
**After The Fifth Congress of KPPSI:
SHARI'AH ON THE GROUND OF KPPSI'S POLITICAL
AGENDA (A CRITICAL ANALYSIS OF AN-NA'IM
STANDPOINTS)**

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Abstract

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This paper is aimed to reveal An-Na'im's idea of constitutionalism, human rights, and citizenship in reading the phenomena of some activists' struggle for enforcing Shari'ah in South Sulawesi. It is important to notice that today's debatable issue is about to what extents Shari'ah can be implemented in Indonesia and how it should be tolerated by Muslims and non-Muslims living there. For such reason, reading An-Na'im who has focused on Shar'ia in a secular state, is necessary. This study has efforts to critically respond An-Na'im in the case of KPPSI (Preparatory Committee for the Implementation of Shari'ah), a committee that believes that special status for South Sulawesi to implement Shari'ah will be the best solution for Indonesian, especially in South Sulawesi. The discussion is generally divided into three parts: (1) exploring An-Na'im's points of views, especially in regard with Shari'ah and secular state; (2) a short description of KPPSI, either about its historical phases or political agenda, in enforcing Shari'ah in South Sulawesi; and (3) a critical view of Shari'ah on the ground by which the KPPSI will be used as a case to reconsider about paradoxical applicability of An-Na'im notion on Shari'ah in secular state. To conclude, the important remarks are provided in the end of this paper.

Abstrak

Artikel ini bertujuan untuk menemukan ide An-Naim tentang konstitusionalisme, hak-hak asasi manusia dan kewarganegaraan dengan membaca fenomena perjuangan para aktivis dalam menyebarkan syariah di Sulawesi Selatan. Penting untuk memandang bahwa isu yang diperdebatkan baru-baru ini adalah tentang sejauh mana syariah bisa diimplementasikan di Indonesia dan bagaimana hal tersebut bisa ditoleransi oleh muslim dan non-muslim yang tinggal di sana. Untuk alasan ini, membaca An-Na'im yang berfokus kepada penerapan syariah di negara sekuler adalah wajib. Studi ini berupaya merespon secara kritis terhadap An-Na'im dalam kasus KPPSI (Komite Persiapan Pengimplementasian Syariah Islam), sebuah komite yang percaya bahwa status khusus Sulawesi Selatan untuk mengimplementasikan syariah akan menjadi solusi terbaik untuk masyarakat Indonesia, khususnya di Sulawesi Selatan. Diskusi ini secara umum dibagi menjadi tiga bagian: (1) membahas sudut pandang An-Na'im, khususnya yang berhubungan dengan syariah dan negara sekuler; (2) deskripsi singkat tentang KPPSI, baik sejarahnya maupun agenda politiknya, dalam mendorong penerapan syariah di Sulawesi Selatan; dan (3) pandangan kritis terhadap syariah yang akan digunakan KPPSI sebagai sebuah kasus untuk mempertimbangkan kemungkinan pengaplikasian pemikiran paradox An-Na'im tentang syariah di negara sekuler. Sebagai kesimpulan, catatan-catatan penting disediakan di akhir artikel.

Preface

Abdullahi An-Naim's article, *A Theory of Islam, State, and Society* (2009), provides a critical view of the link between Shari'ah and its implementation in democratic state, and the framework of constitutionalism, human rights, and citizenship. His discussion begins with a notion that a state cannot be religious (An-Na'im in Kari Vogt 2009, 47). He criticizes a fundamentalist's idea of *Islamic state* because it will be contra-productive with democracy and incapable to meet the demands of different people with different religions. In historical context, however, why did the early Muslim jurists use Shari'ah as the basis of state law? In fact, they took jurisprudential considerations from the scholars (*ulam*), but *ulam*' had no institutional power to enforce the Islamic ruler to use their considerations.

It is important to notice that An-Na'im divides neutrality of the state into two types: religious neutrality and political neutrality (An-Na'im

in Kari Vogt 2009, 49). The political neutrality of the state is important due to the existence of the state which cannot separate itself from the personal and religious motivations, so the political neutrality is used to make a bridge between political interests and personal interests. The religious neutrality is significant, particularly, in a state in which political parties have more emphasis on Islamic dimension, so such neutrality can maintain public reasons for every public decision the state has made.

The civic reasons, in An-Na'im's point of view, refer to a condition in which public legacy and policy must be accessible to citizens (An-Na'im in Kari Vogt 2009, 52). It should be motivated by public interests, not personal or religious beliefs. It should be aimed to encourage the public consensus among people.

According to him, a state needs public reasons to have both kinds of neutrality. However, it is notable to be aware of the fact that state is not operated by itself, but people who have own religious perspectives (An-Na'im in Kari Vogt 2009, 54). Therefore, political policy is a product of human's consideration on the certain matters of public issues. In order to make it more effective, all matters of public policy should be supported by public reasons in which the religious society, however Islam became majority, can agree and disagree about it in the continuum debates. And, for An-Na'im, only a secular state can facilitate such debate.

In relation with implementation of Shari'ah, he argues that Shari'ah tends to be fixed, particularly for people who have an imagination of *Islamic state*, because it is always regarded as the final jurisprudential product of Al-Quran and Sunnah. However, in the context of basic methodologies in making law decision, Islam has based itself on other three important ways: *ijma'* (consensus), *qiyas* (reasoning by analogy), and *ijtihad* (juridical reasoning). Shari'ah, in some extents, is certainly a product of human reasoning (*ijtihad*) (An-Na'im 2008, 5).

Due to this fact, he supports a secular state for making public reasons and Shari'ah possible to be dynamically functional in the democratic society. Then, the question is that how to create a good condition for this purpose? Firstly, in his view, a state should regard Shari'ah not as a

final product, but a product of human reasoning that is possible to evolve further. Secondly, Shari'ah should be a source of public legacy and policy, and for making it possible, reformation of some aspects of Shari'ah is necessary.

In the last paragraphs, he proposes an idea of citizenship. The citizenship is affirmative and proactive sense of belonging in pluralistic political community. It means that each citizen should have possibilities of democratic participation and civic engagement in the daily affairs of the community (An-Na'im 2009, 58). In Islam, such condition is actually compatible with the principle of reciprocity (*mu'wadah*), which is emphasized by the legal and political realities of self-determination.

