POLICY PAPER 18

Islamic Preaching and State Regulation in Indonesia

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ABSTRACT

Indonesia's Muslim preachers carry out their mission in a regulatory environment that is liberal when compared with the demanding regulations negotiated by preachers in Brunei and Malaysia. In recent times, however, the Indonesian government has given signs that it might favour a stricter regime of supervision and control. The authors – all of them social scientists with experience in studying Islamic communication in Indonesia – evaluate the pros and cons of such a move.

Throughout this working paper, the authors approach preaching as a variety of public communication, but do not assume that preaching messages should faithfully replicate national norms of ethical citizenship. After all, preaching is communication oriented to Indonesians in a specific context, namely the context created in their routines of Islamic worship and learning.

The authors provide an overview of social and political contexts for Islamic preaching, and examine the norms and rules that currently constrain preaching, referring both to Islamic norms as well as Indonesia's positive law. The paper's recommendations confirm the appropriateness of the low level of regulation traditionally applied to Islamic preachers, and encourage the government to be more sensitive to the ways in which the policies of Indonesian governments provide models for preachers about how the nation's diversity should be treated in public communication.

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Islamic Preaching and State Regulation in Indonesia[1]

Julian Millie, Dede Syarif and Moch Fakhruroji

The regulation of Islamic preaching has been a constant feature of public life in Indonesia since the colonial period, although there has been considerable variety in its nature and scope. We are writing this working paper in a time exceptional for the *low* level of state regulation of preachers, for since the end of the Soeharto regime in 1998, Indonesia's public sphere has in important respects become a liberal one. In comparison with previous epochs, some preachers and religious groups have enjoyed unprecedented freedom of expression. Yet only twenty two years after that liberating moment, the government may be shifting its policy: a number of recent developments reveal an intent to apply constraints on the activity of preaching. In what follows, we discuss the existing regulatory environment, paying attention to positive law as well as socio-religious norms. We also explore the pros and cons of increasing regulation, as well as the political and religious contexts that determine them.

While writing this paper, we have been mindful that some readers might sense that it breaches a decorum that attaches to preaching in Indonesia. This decorum is important for understanding the meanings preaching holds for many of Indonesia's Muslims, who number around 230 million of the country's population of 260 million. Two of this paper's authors grew up, and are active in, environments where preaching is an ongoing part of everyday life. The remaining author (Millie) has completed lengthy research about preaching in those environments. All three authors are aware that many Muslims consider preaching as a form of worship (*'ibadah*) mandated by revelation, and that to even suggest that the state might regulate it is to imply that preaching can be a source of worldly harm. In other words, our topic breaches an etiquette that ought to prevail over a discussion about preaching.

On the basis of this etiquette, some Muslim figures insist that Islamic preaching should be insulated from government action. The West Java-based preacher and writer, Usep Romli (b 1949) has argued that the practice of all Islamic worship, including preaching, should be 'free from intervention by the state and government, which should only be concerned with technical matters of religious administration' (Romli, 2017). Two reasons underpin his view. First, Romli has strong memories of the Soeharto government's repression of preachers. They were 'banned and imprisoned' by state security agencies 'based on subjective evaluations without sufficient knowledge of how Islam was actually treated in sermons'. Second, the Qur'an obliges Muslims to preach and study, and the competencies required by preachers are set out in revelation and in legal stipulations based on it (we discuss some of these below). From his perspective, these are of a

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higher order than state imperatives, and must be respected if Indonesia's preachers are to fulfil their responsibility of enjoining Indonesian Muslims to do right and avoid wrong. In Romli's view, the Qur'an provides examples of societies that suffered misfortune because they failed to ensure this responsibility was being carried out. Romli's views are important, for they remind us of a simple point: the preacher's messages are directed to people in the moments when they are concerned with religious rites and obligations, not with civic rights and obligations.

We accept that preaching's divine mandate makes it similar to other forms of prescribed worship. Nevertheless, other features of preaching distinguish it from forms such as ritual worship (*salat*), fasting and pilgrimage. Preaching is different because it is conducted in the language of everyday communication, and because it involves communication about temporal matters taking place outside the immediate setting in which the preaching takes place. Preaching is a public-shaping medium, through which preachers make authoritative statements about relations with groups located outside the face-to-face context. This worldly aspect of preaching is what has attracted attention within Indonesia recently, and makes it, in our opinion, a subject worthy of examination of the kind being attempted here.

For two reasons, preaching has recently caused Indonesian observers to critique it as public communication. The first reason is the occurrence of a number of incidents in which preachers appear to have been instrumental in disturbances to public order. We mention three here. In 2000, millions of Indonesian television viewers watched in shock as a preacher publicly encouraged the movement of thousands of Jihad fighters from across Indonesia to become involved in an inter-group conflict in Ambon that would claim thousands of lives (Hasan, 2006). In 2012, during campaigning for a bitterly-fought gubernatorial election in Jakarta, a popular singer/preacher was investigated by electoral authorities for making slurs about the religious orientation of a rival candidate and his running mate. During a speech delivered in a mosque, the singer pointed out that the running mate was not a Muslim, and asserted that the Qur'an obliges Muslim voters to vote for Muslim candidates (Tempo, 2012). Campaigning of this kind violated a longstanding Indonesian convention that proscribes such divisive statements. In 2011, a mob attacked and killed three members of an Ahmadiyah Muslim community at a private home in Cikeusik, a rural village in Banten province. The Ahmadiyah are a minority that identifies as Muslim and have suffered from intimidation and institutional discrimination in a number of countries. In the months leading up to the attack, a preacher affiliated with an extremist organisation had been preaching to locals about the dangers the minority posed to the local population (Tempo, 2011). He was later charged with, and convicted of, incitement. These examples are exceptional against Indonesia's remarkable record of inter-religious harmony, yet they have stimulated a discussion in Indonesia about religious communication and public order.

A second reason for concern about preaching arises from tensions emerging in the prevailing regulation of religious communication in Indonesia. Although preaching occurs within a liberal public sphere in Indonesia, the country's so-called Blasphemy Law has in recent decades provided legal foundations for a number of controversial

prosecutions of religious mediators (we write more on this below). As time passes, the selective application of this law is discrediting the Indonesian legal system (Human Rights Watch 2013). In the cases that have proceeded to court, the accused has been a member of a non-conformist or minority religious movement. Public support for such defendants is low. In August 2019, however, video footage emerged of a sermon in which a nationally popular, mainstream Sunni preacher made inflammatory and untrue statements about a Christian symbol to listeners gathered in a mosque (Detik 2019). Christians requested the police take action against the preacher. In our opinion, such a prosecution should not proceed, for it would stimulate a destructive conflict between Indonesian prosecutorial authorities and the preacher's followers. In other words, it would create political tensions that do not arise on the prosecution of minority figures. The selective application of the Blasphemy Law has created discontent among Indonesians about the Indonesian criminal justice system and its effects for religious communication in Indonesia. For these reasons, although respectful of the etiquette of Islamic preaching, we feel it is timely to make an informed contribution to public discussion on the topic.

PREACHING IN A CHANGING MEDIASCAPE

The developments discussed here have unfolded within a changing media environment. Norms about public communication could not freely develop during the Soeharto era (1966-1998), when the government restricted public expression and political participation, believing these would threaten its pro-development program. During this period, the government imagined and constructed a domain of public communication in which Indonesian communities were to be an undifferentiated 'floating mass', passively benefitting from centrally-imposed development programs. Indonesians were free to be spoken to but not to speak, and public advocates with activist agendas, including preachers, were constrained.[2]

After Soeharto's toppling, Indonesia's media infrastructure was liberalised and electoral contest was opened to broad participation.[3] We mention here three effects this has had on Islam and its preachers. In the newly-deregulated media environment, some preachers were able to develop celebrity profiles by participating in the expanding communicative networks of Indonesian consumer culture. Apart from that, Indonesians began witnessing public ideological contest between rivalling Islamic segments. The mediated sphere no longer reflected an undifferentiated floating mass, but reproduced a complex map of Islamic difference. And third, open electoral contest increased the value of Islamic publicity, because candidates wanting to gain support from large Muslim populations needed to pay closer attention to Islamic styles and symbols. This attention increased the status of preachers with followings in voting communities.

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2   Regulation of preaching during the colonial period is discussed by Benda (1958). For the New Order period see Muqoddas (2011) and Porter (2002).

3   In fact, this liberalisation had started before the demise of Soeharto (Kitley, 2000).

Social media have enabled new forms of interaction and expression. Indonesian preachers, even those whose practice is based on preaching face-to-face with real audiences, have been enthusiastic users of social media. This is because preachers today cultivate individual profiles in a competitive market, and a web presence, mostly via YouTube, is a necessary complement to their face-to-face preaching engagements (Slama, 2017; Weng, 2018; Tempo, 2018). A prominent web presence also brings advertising revenue.

