



**TRANSFORMING DEVELOPMENT**  
**Exploring Approaches to Development from Religious Perspectives**  
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## **The Role of Islamic Tradition in Community Development<sup>1</sup>**

**By**

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### **Introduction**

From my personal side, I would like to extend appreciation to the Knowledge Centre for Religion and Development for having given me precious time to share practical experiences and to disclose how Islamic tradition exerts influence on community development. It is for this reason that on this occasion I will try to disclose various experiences and work in the field of education and advocacy that I have been engaged in so far in democracy and community-development campaigns.

### **Islam a source for community development**

As a Muslim woman, I do believe that one of the praiseworthy characters of God is *al-salâm* (the Most Peaceful). It is referred to as such because He is the Most Perfect, precluded from all defects, shortcomings and destructions. Thus, Islamic religion sent down to humans has to reflect this praiseworthy character. Both the words *Islâm* and *al-salâm* originate from the same root, *salima*, which means peace and preclusion from all that is condemned and disgraceful. Theologically, Islam is a blessing for all nature. Its teachings contain universal values that cover all aspects of human life, encompassing all the problems of human beings from the cradle to the grave. From the aspects of law, Islam covers various problems that human beings are facing in their role as both individuals and members of a society. From the psychological aspects, its teachings provide all-encompassing peace both materially and spiritually, physically and mentally. From anthropological aspects, its teachings are aimed at all the nations and peoples.

Islam brings out the importance of the teaching of equality among mankind. All the teachings of Islam bring to the fore the equality of standing and stature among nations regardless of their color, of their skin, extraction, geographical location, and social status, as provided in the Qur'an<sup>3</sup> : *O mankind, actually We have created you from a man and a woman and have made you nations and tribes so that you know each other. Verily the noblest person among you on Allah's side is the person who is the most religiously devout to Allah among you. Verily, Allah is*

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<sup>3</sup> Q.S. Al-Hujurat 49: 13:

*the Omniscient [literal translation: One who knows everything and who is most acquainted with everything]*

Even if there is a big difference among them, such a difference is not intended to oppress one another, to discriminate one another, and to be hostile towards one another but for a noble objective, that is, to know one another and at the same time, to put them to the test in order to find out who is religiously more devout to Him. A human is only distinguished from another human on the basis of his/ her achievements and the quality of his/ her religious devotion. Such is the teaching that is enshrined in the Qur'an. However, distortions abound here and there when the noble teachings were sent down to earth and implemented in the life of mankind. Humans are often subjected to unequal treatment and discrimination on the basis of color, social status, and so on and this is echoed everywhere.

Islamic teachings are full of values that can be developed as a basis for the concept of democracy, justice, peace, tolerance and human dignity. One of them can be taken from the following verse: *"And We have sent down to you the Qur'an with the truth being brought, justifying that which has previously been there, that is, the books [or scriptures] (that have been sent down before), and as a touchstone by which the other books [or scriptures] are to be judged; so, decide on their case according to that which Allah has sent down and don't follow their lust by abandoning the truth that has come to you. To each follower of Allah among you, we have given a precept and the illuminated way. Had Allah willed, He could have made you one congregation (only). But Allah wants to test you concerning that which He has given you. So, try, like in a race, to outdo one another in doing what is good. Only to Allah will all of you return; then He will tell you that which you have disputed."*<sup>4</sup> Cyrill Glasse, a well-known theologian, admires the content of the Qur'an because in the verse, salvation for the followers of other religions is also mentioned, and sees this acknowledgement as an extraordinary event in the history of religions.

### **To implement Islamic tradition in community development**

Allow me now to share my experiences have been highly focused on community development, particularly on the undertaking to promote democracy and enforce human rights, especially the rights of children and women. I will dwell on those experiences in several issues of importance as follows.

