonial government, however, fewer registered people meant a smaller work force for the benefit of coffee produce and less income.⁹

The Dutch responded in 1839 by making forced labor applicable to every peasant household rather than to every landlord. Nonetheless, a stricter control and new methods of population surveying (rather than self-reporting by the religious officials) did not halt the practice of under-registration, since due to a lack of staff the colonial government's reach remained limited. For example, in the 1890s Dutch research assistants reported that it was fairly common that upon the examination of a location peasants simply 'disappeared' in order to evade taxation in labor service (Nitisastro 1970: 52).¹⁰

5.2.4 The end of local land-owners' involvement in the colonial administration

Until the late nineteenth century the colonial government ruled the *Preanger* through the indigenous rulers and only exercised secondary control over the religious officials, who were put under the supervision of the indigenous authorities who had to keep a register of them.¹¹ On the most local level, implementation of colonial policies relied on the partnership between the *priyayi* aristocracy in the district capital and the land-owning *jalma bumi* in the towns and villages. In order to maintain the partnership, members of the indigenous administration had incorporated local landowning families into the Muslim bureaucracy headed by the (*priyayi*) *penghulus* as local-level religious officials and tax collectors.

The end of this cooperation between the Dutch colonial government, the *priyayi*, and the local landlords in the *Preanger* is marked by the abolishment of the *Cultuurstelsel* policy of forced production in 1870. From this time onwards, the official policy of the colonial government was that the religious officials had to limit themselves to religious matters and thus refrain from agrarian exploitation through the one-tenth standard on the rice harvest, or

8 As a result of competing interests, the accuracy of the population reports throughout the colonial time was low 'especially because of the direct relation between the collection of population data and the levying of taxes' (Nitisastro 1970: 26).

9 Although *herendiensten* in the form of forced labor in the coffee plantations had been abolished in 1870, forced labor in the national interest (e.g. infrastructural projects) was continued.

10 The report is discussed in 'Volkstellingen op Java en Madoera', *Tijdschrift voor het Binnenlandsch Bestuur*, XVIII (1900).

11 S 1820/122; Article 124 RR.

any other economic activities. However, in practice the policy was not enforced. Even the highest officially appointed Muslim officials, the chief *penghulus* could ignore the formal restrictions without Dutch repercussions. For example, in the early nineteenth century the chief *penghulu* of Cianjur was reported to be the main creditor of the district, with outstanding loans totaling more than 200,000 guilders (Bremant 2010: 331).

As we have seen, long before the end of the *Cultuurstelsel* in 1870, the interests of local land-owners had moved away from those of the colonial government, and the former rice traders competed to a certain degree with the colonial project of forced production. In response the colonial government increased its control over the indigenous administration, which modified the colonial policy of rule through the regents, but more importantly simultaneously altered the partnership between *priyayi* and local landowners, many of whom had become *ulamas* and *kyais* (see 5.2.5 below). From that time on, the colonial government increasingly relied on the *priyayi* class rather than on the Islamic class of local landowners and their followers (Newland 2000).

The colonial government placed the chief *penghulus* under the direct authority of the colonial authorities. S 1867/125 made the chief *penghulu* a salaried official of the colonial government. Subsequently, S 1870/122 stipulated that *penghulus* would no longer be appointed by the Javanese regents, but by the Governor-General. The Governor-General primarily appointed persons from the class of the *priyayi*, to the office of chief *penghulu*, who in turn often selected their relatives for other positions in the Islamic bureaucracy. As the new Dutch policy also sharply reduced the number of officials in the Islamic bureaucracy of West Java by setting a quota, many members of the class of local landholders lost their position in the bureaucracy.

Similarly, the 1882 Priest Council Regulation placed the Islamic courts under control of the colonial government (see Chapter 2). Lev has argued that this 'laid a basis for greater autonomy of Islamic courts and, equally important, for a more supra-local orientation by Islamic officials' (Lev 1972: 16). This supra-local orientation of religious officials, and the increasingly *priyayi*-heavy composition of the Islamic courts and bureaucracy, was viewed by many *ulamas* as collaboration with the colonial authorities, at their expense. This further undermined the existing partnership between the *priyayi* and the class of local landowners.

Another attempt to increase control over the *ulamas* and *kyais* was the introduction of the so-called *guru* ordinance of 1905, which held that all religious teachers, including *kyais* and *ulamas*, had to be licensed and were no longer allowed to be involved in agrarian and political matters, nor to levy agrarian taxes (Ensering 1987). This policy only broadened the gap between the colonial government and local religious elites, increasingly pushing the latter to operate autonomously from the policies of the state, while continuing to serve as the local authority in religious matters.

As a result of the attempts of the colonial government to regulate their activities, the local class of landowners, of whom many became independent *ulamas* and *kyais* (see 5.2.5 below), increasingly challenged the authority of the colonial state and its *priyayi* 'vazals' (Newland 2000). The *priyayi penghulus*, heads of both the Islamic bureaucracy and the Islamic court, not only became 'caught between [the] three fires' of God, the colonial government and society (see Hisyam 2001), but also between the interests of the colonial government, those of their own class of *priyayi* administrators, and those of the independent *ulamas* who competed with them for authority. This competition had consequences for the functioning of the Islamic courts. On the one hand, the *penghulus*' intermediary position enabled them to maintain an administration of justice that traditionally left ample room for *adat* and state law norms. On the other hand, it made them and the substantive norms they applied vulnerable to criticism from local *ulamas* and *kyais*. Moreover, *ulamas* and *kyais* provided similar services with regard to marriage and divorce, giving people the option to arrange their private affairs closer to home.