Many online forms of Islamic expression have been highly popular, but some have revealed the malevolent potential of the new media: social media have enabled the expression of stereotyped and negative images of minorities; they have created panic and suspicion through the circulation of inaccurate information; they have provided vehicles for radical teachings that Islamic communities have conventionally regarded as requiring contextual interpretations; they have enabled the rise to prominence of speakers and scholars not accountable to existing Indonesian communities; and they have weakened the authority of the Islamic civil society institutions that have provided the foundations for Indonesia's social and religious infrastructure. Face to face preaching has been affected by the increasing use of online technologies. Most importantly, the uploading of video to online platforms has changed established notions of 'private' and 'public' communication: messages delivered to an audience of like-minded listeners can now be sent to the world with a single click.

Our Approach

Our analysis recognises that Indonesians do not all aspire to the same norms about Islam and public communication. Preaching that appears proper for one Muslim might be improper for another. Yet we cannot assume a totally relativist position here, for at the conclusion of this paper we provide recommendations, and these require normative anchorage of some kind. To be useful, our recommendations must correspond to the understandings of preaching that we ourselves have encountered in Indonesia communities, as well as to the political environment in which preaching is reflected upon as public communication. We have chosen to contextualise our recommendations within Indonesians' shared commitment to a harmonious public religious sphere. This is a suitable grounding for this discussion because, for one thing, most of the commentary about preaching by Indonesian Muslims – much of which is cited below – refers to that commitment as a widely-accepted principle that ought to be respected in Indonesian national life.

Apart from that, Indonesia's political history reveals this commitment as a shared resource that has been instrumental in national development. When the modern Indonesian nation was born, it was not the continuation of the glorious heritage of a single ethnic or religious group, but the melding of ethnic nations and religious affiliations into a new national culture. The definitive artefact of this melding is the national ideology proposed by Sukarno in 1945, known as the *Pancasila* (Five Principles). Among the five principles was the principle of 'mutual respect and collaboration between followers of different

religions and belief systems for the sake of civil order'.[4] This ideology spawned other principles with similar effects, such as the doctrine known by the acronym of SARA, which prohibits utterances that inflame divisions along the lines of ethnicity, religion, race, and group membership.[5]

The *Pancasila* ideology and the SARA concept were forced upon Indonesians as national ideologies during the Soeharto era, and as a result, for many Indonesians they symbolise that regime's political monopoly. Yet there are plenty of indications outside the realm of state action that enable us to talk of a national commitment to plurality, such as the policy positions taken by Indonesia's Islamic civil society organisations. The two largest of these, the Nahdlatul Ulama (NU, The Rising of the Scholars) and Muhammadiyah, began to play representative roles for Indonesian Muslims in the early twentieth century.[6] These non-state organisations both have Islam as their motivating ideology, but both have publicly positioned as supporters of ethnic and religious diversity in Indonesia (Menchik 2016). The rationales of their support for this do not replicate the tenets of western liberalism, instead favouring a conception of diversity in which all Indonesians belong to groups defined by religious difference ('communal tolerance' in Menchik's words). However, these representatives of Islamic civil society have set a precedent against which we can evaluate Islamic communication.

Nevertheless, it is not our intention to evaluate preachers against the values of ethical citizenship that are central to theorisations of the bourgeois public sphere (e.g. detachment from individual and group interests in public reasoning, reflexive awareness of minority interests, equality of citizens' religious and ethnic affiliations etc). We do not expect that preaching messages will replicate the messages of ethical citizenship. Rather, an analyst should expect to occasionally observe disjunctions between preaching performances and the communicative modes that affirm national inclusion.

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4   The *Pancasila* (five principles) were first proposed by Sukarno at a meeting held in June 1945 by the committee charged with preparing for Indonesian independence. He proposed the principles as 'the philosophical foundation of an independent Indonesia' (Kahin 2003:122). The principles were included as the ideological basis of the Republic in the preamble to Indonesia's 1945 constitution.

5   SARA is an acronym of four attributes that are forbidden as topics of negative comment: *suku* (ethnicity), *agama* (religion), *ras* (race), and *antar-golongan* (inter-group relations).

6   The *Muhammadiyah* organisation was formed in 1912 in Yogyakarta with a program of advancing the Muslim community through education and social development. The urban, modernist orientation of this group was understood as a threat to the status quo by some existing Muslim institutions. Muhammadiyah's modernist initiatives triggered the establishment in 1926 of the *NU* (The Rising of the Scholars), which continues to have a support base primarily located in the rural Islamic schools of Java. Both organisations, along with many other smaller organisations, remain influential in Indonesian society as educators, providers of social services, supporters of particular Islamic programs, and political actors. Both *Muhammadiyah* and *NU* have mass followings.

For one thing, a successful preacher communicates Islam in forms appropriate for the sensibilities and preferences of an assembly of humans that is real, not imagined as a putative audience, citizenry or public. Preachers succeed when they anticipate their listeners' concerns and life experiences, and for some audiences, Indonesian aspirations about respectful and tolerant public communication might be low on their list of priorities. Apart from that, the embodied routines of Muslim life in which preachers exercise their skills were established well before the Republic of Indonesia existed. In living out the pious cycles of Muslim life, Muslims affirm hierarchies and modes of sociability that might not exclude ethical citizenship, but which certainly do not rely upon them. These pious cycles have benefitted rather than harmed the national community. Accordingly, in the discussion to follow, we do not make the assumption that preaching practice ought to be shaped to fit the principles of ethical citizenship.

Harmony above Rights

There is irony in Usep Romli's insistence that Islamic preaching be 'free from interference', as mentioned earlier. Since the post-Soeharto liberalisation, preachers claiming to speak for Indonesia's Sunni majority (of which Romli is a member) have indeed enjoyed freedom from intervention. This freedom is supported by Indonesian law, which contains a number of provisions that appear to create rights to freedom of religion and to protection from abuse on the grounds of religion (Fenwick, 2016). At the same time, agencies of the Indonesian state have imposed harsh sanctions on religious figures – Muslim and others – who mediate religious positions judged by prosecutors to be outside the domain of orthodoxy. The legislative foundation for this process has been Indonesia's 'Blasphemy Law',[7] which makes it illegal to communicate, encourage or seek support for religious interpretations and activities 'that deviate from the central teachings of that religion' (Rumadi and Suaedy, 2007; Baso, 2006; Human Rights Watch, 2013; Crouch, 2014; Fenwick, 2016; Lindsey and Pausacker, 2016). Prosecutions under this law originate in complaints made to police, which they then refer to a government body, which proceeds with an investigation. The defendants are, in most cases, leaders of non-mainstream religious movements, and frequently self-identify as Muslim. The complainants are often organisations claiming to speak on behalf of the Sunni majority.

In recent times, prosecutions under this law have become more frequent. In the four decades after the Law was introduced in 1965, there were only eight prosecutions. Under the decade-long presidency of President Susilo Bambang Yudhoyono (2004 to 2014), there were 125 prosecutions, and between 2014, when Joko Widodo took office, and 2018 another 23 people were sentenced (Harsono, 2018).

The government justifies the enforcement of this law on the grounds that harmony (*kerukunan*) between religious groups must be preserved. In other words, harmony is preserved when open conflict is avoided. This policy orientation is understandable in

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7   While commonly known as the 'Blasphemy Law', this, in fact, refers to art 156(a) of the Criminal Code.

Indonesia, where civil conflict between rival segments can have harmful effects. But this notion of harmony has restrained religious expression by splinter and minority groups, and exposes them to harassment and persecution, while putting Indonesia's Sunni majority and its Islamic preferences above all other communal or individual interests (Suaedy, 2016; Baso, 2006). Achieving harmony means avoiding any offence to this majority, or more accurately, to those who claim to be its guardians.

Ahmad Baso (2006) has made a compelling analysis of this problem. In his view, the figures who have taken the role of guardians of Indonesia's Sunni majority have constructed an image of that majority as an entity that is in need of constant protection. This is despite the fact that Indonesia's Islamic community has, since independence, achieved many political advances in fields such as state-provided education, regulation of marriage, banking and finance, halal regulation, and political participation. These developments have brought an institutional recognition of Islam that was previously lacking, but nevertheless, the majority's reflexive vulnerability appears to have increased. Prosecutions under the Blasphemy Law certainly give such an impression. As we point out below, this majoritarian insecurity is important for understanding not only the pros and cons of regulation of Islamic communication, but also the specific roles preachers play in communities where a sense of vulnerability is high.

ARE PREACHERS INFLUENTIAL?

Indonesia's Muslims rely heavily on preachers, for they take responsibility for 'encouraging good and forbidding wrong', and ensure the Qur'an and the Prophetic example are frequently verbalised in everyday life.[8] By constantly materialising Islam through speech, they prevent it from becoming a mere abstraction. Their speech has a powerful dual character: it is interpreted by listeners as the authoritative mediation of Islamic revelation, but is also shaped for the specific tastes and competencies of actual audiences. This dual character enables preachers to successfully preside over Islamic routines of study, celebration, and prayer (Millie, 2017).