#### **Promoting the basic rights of children**

Community development, especially in promoting the quality of human resources in my country, Indonesia, shall begin with the promotion of children's life quality. Because, how can Indonesians hope to grow as an advanced and quality nation, if the children accounting for 30% of the total population professes low, discouraging quality of life. The campaigns are waged through the children's life sustainability program. I devoted my time to this program for 12 years (1985-1997) through *Fatayat* NU organization. *Fatayat* NU is a young women organization in the circle of *Nahdatul Ulema* organization with the majority of membership at the grass-root level. The principal aim of this program was to provide basic health education to community members, especially woman groups at the grass-root level, concerning the importance of fulfilling the children's rights, especially child's health rights. The main and immediate target of this program is young mothers or married women within the fertility (productive) age group.

The implementation of this program in the society was not as easy as it was on paper. Because, talking about health means entailing a wide variety of other issues obtaining in the society, such as: community's nutrition processing, ensured availability of potable water, environmental sanitation, the provision of immunization medication and family planning contraceptive, drugs and devices, the maintenance of health infrastructures and facilities provided by the government, and of no least importance was the issue of family's income.

Not to mention the influence of culture on the life of the society. Any society has its own handed-down values and tradition which oftentimes run counter with the principles of healthcare, such as the widely practiced habit of drinking unboiled water, and the habit of

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<sup>4</sup>Q.S. Al-Mā'idah 5: 48

feeding the under five year old children with the food first chewed by the mothers, the tradition prevailing and widely practiced in West Nusa Tenggara.

In addition, the table manner and is strongly influenced by religion-laden and legitimated patriarchal values. The culture and religious interpretation obtaining in the society indoctrinate that husband is the leader of the family. The man is the master, the boss of the household. As a consequence to this is that woman is no one but a maid, a domestic servant whose place of activity is never away from the kitchen. Therefore, men, fathers, or husbands are usually given the first helping to the meal with certainly larger portion and better quality.

Meanwhile, it is still considered that women (mothers and wives) shall wait for their turns. Because, an ideal wives are those who have and observe great patience waiting for their husbands and never taking the meal before the husbands do. Customarily, they eat after their children do. It is not surprising that what they have is only the leftovers and thereby the food they have as the last diners is of lower quality. Besides, society's poverty has made them deprived of access to clean or potable water and to well-balanced nutritious food. Their religious standpoint also influences their decision to participate in the Family Planning program. Because, according to Islam as evidenced in a number of the Prophet's *hadiths* (traditions) which appeal that married couples should have many children, and a strict prohibition of abortion. To make matters worse, there also goes the culture "*The more children you have, the larger fortunes you will get*".

The success of this program was much attributed to the support and participation taken in by the eminent religious leaders. Through those leading figures, in a gradual but sure step are weeded out cultural values and religious interpretations which were not conducive to community development. Apart from this, we also adopted educative and advocacy approaches using the language and jargon of the religion. Because of this approach was deemed to be able to crash the deep-rooted tradition and gender-biased religious interpretation. Thereafter, in a bid to increase the income of the community, we introduced income-generating program by providing rotating capital to the poor, underprivileged families. With such capital, women especially married ones were expected to be able to undertake economic activities, such as engaging in cookies-making, bags-producing, bridal making-up to increase the family's income. Subsequently, such undertakings were in turn expected to fulfill the need of the entire members of the society for adequate nutrient's and good health.

Of the greatest importance, however, is to convince parents (fathers and mothers) that from Islamic perspective, children are God's divine, message that must be safeguarded and whose survival must be well maintained. Children are entitled to some rights that must be met by parents. Since the parental responsibility to children is very hard, therefore, each family, through the family planning program, must plan the number of children they want to have. In the course of 12 years being engaged in this program, I really discovered and learned so many interesting lessons as follows: It was not easy to convince the society concerning the importance of maintaining children's good health and the need of Family Planning Program. Several factors were presumably accountable for this unfortunate condition, which among others, were the lack of education; cultural values which always regard women as the object of development; and generally a mother is treated as a production machine; and still rampant gender-biased religious standpoints.