Since 1870, the colonial government had removed many formal powers of local landowners (now *ulamas* and *kyais*) and in response the latter applied a dual strategy to preserve their position as local power-holders. First, they used the benefits of the rice-trade for land acquisitions in order to increase wet-rice cultivation. In 1932, rice fields in Cianjur doubled the area of 1864, despite the fact that the region of Sukabumi, formerly part of the district of Cianjur, became a district of its own in 1921. The increase in farmland meant increasing revenues to the class of religious landlords. Many used their increasing wealth to complete the *hajj*. Upon return from Mecca, many *hajjis* founded religious boarding schools (*pesantren*), thus becoming *kyai*. Through the expansion of their lands, their religious standing as *hajjis* and *kyais*, and their position as main creditors in their area, the religious landowning elite managed to bolster their position and to gain autonomy from the colonial state (Ensering 1987: 272).

In the end, then, Dutch attempts to increase control over religious actors backfired. The alliance between the *priyayi* aristocracy with the local land holders, many of whom were *ulamas* and *kyais*, was undone. While the *priyayi*, which included the *penghulus*, maintained their position, the religious lower middle class of landowning *ulamas* lost much of its formal political power. The removal of the *Cultuurstelsel* led to the introduction of the land taxation system in force in the rest of Java. From tax collectors, the land-owning *ulamas* became tax payers. All these developments gradually created a West Javanese middle class of local land-owning religious actors who challenged the colonial regime and its indigenous *priyayi* 'vazals', including the *penghulus* of the Islamic courts (see Svensson 1991).

5.2.5 The growth of Muslim education in the *Preanger*

The infrastructure in the *Preanger* area changed profoundly during the nineteenth century. In the early nineteenth century, Cianjur became connected to Jakarta and Bandung by the Great Postal Road (*Grote Postweg*), which was completed in 1808. Smaller trading roads to Sukabumi and Sindangbarang in the south had been built within Cianjur. Still, under the *Preanger* system and *Cultuurstelsel* travel was severely restricted. This was done in order to keep smugglers and 'provocateurs' away, including traveling *muballigh* (Islamic preachers) from other regions (Breman 2010).

When the *Cultuurstelsel* came to an end in 1870, local travel restrictions were also lifted, and the Dutch allowed more freedom of movement to the population as a whole. After Cianjur in 1883 became connected by train via Sukabumi to Batavia and in 1884 to Bandung,¹² trade and travel became much faster, which promoted the spread of new ideas about Islam. Moreover, the *hajj*-permits for pilgrimage to Mecca were made a lot cheaper in 1859, which resulted in a significant increase of the number of *hajjis*. In 1851, only 71 pilgrims from the *Preanger* made the *hajj*, while in 1862 the number increased to almost five thousand, the highest figure for Indonesia at that time. The opening of the Suez canal in 1869 made the *hajj* even more accessible to the land-owning class (Breman: 2010: 330).

An important development for the *Preanger* in the late nineteenth century was the increase in the number of religious schools founded by local landlords who had made the *hajj*. At the end of the nineteenth century, the number of *pesantren* in Cianjur increased dramatically. By 1857, there were 27 *pesantren* with 1090 students. In 1874, this increased to 174 *pesantren* with 3881 students. In comparison, in 1885 there was only a single Dutch school with 46 students, only three of whom were classified as 'indigenous or foreign oriental' (Dienaputra & Gunawan 2004).

In the early twentieth century religious schools were put under administrative control through a licensing system under the abovementioned *guru* ordinance of 1905. At the same time, under the influence of the 'ethical policy' and in order to educate the indigenous bureaucracy of the expanding colonial state, the number of colonial state schools did increase, with students mainly coming from the *priyayi* upper classes. For the lion's share of the people living in the countryside Islamic schools headed by *kyais* and *ulamas* remained the only accessible education. Thus, notwithstanding the colonial policies, the *kyais* and *ulamas* managed to maintain and perhaps even increase their social standing in the local communities concerned.

12 The number of train passengers in Cianjur increased from 35 thousand per year in 1884 to more than 450 thousand in 1910 (Dienaputra & Gunawan 2004: 129).

5.2.6 The rise of the *Sarekat Islam*

As we have seen in 5.2.4, colonial policies of the late nineteenth and early twentieth century brought 'the atypical coalition between the *priyayi* and the local religious leaders in the *Preanger*' to an end (Ensering 1987: 270-271). Resistance to the attempt of the colonial government to reduce the political influence of *ulamas* and *kyais*, however, only partly explains the rise of Muslim movements in the early twentieth century. Alternative visions of Islam and the ideal society aired by a wide range of political and religious movements, were just as important as protection of local interests. Those Muslim movements found solid ground in West Java and in Cianjur in particular.

In 1911 the Muslim Trade Union (*Sarekat Islam, SI*) was founded to protect and stimulate business and trade interests of Muslims. In 1913 a local SI division was founded in Cianjur. In 1916, SI membership within Cianjur reached 8,000 persons, the largest SI-branch in the *Preanger* of that time. In the same year, Bandung, generally considered one of the centers of the SI movement, only listed 1,500 SI members (Dienaputra & Gunawan 2004: 140-141). By 1918 SI had developed into a more general political organization, placing sensitive issues on its agenda such as self-government and the right to vote. Both European merchants and the indigenous *priyayi* felt threatened by the rise of the SI and their agenda of emancipation (Ensering 1987: 279-280).

What is more, within SI a socialist (but still Muslim) faction gained prominence, influenced by the Indies Social Democrat Association, the predecessor of the Indonesian communist party. This socialist agenda temporarily pushed a more Islamic one to the background. In response a group of local *ulamas* and *kyais* established an underground militant wing of the SI, the *afdeling B*. This more radical opposition materialized in a retreat by the *tarekat* or brotherhoods. Civil disobedience and resistance towards *abangan* civil servants pertaining to tax-collection, rice monopolies, and the obligatory services for the colonial government were part of the strategy of this more radical faction within the SI. Consequently, the grip of the *kyais* and *ulamas* on their communities was maximized and conversely that of the state on them minimized.