They are also the great equalisers in a heavily stratified field. Indonesian Muslims have great respect for hierarchies based on learning, but everybody is equal when listening. Preachers enable the *least* learned Muslims of a listening audience to have equal engagement with Islam when sitting alongside the most learned. Further, they enable the expansion of Islam into novel contexts. Because preachers are able to communicate in the language and messages that are appropriate for listeners in diverse settings, they are able to adapt Islam to contemporary settings such as corporate premises, educational institutions, government settings, workplaces and so on.

Yet what about their influence beyond the moment of listening? Do preachers have influence as agents in shaping public opinion and the mood of the citizenry? In the

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8   'Encouraging good and forbidding wrong' is a Qur'anic expression (see, for example, Q3.104) that Muslims everywhere understand to express a basic function of the preaching and teaching of Islam.

present, some Indonesians believe they have large influence, and are concerned by this. For example, concern is currently growing about the influence of the messages delivered in the *khutbah*, the obligatory sermon given, following the example of the Prophet, at the Friday collective prayer. Academics at PPIM (Pusat Pengkajian Islam dan Masyarakat, the Centre for the Study of Islam and Society) at Jakarta's State Islamic University are worried that the audiences gathering to listen to Friday sermons might be influenced by intolerant and extreme messages from the pulpit. Acting on their concerns, they recently published a collection of model sermons (Makruf, 2016). Sermon-collections are a long-established genre of Islamic publishing in Indonesia, appreciated by Muslims who fill the role of Friday preacher, but who require assistance in providing a suitable sermon. Eight academics composed 96 sermon texts presenting progressive interpretations of issues such as gender, environmentalism, social justice, inter-religious relations, tolerance and the value of Indonesia's diversity. This example reflects its authors' concern about the messages conveyed in the Friday sermon. It also indicates that there is a struggle going on between rival Islamic segments over the messages delivered at the Friday *khutbah*.

Yet we are reserved about attributing such large influence to preachers. There is no doubt that preachers *appear* to be influential agents, for they are embodied, individuated voices, not voices disconnected from real humans. Contemporary Indonesians are exposed to many voices that reach them through many media forms. Preachers stand out amongst these voices because their role demands that they 'mean what they say'. They are not mere authors or transmitters of their messages, but produce them in a state of conviction. As such, they appear to be the most authoritative sources of the religious ideas circulating throughout society. Yet we are wary of overstating the extent of preachers' influence. In what follows, we take a critical look at the public influence of preachers.

MEDIATORS OF ISLAM…AND CULTURE

Our first point concerns the contextually-bound nature of their mediation. Preachers are recognised as specialists in the field of religion, but their work is not insulated from the broader norms, cultures, practices and media forms of the environments they share with their listeners. Preachers cannot but appropriate those in their work. As noted, a successful preacher understands her listeners' competencies and preferences beforehand, and recycles those back to listeners in acceptable forms. The preacher asks herself: how will my messages and style be accepted? What is required to speak before not just any audience, but *this particular audience*? A number of goals are achieved with this approach: a preaching text acceptable to audiences is produced, and at the same time, the suitability of the preacher is confirmed.

This also means that the preacher's messages will confirm the dispositions and subjectivities of his listeners. There are important exceptions to this, which we discuss below when we discuss the Islamic counter-public, but for the most part, it is generally true that context determines preaching messages. This invites us to ask the perennial question asked of all media forms: do preachers create the Islamic agenda, or do they

express it in speech?

We do not believe that individual speakers can determine the public agenda simply through their speech. Contemporary public spheres are not determined by agentive speakers, for peoples' reflexive understandings of values and norms in their environment are shaped in complex ways. Direct verbal messages are part of this process, but they are only one of a wide range of influential symbolic forms and processes that includes education, the multiple channels of media, and the inculcation of norms through domestic and public interactions.

For example, there is concern in Indonesia that some preachers are exercising a negative influence on public attitudes towards Islamic minorities such as the Shiite and Ahmadi communities. There is no doubt that a small number of preachers incite intolerance towards such groups. But what influence do they have in comparison with, for example, the joint decision of the Indonesian Minister of Religious Affairs, the Minister of Interior Affairs and the State Prosecutor published in June 2008, which banned the dissemination of Ahmadi teachings (Human Rights Watch, 2013)? This decision conveyed the government's preferred position on the Ahmadiyyah to the Indonesian public; it also provided explicit, authoritative guidance for preachers about how they should treat this minority Islamic current in their messages (i.e. as a group whose teachings are dangerous).

A more specific example of the link between government action and public communication occurred in 2012, when the then governor of West Java Province attended and supported meetings of Islamic activists dedicated to founding a National Anti-Shiite Alliance (ANAS), an organisation aiming to unite Indonesian Muslims in opposition to the Shiite current of Islam. The Alliance, with the approval of the provincial government, conducted some of its programs in a mosque owned by the provincial government. The governor was providing authoritative examples for West Java's Muslims, and their preachers, concerning the status of Shiite Muslims in Indonesia. It did not happen that West Java's preachers automatically accepted the Governor's position towards Shiites and began to convey it to listeners, but they could certainly regard the governor's example as publicly acceptable. And they were wary of opposing it. This example points to an important question: who is more important in the dissemination of the anti-Shiite cause, West Java's preachers or the political actors who determine the political agenda?

The Islamic Counter-public

What is the Islamic 'counter-public'? The question can be answered by extending our discussion above.[9] We have argued that when Indonesia's preachers mediate Islam they pay attention to the cultural contexts of their audiences, and use communicative resources appropriate to listeners' competencies. The counter-public is distinguished because its members are highly aware of this process, and make resistance to it a

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9   The foremost theoriser of the Islamic counter-public is Charles Hirschkind (2006).

part of their program. They cultivate interpretations and dispositions that conflict with dominant ones, and generally protect their communicative practices from contemporary culture. Muslims with this inclination do not form a singular entity, and there is great variety to be encountered amongst the groups that could be considered to fall within it (such as Sunni literalists, salafists, transnational movements, jihadists and campus activists) (Platzdach, 2009; Feillard and Madinier, 2011).

The counter-public concept is valuable for this discussion because it reveals how some forms of religious communication sit uneasily beside the concept of ethical citizenship that is central to liberal public sphere theory. According to that notion, citizens should acquiesce to a shared public and political domain that is not structured to their needs individually, but for a common good that applies equally to all citizens without regard to their particularity. An important element of this is the forebearance of citizens concerning their own particularity. We are wary of over-generalising about the positions cultivated within the Islamic counter-public, but many of its members refuse this separation between a subject's Islamic affiliation and their political subjectivity. It rejects this disembodied concept of citizenship.

This rejection has implications for public communication in Indonesia. An example is the obligation the Qur'an puts on Muslims to 'enjoin good and forbid evil'. How should Muslims practically implement this obligation in their lived environments? For many Muslims, the obligation does not involve interference in the lawful activities of other Indonesians. In contrast, some members of the Islamic counter-public consider this obligation to require and authorise Muslims to change the prohibited behaviour of others. One of Indonesia's highest profile counter-public groups, FPI (Front Pembela Islam, the Islamic Defenders' Front), implements a structured method for publicly intervening in 'prohibited activities'. The group's rationalisations of this method imply an Islamic public sphere that differs significantly from the liberal model (see also Woodward et al, 2012; Wilson, 2014; Kitley, 2008). The group's critics call them vigilantes.

A second implication for public communication concerns the publicising of claims about religious equality. Many Indonesian Muslims acknowledge the equality of religions (Assyaukanie, 2002). Many others do not acknowledge this, holding to the doctrinal position that asserts that the Qur'an is God's most recent revelation, and that Muhammad is the last of God's prophets, but refrain from making an issue of this publicly out of deference to their neighbours' preferences. For some prominent members of the Islamic counter-public, however, it is one of the great failures of Indonesian Muslims that they fail to publicly assert the position that their religion is the 'truest' of all revelations (for example, Riziek, 2011: 66-68).

Not surprisingly, the counter-public includes preachers who create conflict in Indonesia. The public interventions of FPI, for instance, sometimes result in violence, and its preachers are frequently accused of 'hate-speech'. An extreme example is encountered in Mark Woodward's account of a preaching event held by FPI in which a preacher exhorted listeners to murder members of the Ahmadiyyah community (Woodward et al, 2012:136).

Preachers are critical to the organisational dimension of the counter-public. First, they give representations to their programmes through the medium of speech, enabling people to learn about them and reflect upon them, and do so in affective ways that engage with listeners' emotions. Second, it is at preaching events (*tabligh akbar, pengajian*) that members of counter-public groups assemble. Preaching events enable groups to convene as organisations made up of real people.