Secular State

An-Na'im's latest book, *Islam and the Secular State* (2008), can be regarded as the culmination of his works. Here, he defends a secular state that is based on these values and where Shari'ah is not the basis of constitutional law. He makes clear that he is not arguing for the exclusion of religion from politics. Muslims remain free to argue for policies based on their convictions about Shari'ah, but they ought to do so on the basis of secular civic reasons and within the framework of a constitutional order based on human rights. Secular, for him, does not mean hostile to religion but rather a differentiation between religion and state (An-Na'im 2008, 77). In fact, he seeks an *Islamic* justification for the secular state. It is the high quality of his pursuit of such a justification over the course of his career that makes him a giant.

Religious belief by its very nature cannot be compelled. It must be freely chosen if it is to be meaningful and consequential. The state that compels it pursues impossibility and stultifies and represses vibrant religious life. By protecting my freedom to disbelieve, a secular state, as defined in this book, is necessary for my freedom to believe, which is the only way belief has any meaning and consequences, he argues (An-Na'im

2008, 279-280).

The meaning and interpretation of Islam is a human process that has always been in flux (An-Na'im 2008, 11-20). An-Na'im is neither a relativist nor a skeptic; he believes that the Quran is Allah's revelation. But interpretations of its meaning have always dynamically evolved through shifting consensus. Yesterday's heresy may well be today's orthodoxy. To freeze any one interpretation into the laws of the state is to make fast what ought to be left fluid. Rather, interpretation always ought to be left to believers and communities. It is just the freedom that the secular state provides that allows the great historical flow of interpretation to continue.

Any attempt to freeze any one interpretation in a constitution or the basic laws of a state leads to tyranny (An-Na'im 2008, 30). Because interpretation is a human process, human rulers who seek to enforce a particular understanding of Islam will inevitably do so repressively and may well use orthodoxy as a mere tool for rule. Although An-Na'im does not say it, the history of his native Sudan over recent decades offers ample grist for this argument.

The history of Islam, as An-Na'im shows in his brilliant and rich Chapter Two, contains many examples of separation of religion and state, even in the early centuries. This was not modern constitutionalism, to be sure, but involved an independence of religious authority and a limitation of state responsibilities to typically temporal ones—raising armies and taxes, for instance. It was in good part European colonial regimes that created today's states that rigidly enforce *Shari'ah*.

A constitutional regime is one where religious people may advocate policies out of their religious convictions as long as they do so through secular language and arguments. An-Na'im explicitly links his concept of civil reason to the arguments of John Rawls and Jrgen Habermas, who have proposed similar, though not identical, restrictions. He rejects the authoritarian secularism of modern Turkey, which seeks to control Islam sharply in the name of modernization, equality, and nation-building.

Rather, he advocates religious participation, but on the ground rules of secular language (An-Na'im 2008, 197).

Shari'ah on the Ground

Through a variety of Islamic arguments, he makes the case that a secular state is actually good for religion. From the standpoint of Islamic ethics (*'ilm al-akhlaq*), he argues that state enforcement of *Shari'ah* vitiates Muslims' ability to carry out their religious duties through the exercise of human will (An-Na'im 2008, 80). From the perspective of Islamic jurisprudence (*fiqh*), An-Na'im remarks that Islamic sacred sources say little about the form of government that Muslims should adopt, citing work by other major scholars such as 'Ali 'Abd al-Raziq (Egypt, 1888-1966) and Nurcholish Madjid (Indonesia, 1939-2005). He argues that the existence of multiple interpretations of Islam undermines the claim that there is a single, timeless set of *Shari'ah* regulations for the state to enforce.

From the biographies of the earliest generations of Muslims (*sīyar al-salaf*), An-Na'im argues that the first four successors to Muhammad in the 7th century offered a precedent for the modern secular state (An-Na'im 2008, 62). These leaders, known in the Islamic heritage as the Rightly Guided Caliphs, were particularly devout and religiously knowledgeable, An-Na'im notes (to note otherwise would place him outside of the Sunni mainstream). Their legitimacy as rulers of the Muslim community was based not on their religious authority, he argues, but rather on their political authority as heads of state. Other companions of the Prophet, who are also revered for their piety and Islamic learning, did not necessarily agree with the policies of these first caliphs, but they accepted caliphal authority in order to protect the new polity.

And from the standpoint of contemporary Islamic welfare (*maslahah*), An-Na'im argues that state enforcement of *Shari'ah* — as it has been traditionally understood — undermines democracy and human rights, including the rights of women, non-Muslims, and the freedom

to choose one's religion. In each of these areas, An-Na'im suggests that Muslims need to engage their religious traditions in a spirit of self-criticism, rather than perpetuate misguided aspects of Islamic heritage out of understandable defensiveness about Western colonial and post-colonial influences (An-Na'im 2008, 19).

The Historical Phases of KPPSI

After its dead faint for the recent years, on March 7-8, 2014, the Fifth KPPSI or Komite Persiapan Penegakan Syariat Islam Sulawesi Selatan (the Preparatory Committee for the Implementation of Shari'ah—henceforth KPPSI) was held in Asrama Haji Sudiang, Makassar. As in the previous ones, this congress was committed to uphold Shari'ah in South Sulawesi. One of the results is reaffirmation and reappointment of Abdul Aziz Qahhar Mudzakkar as a leader of Tanfidziyah of KPPSI for the fifth time. Under the theme Reaktualisasi KPPSI untuk Masyarakat Madani dalam Bingkai NKRI (Reactualization of KPPSI Toward Civilized Society on the Framework of NKRI), KPPSI has conditions to enforce authority for South Sulawesi. Even though this theme has covered up a real-spirit behind KPPSI, it is interesting to know if KPPSI would ground Shari'ah on the basis of 'secular' idea—as An-Na'im proposed. What is KPPSI? How did KPPSI declare its ideals to uphold Shari'ah in South Sulawesi?

KPPSI was founded after a series of meetings and conferences starting in 2000. In August 2000, the first Mujahidin (Arabic for 'fighters of jihad') congress on Movement to Implement Shari'ah in Indonesia was conducted in Yogyakarta with the purpose of 'integrating the aims and actions of all Mujahidin to Shari'ah.'(Juneddin 2002) The participants of the congress comprised hundreds of activist from Islamic organizations, Islamic parties and scholars from all over Indonesia. The participants from South Sulawesi included Abdurrahman A. Basalamah, former rector of the Indonesian Muslim University in Makassar, the university from which many of KPPSI activists came from, and Agus Dwikarna, who

were elected to positions on the Mujahidin Council.