The colonial government employed the tensions within SI for a divide and rule strategy. De Stuers, the Dutch Resident of the *Preanger*, on the one hand presented the *afdeling B* as proof that SI was involved in a religious conspiracy against the colonial state, while on the other hand, with the support of European businessmen and the local aristocracy, he started a campaign against the socialist character of the SI. In reaction, in 1921 the SI board decided to expel the socialist faction and promote a more moderate agenda. Freed from religious and socialist radical elements, the SI managed to restore internal order and its relations with the colonial government.

The expelled socialist faction of the SI established the *Sarekat Rakyat*, absorbed into the PKI in 1924. When in 1923 the land tax in the *Preanger* was increased by 100 percent, the *Sarekat Rakyat* became one of the main players

in local protests. It is important to note that other than what the term 'socialist' might suggest, the core of the *Sarekat Rakyat* were not landless peasants but small landowners, including *kyais* and *ulamas*. The target of the 'socialist' protests at this point in time were not the 'bourgeoisie' of Dutch entrepreneurs, but the local administration and the local religious officials which competed for power with the independent *kyais*. The *priyayi* class in the *Preanger* reacted by organizing *Sarekat Hijau* groups, attacking *Sarekat Rakyat* members and destroying their houses (Cheong 1973: 33). When a prominent member of the *SI* in Cianjur questioned the validity of the practice of asking God's blessing for the *bupati* of Cianjur in Friday-prayer sermons, *SI* members in Cianjur became target of attacks by *Sarekat Hijau* groups too. Thus, tensions between *priyayi*, *SI ulamas*, and leftish *ulamas* mounted.

Ensering concludes that from 1910-1930 the emergence of the more radical factions that grew out of the *SI* in the *Preanger* were the result of

'neither a conflict between landless peasants and landowners, nor of communists against non-communists, but much more a conflict between local elite groups, that is between wealthy *kyai* and middle-sized farmers against government officials and religious officials as representatives of the colonial regime.' (Ensering 1987: 281-282)

This period marks the start of often violent conflicts between local *ulamas* and the local *priyayi* officials, including *penghulus* who acted as Islamic judges in West Java. As we will see, these lasted until the 1960s.

5.2.7 Political movements in the late colonial period

We have seen with the case of the *SI* that in the late colonial period the emergence of 'national' political movements fed tensions in West Javanese society. The rise of *Sarekat Islam* coincided with the foundation of large Muslim movements (*Nahdlatul Ulama*, *Muhammadiyah*, *Persatuan Islam*), the Nationalist Party (PNI) and the Communist Party (PKI). The political differences and hostilities between them would dominate the political field for decades to come, tearing communities and even families apart.

The *Muhammadiyah* in 1912, *Al-Irsyad* in 1915 and *Persatuan Islam* (Persis) in 1923 are all considered Muslim reformist movements: they want to modernize Indonesian Islam, do away with un-Islamic traditions of worship (*bid'ah*) in society, reform the traditionalist *ulama's* strict adherence to traditional Islamic legal doctrine (*taqlid*), and instead create a modern Islam based on its original sources, the Al-Qur'an and Hadith. The main targets of reformist movements were thus the traditional *ulamas*, the *penghulus*, and local customs. Moreover, they drew on a strong anti-colonial discourse. The core of the *SI*

movement was reformist, and its large following in West Java is also reflected in the popularity of *Muhammadiyah* and *Persis* in the *Preanger*.

In 1926, the *Nahdlatul Ulama* (NU) was founded in response to the new Muslim reformist ideas that threatened the traditionalist *ulamas* and their teachings. The NU's agenda consisted of six points: tightening relations between *ulamas*, monitoring the religious books used in the *pesantren*, spreading the Muslim religion based on *syafi'ite* Islamic doctrine, increasing the number of Islamic day-schools (*madrasah*), monitoring of Mosques, *mushollah*, boarding schools, etc., and finally, founding bodies to advance farming, trade, and manufacturing, in accordance with Islamic teachings. The NU had no nationalist agenda but many NU *kyais* were involved in anti-colonial activities and by 1940 its leadership started to prepare for independence (Feillard 1999: 19-30). As the *Preanger* was a large base for traditionalist *ulamas*, many communities in the *Preanger* became divided religiously between traditionalists and modernists and they still are (see Newland 2000).

The Indonesian Communist Party (*Partai Komunis Indonesia*/PKI; founded in 1920) was very active in grassroots politics, supporting the work of unions, women's rights organizations, and land reform. The PKI was not anti-Islam, as can be seen from the involvement of some of their leaders in the SI. The organization was not as influential in the rural areas of West Java as Central Java, but in the 1920s their anti-tax, anti-colonial program appealed to small land-owners and, as the PKI presented itself as a Muslim communist movement (and had not yet developed a more feminist agenda) it also appealed to *ulamas* and *kyais* (Williams 2010: 44-45). However, in the 1940s until the 1960s, the PKI's aim to reform traditional Muslim life in a radical way (as well as the PKI's ties with strictly secular communist parties abroad) made both reformist and traditionalist Muslim movements strongly opposed to the organization.

In 1927 the Indonesian Nationalist Party (*Partai Nasional Indonesia*/PNI) was founded, with in its ranks Soekarno, the future first President of the Republic of Indonesia. The PNI was led by well-educated *priyayi* and envisaged the creation of a modern independent republic. It supported an agenda of legal and administrative unification and was in favor of the abolishment of the Islamic courts and the Islamic bureaucracy. Due to this unification agenda and its *priyayi* base, the PNI often came into conflict with Muslim organizations and the PKI.