But we can easily overrate the importance of the counter-public's preachers. First, the preacher and his messages do not constitute the organisation and its capabilities. Certainly a sermon is a very intelligible and accessible sign of a counter-public, but preachers are only a part of Indonesia's Islamic counter-publics. They also include educational institutions, organisational structures, publication programs, aid organisations, and political parties. This is well illustrated in Hasan's (2006) work on the call to *jihad* by the counter-public preacher Ja'far Umar Thalib (1961-2019), the then leader of Laskar Jihad, in 2000. Thalib's provocative sermons became *the* most intelligible and widely-circulated expressions of that program. Yet Hasan also describes the 'off-stage' administrative and organisational contributions that sustained the movement. The preacher and his statements should not be mistaken for the larger entity; counter-public preachers are the visible figureheads for organisations that will still exist without them.

And second, Islamic counter-publics have long formed a segment within a generally harmonious Indonesian society, and should not be associated with violent extremism. The very low levels of violence in Indonesia's plural religious population are as much a reflection of its counter-public Muslims as its pro-public ones. A small number of extremist preachers might cause conflict, but the wider movement is a segment of Indonesian society in which many Indonesians find their Islamic convictions to be supported and nurtured.

IS THERE A PROBLEM WITH PREACHING?

Preaching is a fact of Indonesian society, and preachers play a valuable role for communities by fulfilling the expectations communities have of them. When looked at in this way, preaching might be compared to other media and communications forms that mediate public awareness: there is nothing good or bad about a mediating form per se. A newspaper cannot be intrinsically bad, and the same applies for the institution of preaching. If Indonesia's plural religious sphere has historically been a harmonious one, then preachers as well as traditional public-forming media like newspapers must surely deserve credit for that harmony.

However, the question becomes a more useful one if we move beyond generality to consideration of specific practices within the field of preaching: the recent events described in our opening paragraphs lead us to think that preaching includes practices that call for attention. In providing that attention, however, we need to acknowledge something of great importance: Many Indonesians will answer 'Yes' to the question 'Is there a problem with preaching?', but their responses will reflect different understandings of what 'the problem' is. By exploring these differences, we are able to

obtain a perspective on the complexity of the problems of interest here.

'REAL' BODIES MINGLING

Policy-makers and security officials have long recognised the potential role of preachers in the escalation of locally-based tensions to the point of physical conflict (Sidel, 2006). Events that are ostensibly constructed out of speaking and listening can escalate into conflict (*kerusuhan*) when the 'masses run amok' (*massa mengamuk*). This potential is not limited to preaching events, being present also at gatherings of groups such as football supporters, school students and supporters of political parties (Van Dijk, 2002).

A famous example is the Tanjung Priok massacre of 1984. A series of interactions between followers of a mosque community and police angered and offended Muslims in Jakarta's Tanjung Priok neighbourhood. In the wake of this, a preacher named Abdul Qodir al-Jaelani aroused listeners' anger with an impassioned speech describing the injustices wrought upon Muslims by the Indonesian government. A mob formed and proceeded to the local police station, where they were shot upon by soldiers protecting the station, causing many fatalities. According to Kolstad's (1996) analysis of the sermon, it aroused listeners with its evocation of a community treated unjustly, and the subsequent march was a response to that arousal. The preacher's words aroused listeners because they emotively recalled a narrative of Muslim political inequality, recounting the spread of Christianity through church-construction, the economic dominance of ethnic Chinese, and the government's heavy-handed restriction of Muslim political organisations.

Social media have increased the potential of preaching events to escalate in ways that replicate existing social divisions. A recent example was provided in November 2015 by the preacher Habib Rizieq Shihab of FPI in a sermon in Purwakarta, West Java, when he playfully verbalised the expression *sampurasun* as *campur racun*. *Sampurasun*, which is usually translated as 'forgive me', is a respectful Sundanese greeting used in everyday interactions by many Sundanese nationalists and followers of Sundanese cultural movements. *Campur racun* (Indonesian) means 'mixed with poison'. The passage was uploaded to YouTube. A follower of a Sundanese civil society organisation reported Rizieq to police, which began investigating whether Rizieq had committed an offence under the Law on Electronic Information and Transactions or the Criminal Code. The threat of physical conflict here was not present at the actual moment of the preaching. However, publication creates the risk of future violence, for when complaints are delivered, or when witnesses are summoned to attend for examination, sympathisers join to support the person summoned though a show of solidarity, and this display creates the possibility for open conflict. The *sampurasun* case illustrates the vulnerability of Indonesian social life to communications that inflame relations between rival segments of Indonesian society. In this case, the rivalry was between two affiliations in which followers invest very heavily: religion and ethnicity.

In the present, the threat of inter-group conflict hangs over some preaching events. In May 2016, the preacher, activist and intellectual Ulil Abshar Abdallah (b 1967) was

invited to give an address by students of the Department of Comparative Islamic Law at Bandung's Sunan Gunung Djati State Islamic University. The public intellectual and member of parliament, Jalaluddin Rakhmat, was also invited. An alliance of students opposed to Ulil's Islamic program gathered at the auditorium where the talk was to be held, demonstrating against the presence of these two scholars, both of whom are associated with the liberal segment of Indonesian Islam. While *en route* from Jakarta to Bandung, a journey of about three hours, Ulil decided to turn back due to concerns over his security.

It is not only events featuring preachers from the liberal side that are threatened with de-platforming. The preacher Felix Siauw (b 1984) has been a public supporter of the transnational caliphate movement. This movement is opposed by, amongst other groups, the paramilitary wing of the NU Muslim civil society organisation. The paramilitaries attempt to prevent him from appearing at certain mosques. Their method is to send a letter to the police having jurisdiction over the area in which the mosque is located, pointing out that the preacher will spread 'anti-Pancasila' ideas, and requesting that the event not proceed. If the event does proceed, it is necessary for security to be present in large numbers to maintain order.

Preaching events – like sporting contests, rock concerts and demonstrations – have special potential as moments for inter-group tension to transform into physical violence, for they are gatherings of real human bodies in spaces that are public or semi-public. Preaching events enable conflicting Islamic programs and worldviews to be moved out of the virtual world, out of the mediated world, and out of the internal organisational setting, into real spaces where a conflict of ideology can be restaged as a conflict of bodies.

'WRONG UNDERSTANDINGS'

For other Indonesians, the problem with preaching is that it exposes Muslims to understandings and interpretations of Islam that are wrong or misleading. This causes concern to Muslims located at various points of Indonesia's famously diverse spectrum of religious positions. The project of publishing model sermons we referred to above was the work of academics concerned at Islamic interpretations that might threaten Indonesia's religious diversity. For other Muslims, the promotion of homogeneity in belief and practice is among the preacher's most important tasks.

Without doubt, counter-public messages about the dangers of incorrect interpretations are becoming more prominent in contemporary Indonesia. Online media have played a role in enabling this prominence. Activist organisations typically film sermons and speeches delivered by high-profile preachers in actual locations, then upload them to websites. A good example are the sermons delivered by the veteran counter-public preacher Atian Ali Dai in Bandung's Istiqamah Mosque, recordings of which are uploaded to the website of the Anti-Syiah Alliance mentioned above.[10]

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10   The URL is <www.annasindonesia.com/>.

By Indonesian standards, these films make for an astonishing Islamic media program, for most of their content is dedicated to pointing out errors in the belief and practices of other Indonesian Muslims. For that reason, they represent a departure from the preaching enjoyed generally by Indonesians. Indonesian preachers generally draw widely on shared culture to provide listeners with pious experiences that are stimulating, inspiring and engaging. It is a sign of the times that resources can be allocated to providing a mediated program dedicated to nothing other than exposing the error of Indonesian Muslims.

This problematisation of difference is not solely a matter of talk. The pro-homogenisation lobby has obtained oxygen from the 'blasphemy law' described above. The government justifies the enforcement of this law on the grounds that harmony (*kerukunan*) between religious groups must be preserved. In reality, its enforcement has supported the homogenisation program prosecuted by the preachers and ideologues of Indonesia's Islamic counter-publics. This support has had effects for preaching as public communication. The prosecutions have given counter-public preachers authoritative validation for their claim that difference equals danger. Disputes over correctness in doctrine and practice will continue to be a conflictual element of public life in Indonesia.

Civic Communication

The rise in public prominence of Muslim speakers who do not hesitate to problematise the doctrine and practice of others has alarmed Muslims who interpret it as a threat to Indonesian diversity. Here is a recent expression of this problem from Komaruddin Hidayat, one of Indonesia's most prominent professors and public intellectuals in the field of Islamic Studies:

> Religious expression in Indonesia was previously tolerant and averse to conflict. This has been eroded by a strict, hypertextual approach to Islam. (Hidayat, 2018: 36)

This comment appeared in his contribution to a magazine special edition focussing on the latest crop of popular Indonesian preachers, all of them young men with media profiles extending beyond face-to-face settings (Tempo, 2018). Strict compliance with *fiqh* (rules for conduct derived from revelation) is a core theme of all these preachers' programs, and for that reason, they occupy a conservative position on the Indonesian Islamic spectrum.[11] Hidayat's comment is a response to their ascendancy.