As a follow-up to an informal meeting at the Hotel Berlian in Makassar in October 2002, the same year a three-day Islamic Congress was held in Makassar. The congress committee declared the congress' participants to have represented all major Muslim groups, organizations and institutions throughout the province of South Sulawesi (*Majalah Suara Hidayatullah*, November 2000). The congress was convened with the special objective to discuss 'Special Autonomy for the Implementation of Shari'ah in South Sulawesi (KPPSI 2001, 36).

The congress was opened by the Deputy Governor of South Sulawesi. Diverse groups participated, including student activists, quasi-paramilitary groups from all over South Sulawesi, and romantics from the Qahhar Mudzakkar era, along with active participants from the Yogyakarta congress, like Habib Husain Al-Habsyi and Abubakar Baasyir, the allegedly leader of the Jamaah Islamiah terrorist network (The Case of the Ngruki Network in Indonesia Jakarta/Brussels, August 8, 2002). Hundreds more participated from all over South Sulawesi. Abdul Hadi Awang, a charismatic figure from the Malaysian opposition Islamic party PAS, also attended; probably one of the reasons why the congress committee occasionally claimed the congress to be an international one.

It is surprising to note that the congress was tightly guarded, not by the police or the army, but by a quasi-paramilitary group known as the Lasykar Jundullah (The Army of God, see below), allegedly to prevent 'infiltration'. The Lasykar not only guarded the toilets, they even limited access to the *musholla* (small mosque/praying space) during the supposedly open and public Friday noon prayers. It is easily to understand if some participants later professed that the tight security made them feel awkward and 'controlled' (Juneddin, October-December 2002). However, Lasykar Jundullah was established not only for this purpose but also more importantly to enforce KPPSI's political movement. Its leader, Agus Dwikarna, is currently serving a ten-year jail sentence in the Philippines

because he was accused of carrying explosives in his suitcase during his visit to the country in 2002. After the first Makassar congress, several results were announced, the most important one being the establishment of the KPPSI, a formal body mandated and authorized to regulate and organize the preparation for Shari'ah implementation in South Sulawesi. The aspiration to implement Shari'ah would be realized using the regional autonomy laws already enacted by the Habibie government in 1999. Therefore, KPPSI is making all necessary efforts to obtain special autonomy for the province of South Sulawesi, similar to that granted to Aceh in order that the former province could enforce Shari'ah under the same legal status.

The KPPSI was comprised of two main bodies, the Majelis Syuro (a largely advisory council) and the Majelis Lajnah Tanfidziyah (the executive council). Members of Majelis Syuro were mostly university intellectuals and '*ulama*' (religious scholars). Included in this category not only local intellectuals and scholars from a state-owned public University of Hasanuddin and a private University of Indonesian Muslim (UMI) as well as Islamic scholars from Alauddin State Institute for Islamic Studies (IAIN), but also the executive members of the local branch of the New Order-created Majelis Ulama Indonesia (Indonesian Council of Islamic Scholars). The executive council is led by Abdul Aziz Qahhar Mudzakkar—one of the many sons of the legendary Abdul Aziz Qahhar Mudzakkar, who led a loosely organised rebellion, the Darul Islam, in South Sulawesi from 1950 to 1965. Due to this family connection, it is hard for the movement to deflect accusations of 'nostalgia'. As we shall show in due time, the historical relationship and association between KPPSI and this movement are even more evident.

Apparently, with the purpose of strengthening the spirit of the pro-Shari'ah groups, the second Islamic Congress was conducted in Makassar in December 2001. The organizing committee of this congress claimed even wider support both for their congress and hence for the struggle.

The name of individuals listed as members of the various committees for the congress represented almost all notable social, political and religious figures of South Sulawesi in such a way that it reads like a (male) Who's Who of the province. The governor of South Sulawesi, chair of the house of people's representatives of South Sulawesi (DPRD-I), and mayor of Makassar Municipality were all listed as members of the Advisory Committee for the second congress, as were Muhammad Jusuf Kalla (one of the most respected figures among the South Sulawesi people, a coordinating minister for social welfare during President Megawati's administration and an elected Vice President in the 2004 election) and Tamsil Linrung, a Jakarta politician, who was later arrested together with Agus Dwikarna in the Philippines. The steering committee included all the rectors of Makassar's major universities, as well as the chairpersons of the local Muhammadiyah and Nahdhatul Ulama branches, the two biggest Islamic organizations in Indonesia.

The Political Agenda of KPPSI

However, it is unclear to what extent these notables shared or support KPPSI's ideology or political agendas (Mathar, interview in July 2003). As at most public events in South Sulawesi, many of these identities appeared at the congress only long enough to give presentation during the allotted time. Some, like the governor, sent a representative; others did not bother to attend. Nevertheless, as Pradadimara and Juneddin note, list of notables presented a conservative image of the movement, as the congress was organized in accordance with the existing political scene in South Sulawesi (Juneddin, October-December 2002).

Although numerous groups of the South Sulawesi Muslims can be considered in moderate stand with respect to the implementation of strict Shari'ah in their region, KPPSI was insisted in announcing a pre-prepared draft of a law which would grant special status to South Sulawesi and allow the local government to impose comprehensive Shari'ah. As mentioned

earlier, the draft law was clearly inspired by similar legislation enacted in Aceh. However, this announcement was overshadowed by a bomb blast on the third day of the congress. The organizers blamed a ‘third party’ of trying to disrupt the congress, but police suspected that the incident was a cheap self-publicity act. The second congress is now remembered primarily by this incident.

In addition, KPPSI also maintains a close connection with several *anti-maksiat* or *anti-kejahatan* (‘anti-immorality’ or ‘anti-crime’) groups. These groups have burgeoned in various regions in the interior areas of South Sulawesi since 1999. Lasykar Jundullah (not yet led by Agus Dwikarna) appears to have become an umbrella organisation for these bands. Subsequently, the Lasykar Jundullah (from Arabic, literally means God’s soldier) was to become an integrated part of the KPPSI. KPPSI claims that currently the Lasykar Jundullah has 10,000 members, but many people are doubtful that this claim is proofable. This civilian militia is also expected to become a Shari’ah police force if Shari’ah starts to be implemented. However, according to Greg Fealy’s investigation, Lasykar Jundullah has actually acted as a semi-criminal and vigilante group, usually armed with sticks and machetes. Many of its members have backgrounds in local gangs and it is a feared presence in South Sulawesi, where it regularly intimidates parliamentarians, officials and the media into supporting its moves to implement Shari’ah in the province (Fealy 2002, 10).