Returning to the subject of the Islamic courts, a common trait of all political movements was their skepticism about the performance of the Islamic courts in general and the capacities of *penghulus* to act as an Islamic or modern judge in particular. According to the traditionalist Muslim critics, the *penghulus* lacked traditional Islamic knowledge, and modernists disapproved of their traditionalist administration of law, whereas the nationalist and socialist movements wanted to get rid of the old-fashioned institution altogether and wished to create a unified and more gender-equal family law (Hisyam 2001). Only when the colonial government as part of an *adat*-based policy in 1937

formally transferred the jurisdiction over inheritance and marital property matters from the Islamic courts to the *landraad*, did the Muslim organizations start supporting the traditional *penghulu* courts.

By the 1930s the colonial government had managed to get a strong grip on the formal Indonesian political movements. It had banned the PNI and PKI and exiled their leadership, but it had not curbed nationalist, socialist and Islamic aspirations. To be sure, all parties managed to obtain a large following in West Javanese society and issues as the position of Islam and traditional leaders, land reform and women's rights penetrated into the countryside of West Java and built up tensions that would explode after independence.

5.2.8 The *Masyumi* and West Javanese Muslim militias under the Japanese (1942-1945)

The Japanese period had two important consequences for the position of Islam in the early Independent Republic of Indonesia in general and in West Java in particular. First, it united all Muslim movements, whether the traditionalist NU or the reformist *Muhammadiyah* under the *Masyumi*, which created an Islamic party larger than the nationalist and communist parties. To its supporters, the idea of an independent Indonesian Islamic state seemed more realistic than ever before.

Secondly, the Japanese made Kartosuwirjo the *Masyumi* commissioner of West Java. This former secretary general of the Indonesian *Sarekat Islam* party, from which he had been banned because of his radical idea of a total retreat (*hijrah*) from the colonial state, would later become the leader of the *Darul Islam* rebellion. Kartosuwirjo also joined the *hokokai*, the mass movement the Japanese created to prepare the Indonesian masses for warfare, and he regularly met Sukarno and other nationalist leaders who also joined the *hokokai*. As part of this strategy, the Japanese allowed and trained *Hizbullah* militias in West Java which would play an important role in the independence struggle and the *Darul Islam*. As the *Masyumi* leader of West Java and a prominent *hokokai* member, Kartosuwirjo managed to create a large network of militant *kyais* in West Java who were willing to support the *Hizbullah* militias (Ensering 1987).

5.3 THE ULAMAS, THE STATE AND THE ISLAMIC COURTS IN WEST JAVA AFTER INDEPENDENCE (1945)

5.3.1 The *Darul Islam* rebellion in West Java (1945-1962)

On 17 August 1945, shortly after the Japanese surrender, Soekarno proclaimed the independent Republic of Indonesia. In October of the same year a social revolt swept over West Java, including the *Preanger*, 'in which *priyayi* were

sacked, killed or forced to flee' (Dijk 1984: 21). The leaders of this revolt typically were local *ulamas* and *kyais*, who managed to mobilize the community against the former members of the colonial administration. The newly established Republican government and its national army were quick to act and managed to bring the uprising under control in 1946.

In 1947 the Dutch launched their first military campaign to reestablish authority within Indonesia. They soon pushed the Indonesian army back into guerilla warfare. Under the Renville treaty of 17 January 1948, the Indonesian government, including representatives of the *Masyumi* and the Indonesian army, agreed to retreat to Central Java. As a consequence, West Java came under colonial rather than Republican rule. Nonetheless, the independence struggle in West Java was continued by *Hizbullah* and *Sabili'llah* militias under the command of Kartosuwirjo. In February 1948, Kartosuwirjo led a conference that suspended the *Masyumi* in West Java, and organized the formation of the Islamic Army of Indonesia (*Tentara Islam Indonesia*). Hence, the perceived 'betrayal' represented by the retreat of the provisional Indonesian Government to Central Java – which led to the reinstatement of colonial rule in West Java – marked the birth of the *Darul Islam* movement (Temby 2010: 4). The Islamic Army soon controlled most rural areas of West Java, while the colonial troops only took command of the main towns (Kilcullen 2000: 50)

When Soekarno and Hatta were arrested in December 1948, the momentum of the independence struggle initially seemed to slip out of their hands. However, in January 1949 the Security Council of the UN condemned the Dutch military actions and called for a peaceful resolution of the conflict. With the UN on their side and justified by the fact that Soekarno and Hatta's arrest had been a violation of the Renville treaty, the National Army decided to continue its struggle beyond the borders of Renville and returned to West Java. From then on, the Islamic Army fought against both the Dutch and the National Army, with much success as most areas in West Java remained under its control (Kilcullen 2000: 50-51).

Under pressure from the UN, and especially the United States, the Dutch started negotiations about Indonesian independence. In May the Dutch representative and his Indonesian counterpart Mohammed Roem signed the Van Roijen-Roem declaration, which included a ceasefire and the release of Soekarno and Hatta (July 1949). In response Kartosuwirjo proclaimed the Islamic Republic of Indonesia (*Negara Islam Indonesia*, NII) on 7 August 1949. This was just a few months before the Republic and the Dutch would reach an agreement about Indonesian independence, which was set on 27 December 1949. It must be remembered that Kartosuwirjo's proclamation of NII happened at a time when the *Darul Islam* controlled most of the Southern part of West Java, from Banten to the *Preanger* and enjoyed considerable support from the local population and local *ulamas*, which made possible the organization of a shadow government in the *Darul Islam* areas. In 1956, when the *Darul Islam* rebellion

was still ongoing, Wertheim explained this support of the local population as follows:

‘The traditional leaders of village society are embittered at a process which is gradually robbing them of their authority. They are able to gather a following of poor peasants who fear their age-old way of life endangered by processes they cannot understand and who are increasingly resentful of what they feel to be an exploitation by the ruling class, which is mostly of *priyayi* origin.’ (Wertheim 1956: 228 as cited in Kilcullen 2000: 54)¹³

Targets of the *Darul Islam* included the *priyayi* class, including *penghulus* of the Islamic court. To provide a picture of the scope of the violence: in 1952 the district of Garut, which neighbors Cianjur, recorded 5,000 incidents involving the *Darul Islam*, killing 443 officials and commoners and resulting in the displacement of 83,000 people (Newland 2000: 210). In the national parliament *Masyumi* successfully blocked a large-scale military intervention in West Java for a significant period. It was not until 1959, after President Sukarno had dissolved the national parliament and started ‘Guided Democracy’, before there was sufficient political backing to launch a military campaign to suppress the *Darul Islam* (Kilcullen 2000: 51).

