FATWA AND POLITICAL INTEREST:
Understanding the Fatwa of Dewan Syari'ah Pusat of PKS on Islamic Political Party

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Abstrak

Dewan Syari'ah Pusat, atau DSP, Partai Keadilan Sejahtera merupakan sebuah institusi fatwa yang relatif baru, dan satu-satunya institusi fatwa di Indonesia yang didirikan dalam tubuh sebuah partai politik, yang fatwa-fatwanya bersifat mengikat bagi para anggota partai. Dengan menganalisa fatwa DSP tentang partai politik Islam, artikel ini bertujuan untuk mengurai hubungan antara 'ulama dan politik dalam perkembangan mutakhir Islam keindonesiaan. Artikel ini berusaha untuk mendeskripsikan karakteristik DSP beserta fatwa-fatwanya, dan berusaha mengurai konteks sosial politik dari fatwa tentang partai politik Islam yang dikeluarkan oleh DSP. Analisa artikel ini menunjukkan bahwa DSP berfungsi sebagai image builder partai, dan sampai batas tertentu, bersamaan dengan pencitraan "koneksi Timur Tengah" dalam tubuh institusi DSP, memberikan legislasi Islami bagi eksistensi partai, terutama dalam hal kebijakan dan platform strategis partai. Selain itu, pengeluaran fatwa DSP tentang partai Islam tidak bisa dilepaskan dari keadaan sosial politik Islam keindonesiaan dan karena itu menjadi representasi hubungan antara Islam dan politik di Indonesia.

Dewan Syariah Pusat (DSP), Partai Keadilan Sejahtera's new council of syari'ah, is the only fatwa institution in Indonesia which is held by a political party, and its fatwas bind all members of the party. Analysing the DSP's fatwas on political party in Islam, this article intends to describe the relationship between ulama and politics in the latest development of Islam in Indonesia. This article also explains the characteristics of DSP and its fatwas, while trying to analyse the sociopolitical context of DSP's fatwas on political party. The result shows that

DSP functions as the image builder for the party, and to an extent, together with the image of "connectivity with Middle East" in the institution, DSP also gives the islamic legislation to the existence of the party, mainly on the party's policies and platforms. Moreover, the fatwas on political party that were formulated by DSP are in fact inseparable from the sociopolitical condition of Islam in Indonesia and thus, becomes the representation of the relation between Islam and politics in Indonesia.

Kata kunci: fatwa, DSP-PKS, politik

Introduction

The demand of *fatwas* on political issues has been practiced for a long time by Indonesian Muslims. Kaptein's study on *Kitab Muhimmat al Nafa'is fi Bayan As'ilat al Hadits* indicates that at the end of the nineteenth century, Indonesian Muslims asked the Meccan *'ulama* for certain *fatwas*, some of which were of political issues. In the independence time, Indonesian *'ulama* did issue certain *fatwas* which were political, such as a *fatwa* waging a *jihad* to the Dutch army, and a *fatwa* supporting the Sukarno's government, both were issued by the *Nahdlatul 'ulama* (NU) (Ahyad, 1998: 57). Later on, the establishment of the *Majelis 'Ulama Indonesia* (MUI) by Suharto which issued more political fatwas has made the relationship between Indonesian *'ulama* and politics become more significant (Hooker, 2003: 228). The MUI's product of *tausiyyahs* on the 1999 General Election launched several days before the election held could not be more political (Ikhwan, 2005: 45-72). The fact that the Indonesian muslims ask ulama opinions on politics correlates with the duty of ulama as the heirs of the prophet inherits not only religious but also political authority since Muhammad was both a religious and a political leader. As explained by Qasim Zaman, the role of 21st century *'ulama* in politics is going to be stronger than before, especially in relation to the implementation of Islamic law (Zaman, 2002: 188).