From the religious point of view, to a certain degree the South Sulawesi Muslim people tend to retain fanatic, rigid and orthodox Islamic beliefs and practices (Pelras 1996, 187). Historically, it can be said that attempts to implement Shari’ah in South Sulawesi has a deep-rooted history since the penetration of Islam in the region in the early seventeenth century (Pelras 1985, 29). When the Darul Islam rebellion led by Abdul Qahhar Mudzakkar was in power in this region in the 1950s, strict Islamic rules had already been applied in some parts.

According to C. Pelras, the principle underlying Qahhar Mudzakkar's Darul Islam movement tended towards a kind of Islamic socialism, to be expressed in measures including a moderate degree of land reform; the suppression of social inequality and of all ostentation in dress and behavior, such as the wearing of gold, jewels and silks or sumptuous feasting at weddings; the eradication of all traces of 'feudalism', such as traditional political offices and aristocratic titles, and of 'paganism', such as pilgrimage to sacred places and the performance of pre-Islamic rituals; and the implementation of Islamic Shari'ah in its strictest form, that is, stoning for adulterers to death before the public and the amputation of a hand for thieves.

The impact of this movement is still felt and observable within population and Abdul Qahhar Mudzakkar has, to some extent, become a legendary figure and patriot among the older people in South Sulawesi, even after more than fifty years since he died (Gongong, 1992). KPPSI is probably the best example for this influence. In many occasions, KPPSI activists cannot conceal their respect and admiration when it comes to the history of this movement. Of particular importance to note, KPPSI considers that the pioneering attempt made by the Darul Islam to implement some elements of Shari'ah in South Sulawesi in 1950s is one of the undeniable historical and cultural foundations for its movement today.

Intertwining Issues: Secular and Islamic

Here, I would like to have some critical responses to An-Na'im idea of Shari'ah, human rights, and citizenship. Firstly, An-Na'im's notion tends to emerge a high tension between those who want to build Islamic state in one side, and those who want to be more secular in other side. That is why that he proposes a reformation of some aspects of Shari'ah. However, the problem is that what he proposes is actually not something new in the history of Islamic jurisprudence. Since Muhammad Iqbal, for instance, such idea was regarded as necessary (Iqbal 1989, 137-138).

It is important to note that KPPSI was historically derived from the debatable issue of Jakarta Charter (*Piagam Jakarta*) in the earlier era of Indonesian independence. The struggle to implement Shari'ah in modern Indonesia involves a long and bitter debate particularly because the struggle is directed to obtain formal legislation from the state power. At the earlier stage of Indonesian independence, Muslim leaders who became members of the Preparatory Committee for the Indonesian Independence (BPUPKI) had struggled to introduce in the preamble of the 1945 Constitution a phrase that would politically obligate all Indonesian Muslims to practice their religious duties. The preamble, later known as the Jakarta Charter, which includes the seven words (that is, *dengan kewajiban melaksanakan syariat Islam bagi pemeluknya* [with the obligation to carry out Shari'ah for its followers]), is believed can give a constitutional basis for the upholding of Shari'ah in Indonesia.

However, the inclusion of these seven magic words into the Constitution was unsuccessful, mainly because it was strongly opposed by the minority non-Muslim politicians and the secular nationalists, most of whom were also Muslims. Within the Constituent Assembly in 1959, the debates on the Jakarta Charter also arose. From 1959 onward the Jakarta Charter continued to become, as Boland puts it, a divisive issue between two main streams [the nationalists and Islamic groups] within Indonesian societies.

An-Na'im has failed to see this tension. In the history of implementing Shari'ah in Indonesia, the intertwining issues between those who want Islamic state and those who want secular state are always in continuum. It means that the idea of Shari'ah as the ground of constitutionalism, even it should be based on human rights, should consider about such probability. As like An-Na'im, both nationalists and Islamists have similar idea to create a constitution based on human rights, or whatever we define 'the rights' itself.

The Wide Use of Islamic Jargons and Identity

The civic reasons are important, for him, to neutralize an involvement of political parties with high priority on Islamic dimensions (or Islamic political parties) (An-Na'im 2009, 56). However, An-Na'im may ignore other conditions, as like in Indonesia, in which not only Islamic parties, but also secular or nationalist political parties use Islamic jargons and identities for getting high numbers of votes.

The other problem is that what An-Na'im argued about majority of Muslims. It is important because some Muslim groups have attempts to make use of the majority to propose their idea of Shari'ah. It is also right for the KPPSI activists. It is interesting that although the Muslim groups who support the KPPSI agenda are undoubtedly small minorities among the total number of Muslim groups, organizations, and institutions in South Sulawesi, KPPSI's appearance on the local media, especially in the newspaper, could be misleading. The statements or press release regarding almost all KPPSI activities will immediately appear on the local media, frequently as headlines or captions.

For certain uncritical observers, this phenomenon could be perceived as the best representation of the Islamic stance held by the majority of Muslims in South Sulawesi. In other words, since the issue of Shari'ah implementation frequently appear as the most important coverage on the local media, one may be tempted to think that *most* of the South Sulawesi Muslim people are pro-Shari'ah (implementation). In fact, this again does not seem to be true. A journalist from *Fajar*, the most widely distributed daily in the region, told that KPPSI media coverage, including those granted by his daily, is partly due to the psychological pressures of this group on local publishing companies to support its moves (Halim, 2013). On the other hand, many activities organized by other Muslim groups who do not support the formal implementation of Shari'ah, or openly challenge such an effort, and with the purpose of balancing the image of Islam and the Muslims in South Sulawesi, have passed uncovered by the

local media.

When An-Na'im has argued that Shari'ah will be simply Muslims' way of life, it should be firstly clear about what his definition of Muslims itself. Even in the state where Muslims have become majority, it does not means that they have general agreements or single language of implementing Shari'ah into their states. It is one of what An-Na'im has probably ignored that his data is not commonly based on the statistical survey. Although, the survey is not really helpful for capturing the majority of Muslims, An-Na'im should be aware of the contested idea about majority and minority, or most importantly between Muslims who agrees and disagrees with Shari'ah as their way of lives. It is not about how Shari'ah becomes grounding Muslims' ways of life, but rather it is about how to accommodate their diverse Muslims' perspective about Shari'ah in the context of democratic state.