Can the distance between Hidayat and the supporters of the 'hypertextual approach' be reduced? In our opinion this will be difficult to achieve. This is partly because the conceptual repertoire with which the distance might be lessened has itself become a point of difference. Over recent decades, concepts for envisioning an inclusive society, such as pluralism, equality, tolerance and liberalism, have been adapted and appropriated by Muslim thinkers the world over, including in Indonesia. These adaptations and

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11   On the turn to individualised *fiqh* as a focus of preaching see Baidhawy (2010).

appropriations have attracted negative responses from the Islamic counter-public. In 2005, the concepts of pluralism, liberalism and secularism were declared 'prohibited' in a fatwa made by no less a body than MUI (Majelis Ulama Indonesia, the Indonesian Council of Islamic Scholars) (Gillespie, 2007). The MUI is Indonesia's state-approved representative body for Islamic scholars. In the wake of this fatwa, preachers began to refer to these three concepts with the acronym *sepilis*, a disparaging play on the Indonesian word *sipilis* (English: syphilis). Their claim is that the western repertoire of concepts concerning civic inclusion are un-Islamic and damaging to Indonesian society. The *sepilis* moniker might now be recognised more widely than the fatwa itself.

The publication of this fatwa was, we believe, counter-productive. The MUI might have had strong doctrinal grounds for the prohibition, but it had the effect of – to some extent – removing the three concepts from the public conversation about the ethics of public communication. Should these concepts only be available for consideration by non-Muslim populations, while Muslims must be content with a narrower range of possibilities?

ISLAM AND PUBLIC COMMUNICATION

The question of whether the public spheres of Muslim-majority populations have distinctive attributes in comparison with the idealised models of the Western tradition has attracted a number of important theoretical contributions.[12] We follow that question here by presenting some specific features of collective life in Muslim Indonesia that ground distinctive features of public communication.

'AQIDAH AND THE VIRTUOUS PUBLIC

A good way into this task is to start with the permissive notion of public deportment that is important for western understandings of civil order. Western subjects do care about the ethical quality of the public domain, but they are generally not concerned that it should comply with religious notions of decorum. The same cannot be said for those parts of Indonesia with high Muslim populations. In these regions, Islamic norms inform notions of public deportment. The Islamic commitment of a person is reflected in such things as speech, dress, manner of ritual participation and politeness. This implies a holistic public realm in which one's Islamic commitment should be publicly visible.[13] Within this holism, the concept of *'aqidah* (Arabic: creed) takes on a distinctive public value. *'Adiqah* is the believer's conviction about basic creedal principles. The concept connects the believer's internal state with articles of faith. In some Islamic media,

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12 Highlights of this literature include Talal Asad's (2003) exposition of the European genesis of the normative idea of secularity (see also Salvatore, 2005), and Hirschkind's (2006) analysis of the 'ethical soundscape' aspired to by members of Egypt's *dakwah* communities through their practices of cassette-listening.

13 Illustrative sources include Lambek (1993); Hirschkind (2006); Kitley (2008); and Millie (2018).

including preaching, *'aqidah* is asserted to be a public good that can be damaged.[14] Some preachers vocally assert that the protection and preservation of '*aqidah* is essential to public welfare, and that harm to *'aqidah* is harm to the community. A publication by MUI expresses this assertion as follows: 'Thoughts, understandings and activities that conflict with *'aqidah* and the shariah must not freely develop in society, for they will certainly cause unrest among the Muslim community and will create victims out of those who are led astray' (Sekretariat, 2008: 1).

It might be responded that an individual's faith cannot be accurately discerned from their outward conduct, and that it is difficult to see how it could be harmed, or how public welfare might depend upon something so amorphous. This response overlooks the strength and depth of the collective commitment to Islam in some communities, and the escalating threat to *'aqidah* that appears when the surrounding world seems to be moving ever further away from the cherished ideals of Islam. In such environments, preachers able to convincingly identify threats to *'aqidah* and solutions to them are highly valued as contributors to public welfare (Burhani, 2014).

The aftermath of the Cikeusik incident illustrates the special value of alarmist preachers for communities. The preacher convicted of incitement over the incident, Kyai Ujang, was affiliated with FPI, a group that quotes the Qur'an and prophetic traditions to justify its public interventions. The group advocates the criminalisation of Ahmadiyah. Kyai Ujang had been preaching about the dangers of the Cikeusik Ahmadiyah community in the months leading up to the mob attack of 6 February 2011. What is striking is that after being convicted and serving a short prison sentence, he returned to his role as an Islamic leader and preacher for the FPI in Banten. We do not take this to mean that members of the Cikeusik community supported the murders of the three Ahmadiyah victims: it has been established that the main protagonists of the violence came specifically from outside the community for the attack. What is important is that Kyai Ujang has returned to a community where he is respected by Muslims who value his alarmist preaching.

This example has implications for our consideration of the wisdom of regulatory measures against such preachers. Preachers such as Kyai Ujang are respected within communities where some perceive them as protectors of *'aqidah*, and therefore as protectors of the community. For these communities, heightened state regulation of such figures would not be perceived as a step towards harmony, but as an effort by the government to constrain a person dedicated to the welfare of the community.

MEDIATING IDENTITY POLITICS

Preachers shape their messages to meet the everyday concerns of their audiences, reaching into their listeners' everyday realities. In the process, they mediate group identities from their listeners' perspectives. Preachers are, for example, amongst the most important verbalisers of critique towards Chinese-Indonesian economic

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14   Useful discussions on this include those by Hasyim (2007) and Rahardjo (2012).

dominance. This is not surprising, for Islamic preachers are preferred communicators for audiences that – differing in religion, levels of material prosperity and ethnicity – are most acutely aware of the economic dominance of Chinese-Indonesians.

Preachers mediate these identity politics in differing ways. Those with entrepreneurial inclinations have assumed the role of indigenous business entrepreneurs on behalf of the Muslim community. The entrepreneur/preacher Yusuf Mansur, for example, has established and marketed an online payment system named *Paytren* (an acronym of *pay* and *pesantren*, the Indonesian word for Islamic school). He promotes this as a shariah-compliant, Indonesian-owned enterprise that empowers the Indonesian Muslim community.

In mediating indigenous Muslim identity, preachers sometimes infringe upon the communicative protocols of *SARA*. In January 2018, a number of Indonesian newspapers reported that preacher Zulkifli Muhammad Ali had been questioned by police in Jakarta in relation to statements he had made that 200 million false Indonesian identity cards had been made in France and China and were to be used by a mass of foreign workers preparing to arrive in Indonesia (Kompas 2018). The statements, which had no basis in fact, were uploaded to the internet and went viral, resonating with widespread fear in Indonesia about Chinese economic expansion in the country. Zulkifli risks being charged with a number of hate speech-related provisions.

Preachers' mediation of identity politics has attracted public attention in recent times. In fact, it is largely because of this mediation that preachers have been at the centre of an important development in Indonesian politics: the turn to street demonstrations as a form of political action.

PUBLIC DISPLAY AS POLITICAL STRATEGY

Massive public demonstrations by Muslims in support of particular political causes have recently provided a new stage for Islamic preachers. During the Soeharto period (1966-1998), such demonstrations were impossible due to the severe responses they would attract from security forces. Times have changed dramatically. Before the mass demonstrations of 4 November and 2 December 2016, both of which were dedicated to pressuring the responsible authorities to prosecute a Christian politician of Chinese descent for blasphemy, demonstrators and police agreed beforehand on the safe and orderly conduct of demonstrations.

These demonstrations enable Muslim political actors to achieve outcomes they have been unable to achieve through electoral processes. The 'Islamic vote' is split by a number of Islamic parties, and in elections held since the end of the authoritarian period, no Muslim party has gained sufficient votes to take a commanding position in a coalition government. Street demonstrations appear to transcend that fragmentation. Celebrity preachers are found beside opposition politicians at the centre of these events – they are amongst the speakers around whom the crowd convenes. Politicians are heavily involved in the organisation and funding of these demonstrations, but they do not dominate the stage to address the public, ceding it to preachers.

These mass demonstrations suggest the impracticability of coercive regulatory measures against preachers. Preachers are generally not holders of political power, but they are embodiments of Muslim programmes and aspirations and, as such, have symbolic value for the programs and interests of political actors. In the current political climate (see below), the introduction of coercive measures to regulate preachers would certainly be translated publicly as an assault on the interests of the Islamic community. We do not mean that such measures would inevitably cause mass demonstrations. Rather, the mass demonstrations point to a political climate that is very sensitive to government measures that are perceived to affect Muslim interests.