In recent Indonesian context, the fatwa of the *Dewan Syari'ah Pusat* of *the Partai Keadilan Sejahtera* (the Central *Syari'ah* Council for the Justice and Prosperous Party)* on political party is one of the latest examples of the increasingly strong relationship between *'ulama* and politics. Unfortunately, studies on *fatwas* of the DSP are still scanty. Even, Mr. Hendri Purnomo, a secretariat officer of the PKS, told the writer that there has not been any single research on the DSP conducted by any scholars so far. That the DSP, established in 1998, is a new *fatwa* giving institution and accordingly still far less popular

among Indonesian Muslim community than other *fatwas* giving institutions, such as the MUI, the *Nahdlatul 'Ulama* (NU) or the *Muhammadiyah*, provides enough reason for many scholars to pay less interest in conducting researches on the former than on the later.

However, the DSP is a new phenomenon in Indonesian politics. Structurally attached to the PKS, an Islamic political party which surprisingly escalated its general election votes from 1.36% in 1999 to 7.34% in 2004, the institution functions as a religious control and reference for the party and its cadres (Muhtadi, 2009: 78). In addition, it is perhaps the only institution whose *fatwa* is binding for its party's cadres. Furthermore, having a highly equal position with the consultative assembly of the party, the DSP has such a strong position within the structure of the party that significantly influences the party's platform and strategy development.

Therefore, realizing the strong position of the DSP within the party, along with the binding status of its *fatwas*, this paper aims at investigating the socio-political context of a fatwa issued by this institution, and accordingly focuses on the DSP's *fatwa* on Islamic political party. Such a research is hoped to be able to shed light on the relation between fatwa and political interest, and to unpack the recent and future relation between *'ulama* and politics in Indonesian Islam.

The PKS, the DSP and their Fatwas

Declared on April 20th, 2002, the PKS is actually a continuation of *Partai Keadilan* (PK) which was founded on July 20th, 1998 (Anggaran, no year: 12). On the 1999 general election the party only gained 1. 4 % of the votes and failed in the electoral threshold which led the party to change its name to *Partai Keadilan Sejahtera*. The newly renamed party has amazed Indonesian people by winning 7.3 % of the votes in the 2004 general election. This has improved the party's confidence to expect gaining 20 % of the votes on the next 2009 general election (Zaidi, 2007: 104).

The PKS, basing its principle on Islam (Anggaran, no year: 12), originates from the University Students' Body for Islamic Proselytism or LDK (*Lembaga Dakwah Kampus*) which has highly mushroomed since 1980's, and was inspired by the Iranian revolution (Fahmi, 2006: 86). These student activists, most of whom were educated in secular state universities, were intensively concentrated in what so called a *tarbiyah* movement. Their main agenda, inspired by the awakening of Islamic brotherhood of Hasan al Banna in Egypt, was propagating

Islamic teachings and values to the individuals and groups.

The supporters' background has built the characters of the party. Its cadres are mostly secularly educated individuals coming from middle class and urban area. They are also strongly organized, having good networks, militant and loyal to the party. In addition, this supporters' background indicates that as a *da'wah* movement, said Nur Mahmudi Ismail, 'the party is more experienced and far long established' (Sekilas, 1988: xi). Therefore, the party states itself not only as an Islamic political party but also as an Islamic *da'wah* party (Kebijakan, 2002: 18-20).

It is worth mentioning that most of the structurally strategic positions of the PKS were hired by individuals educated in Middle Eastern Islamic Universities. Hidayat Nur Wahid for instance, the second president of the party was trained in Medina University. Surahman Hidayat, the member of *Majelis Syuro*, got his master and doctoral degree in *Al Azhar* University. It seems that the PKS wants to identify itself as a product of *ijtihad* resulted by a board of authoritatively Middle-eastern-educated *'ulama* (Amir, 2003: 92-3).

Cees Van Dijk argues that PKS is practical. One of its practical characters lies in its point of view on Islamic law. Having stigmatized as an Islamic fundamentalist party, PKS tried to view Islamic law from different viewpoint. Instead of insisting the re-attachment of Jakarta charter's nine withdrawn words, for instance, the party simply says that the implementation of Islamic law correlates with the agenda of democratization in Indonesia. They say, as concluded by Van Dijk, that 'the realization of Islamic legal system is a gradual process, in which in the course of time citizens freely and fully convinced will accept a further *Islamization* in the field of law' (Dijk, 2004: 11-13; Kebijakan, 2002: 58).