The High Tension in Shari'ah Implementation

It is important to remember that over times and places, there are many efforts to implement Shari'ah as the primary rule of state, including in Indonesia. However, instead of providing a strategic condition for democracy, the proposed project of Shari'ah was facing much fearful tensions in the certain states or regions. So, it will be considerable to position Shari'ah as the jurisprudential principles not only for Muslims, but also for non-Muslims (Bagir 2009, 20). Negotiating Shari'ah with the local contexts in the certain states may be, in this case, one of effective ways.

In the context of KPPSI, the first problem that KPPSI activists have created within diverse Muslim groups in South Sulawesi is its claim that all major Muslim groups in South Sulawesi have been in agreement with and even supported its cause. KPPSI easily referred to the two congresses it has organized as having represented all Muslim groups, organizations, and institutions in the province. In the three texts discussed earlier, KPPSI

frequently states that it has acquired such a strong support from the people of South Sulawesi (KPPSI 2001, 4-6). In fact, this is not always the case. It is true that for all Muslims groups in South Sulawesi, as perhaps in other parts of the Muslim world, Shari'ah has been commonly understood and accepted as a comprehensive set of norms and values regulating human life down to the smallest details and, hence, they would all agree that Shari'ah should be implemented in their life. But when it comes to the ways in which Shari'ah has to be implemented, these diverse Muslim groups would demonstrate diverse opinion as well. In fact, a number of Muslim groups in the province have sounded their objections.

What I would like to pose here is that not only in the area of inter-religious community, even in the context of intra-religious people, the idea of Shari'ah formalization is highly debatable. It means that An-Na'im's proposal to implement Shari'ah as the basic principle of constitution based on the civic reasons will deal with this situation. The legislators who are entitled to create the constitution are in fact religious people (in this case, Muslims) who have different opinions about the ways they should implement Shari'ah.

The Degrees of Compromising Shari'ah

According to Charles Kurzman, An-Na'im idea of civic reasons overlaps considerably with John Rawls' concept of public reason. However, the authors also differ in significant ways. For Rawls, religion was a side issue and only permissible in political debate under exceptional circumstances, such as the social divides that confronted the abolitionist movement and the civil rights movement in the United States (Rawls 1999, 502). Rawls's position was firmly allied with the secularization thesis in the sociology of religion, whereby religion inevitably recedes from the public sphere as a country modernizes. For An-Na'im, by contrast, religion is a permanent and worthwhile feature of human life that informs many citizens' political priorities, just as other aspects of social position and

ideology do — a position that is consistent with the work of Christian Smith and others in the sociology of religion who have contested the secularization thesis. An-Na‘im favors a secular state, but he also favors a robust role for faith in public life (Kurzman 2013).

By looking at the difference between Rawls’ idea of public reasons and An-Na‘im concept of civic reasons, the first is more eligible than the later to see the phenomena of Shari’ah implementation in South Sulawesi. What I would like to argue here is not about the KPPSI’s struggle for implementing Shari’ah, but how Shari’ah, in some extents, is compromised by other Muslims. As like mentioned before that the basic problem of KPPSI is looking at the diverse Muslims perspective, even in the area where they become majority.

It means that even though KPPSI has claimed as the most appropriate representative of Muslims in Makassar, it should be clear that some other Muslim groups, instead of trying to formalize, prefer to *de-formalize* Shari’ah by giving a more substantive meaning to the concept. For them Shari’ah is a developing concept and it should be always interpreted and reinterpreted in accordance to the changing socio-cultural situation encountered by the Muslims in different ages. What they think to be the most crucial issues that the Indonesian Muslims in particular, and all Indonesian people in general, should instead strive to resolve today are issues pertaining to law enforcement, education, economic crisis, environmental deterioration, human rights, good governance, democracy, and the like (Burhanuddin 2003).

The existence of other groups who celebrate the de-formalization of Shari’ah has represented Rawls’ idea of public reasons in a democratic state. It is not important, for Rawls, to enforce *comprehensive doctrine* (or in An-Na‘im’s term—*Shari’ah*) into the public based on the civic reasons as An-Na‘im has proposed. The most crucial, for Rawls, is how to compromise the degrees to which Shari’ah is interpreted and accepted by the Muslims and non-Muslims as the basis of constitutionalism in a democratic

state. It is also related to the precondition of democracy in regards with the possibility of implementing Shari'ah in Indonesia. For Rawls, the precondition of democracy is a society which prepare for respecting any law decision. They will respect the law even though it does not fit to their own religious beliefs or they disagree with its implementation. As far as they can be aware of the limits to which they have to tolerate in respecting the law, although they have different opinion about it, it does not matter. That is how democracy works in the arena of idea contestation.

In the context of KPPSI, for Rawls, it is not the case what kind of Shari'ah will be implemented into South Sulawesi. As far as the community respects this decision, the need of democracy will be fulfilled. For those who compromise Shari'ah by means of reinterpreting them in different ways from those who support the formalization of Shari'ah, the existence of KPPSI is a part of democracy. It will be different when An-Na'im has perceived in the sense of how Shari'ah should be implemented and followed by not merely Muslims, but also non-Muslims people. The basic idea of An-Na'im does not lie in the arena of idea contestation, but in the content of liberal constitutional Shari'ah to be followed by the people.

The Issue of Postcolonial and Western Intervention

At the same time, Rawls also considers the possibility of decent non-liberal peoples, whose politics may not be fully democratic but at least enforce the rule of law and respect human rights. These decent nations pose no threat to the international order and should be left alone to live their own way, so long as they do not become indecent. Rawls's example of a decent non-liberal people, tellingly, is a fictional Muslim country, Kazanistan — presumably a play on the capital of Tatarstan, Kazan. An-Na'im, writing for the citizens of the Kazanistans of the world, is not prepared to give non-liberal Islamic states a free pass. He does not call for Western intervention, but rather for internal reform. Muslims themselves have a duty to bring about constitutionalism, human rights, and democratic

citizenship, An-Na'im argues. He proposes that the best path toward these ideals — and the best path toward Islamic fulfillment — is a secular state.

For this case, An-Na'im has probably ignored a fact that Indonesia is one of postcolonial countries. According to Greenberg, it is sometimes said that Western criminal law and institutions in postcolonial countries actually suppress human rights because they establish a centralized and hierarchical system based on the coercive powers of a hegemonic state (Greenberg 1980, 133-136). It can be seen on the characteristics of Shari'ah implementation by KPPSI in Makassar. Since the beginning, the KPPSI activists have insisted to build Makassar, as like as Aceh, as one of the center of Islamic representation in Indonesia. The Islamic laws they have prepared for are regarded as the tools to grant special status to South Sulawesi and allow the local government to impose comprehensive Shari'ah. Moreover, the draft law was clearly inspired by similar legislation enacted in Aceh.