The biggest failure of this program was due to the placing women as primary targets. Meanwhile, the decision-makers in a family were generally men not women. The result is that the responsibility to take care children is back to the wives or the children's mothers. The child's father or husband does not view this as his duties. The same unfortunate condition also holds to the Family Planning program. As a result, the acceptors of the Family Planning program were predominantly women. Only few men (less than 1%) were willing to use birth control measures. On the other realm, the efforts to increase the family income poses multifarious burdens on women, and even had a tendency to bring about violence. Women still had to maintain the domestic household tasks while at the same time they had to distribute their time for the pursuit of family's economic betterment. On the other hand, men do not care a damn to the efforts to fulfill children's rights, including maintaining their sustainable lives.

The men generally hold the view that the tasks to take care children all belonged to women or their wives!

In addition, the important thing is a necessity to define the meaning of healthy from the eyes of the community, not from the perspective of the researcher or the program executing people or body. The word *health* as defined and constructed by us was not always identical with the very meaning of the word as perceived by the community. Therefore, before embarking on any development efforts, particularly community development of whatever form and kind, a need of assessment shall be established and constitute the initial step thereof in order that the real need faced by the society can be well-defined.

### **Promotion of women political rights**

To overcome the problem of society's inferiority is offered an approach through the opening of public space, in which society have right to deliver their political vote. Its aim is to re-establish social democracy in the rural. This approach seems to be sufficient and effective rather than to start from the elite level. This is meant to increase capacity building of rural community about organizing government, particularly local government. Capacity of community is a constituent element in the frame-work of generating productive participations towards capacity local government. Without any capacity, the participation will be contra-productive against democracy spirit.

Political education to the villagers, especially women, is one of alternative process of democracy in our country. We hope that through this way they realize that democracy is one of the effective and efficient means for the manifestation of prosperity in each aspects of villagers' life. Political education for the villagers might take the issues about democratic event like voter education.

My experience as a coordinator of *voter education program*, specially established for women voters at the grass-root level on the eve of the 1999 General Election in Indonesia is very relevant to be quoted on this priceless occasion. At that time I was an activist at *Muslimat NU*, a women wing's Organization of Nahdlatul Ulama. This program was undertaken in 16 provinces in the pursuit of promoting woman political engagement, especially at village level where the majority of women live.

The Voter Education program lasted for almost a year, and it was concluded with the following important issues. First, the rural or village is the most numerous local community association found: 70% of the population live in the rural and more than 80% of them are women. Second, even though Indonesia has become an Independent country for more than a half century, generally, women have not been aware of their rights especially political rights. As well, they have not understood what democracy means, and the importance of General Election in building Indonesian future, which is democratic, and establishing a just and prosperous society.

Third, this program has also made us aware of that political education has never been taught properly and systematically for women. The political system of the last New Order had treated political rights of women individually or collectively, in such way, that women experienced remarkable depoliticization.

The depoliticization of women is reflected in the spontaneous questions and expressions cast by participants of voter education such as: In choosing a political party can we disregard parents' views? As a wife, can we choose a political party which is different from that which is chosen by our husbands? Are not we sinful, to choose a party other than the ruling party? In choosing a party in an election, can we disregard opinion of imams or ulama? Is there any significance for women to be involved in politic? Is not politic dirty, cruel, full of hardships so that women should not be active in that sector? Is politic men's domain because only men are entitled to be leaders?

Last but not least, it was appeared from the voter education that there are three women problems with respect to Indonesian politic: the problem of being insufficiently represented in public domain; the commitment of political parties are not yet gender-sensitive so that it can not yet provide enough access for the women interest; and the obstacles generated from bias-gender and bias-patriarchy cultural values and religious interpretation. In addition, people considerations that politic is dirty, cruel resulted in the unwillingness of women to be active in politic. There are not many women interested in politic because the role play in political party in internal policies in parliament has not friendly woman.

## **Building religions for peace in pluralistic community**

Indonesian Muslim community epitomizes a case of exceptional uniqueness. In spite of being designated as the world's largest Muslim community, Indonesia is not an Islamic State. Such condition came up because the founding fathers of this republic -the majority of whom were Muslim- did not choose Islam as the foundation of the state. Rather, they chose *Pancasila* as state philosophical foundation and at the same time as the guideline in establishing the state's political power. Certainly, such a choice was not made without reason nor was an easy thing to do.