Having these backgrounds of the party in our mind, the establishment of the DPS is an inevitable fact. As an Islamic *da'wah* party, the PKS has to set its characters as Islamic as possible. It also needs Islamic authoritative power to support its platforms and strategies. The DSP, as this paper will show, plays significant roles in fulfilling this need.

The DSP is a new phenomenon in the history of *fatwa* giving institution in Indonesia. It is the only recent Indonesian *fatwa* institution which was established structurally in a political party. Founded in 1998, the DSP is an integrated body of the PKS.

Before officially established as a part of the party, the DSP was a public *syari'ah* institutuion, named *Lembaga Kajian Fiqh Al Khairat* (Al Kairaat Fiqh

Studies), under the structural body of *Miftahul Khairat* Foundation whose leader was *Ustadz* Salim Segaf Al Jufri. Later, by the establishment of the PK in 1998, LKFA was fused to the party and was renamed *Dewan Syari'ah Pusat*, and *Ustadz* Salim was also appointed as the first leader of the the DSP (Kurniawan, 2009: 77). Therefore, based on this historical fact, it can be said that the establishment of the DSP significantly related to the political goals of the party.

The significance of the DSP for the party can be seen from some aspects. First, it has strong position within the structural board of the party. Along with *Majelis Pertimbangan Pusat* (Centre Consultative Assembly) and *Dewan Pengurus Pusat* (Centre Executive Assembly), the DSP is lower than *Majelis Syuro* but the highest institution within the structural board of the party (Anggaran, No year: 14). Therefore, it significantly influences the decisions and polices made by the party. However, the DSP should always be under the control and at the same time, responsible to *Majelis Syuro.* This in turn results to control every single statement produced by the DSP. In other words, the voice of the DSP is driven by *Majelis Syuro*. This typology of structural organization in turn benefits the party in controlling its vision and mission as an Islamic political *da'wah* movement.

Second, the DSP functions as a judicative body for the party's programmes and agendas. Its main duties are to control the regulation of the party based on Islamic values, and to give Islamic legalization to every single decision made by the party. This function is directed to 'strategically generate positive impacts to the cadres' (Kurniawan, 2009: 89). According to the party's vision statement, the DSP plays eight major roles: (1) a *fatwa* institution, (2) a *qada* institution, (3) an appealing institution (lembaga banding), (4) a controlling institution of the implementation of the *syari'ah* inside the party, (5) a representative institution of the party's view and attitude of the *syari'ah*, (6) an arbitrator institution, (7) a *syari'ah* training and education institution, and (8) an executive institution of special tasks decided by *Majelis Syuro* (Anggaran, No year: 46; Fungsi, www.dsp-pks.org). Based on those rules, the DSP's duty is to control every single activity done by the party and its cadres in order to make them become Islamic. It means that the DSP plays as the image builder of the PKS as an Islamic *da'wah* party.

In order to play those roles effectively, the DSP constitutes restricted circumstances which should be fullfilled by its leader and members. They should be a member of *Majelis Syuro* of the party to become a member of *Majelis Syuro*

of the DSP, one should have been an "anggota ahli" (expert member) of the party for more than five years (Anggaran, No year: 33). They should also have a good understanding in Islamic sciences, such as *tafsir, hadits* and *fiqh*, along with the knowledge of Indonesian constitution and law. Not to mention, they should be '*adl* (just), *amanah* (reliable) and wise people (Kurniawan, 2009).

Interestingly, most of the members of the DSP have a similar educational background. Most of them majored at Islamic sciences, and trained in Middle Eastern universities, such as Al Azhar University and the University of Madina, otherwise they studied in local Islamic institutions which have a Middle Eastern connection, such as LIPIA Jakarta (*Lembaga Ilmu Pengetahuan Islam dan Arab*, or Institution of Islamic and Arabic Sciences). The example is Salim Segaf al Jufri, an Indonesian born Arab, who trained in the University of Madina. He was the leader of the DSP for the period of 2000-2005 and became an Indonesian ambassador for the Kingdom of Saudi Arabia. He took his Bachelor's, Master's and Doctoral degree in *Syari'ah* Faculty of Medina University. Besides, Surahman Hidayat, the successor of Salim Segaf al Jufri, got his Master's and doctoral degree in *Syari'ah* Faculty of Al Azhar University. Bukhori Yusuf, the secretary, is just the same as the two. Majored in *Hadits* sciences, he was trained in Medina and Pakistan. Obviously, along with the knowledge on fiqh or *Syari'ah* science, the Middle Eastern educational background is likely directed to support the authoritative value of the institution and the *fatwas* the institution releases.