REGULATION: EXISTING FORMS

Non-formal Regulation

When the topic of regulation is raised, what comes to mind most readily are restrictions and sanctions in the forms of positive law. Yet the practice of preaching is regulated in forms other than the positive law of the state. Indonesia's preachers do not take up the microphone in a state of freedom to say whatever they wish. Their practice is constrained by a body of norms, many of which are based on Qur'anic verses or the Prophetic traditions. Much of this writing can be classed under the headings of *adab ul-dakwah* (the decorum of predication) or *fiqh ul-dakwah* (rules of predication).

A qualification is necessary here: it should not be thought that all Indonesian preachers have the 'rules of predication' in mind when they give a sermon. Many of Indonesia's successful preachers succeed in their preaching careers with preaching styles that ignore or at least take liberties with this body of norms (Millie, 2017). The majority of Indonesian Muslims prefer to listen to speakers who are entertaining and inspiring, and the preaching that satisfies this preference is not always in line with widely-acknowledged standards of propriety. The practice differs from the ideal. Nevertheless, the ideal is extremely important in public discourse. In public representations about preaching, these norms, and the gravitas that attaches to the task of preaching, are given full respect.

We give here an example of how Islamic norms about preaching can determine its nature as public communication. The most widely read preaching manual in Indonesia is *Fiqhud Da'wah* (The Rules of Predication) by Mohammad Natsir (1908-1993), who in the latter part of his career became a figurehead for Indonesia's Islamic counter-public. In this book, first published in 1966, the author provides guidelines for preaching practice based on the Qur'an and Prophetic traditions. He refers frequently to one of the foundational Qur'anic norms relevant to preaching: 'Call people unto the way of Allah with discretion [*hikmah*] and good advice' (Al-Nahl 125). In his view, *hikmah* is the preacher's knowledge of appropriate methods for changing listeners' dispositions. The first part of this verse, 'Call people unto the way of Allah' implies that the preacher is obliged to change the dispositions of listeners and their groups. *Hikmah* is the desire and capacity to change people through the communicative means appropriate for addressing them (Natsir 2000/2966: 161-165). This interpretation expresses the

distinct religiosity of the global *dakwah* (predication and outreach) movement, of which Natsir was an Indonesian pioneer. Listening is conceived here as a path to an Islamic subjectivity that transcends tradition and culture.

Other scholars give differing interpretations, with differing implications for public communication. According to the *dakwah* scholar Acep Aripudin (b 1975), 'In the practice of predication, the word *hikmah* is often interpreted to mean discretion, which can be understood as a cultural approach to be implemented so that others do not feel offended or forced to accept a particular idea or concept' (Aripudin, 2012:46, for other examples see Omar, 1967). Through this particular interpretation, which is widely supported in Indonesia, preachers normatively construct the practice of preaching in ways that acknowledge Indonesian diversity.

The differences between the two interpretations are in fact significant to the broader programs with which these scholars affiliated. In Natsir's work generally, he advocated for an Islamic subjectivity defined by textual norms that will vary little from one cultural context to another. Preachers should assist people to achieve that subjectivity. Aripudin's conception of Muslim subjectivity is open to variations across cultural and national borders. Our point here is that the practice of preaching is regulated by norms generated within the field itself. These norms are not interpreted in a uniform way, with differing implications for public communication.

Positive Legal Framework

In the other Muslim-majority nations of maritime Southeast Asia, namely Malaysia and Brunei, formal legal measures for regulating preaching are more strict and interventionist than in Indonesia. In Malaysia, no Muslim may preach without certification from the Islamic authority of the state in which the preaching takes place. Friday sermons are prepared by these authorities, and it is an offence for a preacher to read any other sermon than the one prepared by the state authority (Samuri and Hopkins, 2017). The preaching domain in Indonesia is liberal by comparison: Indonesia has no certification framework, and the state does not prepare texts for the Friday sermon.

Nevertheless, public communication in Indonesia is regulated by a number of laws. Some of these provisions might appear to criminalise preaching that involves intimidation or defamation, such as art 156 of the Criminal Code:

> Whosoever publicly expresses feelings of hostility, hatred or contempt toward one or more groups in Indonesian society, is liable to a jail sentence of no longer than five years or a fine. . . . The word group in this and the subsequent article means each part of Indonesian society which is different with one or several other parts because of race, country of origin, religion, place, origin, decent, nationality or status according to constitutional law.

As noted above, since the end of the authoritarian period, this law and others that regulate public communication have been enforced so as to 'protect' (*mengamankan*) Indonesia's majority religions (Baso, 2006). Defendants in these prosecutions are

frequently leaders of marginal religious movements, Islamic as well as non-Islamic, that display a localised, charismatic or unorthodox religious practice or belief. The leaders of such groups risk imprisonment for verbalising their religious positions, while preachers claiming to speak on behalf of the Sunni majority are free to accuse them of criminal activity.

Indonesia's criminal code also includes provisions dealing with incitement (art 160). These have been used against a Sunni preacher. After the Cikeusik incident (2011), which was an extreme case because the preaching events led to the deaths of three people, Kyai Ujang was convicted under the criminal provisions relating to 'incitement' and was sentenced to six months' imprisonment (Suaedy, 2016). Such events have been extremely rare in Indonesia.

REGULATION: NEW POSSIBILITIES

In recent years, a number of novel regulatory measures have been implemented or floated in the public domain by the Indonesian government. The current political context is important background for understanding these regulatory moves. Islamic parties are found within the two coalitions that dominate Indonesian politics at the time of writing, but the coalitions are dominated by parties with nationalist rather than Islamic orientations.[15] This does not mean Islam is not important to formal politics, for in current times, political actors, notably those belonging to non-Islamic parties, need to appear to voting publics as being sympathetic to Islam, especially in regions where Muslims form large majorities. In attempting to project a pious public image, candidates turn to conservative Muslim figures – including preachers – for support, which increases the public status of such people. They have value for politicians from non-Islamic parties who are forced to play a game of 'pious impression management'.

The rising importance of Islam in political campaigning has brought on a culture war over Indonesian identity. In the 2014 and 2019 presidential elections, the parties opposing the Jokowi-led coalition that currently forms the national government claimed the government was not supportive of Muslim interests, and mobilised conservative preachers to publicise this claim. In response, members of the government and its supporters in civil society have accused the government's opponents of not supporting Indonesian unity and its most prominent symbol, the state ideology known as *Pancasila*. They attempt to marginalise the opposition by associating opposition figures with anti-*Pancasila* elements. In fact, the accusation is unfair because opponents of the substance of *Pancasila* are few in Indonesia. For many Indonesians worried by the rise of the Islamic counter-public in public life, however, the *Pancasila* is an authentic expression of Indonesian values that protects Indonesia's ethnic and religious diversity. Because of this, it serves as a point of symbolic difference. This symbolic contest is an unfortunate reality of contemporary Indonesian political discourse. It provides a background for the government's desire to increase regulation of preachers, as well as

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15 This paper was written before the Indonesian presidential election of April 2019. After this election, the political coalitions that contested the election are likely to be reorganised.

the difficulties it will face in attempting this.

Banning of Civil Society Organisations

In July 2017, the Indonesian government announced a regulation changing the formal process required for the withdrawal of the legal status of civil society organisations. According to a 2013 Law, civil society organisations have legal status as long as their programs do not conflict with the state ideology (*Pancasila*), and do not spread conflict between Indonesian communities.[16] If the government wished to withdraw legal status from such an organisation, a court order was required. The 2017 regulation enabled the government to do this without a court order.

After the passage of this law, the government withdrew the legal status of the Islamic group Hizbut Tahrir Indonesia (HTI). This group was distinguished by its goal of establishing a global caliphate. Violence is expressly excluded from HTI's program, but the group's ideology is radically sectarian (Fealy, 2007). Now that its legal status has been withdrawn, it is illegal to officially preach HTI ideology, and it might also be illegal for a person active within such an organisation to work in public institutions.

HTI's pro-caliphate program has for long caused concern to many Indonesian Muslim groups, and the group has been banned in many Muslim countries. Yet for human rights observers, it was unjust to ban an organisation the members of which had not committed any wrongdoing. Human rights observer Andreas Harsono wrote, 'Banning any organization strictly on ideological grounds, including Pancasila, is a draconian action that undermines rights of freedom of association and expression that Indonesians have fought hard to establish since the end of the Soeharto dictatorship in 1998.' (Harsono, 2017, see also Fealy, 2017). There has been little political fallout from this banning, as the group had limited support amongst Indonesians, but this use of the amended Law has raised the possibility that it could be used again in relation to other groups.