As a result of the National Army campaign (1959-1962) the Islamic Army was forced to retreat to the mountains in southern West Java to fight a guerilla war. The targets of the guerilla were ‘disloyal’ *ulamas* and their communities, government officials, military posts, buses and trains. Because of the violence and the raids of the Islamic Army, the popularity of the *Darul Islam* decreased and many *kyais* started to voice their support for the national government. The armed rebellion continued another three years until 1962, when Kartsuwirjo was captured, tried and executed by the Indonesian army. This effectively meant the end of the *Darul Islam* rebellion in West Java, but not of the *Darul Islam* movement.

The total number of fatalities attributed to *Darul Islam* is estimated at 40,000 persons. Hundreds of thousands of people were displaced (Newland 2000: 210). Nonetheless, in order to secure support in the rural areas of West Java, within a year the Indonesian government offered amnesty to 32 *Darul Islam* leaders who in return pledged their allegiance to the Indonesian Republic (Temby 2010: 6). Hence, the leaders of *Darul Islam* were more or less rehabilitated into West Javanese society and, as we will see, remained influential.

13 Kilcullen adds that this antipathy does not explain why some of those *kyais* and *ulamas* decided to support the *Darul Islam*, while others did not.

5.3.2 Political fragmentation in the independent Republic of Indonesia (1950-1965)

In West Java the support for a sharia-based state was strong, as appears from the the general elections results of the Muslim political party *Masyumi*, the most fervent supporter of a state based on sharia, and a strong political opponent of Soekarno's PNI. Despite the fact that the NU had withdrawn from *Masyumi* in 1952 and attracted many of the former *Masyumi* supporters elsewhere on Java, *Masyumi* succeeded in securing the largest share of the votes of West Java in the general elections of 1955: *Masyumi* won 27 percent of the votes and the NU 10 percent. Support for the non-religious parties was also strong, equaling the support for the Muslim parties in West Java: PNI obtained 23 percent of the votes, PKI 11 percent and the social democrats PSSI 6 percent. Although the PKI's vote share in West Java was less than half that of Central Java (26 percent) and East Java (24 percent), it was still larger than the NU's.

As mentioned earlier, in 1959 Sukarno ended the party democracy and founded the Guided Democracy. Parliament was made up of representatives of functional groups, rather than political parties. The official ideology of the Guided Democracy, 'Nationalism, Religion and Communism' (*Nasionalisme Agama Komunisme*, Nasakom) was an attempt to bring together the oft-polarized political currents of that time. However, the ideology achieved quite the opposite. Because of the growing cooperation of Sukarno with the communist party (PKI), tensions between the Muslim parties and Sukarno mounted in the late 1950s. Sukarno banned *Masyumi* in 1960, because of the support of its leadership for the PRRI rebellion in Sumatra.¹⁴

The NU, which took part in the subsequent governments of Soekarno's Guided Democracy, started a secret collaboration with anti-PKI segments within the army (Feillard 1999). The end of the armed *Darul Islam* rebellion in the 1960s had not diffused the tense revolutionary political atmosphere in Indonesia. Much like in the *Preanger* of the 1920s, actions in the name of the land reform agenda of the PKI regularly led to battles between communist supporters and Islamic youth organizations. Although NU's support for Soekarno's subsequent governments had been rewarded with ministerial posts, with the fast-growing Ministry of Religious Affairs dominated by NU-supporters (Lev 1972: 50-53), both the Army and the NU opposed the socialist-inspired land reforms of 1960, as they would negatively affect the interests of landlords, and thus many members of the Islamic elite in the countryside (Feillard 1999).

After the alleged Communist coup of 1965 and the subsequent intervention of the army led by General Suharto, youth organizations affiliated to the NU

14 The revolutionary government (*Pemerintah Revolusioner Republik Indonesia*; PRRI) rebellion of 1958 was led by generals disappointed with the change of Indonesia into a centralist (rather than federal) Republic and the incorporation of communism in the state ideology of *Nasakom*, but was crushed by the national army in the same year.

and other Muslim organizations supported the army in crushing the PKI cadres. In Indonesia hundreds of thousands of alleged Communists were killed by the army and Muslim youth groups. In West Java, the killings were not of the same scale as in Central and East Java, probably because the Indonesian government was reluctant to organize military support for Muslim youth groups in a region where the *Darul Islam* had only been defeated three years earlier. Nonetheless, many alleged PKI followers were killed or arrested in West Java too (Cribb 1990). This caused yet another violent episode in West Javanese history. This time the allegedly anti-Islamic forces of the PKI¹⁵ were silenced, and with them the main propagators of land-reforms in the countryside.

5.4 WEST JAVA UNDER SUHARTO'S NEW ORDER

5.4.1 West Java in the context of national politics (1965-1984)

Soon after the 1965 coup, Soekarno was sidelined. In 1966 he was forced to step down, and Suharto's New Order formally began. Anticipating an Islamic turn in government policies following the ban on the PKI in 1966 and the cooperation of Muslim organizations in the brutal effectuation of that ban from 1965-1968, a number of districts in West Java introduced local sharia-based regulations that referred to the Jakarta Charter. In the early 1970s, however, the New Order government made clear that sharia-based regulations were out of the question, there would be no return to the Jakarta Charter and, moreover, it would not allow *Masyumi* to make a comeback in Indonesian politics (Hefner 2000).