This condition has represented their efforts to make a centralized and hierarchical system in which the Muslims community will be leading people who have special rights to manage South Sulawesi people. Another characteristic of postcolonial people is having a romantic idea of the past glory. Historically, the attempts to implement Shari'ah in South Sulawesi had a deep-rooted history since the penetration of Islam in the region in the early seventeenth century. When the Darul Islam rebellion led by Abdul Qahhar Muzakkar was in power in this region in the 1950s, strict Islamic rules had already been applied in some parts. Inspired by Darul Islam romanticism, the KPPSI activists have special powers and being persistent to create an Islamic law in Indonesia.

Unfortunately, An-Na'im does not mention about the problematic issues regarding with implementation of Shari'ah in such postcolonial countries. Even though An-Na'im has explained that his idea is postcolonial innovation (An-Na'im 2009, 12-13), in which the secularity, in some extents, is needed to ground a constitutional Shari'ah, he has

probably ignored the powers of native people who have own ways in enacting their religious laws into the secular constitution. Besides that, looking at the high numbers of Muslims in the certain stated is not really helpful to further explore the possible implementation of Shari'ah via Western intervention or influence. An-Na'im has focused only on internal reform by Muslims people, whereas some Islamic countries, including Indonesia, has achieved strong influence from Western in their decision of lawmaking. The possibility of implementating Shari'ah should be also counted on this regard without having more side on Muslims although the object is related to Islamic law. Additionally, talking about postcolonial innovation should not refers an obligatory to implement the colonial (Western) idea of secular in reconsidering about lawmaking. In some extents, it is better for Indonesian people to have own ways in interpreting their local needs to be incorporated into their own law rather than having a historical dependency on the pre-colonial circumstances.

The Paradoxical Basis of Secular State

It is also hard to see how the argument from flux can ground An-Na'im's secular state. A factual statement—a great plurality of interpretations have characterized a religious tradition—alone says nothing about whether one interpretation is truer than another. The argument is even self-defeating. If one asserts the constant flux of interpretation as a supporting girder for the secular state, then one is in fact asserting this claim as being beyond flux. An-Na'im may well reply that the secular state is not necessarily universally and eternally valid and is itself the product of an evolution of consensus. That does not change the fact that the kind of state he is advocating is one that respects the flux of interpretation, but whose basic rights and constitutional structure are not themselves subject to change. That is, a state that keeps interpretation open is, for him, non-negotiable—that is, not subject to interpretation.

For An-Na'im, secularism should be regarded as mediation between the need to keep religion and the state separate and the reality that religion and politics are connected (An-Na'im 2009, 13). The problem is that is secularism needed to analyze democracy or relationship between religion and politics? Alfred Stepan has ever posed this question. In fact, this question has challenged An-Na'im idea of using secularism as mediation within the complex relationship between religion, state, and politics.

According to Stepan, it is impossible to define secularism in one single perspective, and that is why he uses the concept multiple secularisms (Alfred Stepan, 2010). Instead of searching for or using secularism as tool of analyzing that relationship, it is notable to get starting with providing analysis of relationship between democracy and religion. It is about the degrees how democracy is needed by religion and how religion is needed by politics. It is based on different experiences of some countries, including Indonesia, in which the democracy has been defined interchangeable from one period to another period.

Based on Stepan's theoretical consideration, it will be questionable that what kind of 'secularism' An-Na'im will propose in Indonesia, and what period of Indonesia he wants to imagine as the best secular state which implement Shari'ah? An-Na'im has argued that Indonesian government forces citizens to register as members of one of the five official religions. However, Indonesia has not undermined religion, as some devout Muslims fear. If anything, Muslims' religious freedom may be greater under these regimes than under so-called Islamic regimes, which favor certain sects and interpretations and impose barriers on others.

However, An-Na'im has ignored that even in Indonesia, the regulation has been change from period to other periods in the different places. Although Indonesian government has included democracy, some regions sometimes have different policies to decide what they want to enact into their own community. The case of KPPSI, for example, has shown the An-Na'im failures to see the diverse policies in the secular

state, especially in Indonesia. South Sulawesi is one of Indonesian regions, in addition to Aceh with jargon Serambi Makkah and Pamekasan with Gerbang Salam, where some Muslims have efforts to enforce Shari'ah in a secular state.

In this regards, the idea of secularism as mediation is too odd in dealing with this problem. The secular state does not guarantee that all Muslims have similar idea to use that concept as basic consideration in lawmaking. Probably, An-Na'im idea will be more applicable in the early era of Indonesian independence when the founding fathers, even with high tension in deliberation, have successfully arranged a Constitution 1945 and Pancasila as their basic ideology. However, in Reformasi era, the idea of secularism was interpreted in different ways and for different purposes. The controversy of implementing Shari'ah in South Sulawesi has represented how the secularism can be a real mediation within this tension.

The Undergird of Rights

The need for substantive grounding is all the greater when it comes to human rights, a centerpiece of An-Na'im's political proposals. The very idea of human rights is that some sorts of human goods—the lives of the innocent, for instance—always ought to be protected and that some sorts of actions—like war crimes and torture — always ought to be prohibited. This is true because of qualities that inhere in human beings *qua* human beings, not as members of this or that community—hence, *human* rights. But doesn't a defense of such rights require a claim that some principles and interpretation are beyond flux? An-Na'im advocates for a constitutional regime in part because he wants to keep interpretation open. But what about the rights that undergird this openness? Must not they be considered non-negotiable and universally valid?

In the case of implementing Shari'ah in South Sulawesi is that KPPSI has used this rights to enforce the Islamic law into the constitution. Indeed,

in the context of human rights, in debatable definition of rights itself, their efforts are justified. It is part of openness supported by An-Na'im in a secular state. The problem is that KPPSI has undergirded such openness by advocating their interests. The unique is how KPPSI has endeavors to convince people with holding some congress, including Islamic Congress at Hotel Berlian in Makassar in October 2002.