Hate Speech

The concept of hate speech (*ujaran kebencian*) is not new in Indonesia. Provisions dealing with 'hate sowing' (Dutch: *haatzai artikelen*) were included in the criminal code inherited by the Republic from the colonial period (Human Rights Watch, 2010). [17] After the internet's wide uptake in Indonesia, the Indonesian government passed a Law in 2008 prohibiting the publication and spreading of defamation, threats and harassment through electronic communication (Law No 11 of 2008 on Electronic Transactions and

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16 Law 17 of 2013 on Civil Society Organisations. The regulation that amended that statute is Government Regulation No 2 of 2017.

17 Hate speech is proscribed in a number of Indonesian laws, including Law No 11 of 2018 on Electronic Information and Transactions (ITE); Law No 40 of 2008 on Racial and Ethnic Discrimination; and arts 156, 157, 310 and 311 of the Criminal Code.

Information, or UU ITE).[18] None of these laws reveal an intent that they should apply to religious communications.

The concept appeared to gain new legal significance in October 2015 when the Chief of Indonesian Police circulated a formal letter reminding police that hate speech 'threatened Indonesia's diversity and unity'. The letter sought to increase the understanding of the concept among police, and to provide a framework for hate speech to be dealt with as early as possible to avoid escalation of conflicts. The letter specifically mentions 'religious sermons' as one of the media through which hate speech might be expressed, and identifies religious orientation as one of the characteristics of Indonesian society that is to be protected from it.

From this letter, it appears that policy-makers consider preaching as a medium that ought be regulated by coercive powers of the state. We do not know of any prosecution of preachers based on these provisions. Yet the government has invoked the hate speech concept to take a rather drastic step concerning Islamic communication. In 2016, the Ministry for Communication and Information, acting on the advice of BNPT (Badan Nasional Penanggulangan Terorisme, Indonesia's national anti-terrorism body) and the Indonesian police, blocked 12 websites that it judged to be active in spreading 'radical understandings' and 'hate speech'. Nobody disputes that some of these sites conveyed hate speech. Rather, observers have all pointed out that the websites also conveyed critique of the Indonesian government, and for that reason, critics claim, the closures were in fact politically motivated. Given the current political climate, it seems impossible that the government could have avoided this criticism.

There are valid arguments for not restricting hate speech. Such restrictions narrow the space for expression, and legal processes for its enforcement can have destructive effects. Yet we argue that there is a strong case for regulation of hate speech based on religion in Indonesia. Hate speech is damaging because it highlights group attributes that are asserted to be evidence of the group's incompatibility with the majority (Hamdi, 2007; Woodward et al, 2014). This dehumanising effect then creates uncertainty amongst members of those groups about their status in Indonesian society, and encourages other discrimination towards them. At present, majoritarian vulnerability is a dominant concern in Islamic reflexivity, and this exacerbates mistrust towards minorities. It is possible that greater awareness of the hate speech concept would apply a brake to this expanding sense of vulnerability.

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18   This Law was the subject of intense debate at time of writing due to the effect its harsh defamation provisions have had on freedom of expression (Human Rights Watch, 2010).

On 18 May 2018, not long after the banning of HTI, a list of 200 names under the heading 'List of Names of Indonesian Islamic Preachers' was posted on the Ministry of Religious Affairs' website.[19] In a press release, the Minister clarified the criteria for inclusion on the list: sufficient competency in Islamic sciences; a good reputation; and a high commitment to Indonesian nationalism. The list was required, according to the Minister, to help Indonesians make decisions about which preachers they should pay attention to. The list does not include any counter-public preachers.

Many preachers on the list have criticised it. A common objection from these men was that the list had the potential to create two tiers of preachers, one consisting of those that were 'acceptable' and the other, implicitly, who were 'unacceptable'. They pointed out that the omission cast a slur on the names not included on the list. The Ministry has not taken any action beyond publicising the list, and it is likely that its publication was intended merely to signal that the nationalist credentials of preachers were on its agenda. Apart from this, the only real effects of the list might be felt in the 'market' in which preachers operate: some organising committees would no doubt feel more comfortable engaging a preacher on the list in preference to one whose name is absent from it.

CERTIFICATION

The final recent regulatory proposal to be discussed here is certification, a measure long applied in Malaysia. Since early 2017, the Ministry of Religious Affairs has been discussing a plan to standardise qualifications for preachers, claiming it wishes to 'reduce intolerance between religious groups' (Detik, 2017). The Minister was concerned about the spreading of radicalism by preachers, and at the growth in Islamic understandings that 'are not in accordance with Indonesian nationalism'.

This proposal implies a formal process for granting certification. The Minister has stated that the government itself would not be involved in the actual certification process, which would be handled by an outside group. It makes sense for the government to transfer the responsibility of certification to an independent body, for the process will be highly sensitive, and will surely attract accusations of political bias.

To whom should the process be entrusted? MUI has been approached for that purpose, and is now considering a plan to 'certify' *ulama* (religious scholars). This might be a popular choice, for many Indonesians would doubtless consider the MUI to be an organisation that is well-qualified for judging the suitability of preachers. Yet the MUI has acted as the public guardian of a narrowly-defined notion of Sunni orthodoxy, to the point where observers have queried the extent to which it is representative of Indonesia's Islamic community (Hosen, 2012; Hasyim, 2011). The question arises: if the government's list of approved preachers includes not one counter-public preacher,

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19   <https://kemenag.go.id/berita/read/507786/kemenag-rilis-daftar-200-nama-muballigh>.

by what logic does it entrust the task of certification to an organisation that has at times operated as a vehicle for that counter-public?

In closing this brief account of recent regulatory proposals concerning preaching, it is worth pointing out that Indonesia's public sphere remains the most liberal in Muslim Southeast Asia, at least for preachers claiming to speak on behalf of the Sunni majority. The banning of HTI is certainly coercive, but there is an element of predictability to this move, for the organisation has already been banned in most Muslim-majority countries. The proposal concerning certification and the list of approved preachers are not, at this stage, coercive measures. Further, a number of complaints mentioned here, such as those involving Eggi Sudjana (see below) and Zulkifli will most likely fade away with no action being taken. It is probable that the government's suggestions about coercive measures are not so much signs of an intention to change policy as a means to publicly communicate its preferences about preaching and public Islam.

TWO CONTEMPORARY CASE STUDIES

In this final section, we explore two contemporary disputes arising out of religious communication. We bring up two new themes with these examples. The first is the suitability of conciliation as a way of resolving complaints arising out of religious communication. The second is our concern that a positive regulatory system enables the perpetuation and escalation of private contests that have long been accommodated within traditions of Indonesian sociability.

CASE STUDY 1: CONCILIATION

We described above the Indonesian government's amendment of the Law that governs registration of civil society organisations. The government had quite a specific goal in mind: with this change of law, it could deregister HTI. A team of Muslim activists challenged this amendment in Indonesia's Constitutional Court. In September 2017, a witness for the team, lawyer and polemicist Eggi Sudjana, gave evidence arguing that if HTI was judged to be not supportive of the state ideology, then all other religions other than Islam should also be so judged. After all, he argued, monotheism is a core component of the *Pancasila* state ideology, and only Islam, he told the court, was truly monotheistic. His evidence involved him describing why other religions followed by Indonesians were not monotheistic, and should therefore be disbanded by the government.

A video of his evidence was uploaded to the website of an Islamic activist group, and was later viewed by the head of Indonesia's Hindu Youth Association. This man then made a formal complaint to police against Eggi Sudjana, complaining that he had violated the hate speech articles of the ITE Law. According to this man, Eggi had made untrue statements which created a risk of civil disturbance. Police are currently investigating the complaint.

The relevant law provides a penal sanction. If eventually found guilty of 'deliberately and without right having spread information intended to cause to rise hatred or enmity

towards an individual or social group on the grounds of ethnicity, religion, race or group identity (SARA)', Sudjana could be fined or imprisoned, or both. We are not aware of a precedent in which a Sunni Muslim has been penalised for uttering in public what he could, with some justification, argue is in fact a creedal absolute. In fact, this case places untenable pressure on the justice process: no Indonesian judge can convict a Sunni Muslim for statements based on creedal principles, no matter how tactless or offensive the argument might be.

It would be better for the dispute to be resolved through conciliation: the two parties could reach a settlement through private communication under the supervision of an appointed conciliator. In fact, conciliation is already specified as a means of dispute resolution in a number of Indonesian laws, such as the 2006 laws that created Indonesia's Inter-religious Forum (FKUB) (Ali-Fauzi 2019). For sure, objections could be made about this way of resolving the dispute: because the dispute is settled in private, the opportunity for the resolution to have a public, educational role is lost. Yet in the light of the above, there are advantages in using this method.[20] First, the relationship between the two parties can be recuperated because there is no public scrutiny of the resolution, and no one emerges with the status of winner or loser. Second, even though the educative role is lost because the interaction is not public, the process *per se* publicises the state's concern for achieving shared values about the nature of public communication. Third, in reaching a settlement the parties are free to find their own value-language and moral reasoning, and are not constrained by the repertoires forced upon them by legal or religious norms, or by public discourse. Fourth, being a private process, the dispute would not become yet another public restaging of an entrenched conflict between contestants in an ongoing political confrontation. This style of resolution enables the parties to continue their relationship on a better footing without having to endure the corrosive effects of a public battle.