In 1971, the first general elections of the New Order era were scheduled, and the NU seemed to have a strong position. *Golkar*, the party supported by President Suharto, was new and had no grassroots base. *Parmusi* the Islamic party, established with the permission of the New Order to replace *Masyumi*, lacked the latter's popular support. Hence, all three traditional political opponents of NU, i.e. *Masyumi* and the secular parties PNI and PKI, were out of the way. However, things turned out differently than might be expected. *Golkar* managed to win 63 percent of the national votes compared to only 19 percent for NU. NU also made little headway in West Java, as it only won 13 percent of the votes there while *Golkar* took 76 percent. The new regime and its new party had succeeded in attracting the support of former *Masyumi*, PNI and PKI voters whereas NU's support had not changed much since the 1950s.

Golkar's victory in West Java and elsewhere can partly be attributed to Ali Moertopo, personal advisor to Suharto and head of the Special Operations intelligence organization *Opsus*, who employed a dual strategy to attract

15 However, the PKI leadership had not been overtly anti-Islamic, and supported Soekarno's ideology of *Nasakom*, a mix of Nationalism, Religion and Communism.

potential NU voters. First, through expanding the GUPPI association (*Gabungan Usaha Perbaikan Pendidikan Islam*; Corporation for the Advancement of Muslim Education) from a local West Javanese organization established to counter *Darul Islam* into a national organization, which provided substantial financial support to *pesantren* on Java. On the eve of the 1971 elections, *Opsus* literally bought the support of influential *kyais* for *Golkar*. The second strategy was the state's cooptation of *Darul Islam*. In fact the contacts between *Opsus* and some *Darul Islam* elements went back to 1966, when the latter were secretly used to target regime enemies. In April 1971, however, a reunion was held attended by hundreds of *Darul Islam* members with government participation. This effectively provided permission for a revival of a non-violent *Darul Islam* movement in return for *Golkar* votes (Temby 2010: 8-13).

However, those who had hoped for an Islamic turn in governmental policies after the elections were disappointed as in subsequent years the *Pancasila* ideology would leave little room for political Islam (Hefner 2000: 80). To begin with, the *Darul Islam* revival proved to be short-lived. In 1976, the *Komando Jihad*, a faction of the rejuvenated *Darul Islam*, turned to violence and carried out a number of bombings. The New Order realized that *Opsus* had lost control over the operation and reacted with mass arrests of *Darul Islam* leaders, which pushed the movement underground once again. Furthermore, as we have seen in Chapter 2, in the mid-1970s and early 1980s the New Order frequently came into conflict with the large Muslim organizations NU and *Muhammadiyah*.

Three political events illustrate this divergence between *Golkar* and the main Muslim organizations in the mid-1970s and early 1980s. First, the forced merging of the remaining Muslim parties into the single Muslim party PPP in 1973 was strongly opposed by Muslim organizations, even if, for pragmatic reasons, in the end they chose to comply with this instruction of the New Order regime. Secondly, the Marriage Bill of 1973 was too secular in the eyes of the PPP and Muslim organizations, and only with the mediation of the military could a compromise be reached, resulting in the withdrawal of the most controversial provisions in the Law. Thirdly, in 1983, Muslim organizations were legally required to adopt the state ideology of *Pancasila* as the sole basis (*azas tunggal*) of their statutes, which was in direct conflict with the Islamic pillars of the Muslim organizations. These three events fueled the image of a New Order which ran counter to the aspirations of Muslim organizations.

While the political aspirations of Muslim organizations were significantly tempered in the first two decades of the New Order, this did not halt the further Islamization of West Javanese society. Contrary to what one would expect from a former *Darul Islam* region with strong support for modernist movements like *Muhammadiyah* and *Persis*, a large part of *Preanger* Muslim society in the early 1970s practised a syncretic form of Islam (Newland 2000). In the New Order era, the stigma attached to the allegedly atheist PKI put enormous pressure on these citizens to behave as more puritan Muslims.

Moreover, with the PKI out of the way, and with the backing of the Ministry of Religious Affairs, seemingly nothing stood in the way of Muslim organizations to increase their role in West Javanese society.

As a result of the strong presence of NU, *Persis* and *Muhammadiyah*, syncretic practices indeed decreased. The result, however, was not the unity the Ministry desired, as the communities in the *Preanger* became increasingly grouped into reformist *Persis* and *Muhammadiyah* followers on the one side, and traditionalist NU followers on the other. While the reformist movements shared the developmental agenda of the New Order, the NU build their support on those parts of society who were more traditional in outlook. The differences between the reformist movements and NU also touch on such essential issues as praying and the relation with the deceased, resulting in a relationship between the two groups that 'in the villages is often volatile' (Newland 2000: 214).

As we have seen in Chapter 2, during Soekarno's presidency (1945-1966) the NU managed to gain control over the Ministry of Religious Affairs, and had become the single Islamic political party after the ban of *Masyumi* in 1960. All over the country Offices of Religious Affairs (*Kantor Urusan Agama*, KUA) were set up as they were seen by the Ministry 'as the essential instrument for achieving uniformity in Islamic Affairs' (Lev 1972: 76). Many local *ulamas* and their family members had the opportunity to fill those new positions in the Islamic bureaucracy.

In theory this incorporation of local *ulamas* into the Islamic bureaucracy could decrease the competition between the Islamic courts and the KUAs on the one hand and the local *ulamas* on the other. However, *ulamas* in West Java had developed an ambivalent position towards the state, and because of their traditionally strong position in local affairs, had managed to maintain rather independent. As these independent *ulamas* had been the local religious authorities for many generations, it was not self-evident that they would give up this authority even if they were formally incorporated into the state bureaucracy. As we will see in the next section, the result in West Java was the development of a new competition between the Islamic courts on the one hand, and the KUA and local *ulamas* on the other.