Their attachment to the DSP can also be seen as an effort to build and maintain their networks as the alumni of Middle Eastern Universities. If it is true, there seems to be a contestation between this group of '*ulama* and other groups who were trained in Indonesian Islamic traditional education (*pesantren*) such as those attached to the NU or *Muhammadiyah*. In addition, this Middle Eastern authoritative value will reduce the image of the PKS as the party for urban Muslims educated in secular universities.

The *fatwas* of the DSP, issued collectively by the member of the DSP are products of collective *ijtihad*. Hosen (2004: 6) said that a collective *ijtihad* is a smart solution to the complicated problem arising within the community living in a modern time. In other words, it gives an alternative solution to the problem of religious authority which becomes fragmented in the changing era of modernity.

One of the most unique characters of the DSP concerns with the binding status of its *fatwa*. This binding status is worth noticing since it is

the only *fatwa* in Indonesia which binds its member. Further, Masud (1996: 18) said that the nature of the fatwa is not binding. Therefore, regardless to the real practice of its binding status, it seems that the DSP tries to use its *fatwas*, which should be in line with the guidelines of the party policies and do not contradict with the vision and mission of the party, as an effective way to control the attitude of the party's members.

As a matter of reality, the DSP does not only issue a *fatwa* but also other products of religious advices, such as *qada* (decision), *syari'ah* opinion, *bayanat* (explanation) , *tausiyyah* (advice), *tazkirah* (reminder) and recommendation. In addition, the DSP also produces a guidance of fiqh (*ittijah* fiqh), a set of *fiqh* rules which functions as a reference both for the DSP in producing its *syari'ah* products and for the PKS's cadres in deciding their attitudes toward *fiqh* problems (Ittijah, http://www.dsp-pks.org/ittijah.php). However, among those products, only *fatwa* which binds the members of PKS. The other products, functioning as religious references to the cadres in deciding their religious attitudes, are not binding (Kurniawan, 2009: 47).

Another character of the DSP's *fatwas* lies in its technical method. In issuing a certain *fatwa*, the DSP uses various methodologies of Islamic law. It bases its *fatwas* on four basic sources of Islamic law which are generally agreed by most of the *'ulama*; the Koran, the *sunnah*, *ijma'* and *qiyas*. In addition, the *fatwa* also implements other disputed methodologies of *usul fiqh*, such as *istihsan, maslahah mursalah, sadd al zarai', and 'urf*. However, the DSP does not restrict itself to use a single book of *fiqh* as a reference. Instead, the DSP uses a combination of classical *fiqh* books which originate not only from a single *Fiqh* School but from four *Fiqh* Schools of Hanafi (*Badai' As Sana'i, Ad Dur al Mukhtar*), Maliki (*Bidayh al Mujtahid*), Shafi'i (*Al Umm, al Majmu', Al Hawi al Kabir, Kifayah al Akhyar*) and Hanbali (*Al Mugni* and *As Al Kabir*) (Shalih, 2006: x-xi).

Given those characteristics above, the position of the DSP is very strong within the body of the party. The institution which is funded by the party, therefore, significantly influences the attitude of the party and its cadres. Moreover, the characters of the party's cadre, who are Middle Eastern educated people, are likely loyal to the party's rules.

The Issuance of the Fatwa

The question of the *fatwa* was initially asked by an unidentified person, called Abdullah from Jakarta. He based his question on the fact that there

was a heated dispute among Islamic groups on political party which some of those groups regard the political party as a creation or *bid'ah* in Islam since it was never practiced in the era of the Prophet.