Historical record has expressly displayed and born clear witness to the fact that the debate of the founding fathers of Muslim community had torn the group into two severely opposing poles: the nationalists and the Islamists was aggravatingly bitter and tough. The former advocated Pancasila, and the latter wanted Indonesia to be based on the Islamic Ideology. Such heated debate occurred in meetings prior to or in the wake of the Independence Proclamation, especially in the sessions held in the Parliament in the year of 1945.

The choice of Pancasila as the foundation on which the state and nation life is based witnesses the victory of nationalistic Muslims. This fact also proves that since the onset Muslim key figures have put into account the importance of maintaining pluralistic and democratic value in shared life as nation in Indonesia. The choice made was very realistic. There are at least two supporting reasons. First, Indonesia is the home to people of great ethnic diversity, with their respective distinct culture and language, inhabiting thousands of islands in the Nusantara Archipelago, spreading from Sumatera in the western tip to Irian in the most eastern part. Second, since long time ago communities inhabiting the Nusantara Archipelago have been known as religious communities who are willing to accept the arrival of religions originating from outside Nusantara, such as Christian, Islam, Buddhism, and Hinduism. The logical consequence of this inclusiveness and of great tolerance, Indonesian society is highly diversified, adhering to different religions, not only to those aforementioned big religions but also to the hundreds of local religions which are generally beyond public cognizance. The demise of Soeharto after more that three decades in power was followed by unprecedented political freedom, especially for Islamist groups who in the past had been severely restricted in the public sphere. As a result, Islamism flourished in as Muslims were now able to freely express and articulate their ideas in the public domain without fear of reprisals.

There were at least three important implications of the fall of Soeharto and his New Order Regime. **First**, is the establishment of numerous Islamic political parties that adopted Islam as their foundational basis, thus replacing the *Pancasila*. **Second**, is the emergence of Islamist groups throughout the country which considered by many as radical in their actions or ideology (or both), such as the Lasykar Jihad, FPI, Hizbut Tahrir and MMI. **Third**, is the growing demand for the formal implementation of *shari'ah* in some regions of Indonesia. Aceh was the first province to demand the application of *shari'ah*.

The main reason for implementing *Shari'ah* law throughout Indonesia is that *Shari'ah* is the most just law since it was revealed by God. The second reason is the failure of secular system. The past experience with Indonesia's legal system has shown that it has brought nothing less than brutality, a lack of justice, and corruption. The Increase in crime in Indonesia is mainly due to the use of secular law and the only solution to this problem is the implementation of *Syari'ah* law for it creates safety and establishes justice in society. All of this has left Muslim with a desire to see *Shari'ah* law implemented in Indonesia. The other reason is that the failure of communism and capitalism in the world should pave the way for Islamic law to be introduced in Indonesia.<sup>5</sup>

Some of those *Shari'ah law*, structurally and specifically exert some rules of conducts on women. Alas, such regulations are not made in the framework of giving protection and empowerment, but rather more on their marginalization and restriction. The *Shari'ah* law have substantiated woman subordination, restricted women's ways of personal donning; curbing

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<sup>5</sup> See Daud Rasyid, "*Syariah*", Sabili No. 10, Vol. VIII, 1 November 2000, pp. 74-75. See also Agung Pribadi, *Syariat Islam: Mengapa Tidak?* Sabili No. 25, Vol. VIII, 6 June 2001, pp. 30-31.

woman's activities and maneuver; as well as limiting their activities at night. Explicitly, such *Shari'ah* law has deprived, if not robbed women of their basic rights and freedom, rendering them as object of law and even worse, of sex. The *Shari'ah* law which disposed women of their sovereignty and dignity and are highly potential to trigger violence to women must be severely condemned and revised as they run against the honorable basic principles as stipulated in the 1945 Constitution.

A question rises, why does *Shari'ah* law always single women out as the main targets? The answer is not too far to seek. Most of the Islamist leaders still advocate the idea that women are morality-supporting pillars in society. So that, any efforts made to promote morality in the society must begin from women. This notion runs against the very truth of Islamic teachings, which underline that all Muslims whether be male or female, shall become morality-upholding creatures. Isn't it true that the real intention of human beings to adhere to certain religions is to build morality which, in Islam, is designated as *akhlak karimah* (best characters). Logical consequences of these teachings lead to the conclusion that men and women shall side by side become the morality-supporting agents. There won't be any long awaited morality-grounded society ever come into being when only women are charged with and held liable for preserving moral values, as has been going on in the society up to this very minutes.

