

Local Ordinances with Sharia Nuances in Pluralism Society of Indonesia: Convergence or Divergence

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Abstract : As a largest Muslim country in the world with around 215 Muslim inhabitants, Indonesia interestingly is not an Islamic country. Yet, Indonesia is not a secular country as well. The country has committed to be a unity in diversity country where people from various socio-political background may be coexistent live in this archipelago country. However, many provinces and Muslim groups are disposed of special regulation for Muslim people, namely local ordinances with sharia nuances, applied specifically in provinces, cities or regions where Muslim inhabitants are the majority. For the last two decades, particularly since Indonesia reform movement of 1998, a lot of local ordinances (Peraturan Daerah) with Sharia nuance have been enacted and applied in several provinces, cities and regions in Indonesia. The local ordinances are mostly deal with restriction of alcohol, prohibition of prostitution, Al Qur'an literacy, obligation to wear Muslim attire and zakat or alms management. Some of local ordinances have been warmly welcomed by society, while other ordinances have created tension. Those who oppose the ordinances believe that such things regulated by the ordinances are in violation of human rights and democracy, part of privacy rights of the people and must not be regulated by the State or local government. This paper describes the dynamic of local Ordinances with sharia nuances in Indonesia, in this research is limited to three ordinances: on the restriction of alcohol, prohibition of prostitution and obligation to wear Muslim attire. The researcher employs a normative method by studying secondary data and local ordinances in selected areas in Indonesia. The findings of the paper are that local ordinances with sharia nuances are indeed part of the needs of society, yet, in their implementation must take the pluralism of Indonesia and the state basic foundation, which is Pancasila (five pillars) into account.

Keywords : local, ordinances, sharia, rights

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