The answer to the *fatwa* question was first circulated by the DSP only within the limited cadres of the party before the general election 2004. Later, in 2005, the *fatwa* was reprinted in a book form entitled *Fatwa-fatwa Dewan Syari'ah Partai Keadilan Sejahtera* and was released to the public on April 2006. The *fatwa* was published on the internet as well, at the official website of the DSP. Interestingly, the *fatwa* was also released in syariahonline.com, an official website for *Syari'ah* Consulting Center, which most of its members were also prominient members within the structure of the DSP, such as Ustadz Jazuli and Ustadz Azhami. However, in fact, there is no structural relationship between the two institutions (Tentang, http://www.syariahonline.com; Kurniawan, 2009: 67).

Begun by stating such dispute on political party among Islamic groups, the arguments of the *fatwa* are very elaborative. Its explanation is long and assuring. Quoting a verse of the Koran (Q. 2: 208) which states that Islam is a perfect religion covering both aspects of religion and state, the *fatwa* argues that Islam does take care of non-religious matters including politics. To give additional argument supporting this notion, the *fatwa* cites Al Mawardi's *al Ahkam al Sultaniyyah* stating that the main duty of leader in Islam is to maintain religious matters and govern earthly matters with religious rulers.

Furthermore, the *fatwa* quotes some evidence from *Koranic* narrative stories which prove the practice of political affairs by Islamic prophets such as the story of Ibrahim and Namrud. The *fatwa* also cites a verse from the Koran which states that the victory always goes to the one who fights for the truth (Q. 9:32).

Having presented some supporting arguments from the Koran, the *fatwa* then cites some arguments originating from classical *Fiqh* books. Interestingly, the *fatwa* does not only cite from one *Fiqh* School but also from various schools. After citing al Bujairimis's opinion on politics which belongs to Shafi'i school, the *fatwa* quotes Ibnu al Qayyim's argument which belongs to Hanbali School. The use of arguments from various *Fiqh* Schools correlates with the *ittijah fiqh* issued on the internet by the DSP. It states that the modern *'ulamas* cannot separate themselves from the classic *'ulama* since modern *'ulamas'* argument are the continuation of their predecessors (Ittijah, http://www.dsp-pks.org/ittijah.php).

In addition, the *fatwa* argues that every Muslim should take part in *da'wah* activities because conveying the truth to the corrupt leader is one of the most eminent *jihads*. In this regard, the *fatwa* then uses an analogical argumentation to explain the media by which   Muslims participate in a *da'wah* activity. In modern era, said the *fatwa*, the use of institution or organization is very important in order to succeed the goals of the *da'wah*. Schools, *pesantrens*, social foundations and mass media, the *fatwa* claims, are formal institutions which are successfully used by modern Muslims to propagate Islam. They are not *bid'ah* even though they have never been practiced by the Prophet, since they are only a medium of *da'wah*. Moreover, the *fatwa* continues to argue that it is in the modern era that many tools and methodologies of *da'wah* should be invented in regard to the change of time, as long as those inventions do not contradict the Islamic principles and values.

Politics, therefore, said the *fatwa*, is just the same as schools and *pesantrens*. It is merely a tool of *da'wah* which is highly recomended to invent in the era of modernity, along with the system of democracy. Because through politics, the *fatwa* claims, Muslims are able to speak out Islamic voices in the parliament, consultative and judicative assembly.

However, it is worh noticing that the *fatwa* does not cite the arguments from the Koran and the Sunna completely. It only quotes them in paraphrasing. For instance, instead of citing the *hadits* relating to the advantage of *jihad* to the tyrannical leader in its complete redaction which was transmitted by Ibn Majah, the *fatwa* cites it in a paraphrased sentence (Majah, no year: 486). Finally, the *fatwa* ends up with a quotation from the Koran (Q. 5: 54-56) which states that there is only one *hizb Allah* (Allah's party), in which Muslims should be loyal to it.