By inviting many groups, organizations, and institutions throughout the province of South Sulawesi, they demands, as like Aceh, Special Autonomy for the Implementation of Shari'ah in South Sulawesi. The special autonomy has given certain power for Muslims as majority, in some extents, to undergird other rights and close the openness. If An-Na'im has advocated the openness as the basic idea of human rights, this kind of possibility should be reconsidered. It is important to notice that rights will be interpreted by different people in different ways. If An-Na'im lets the flux of argument in continuum, the rights he has proposed should be defined based on some conditions and characteristics. Anyway, the majority's voice must be accommodated in proposing the idea of democracy and secular state.

The Debatable Human Rights as Universal Value

I consider about how universal idea An-Na'im has proposed in his article regarding with human rights as he has repeatedly mentioned in his article to refer public reasons in Islam. It is suspicious issue if we are aware of where this declaration of human rights was coming from in the first place: liberalism, multiculturalism, and the like. In *Islam and the Secular State* (2008), he ends up arguing closer to contemporary western philosophers who advocate liberal democracy on grounds of procedure, consensus, and stability than to those philosophers, western and non-western alike, who argue for it on the grounds of transcendent foundations, natural law, and universal reason. It seems that Muslims would be far more receptive to the latter sort of approach.

In this case, it is not wise to oversimplify arguments about scriptures or natural law. However, according to Daniel Philpott, different religions and different philosophical traditions have different ways of grounding claims about what is human and about how the principles that justify human rights are to be defended. The character of these arguments has shifted over time as well. Certainly internal debate and evolution characterizes the natural law tradition. Human rights itself is and has been debated between and within traditions. An-Na'im is smart to point out that normative systems . . . are necessarily shaped by [people's] own context and experiences, any universal concept cannot be simply proclaimed or taken for granted (An-Na'im 2008, 114).

However, there is an important claim here: Apart from a rationale that makes strong universal claims about human dignity and the validity of basic moral precepts, it is very difficult if not impossible to make a robust argument for human rights, the kind that can truly fend off competitors. Religious traditions and the natural law that is embedded in several of them, have, over the course of history, proven to be some of the strongest providers of these rationales. Though An-Na'im acknowledges the need for an internal Islamic argument and for Islamic justification in *Islam and the Secular State* (2008), he places far greater stress on the fluidity, uncertainty, and flux in the Islamic tradition than he does on positive arguments for human rights that are rooted in the Quran or in the Islamic philosophical tradition.

In this case, An-Na'im believes that human rights are universal, but it should be experienced by people in their own experiences and contexts. This argument is weak in the sense of defining human rights without having pre-consideration on Universal Declaration of Human Rights. Additionally, if An-Na'im would like to celebrate the contested idea of human rights, he should think about many people who have competed between each other to interpret human rights based on their own traditions.

Some of Muslims who pro-KPPSI have been certain of the possible impact of Shari'ah on the better life in South Sulawesi. They also believe that human rights were actually included in Quran without having the declaration of human rights. If this opinion is possible to occur, so the question will be like that: where human rights must be placed in the terms of Shari'ah grounding in Indonesia? If An-Na'im uses the neutrality of state in the light of politics and religions, he should be clear about Islamic human rights which can be grounded in secular state and its possibility to be accepted by all people, either Muslims or non-Muslims.

The Possible Tyranny from Shari'ah Grounding

In some extents, An-Na'im's claim that enshrining a particular interpretation of *sharia*—always the product of a human process—into the constitution of a state leads to tyranny and the abuse of power. There are indeed lots of good reasons why the claims of a particular religion ought not to be enshrined in the constitution of a state, particularly one with a religiously plural population. And there are plenty of examples, contemporary and historical, of regimes that justify their tyranny on religious grounds, sincerely or manipulatively. But what An-Na'im underestimates, in my view, is the importance of substantive religious and philosophical underpinnings for opposition to such tyranny.

In their efforts to implement Shari'ah in South Sulawesi, the KPPSI activists have in fact certain ideology to enforce their own interests in the light of constitutionalism. However, this announcement was overshadowed by a bomb blast on the third day of the congress. The organizers blamed a 'third party' of trying to disrupt the congress, but police suspected that the incident was a cheap self-publicity act. The second congress is now remembered primarily by this incident.

In addition, KPPSI also maintains a close connection with several *anti-maksiat* or *anti-kejahatan* ('anti-immorality' or 'anti-crime') groups. These groups have burgeoned in various regions in the interior areas

of South Sulawesi since 1999. Lasykar Jundullah (not yet led by Agus Dwikarna) appears to have become an umbrella organization for these bands. Subsequently, the Lasykar Jundullah (from Arabic, literally means God's soldier) was to become an integrated part of the KPPSI. KPPSI claims that currently the Lasykar Jundullah has 10,000 members, but many people are doubtful that this claim is proofable.

The possible tyranny from this effort is a fact that KPPSI tends to use civilian military to force Shari'ah to be implemented. As mentioned before, Greg Fealy has investigated that Lasykar Jundullah has actually acted as a semi-criminal and vigilante group, usually armed with sticks and machetes. Many of its members have backgrounds in local gangs and it is a feared presence in South Sulawesi, where it regularly intimidates parliamentarians, officials and the media into supporting its moves to implement Shari'ah in the province (Fealy 2002, 10). Such condition, I think, is unthinkable by An-Na'im in the light of grounding Shari'ah in a secular state.

The Absence of Muslims' View on Civic Reason

Finally, it is strange to see An-Na'im, an advocate of religious participation in democracy, endorsing arguments along the lines of John Rawls and Jrgen Habermas that demand secular rationales in political debate—civic reason, as he calls it (Bagir 2009, 19). Whereas he does allow Muslims to reason politically on the basis of *sharia*, he argues that appealing explicitly to religious rationales in public debate violates the norms of citizenship in a secular state. Secular arguments for public policy positions are impartial and accessible, ones that most citizens can accept or reject, and so should be pursued.

What we have to be aware of such condition is the possibility of understanding Shari'ah in the fundamentalist way. Surely, An-Na'im has attempts to cover this point of view, but he has interchanged such perspective with his liberal idea of human rights and civic reasons.

However, as mentioned earlier, his liberal tendency on human rights has enforced himself to have more side on liberal rather than fundamentalist ways. He has proposed to negotiate Shari'ah with civic reasons, but he has lack of understanding on how fundamentalists will define Shari'ah in their own perspectives.