5.4.2 West Java and the second phase of the New Order politics (1984-1998)

The second phase of the New Order again saw a change in the political landscape. Under the leadership of Abdurrahman Wahid, the NU decided to withdraw from the PPP in 1984. It was not a total retreat from politics, as the NU would adopt the strategy of the *Muhammadiyah* and would try to increase its influence through establishing relations with *Golkar*, the PDI and the military (Feillard 1999).

After its retreat, the NU had to share control of the Ministry of Religious Affairs with the *Muhammadiyah*, which made it more receptive to modernist

ideas. Simultaneously under the influence of its involvement in the state's development policies and the open-minded leadership of Wahid, the traditionalist NU also reformed to a certain extent, and as a consequence the line between modernist and traditionalist on the national level blurred (Feener 2010; Nurlaelawati 2010). However, the modernist turn by the NU leadership may have alienated them from their traditional supporters in the country side:

'If at the national level, the modernist religious vision of the future has had much in common with the state's push for modernisation, nationalism, industrialisation, and rationalisation, the traditionalists are highly suspicious of these changes, seeing them as close to Westernisation, an immoral way of life closely aligned with the colonialism of their past. By contrast, it is the traditionalists' spirits and mysticism that the modernists try to exorcise leading to enormous antagonism between the two groups [...]. Because of the volatility between the organisations is not just about competing claims to authority but indicates differences at the much deeper level of cosmology, the NU followers among whom I lived and studied felt under threat in almost every aspect of their lives' (Newland 2000: 214, 217).

At the same time, for many women in West Java state development projects meant an opportunity to work in factories, which meant a break with the traditional patriarchal gender roles in the Sundanese rural areas. The earnings of those women factory workers became essential contributions to the family income, many women earning the same or more than their husbands (Hancock 2000: 11, see also 2001).¹⁶ In Cianjur, however, there are few factories and thus taking an industry job often means moving out of the community.

State development programs penetrated into society in Cianjur. Every year thousands of Cianjurese women become domestic workers in the Arabian Peninsula. From the early 1980s onwards the Indonesian government started to encourage women to work abroad as domestic workers in order to increase state revenues (Silvey 2004; Hugo 1995). Ever since, the number of migrant workers has increased: in the Five Year Plan of 1979/1984 the state set a target of 95 thousand workers, a decade later this target had increased to 600 thousand workers, and the target for the Five Year Plan of 1994-1999 was set at 1.5 million (Hugo 1995: 276). According to the BPS the official number of placements rose to more than 2.6 million in 2010 (BPS 2011).¹⁷ The official statistics of migrant workers' placements of Bank Indonesia concerning migrant

16 57% of the women surveyed by Hancock stated that they earned the same or more than their husbands. In case of nuclear families, the number of women who stated they earned the same or more than their husbands increased to a staggering 73%.

17 BPS stated that 1.5 million Indonesian migrant workers worked in Saudi Arabia on a total of 2.6 million. Source: Detik.com (28-06-2011). BPS: Jumlah TKI Arab Saudi capai 1,6 juta orang. <http://us.finance.detik.com/read/2011/06/28/195709/1670973/4/bps-jumlah-tki-arab-saudi-capai-15-juta-orang>

workers still working abroad reveal an even much higher number of 4.2 million migrant workers in 2010.¹⁸

In a reaction to numerous media reports of sexual assaults against female migrant workers, the Indonesian *Ulama* Council issued a fatwa in 2000¹⁹ stating that it is *haram* for women to work abroad unaccompanied by their husband or a relative. However, it is likely that besides the safety of the women, *ulamas* also took into consideration concerns within their community about a situation of 'women's not needing men' which in their eyes potentially leads to a breakdown of the family (Adamson 2007: 21; Bedner & Huis 2010: 189, 190). Indeed, based on research in West Java, including Cianjur, Nurlaelawati observed that many women migrant workers took the initiative to divorce their husband, when upon return they found that their husband had simply spent the money they had sent, or, worse, had used it to marry another woman (Nurlaelawati 2010: 210).

Nurlaelawati makes another important observation: women in West Java often prefer to arrange their divorces and remarriages at the KUA rather than in the Islamic courts, even if the marriage certificates technically are forgeries (Nurlaelawati 2010: 193; see also Huis & Wirastri 2012). This automatically brings us back to the relationship between the Islamic courts, the KUA and the local *ulama*.

5.4.3 The relationship between KUA and the Islamic courts in West Java

As we have seen in Chapter 4, the 1974 Marriage Law stipulates that all divorces have to be brought before the Islamic courts. This effectively means that from 1974 the traditional role of both local KUAs and local *ulamas* in divorce matters has been taken over by the Islamic courts. Nurlaelawati has demonstrated that many local KUA officials and independent *ulamas* in West Java and Banten opposed the Marriage Law reforms and continued to process divorce and marriage matters that should be handled by the Islamic court. She gives the example of KUA officials in Cianjur who spread rumors about exorbitant fees at the Islamic court, while in fact their own fees are sometimes higher (Nurlaelawati 2010: 187).

Elsewhere, Bedner and I have argued that this situation of semi-formal marriages and divorces is not necessarily disadvantageous to individuals in rural regions, and in fact may increase the freedom of individuals to engage with the other sex, because marriage and divorce are relatively easy to arrange (Bedner & Huis 2010). Nonetheless, when one focuses on the relation between the state, the Islamic court and the *ulamas*, one must conclude that in West Java the strategy of incorporating local religious actors into the Ministry of

18 http://www.bi.go.id/seki/tabel/TABEL5_30.pdf, last accessed 10 July 2013.