Islamic Political Party in Indonesia: A Contextualization of the Fatwa

Since the early of the 1900's, Islamic expression has been voiced through political parties. Established in 1912, *Sarekat Islam* or SI was regarded as the first Islamic political party (Amir, 2003: 25). After the independence, *Masyumi* emerged as the strongest and the only Islamic political party before it weakened when PSII (*Partai Syarekat Islam Indonesia*) in 1947 and NU in 1952 withdrew from its membership, and finally was banned by the Sukarno's government due to its refusal of the regime's ideology of *NASAKOM* (nationalist, religion and communist) (Romli, 2006: 35-7; Noer, 1987: 44-97).

The New Order administration seemed like a nightmare for Islamic

political party. The regime, promoting of personal piety and opposing to the politicization of religion, prevented the reestablishment of Masyumi, and in 1973, fused the existing Islamic parties into a party called Partai Persatuan Pembangunan (PPP) which in 1977 was forced to put off its *ka'bah* symbol. Furthermore, in 1984, Suharto forced all political parties to use *Pancasila* as the sole foundation of the party (Liddle, 1996: 620-1).

This affected to the changing strategy in Islamic politics. For many Muslims, political party was not such an effective way to express Islamic voices that other ways of Islamic expressions were sought. NU for instance, declared what so called '*Kembali ke-Khittah* 1926' (back to basic principle of 1926) in 1984, meaning that NU shall not participate in political practices, instead it will focus on socio religious movement. This change constituted a new approach in expressing Islam called a cultural approach by which 'Islam emerges in many sectors of life as a source of value and ethics (Romli, 2006: 85).

However, the reformation era has opened up freedom of expression so that more Islamic parties have been built. There were 17 Islamic political parties, whose ideologies are Islam or that announced themselves as an Islamic political party, participating in the 1999 general election (Mashad, 2008: 140-5). These parties were not only competing with each other to succeed in the election but also competing with other secular parties and other non-Islamic based parties whose basis supporters are Muslims.

The emergence of Islamic-based political party has generated a heated debate on political expression of Islam. This debate is mainly triggered by three factors: first, the diverse interpretation of the Koran and the *Sunna* about the relation between Islam and state, second, the heterogeneous fact of Indonesian religious background, and third, the traumatic failure of Islamic politics in the Indonesian political history.

The groups refusing the establishment of Islamic-based political party argue that Islamic political party is an impoverishment of religion and it will only disintegrate the unity of Indonesian Muslims (Kuntowijoyo, 1998: 4). Severely attacking the establishment of Islamic party by popularizing the slogan of "Islam yes, Islamic party no" (Pamuntjak, 2000), they insisted that since there was no Islamic state nor it was practiced by the prophet, 'Indonesia is now very comfortable with their own idea of the relationship between state and religion based on Pancasila as the common platform...' (Madjid, 2003: 65) In addition, they said that Islam and politics should be separated in term that the legalizing Islamic law is far less important than the implementation

of Islamic values. This group manifests in parties established by *'ulama,* but basing their political ideology not on Islam, instead on Pancasila, such as *Partai Kebangkitan Bangsa* (PKB) and *Partai Amanat Nasional* (PAN).

Mainly arguing that political Islam was implemented by the prophet, the supporting groups obviously want to bring back Indonesia's life to its Islamic structure which was devastated after the secularization influenced by the Dutch secular education spread in Indonesia (Noer, 2000: 14-5). They also argued that Indonesian Muslims are now far stronger than they were in the era of the 1950s – 1990s which in turn said that Islamic political party is inevitable need for Indonesia as the locomotive of Muslims' aspiration (Jamhari, 1999: 181-186).

On the basis of this context, the DSP issued its fatwa on political party. Subsequently for some extent it could be concluded that the fatwa has supported the party's position in the upcoming general election. It is indicative from the platform of the party as it has been discussed above, and from the fact that, among other reasons, the fatwa was codified and printed in a book.

However, the result of the 1999 general election evidently shows the failure of the Islamic parties. Among 17 parties, 52 % failed to get even a single chair in the parliament, four parties gained one chair, *Partai Nahdlatul Ummah* and *PK* got 5 and 7 chairs for each party, and only the PPP with 58 chairs and *Partai Bulan Bintang* with 13 chairs that passed the electoral threshold. The rest 15 Islamic political party failed to participate in the next 2004 general election (Romli, 2006: 141-2). While the PKB and the PAN, having culturally basis supporters, gained more votes. Getting 12.60 %, the PKB booked 51 chairs in the parliament, and the PAN, with 7.11 % deserved 37 chairs (Mashad, 2008: 152). However the aforementioned, Nurcholis Majid's thought and the like were blamed as one of the factors causing this failure (Urbaningrum, 1999: 62).