What also seems to be the problem is that the meaning of morality as construed by the *Shari'ah* law making bodies have been corrupted, deviating from the true sense of the words. Morality is only understood in the narrow sense of the word, only pertaining to norms of proper behavior and decorum and even reduced to merely the issues of female physical appearances. In fact, what must actually be done is that when striving for the promotion of nation's morality, the orientation to be adopted shall be more directed to the following endeavors: eradicating corruption which certainly has put the interests of many people at stake and has brought about acute injustice and grave depravity in the society; eliminating illiteracy, eradicating pandemic disease and doing away with drugs and HIV/Aids, wiping out all forms of pornographies, bringing children and woman trafficking to an end as well as abolishing all kinds of inhuman activities. Does the government uphold morality when it sees such crime go uncared?

Regarding this religion radicalism some solutions that have to be done. First, making critical action towards Islamic interpretations that has an extreme sense by look back to the substantive meaning of Islam. The way can also reveal the covered importance behind the interpretation that has burnt the hostility spirit rather than unity. Second, reconstructing religious tradition that put forward the spirit of non-violence, tolerant though enclosed with critical attitude. Third, the government must able to play its role in giving law protection fairly in the social life of society. Therefore, various religious consciousness and religious expression could enrich social discourse and creativity space besides spreading the beauty enchantment rather than the aroma of hostility and violence. On the other words, the government must not be the part that supports religious politicizing through arousing religion symbols that elicit the grudge and the rising of religious radicalism.

I have been being involved in the endeavors to disseminate issues of freedom to embrace religion or belief since 2000 as one of the founders of ICRP (Indonesian Conference on Religion and Peace). This advocacy institution was initiated from the growing of religion-based radicalism and the desire to formalize Islamic law in Indonesia post reformation era. Meanwhile Indonesian constitution and national laws expressly state that freedom to embrace religion is a fundamental human right (non-derogable). Government guarantees freedom of religion both as human right and civil right for any citizen. This guarantee is also taught by all religions including Islam.

Islam teaches us that human beings are free creatures. One of their freedoms is freedom to embrace religion. This freedom is very important for human due to its potentials to generate happiness and peace. All humans are equal before God, whatever their religion, races, and gender. That is the religious teaching which becomes foundation of the founding fathers of republic when they formulate Pancasila and 1945 Constitution, especially article 29 on freedoms to embrace religion. This political will is actually reflected in Constitution No. 39 Year

1999 on Human Right and in Amendment of Constitution 1945 which strongly demands the necessity to protect human right of all citizens without any discrimination at all, including religion-based discrimination. The importance to comply with human right is also contained in Law number 12 Year 2005 on ratification of International Convention on Civil Right and Politic.

Unfortunately, this ideal and normative teaching has not yet been implemented properly in Muslim community. The obvious evidence thereof was read in the religious instructions of The Council of Indonesian Ulama (MUI) which prohibiting Pluralism, Secularism and liberalism. The Council also condemned Ahmadiyah group, Syiah and other small Islamic groups outside the mainstream. The Council also stipulated the banning of inter-religious marriage between Moslem and non-Moslem; the prohibition of expressing "Happy Christmas" to Christians.

It is very important to note, that in general, Moslem people detest seeing a Muslim convert to other religions. On the other hand, their hearts must be filled with joy and jubilation when the reverse holds true; even they celebrate the event by having a triumphant party. So, a question arises: Why are we angry when a Moslem converts to other religions? On the hand, we welcome with great joy when a non-Moslem changes to Islam. How come that there appears in the mind of religious people an attitude as such! Such attitude is by all measures, similar to that of a trader, who is always desirous of gaining profit and is never willing to loose!