CASE STUDY 2: ESCALATION OF INTRA-CONTEST

A problem with the existing regulatory framework is that it enables parties to use the legal process to prosecute conflicts that are in fact well-established, structural divides within Indonesia's Islamic community. Indonesian Muslim society has always been divided into many currents, a good proportion of which have institutional structures and even political vehicles. These compete for doctrinal and political influence through these structures and vehicles. Much of Indonesia's Muslim education infrastructure is owned by or affiliated with these organisations, especially the Muhammadiyah and NU, and such education processes naturally create ties of loyalty in students. The divisions between these groups are major structuring influences on public and religious life in Indonesia. Occasional outbreaks of conflict between them might be rationalised as unavoidable features of public life. The case of Evie Effendi (b 1976) illustrates how the availability of a regulatory framework can transform such frictions into something different: legal-bureaucratic conflicts that make heavy demands on state officials and

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20   Thornton (1989) is a useful discussion about the merits and disadvantages of conciliation.

exacerbate public tension between rivalling groups.

Evie Effendi's success as a preacher has been based on his popularity with young audiences who appreciate his hipster appearance and competence in a highly contemporary style of youth language. Like other successful preachers, his preaching is not only delivered to co-present audiences, but is also broadcast through his own Youtube channel, by which he is able to reach a larger audience. Effendi aims for an audience at the centre, and his Islamic outlook is uncontroversial amongst Indonesians.

In August 2018, a complaint under the ITE Law was made to police in Bandung. The complaint concerned a fragment from one of Evie's sermons which his staff had uploaded to Youtube. In this sermon, Evie had made a remark that could be interpreted as trivialising the ritual commemoration of the birthday of the Prophet Muhammad. The complainant was the Student Association of NU (Ikatan Pelajar Nahdlatul Ulama, IPNU). Followers of this organisation place importance on the commemoration of the Prophet's birthday. In his youth, Effendi had been involved with the reformist organisation known as Persis (Persatuan Islam, The Islamic Association), a group who are known to regard the commemoration of the Prophet's birthday as an Islamic practice without any foundation in Islamic sources. Since the early twentieth century, Persis and NU have co-existed in relative harmony despite their doctrinal differences. Effendi's preaching does not support Persis above other organisations. Nevertheless, the students were defending an observance that was precious to their organisation against a person who, in their view, was affiliated with a group known to devalue it.

The complaint process enabled a minor slipup to be elevated to the status of a criminal investigation, transforming it into a conflict between rival civil society organisations. Although the dispute has been recently resolved through conciliation with the assistance of MUI, the process was traumatic for Effendi, who was forced to remove all his Youtube clips, concerned that other slipups might be found within them.

This complaint is something of a first for Indonesia because, as noted above, when legal processes are initiated against religious figures, the accused is usually a member of a minority group with distinctive aspects that leave it open to accusations of deviance. Evie Effendi is an orthodox Sunni preacher who mediates a widely acceptable and unchallenging Islamic outlook. This might be the first time that a mainstream preacher who took care to avoid the segmentation of Indonesia's Muslims in his preaching is threatened with an accusation. Our concern is about the complaints process and the way it enables escalations of conflict. An ideological conflict that should ideally be contained within ordinary sociability is here enabled by a regulatory framework to escalate into a legal process in which rival groups are heavily invested.

RECOMMENDATIONS

To whom or what should we direct our recommendations? Conventionally, recommendations are addressed to a responsible government or policy-making community. Yet most of the problems described above are not ones that can be resolved by government action, for they seem to be inevitable occurrences in a plural

state where – as an outcome of historical processes – public assertions of religious positions are an important aspect of public life. It cannot be avoided, for example, that public representations of creedal positions might occasionally cause offence to other positions. These are destructive of public trust, but attempts by the state to discipline their makers create social and political disturbance. Another problem is majoritarian insecurity. We have argued above that this enhances the appeal specific preaching styles have in certain communities. Once again, it is difficult to see what power the contemporary government has over the local and trans-local politics that have shaped this insecurity. The same applies to the rivalry between Islamic constituencies that are a structuring feature of Indonesian Islamic society. The current government did not construct these rivalries. And the state cannot influence preachers' mediation of identities, for these are nothing other than representations made by preachers about the lived realities of their listeners. And finally, the race to display Islamic credibility in campaigning is not something the government can prevent in the new era of electoral democracy.

Considering that most of the problems discussed here cannot be resolved by state regulation, we do not recommend a coercive framework for regulating preachers such as those to be observed in Malaysia and Brunei. The current strategy of the contemporary Indonesian government seems more sensible: by proposing regulatory measures without formalising them, it asserts aspirations for public communication without creating destructive conflict.

Nevertheless, although most of the issues discussed here are beyond resolution by governments, measures are available that would enhance the ethic of self-regulation and tolerance that has characterised Indonesian political and cultural traditions. As we argue above, preachers are responsive to the examples provided in government action, and as such, we see a benefit in identifying a number of areas of government action where changes could have positive effects in preaching practice:

1. Frequent prosecutions under Indonesia's blasphemy law have weakened the ethic of diversity for which Indonesia's Islamic communities are well known, and have discredited the Indonesian legal system. These prosecutions are of great interest to preachers, for these men and women are responsible for informing listeners about dangers to the Islamic community, and play an important role in mediating group identity. Offence against religion is within their professional interest, and the state's management of prosecutions is relevant to their understanding of what constitutes proper behaviour. Prosecutions have generated a destructive momentum, for prosecutions of minorities neither empower nor protect the majority, but increase and sustain its sense of vulnerability. Repeal of the Blasphemy Law is politically impossible at this point.[21] Yet we suggest an alternative way forward: the

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21 A recent report on Indonesia's Blasphemy Law makes this recommendation: 'The President and the People's Legislative Assembly must immediately repeal the blasphemy law' (DiMase, 2017: 48-49). Such a step would attract massive political opposition, and, with Islam being

establishment through public consultation of a high threshold of damage that must be transgressed before a matter is judged worthy of prosecution. We believe this solution will offer clear benefits. First, it is a reform-oriented program that is more politically saleable than one seeking to repeal the law. Second, the process of establishing exactly what harm is serious enough to justify prosecution would constitute a beneficial national conversation covering such topics as: the vulnerable reflexivity of the country's Sunni majority; the nature of *'aqidah* as public good and its vulnerability; the expectation of minorities that such laws ought be applied equally to speakers of all denominations; and the value of diversity to the national community. All these matters are within the professional interest of preachers, and for that reason, their involvement in the consultation process would surely benefit it.

2. We recommend that the government be guided by a more holistic view of the connection between government action and preaching practice. Government policy and action provide a basic template of positions for preachers to verbalise, feeling confident that they are publicly acceptable. Through example, the government can send signals to preachers that are then mediated to Indonesia's Muslim communities. Preachers cannot be expected to circulate messages that give higher priority to national harmony than the priority given to it in government policy and through the example of holders of elected office.

3. The time is right for hate speech laws in Indonesia, for they provide a constraint on the marginalisation of minorities (in this regard, Indonesia is no different to other countries, including Australia, where a similar debate is in process at the time of writing). In relation to hate speech occurring within religious contexts, we recommend that conciliation be adopted as method of dispute resolution. Conciliation has advantages over above judicial processes in which penal sanctions are possible outcomes. At present, when a complaint concerning hate-speech becomes a formal legal process, the matter transforms into a public spectacle in which rival segments of Indonesia's Islamic community feel their interests are at stake. Every complaint potentially pits these segments against each other, creating a mass-mediated conflict in which symbols and doctrines are compared as black and white options. Such mediated spectacles damage Indonesian social life by widening the distance between religious communities. Conciliation enables parties to re-establish social relations on their own terms without damaging effects for the wider community.

4. Preachers verbalise counter-public programs and enable such groups to convene. This is a valuable public role, for the activities, programs and

such a sensitive presence in contemporary Indonesian politics, we do not believe an Indonesian government would even contemplate it.

doctrines of Islamic counter-publics are important aspects of Indonesian religious, social and political life. Nevertheless, spokespeople for counter-publics frequently argue that if Indonesian's Muslim majority is to be treated fairly, the range of freedoms they enjoy should be narrowed. Government acquiescence to this argument has had harmful effects in other Muslim-majority countries. We recommend priority be placed on nurturing an Islamic sphere in which a wide range of Islamic religio-political positions are circulated. By ensuring that Indonesians are aware of differing approaches to issues of religious contention, a heterogeneous Islamo-political sphere will be a possibility, and the Islamic counter-public will continue as a viable element of Indonesian Islamic life.

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