The failure of some Islamic political parties affected their number in the 2004 general election. There were only five Islamic political parties following the election; the PPP, the PKS, *Partai Bintang Reformasi* (a friction of PPP), the PBB and *Partai Nahdlatul Ummah Indonesia.* Among the five, only the PKS which successfully gained an increasing number of votes. The party incredibly escalated its votes from 1.4 % in 1999 to 7.34 % in 2004.

The success gained by the PKS was generated by many factors. Baswedan (2004: 690), after analyzing the 1999 general election, argues that the success of the 2004 general election were affected by four factors: (1) the greater electorate's

acquaintance with new Islam-friendly parties, (2) the adoption of staggered, not overlapping, elections, (3) the increasing party's attention to local issues, and (4) the diminishing popularity of the classical Islamist's agenda.

In addition, Baswedan said that the increase of PKS' votes were caused by the fact that other Islamic parties' votes, such as PAN and PBB, turned to support PKS. Baswedan's opinion correlates with the polls conducted by LP3ES which resulted that the increase of PKS' votes were imported from other Muslims voters excluding PKB. There were 16 % of PAN and PPP's the 1999 voters for the 1999 general election moved to PKS. This indicates that the increase of PKS' votes was generated by the decrease of other Islamic parties' votes (Muhtadi, 2009: 78).

However, the familiarity factor should be noted. Based on 2002 PPIM survey, the familiarity with the party was the most important factor influencing the success of the 1999 general election. The survey found that 81 % of voters cast their votes based on familiarity with a party. Of those respondents, 47 % said they voted based on party recognition, 17 % voted for religious affiliation. Only 11 % actually cast their vote based on the party's platform and agenda (Baswedan, 2004: 682). The familiarity to the party still became the major factor affecting to the votes in 2004 general election. According to Mujani and Liddle, party identity and leadership are the most important determinants of the vote for parties in the 2004 legislative elections. They also found that religious, political economy, sociological and demographic factors were less significant than the two in determining the votes (Mujani and Liddle, 2006).

Furthermore, *Lembaga Survei Indonesia* (LSI) said that the votes gained by the PKS were generated by the party's programme. The majority of the PKS' voters cast their ballots for the PKS because of its programs (53 %) not of Islamic party (18 %), family (4 %) and other (7 %) (Romli, 2006: 148). It indicates that familiarity and the party's program, not solely the fatwa, were the main factors succeeding the PKS in the 2004 general election.

Conclusion

I have presented the *fatwa* on Political party in Islam issued by the the DSP, along with the data related. The findings argue that the DSP is established to islamically legalize the existence of the party and to color the strategies and the platform of the party as the Islamic *da'wah* party. In addition, the DSP is a trajectory of Middle Eastern religious authority. This Middle Eastern

connection is used as a source of religious authority and a symbol of the contesting authority between the alumni of Middle Eastern institution and the traditionally educated Indonesian *'ulama*. Other findings indicate that the *fatwa* reflects the socio-political condition of Indonesian history. It highly relates to the political agenda of the party. Issued before the 2004 general election and reprinted in a book in 2005 and released to public in 2006, this *fatwa* binds its cadres to support the political interest of the party, along with the party's effort to guard its image as an Islamic *da'wah* party.

The *fatwa* seems to be effectively working only to the cadres of the PKS since they are characteristically loyal and militant to the party. For non-cadres, the *fatwa* is less effective since it is not binding. In addition, the the DSP is still less popular than other *fatwas* giving institutions in Indonesia. The political image of the institution also affects the reception of the *fatwa* to the non-cadres. It can be seen from the fact that the increasing votes gained by the PKS in the 2004 general election were generated not from a *fatwa* or other religious aspects, but from the decrease of other Islamic parties which coincided with the successful effort of its cadres to propagate and familiarize the good image of the party.

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