Therefore, education and advocacy-promoting campaigns in bringing into reality a freedom of religion and worship as one of the important pillars in democracy is inevitable. In undertaking this advocacy work, I appealed to the whole pro-democracy elements of the nation, academicians, corporations, religious eminent leaders and men of culture and cultural elite to establish a synergy, hand in hand, shoulder to shoulder, to enforce the rights and freedom of religions choice in this country.

Those were some of the items in the agenda of educative and advocacy efforts in which I have so far been engaging myself with all my heart and soul without fear, in the face of various challenges and threats ranging from the mildest to the gravest type in the form of terror. Because, as I always believe, life is a struggle, a struggle for establishing democracy and satisfying human rights in leading religious, state, and national life. Never do success and progress emerge involuntarily since their births must be delivered, engineered, the things that must be strived for.

As religious follower, as a citizen, as a woman, and as a human being, I must do whatever I can do and give whatever contribution I can make. Of course, these are done for many reasons as follows: the interest and cause of establishing human development; creating a democratic Indonesia; the putting up of humane, and women-friendly Islam; and last but not least for the birth of a civilization which respects humankind and humanity. With however small contributions that I can make and give, there at some point time in the future I will never repent having lived in this mortal world.

### **The important role of Islamic organizations in promoting democracy and justice**

An interesting phenomenon from Muslim religious community in Indonesia is the presence of Muslim progressive or reformist groups. The groups came from the Islamic organizations, such as NU and Muhammadiyah. From NU they are Lakspesdam NU, Jaringan Islam Liberal (JIL). Meanwhile from Muhammadiyah, they are known as Jaringan Intelektual Muda Muhammadiyah (JIMM). Besides that, there are many NGOs who voice the importance of democracy, Human Right and peace on behalf of Islam such as LSIK, LSAF, LKIS, LP3S, Paramadina, Fahmina, LKAJ, and Desantara. The most prestigious thing that Progressive Islamic Group have done are the effort of reinterpreting religion teachings, despite the fact that the attempt of this group have often got many oppositions and resistances from traditional groups or the groups who maintain conservative Islamic values who are not accommodative to the reality of pluralism and modernity of Indonesia.

The contributions of Indonesian Islamic organizations in establishing peace are not limited in discourses, but also implemented in concrete activities. Such activities are usually carried out by activists and Muslim Intellectuals working in NGO, both labeled with Islam or not, such as

Indonesian Conference for Religion and Peace (ICRP), The Wahid Institute, The Ma'arif Institute, The Institute of Islamic and People Study, Freedom Institute. Their activities are providing encouragement and advocacy to the minority and needy subjected to discrimination, oppression committed on behalf of religion. ICRP group for example provides legal aid and flanking to Christian community whose church are burnt, Eden community which is alleged to deviate, Yusman Roy which is alleged of insulting Islam, Ahmadiyah community which is alleged of infidelity, and the adherents of indigenous religion who are alleged of nonbeliever.

ICRP also demands that the government eliminate all regulations and public policies which are discriminative, causing the ignorance of civil rights of people as a citizen, and causing the snatching of human rights of the people. Muslim prominent figures grouping in ICRP always promote obedience with civil rights of all citizens and obedience of human rights without taking account of religion, ethnic, nationality, gender differences. Therefore religion indeed becomes source of peace.

Besides, the endeavors to establish democracy in the perspective of gender equality are put as priority to carry out by Indonesian Muslim women. They are among others, associated in Islamic Women organizations and NGO's, such as Fatayat NU, Muslimat NU, Rahima, Puan Amal Hayati and Nasyiatul Aisyiyah. These organizations are actively carried out training and advocacy for people, especially women. These institutes also train their cadres to born women activist and thinkers who are progressive, inclusive and highlighted. There are also numbers of Muslim women activists and intellectuals who are actively voicing democracy and gender equality in bureaucratic state institution and parliaments.

At the same time, there are also Muslim Women lawyers who are active in foundations providing legal aid such as LBH APIK, KPI, Mitra Perempuan. They are actively carrying out advocacy and flanking to women and various religion subjected to discriminations, exploitations and harassments, including harassment on behalf of religion.