Indeed, KPPSI has consisted of activists and intellectuals. Most of them are coming from Alauddin State Institute for Islamic Studies (IAIN) in Makassar, in addition to some radical groups, including Lasykar Jundullah. However, although this commission has included some activists and intellectuals, the fundamental way of understanding Shari'ah is really attached. It can be seen with the fact that there has been very little open and intellectual debate on what actually Syari'at Islam means and implies. Statements in local newspapers relating to Shari'ah have been mostly dogmatic, as if what Shari'ah means has been for all Muslims something to be taken for granted.

In this regard, there are several questions to be investigated. *Firstly*, what *Syariat Islam* (Shari'ah) is for KPPSI. *Secondly*, in what ways KPPSI will apply the Shari'ah to the South Sulawesi Muslim people. *Finally*, to what extent the implementation of Shari'ah through the state power is acceptable among the Muslim in South Sulawesi and possible to achieve (Halim 2013).

By considering about unclear definition of Shari'ah from the perspective of KPPSI activists, the fundamentalist way tends to be used to understand this term. Later, relatively being conscious about the complex issue around definition of Shari'ah, KPPSI begins to compose text entitled *Intisari Syariat Islam* which is more fundamental rather than liberal one. Additionally, they also use verses from Al-Quran which can be considered as explicitly ordering the Muslims to implement Shari'ah, such as Al-Shura (42): 13, Al-Jathiyah (45): 18, Al-Maidah (5): 45, 47, and 50.

If such condition is true, so the possible question for An-Na'im is how to deal with such fundamentalist way in understanding Shari'ah in a

secular state? Should we have secular interpretation to Shari'ah? If so, how can we ground this way into all people, including fundamentalist ones?

CONCLUDING REMARKS AND RECOMMENDATION

In his book, *Islam and the Secular State* (2008), An-Na'im has focused on secular state by stating that the secularism is contextual and historical, in which every country has own experiences to itself. He has also believed that state cannot be religious because the state is political institution it is incapable of having a religion. However, every Muslims, An-Na'im has argued, need a secular state to be Muslim in the convictional way. To achieve this purpose, a secular state should reform Shari'ah as Muslims' way of life, and it can be realized through political way. The secular state can be mediation between the need to keep religion and the separate and the reality that religion and politics are connected. In grounding Shari'ah as the basic constitution, a state should refer to civic reasons, our reasons for promoting particular ethical or normative principles or policy objectives through law and administration. These reasons should be in continuum to keep the state neutral regarding religious doctrine and keep their government responsive to our religious values through politics.

In regards with the efforts to implement Shari'ah in a secular state, the case of KPPSI is necessary to be posed here. KPPSI is a crystallization of romantic idea from Abdul Qahhar Mudzakkhar's rebellion to the government due to the abolishment of seven magic words in Jakarta Charter (*Piagam Jakarta*). It was built after the first Islamic congress on October 19 – 21, 2000 in Makassar. It is aimed to demand a special autonomy for implementing Shari'ah in the province of South Sulawesi. The KPPSI has consisted of activists and intellectuals mostly from UIN Alauddin Makassar, and some radical groups, such as Lasykar Jundullah. They have claimed themselves as the representatives of all Muslims in South Sulawesi and the best groups which have successfully organized the draft of Islamic law. However, some problematic issues have challenged the

existence of this committee, such as diverse perspective about definition of Shari'ah, the doubtful numbers of Muslims represented by KPPSI, and some political agenda behind this committee which are potentially violating democracy.

The phenomena of struggle for enacting Shari'ah law in South Sulawesi can be a guide way to critically read An-Na'im idea about Shari'ah and secular state. For me, there are some paradoxical problems inside such An-Na'im notion in the case of KPPSI. The first is an intertwining issue between secular and Islamic, in which Indonesian founding fathers have historically proven a difficulty in dealing with such dilemma in terms of *Piagam Jakarta*. The second is liberal tendency on human rights, in which the potentials of undergirding rights remain high due to the unclear limits of rights in promoting Shari'ah in South Sulawesi. The third is the degree to which Shari'ah should be compromised, because in fact KPPSI has not really represented the majority of Muslims in South Sulawesi to advocate their aspirations of implementing Shari'ah, and some Muslims have efforts to compromise in defining, or even deformatizing Shari'ah in their daily lives.

Besides that, what I really concern here is how to join An-Na'im idea about Shari'ah and secular state with other ideas about it. I believe that instead of insisting a constitutional Shari'ah into the political consideration of law, getting started with intercultural dialogue is probably appealing. Bikkhu Pareh has acknowledged that dialogue is difficult, but not impossible to achieve. The purpose is 'deliberation', instead of indiscrimination, as the basis of democratic state. It is important, for Parekh, to intersect the local needs with the constitution which will be enacted (Parekh 2000, 100). In the case of KPPSI, Parekh has insisted the importance of dialogue between all people, including local government and religious institutions, in talking about the local practices in South Sulawesi in regards with the implementation of Shari'ah.

If An-Na'im lets the definition of multiculturalism in a flux and uncertainty, it is mostly important to see the significance of using secularism in grounding Shari'ah. It is what Alfred Stepan has argued with his concept multiple secularisms. It means that it is almost impossible to cover secularism in the single meaning. However, instead of letting secularism contextual and going in flux, Stepan has preferred to describe different secularism in different state. Stepan has still believed that even secularism is contextual, it does not mean that it can be strictly described. However, on the contrary to An-Na'im who has regarded secular state as precondition of grounding Shari'ah, Stepan has proposed the minimum degrees the democracy needs religion to make it functional and vice versa, religion needs state to create the polity to be democratic, or as he calls twin toleration (Stepan 2010). I believe that the problem of KPPSI is unclear limits to which Shari'ah should be implemented into South Sulawesi where diverse religious people have lived there.

The intersection between An-Na'im's and Rawls' idea of public reasons has actually been emergent in regards with the case of KPSSI. For Rawls, who can be regarded as pioneer of public reasons, it is not important to make public reasons as basis of Shari'ah constitution, but what more urgent is how to ground people's consciousness on the importance of respecting constitutionalism in every form. Rawls has believed that it is impossible to achieve general agreement to the certain constitution (Rawls 1999, 590). He has focused on people's respect on this political decision for public. That is why, on contrary with An-Na'im, Rawls has regarded *comprehensive doctrine* (or in An-Na'im terms—Islamic law or Shari'ah) as side issue which is decisive for lawmaking. For the context of KPPSI, Rawls has believed that as far as the Islamic law is respectable or acceptable by every people, including Muslims and non-Muslims, even with high tension everywhere, that is time for which the democracy dynamically works.[]

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