19 Fatwa 7/MUNAS VI/MUI/2000.

Religious Affairs has not realized its objective of unifying marriage and divorce practices under the law. Significantly, this is not so much due to conservative or radical autonomous *ulama*, who challenge the authority of the KUAs and the Islamic courts, but much more due to local KUA officials, in many cases relatives of local *ulamas*, who do not want to give up their authority in marriage and divorce matters.

We can draw a parallel with the colonial period: when the state reduces the role of local religious actors in West Java out of concerns of state formation, rationalization, taxation and anti-corruption, those actors will create a state within a state, and compete with the national government for authority. In present-day West Java, local religious actors incorporated in the KUAs, sometimes working in coalition with autonomous *ulamas*, compete with the Islamic courts in family law and inheritance matters. In so doing they transgress statutory law on the matter (Huis & Wirastrri 2012). This competition between the local-oriented KUAs and the national-oriented Islamic courts, is a manifestation of a more fundamental and structural tension between the state's need to involve local elites in the national state-formation project by considering their specific local interests, and the nature of the state formation project itself, which primarily advances processes of rationalization and unification.

5.5 CONCLUSION

In this chapter I have described how in the *Preanger* in West Java a class of *ulamas* and *kyais* could develop, who were influential in local affairs but remained rather independent from the colonial, and later the national, government. In the long run this independence from the colonial government turned into competition, including with the *priyayi* dominated state bureaucracies. I hold that this historically developed competition and distrust between the national state and the local *ulamas* and *kyais* in the countryside of West Java still resonants, and argue that it is very likely that it affects the behavior of local communities in West Java towards the Islamic courts today.

I started the historical part of the chapter by discussing how in the *Preanger* system of compulsory coffee production (1720-1870) the VOC heavily relied on the existing relationship between *priyayi* ruling elites with the local class of landowners. The ability of the landowning class to organize labor and their position in the local Islamic bureaucracy made them key actors in the country side of the *Preanger*, where they dominated local religious, administrative and economical affairs.

By the 1860s the local land owners of the *Preanger* had developed a lucrative rice trade and were less interested in the cultivation projects of the colonial government. Moreover, many landowners made the *hajj* and upon return opened Islamic boarding schools. The colonial authorities increasingly perceived the independent *ulamas* and *kyais* as a threat and attempted to reduce

their privileges and powers through regulations and a licensing system. By the early twentieth century the colonial government decided to almost exclusively rely on loyal *priyayi* families for local governance, including for staffing the Islamic courts. As a result a relation of mutual distrust developed between autonomous *ulama* and the colonial. State policies pushed the West Javanese *ulamas* back to their 'grassroots' power base in the country side and they reacted with a persistent, strong challenge to the state.

In the early twentieth century, many *kyais* in West Java took part in the *Sarekat Islam* emancipation movement, of which the more radical factions were involved in violent attacks – including 'communist' ones – against *priyayi* bureaucrats in the 1920s. *Penghulus* were among the targets of those verbal and physical attacks, probably more because of their *priyayi* origin and colonial affiliation than for their positions as Islamic court judges. These attacks not only foreshadowed the start of a violent era in the *Preanger*, which lasted to well into the 1960s, but they also indicated the future complex relationship between the local *ulamas* and the Islamic courts in West Java.

During the independence struggle many *Preanger kyais* and *ulamas* seem to have initially supported the *Darul Islam* rebellion, but when it became clear that President Soekarno's Republic of Indonesia prevailed, many turned their support to the West Javanese branch of the Islamic political party *Masyumi*. The failure of the *Darul Islam* uprising and the ban on the reformist Muslim political party *Masyumi* in 1960 drove the supporters of both movements to a policy of 'returning to the community' which was focused on *dakwah*: religious outreach and proselytizing (Temby 2010: 27).

At the same time, the ban on *Masyumi*, the defeat of the *Darul Islam* (1962) and the eradication of the PKI (1965-1966), meant that the state-formation process in West Java could take off. Through the KUAs, which were established in each sub-district in Indonesia, the Ministry of Religious Affairs was able to incorporate many of the local *kyais* and *ulamas* into the state system. The idea behind this was that through the KUAs and the local traditional Islamic elites incorporated in them, the state would finally be able to penetrate into the local communities and establish its authority in the field of Islamic law.

The 1974 Marriage Law proved to be a litmus test for the KUAs. Its legal requirement of a judicial divorce meant that authority over an essential element of Muslim family law was now entirely transferred from the *ulamas* and the KUAs to the judges of the Islamic courts. As history has taught us, the *ulamas* and *kyais* of West Java do not give up their position easily and many still perform their traditional roles in marriage and divorce, including those who are now formally working for the state as KUA officials.

This brings me to the main argument of this chapter. Just as in colonial times, many local religious actors in West Java today perceive the modern state as a threat to their authority. The unification and centralization of Muslim family law has took authority away from local *ulamas*. Therefore, in order to retain their authority, local *ulamas* and KUA officials have created competing

authorities in family law matters resembling states within the state and challenging the authority of the Islamic courts. This has led to a paradoxical situation in which those actors in West Java, who traditionally vocally supported the Islamization of the state and a national imposition of sharia-based legislation, are in fact denying the state authority in the most essential Islamic matters. Hence, in the historical context of West Java, the unification and centralization of Muslim family law matters under the authority of the Islamic courts seems to have negatively affected the state-formation process.

As we will see in Chapter 7, the case of Bulukumba demonstrates that a very different historic trajectory of Islamic courts, *ulamas* and the state in South Sulawesi has resulted in a more entrenched authority of the Islamic courts. But before we turn to Bulukumba, the next chapter will first look further into the position of the present day Islamic court in Cianjur, West Java, and assess the role that it plays in women's divorce and post-divorce matters.