Among the important contribution of the Indonesian Muslim women have got in line with their efforts of establishing democracy, human dignity, and gender equality in the Indonesian society is a proposal of an amendment of marriage law. In 2004, the women's group had proposed a bill of amendment to the Compilation of Islamic Law well known as the Counter Legal Draft (CLD) of the Compilation.

The Compilation of Islamic Law was promulgated in 1991 as a guide for Indonesia's Islamic Courts in 1991. It consists of three codes: a code of marriage (*nikah*), a code of inheritance (*waris*), and a code of charitable foundation rules (*waqaf*). When Soeharto took control the government in 1965, Soeharto not only took control the government but also the freedom of people movement as well. Most of professional and religious-cultural organization stay under government ruling, such as labor organization, medical-doctors organizations, business organizations, and of course Islamic organizations in order to control Muslim people to behave and practices rules of law under government guidance.

A number of researches have come to a unanimous conclusion that the Compilation contains in it serious defects and problems. Among others, some of its articles contradict the national legal products, such as Law Number 7 of 1984 on the Elimination of All Forms of Discriminations against Women, Law on Children Rights, Law Number 39 of 1991 on Human Rights, and even the amended Constitution of 1945. The Compilation also runs against the Law Number 22 of 1999 on Regional Government Administration, which underscores the principles of decentralization which is characterized by public participation without differentiating man and woman, and Law Number 23 of 2004 on the Abolition of Violence against Women in the Domestic Domains.

The Marriage Law in the Compilation is regarded as one of the factors which have triggered various social problems such as domestic violence, as well as imbalance and inequality in the relationship between man and woman, especially that which occurs in the domestic life.<sup>6</sup> There

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<sup>6</sup>On the need of revising UUP see generally Khoiruddin Nasution, *Status Wanita di Asia Tenggara*, Leiden-Jakarta, 2002; Yayuk Afianah, *Pola Penyelesaian Hukum Tindak Kekerasan Dalam Rumah Tangga*, (Tesis Magister), IAIN Jakarta, 2003; Iskandar Ritonga, *Hak-Hak Wanita Dalam Putusan-Putusan Peradilan Agama DKI Jakarta 1990-1995*, (Disertasi Doktor) IAIN Jakarta, 2003; Widyasari, *Meninjau Undang-Undang Perkawinan NO. 1 Tahun 1974, Dalam Perspektif Feminisme dan Hukum Islam*, (Tesis Magister), IAIN Jakarta, 2004; dan Leli Nurrohmah, *Pengalaman Perempuan Dalam Menjalani Perkawinan Poligami*, (Tesis Magister) Kajian Wanita UI Jakarta, 2003.



are five crucial issues with Marriage Law that are: the definition of marriage, minimum marriage age, polygamous marriage, position and rights of husband and wife. Meanwhile, the CLD was drafted by a committee of Islamic legal scholars led by the author in her capacity as Special Assistance to the Minister of Religious Affairs of the Republic of Indonesia. It was prepared under the authority of the Minister of Religious Affairs with the intention of submitting the draft for consideration by the legislature. Although the proposal was withdrawn from formal consideration before it was acted upon, the preparation of the code was more than simply an academic exercise. The release of the code should be understood as a contribution and invitation to the ongoing quest to discover the true meaning of Islamic family law for contemporary Indonesian Muslims.

The CLD puts forward a number of novel interpretations of Islamic law of marriage and divorce. The proposed changes, however, are greater than the sum of the parts. Taken together the proposals contained in the CLD reflect a fundamentally different conception of marriage and the rights of men and women within marriage than that embodied in the Compilation.

The progressive Muslim women persisted that one of the highest and most important principles in Islam is the equality of all people, especially the equality of men and women. Islam looks to all people as members of humanity, distinguished only by their relationship to Allah.<sup>7</sup> Islam stressed the importance of equality among people, regardless of their race, class or gender. Muslim scholars agreed that all instructions in the Qur'an are directed to all believers: women and men. This includes religious duties, rights, and rites. So, there is no distinction among men and women in religious orders, values and principles.

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<sup>7</sup> See al-Hujurat, 13 and al Israa, 70)