

The rise of shari'a by-laws in Indonesian districts

An indication for changing patterns of power accumulation and political corruption

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Abstract: A rising number of districts in Indonesia have adopted shari'a by-laws in recent years. This article shows that this development has to be situated in the context of institutional change. Shari'a by-laws allow regents to open up new revenue streams. These revenues are then used to consolidate political power.

Keywords: democratization; decentralization; elections; political corruption; *zakat*; Islam; Indonesia

In recent years, a growing number of district governments in Indonesia (that is, below the provincial level) have adopted shari'a by-laws.¹ Proponents of such by-laws² argue that they are needed to tackle the many problems Indonesian districts face. Preventing ills such as gambling,

¹ The most recent studies on shari'a by-laws in Indonesia paint a somewhat contradictory picture. While a World Bank study reports a steady increase in shari'a by-laws since the trend started in 2001 after the adoption of Regional Governance Law No 22/1999 the same year (World Bank, 2007), the Asia Foundation reports a dramatic decline in the adoption of new shari'a by-laws since the peak year of 2003. In 2007, not a single shari'a by-law was adopted in the entire archipelago, according to the study, which is based on various data sources (Bush, 2007, p 2). However, as many districts do not report their new by-laws to central government, the databases used in the Asia Foundation study most likely underreport the actual number of by-laws adopted, including shari'a-inspired local regulations. During a research trip to South Sulawesi province in November 2007, the author found a new shari'a-inspired by-law recently adopted by the provincial parliament. Additionally, two shari'a by-laws are waiting to be ratified by district assemblies in 2008.

² Although the first Regional Governance Law (No 22/1999) placed religious affairs under the authority of central government, regents were given the authority to issue by-laws on other matters. This legal loophole allows district governments to adopt shari'a by-laws. Shari'a by-laws are thus often called *perda shari'a Islam*, which translates as 'Islamic regional regulation'.

prostitution or the consumption of alcohol, shari'a by-laws should curb crime at the local level. Opponents of such by-laws have accused the shari'a movement of pursuing symbolist politics that fail to address the real problems of Indonesian districts. Shari'a by-laws, these critics argue, are adopted by political elites, simply 'to overcome serious legitimacy problems, particularly given increasing public identification of the local political class with corruption and unethical rent-seeking' (McGibbon, 2006, p 334).

This article suggests a somewhat different view of the phenomenon. The increasing number of Indonesian district governments that have adopted shari'a-motivated regulations in recent years is not just an indication of a conservative movement within the Indonesian Muslim community; nor can the development be simply reduced to symbolist politics. Rather, shari'a by-laws indicate changing patterns of power accumulation and political corruption in Indonesian local politics. The following paragraphs show that shari'a by-laws allow local elites to gain political currency by opening up new sources of revenue that were previously beyond their reach. Revenues generated by shari'a by-laws are then used to establish and nurture private networks of power brokers at the subdistrict level.

These developments have to be situated in the context of institutional change since the demise of the New Order in 1998, namely the introduction of direct elections for regents, which were held for the first time in 2005. These elections have given true power to the population and changed the logics of power accumulation for regents in Indonesian districts. Most immediately obvious, local political elites now have to 'work' the electorate more closely and regularly than ever before to gain access to and remain in power.³ The article argues that shari'a by-laws indicate the rise of machine politics at the local level in Indonesia, a form of political corruption that contrasts with patterns of political corruption typical of monarchical or military-bureaucratic regimes (Scott, 1972, p 93). The popularity of shari'a by-laws is thus a sign of broader change in the patterns of power accumulation and political corruption in post-New Order Indonesia.

To illustrate this point, the article analyses the shari'a by-laws in several districts of South Sulawesi province in eastern Indonesia. The number of districts in South Sulawesi province that have adopted shari'a by-laws is only topped by Aceh province, which has adopted shari'a

³ See Buehler, 2007 on the importance of local personal networks in regents' elections.

by-laws in the entire province under its special autonomy status.⁴ South Sulawesi, in short, has the highest number of districts that have adopted shari'a-inspired by-laws of all provinces lacking special autonomy status.⁵

Opening up new sources of revenue

Many of the shari'a by-laws implemented in South Sulawesi province since 2001 are seemingly of a rather symbolic nature. For example, Bulukumba regency,⁶ located in the south-east of the province, adopted a regulation in 2003 making it mandatory for schoolgirls to wear a headscarf (Peraturan Kabupaten Daerah Bulukumba No 5/Tahun 2003, Bab 1, Pasal 6). The regulation further requires men working in both the private sector and the government bureaucracy to wear long trousers when at the office (Peraturan Kabupaten Daerah Bulukumba No 5/Tahun 2003, Bab 1, Pasal 7, A, Ayat 1), while women are now obliged by law to wear skirts that reach their ankles when at work (Peraturan Kabupaten Daerah Bulukumba No 5/Tahun 2003, Pasal 7, B, Ayat 2).

The Bulukumba regent also adopted a by-law requiring students and schoolchildren to be able to read the Qur'an to 'a satisfactory level' if they wanted to pass their final exams (Peraturan Kabupaten Daerah Bulukumba No 6/Tahun 2003 Bab 3, Pasal 7). The same regulation made satisfactory Qur'an reading ability a criterion to become a district bureaucrat.⁷ Promotions within the bureaucracy now also depend

⁴ For the history and recent developments of political Islam in Aceh, see Aspinall, 2007. For a fine essay on the current politics of shari'a in Aceh, see Aspinall, 2008.

⁵ At the time of writing in November 2007, Indonesia had a total of 33 provinces, four of which had special autonomy status, namely Aceh, Jakarta, Papua and Yogyakarta.

⁶ Bulukumba regency had a pioneering role in the implementation of shari'a by-laws in the province due to its very active regent Patabai Pabokori, a member of the Preparatory Committee for the Implementation of Islamic Law (KPPSI – Komite Persiapan Penegakan Syariat Islam), a movement that strives for the implementation of shari'a by-laws in the entire province. Bulukumba, therefore, often serves as a model for the implementation of shari'a by-laws in other districts of South Sulawesi province. Patabai Pabokori is currently the Head of the Education Department for South Sulawesi (Kepala Dinas Pendidikan Sulawesi Selatan) and has started to issue by-laws increasing the amount of religious teaching in the curriculum for primary schools in the entire province.

⁷ In July 2006, for example, a local newspaper ran an article reporting that in Bulukumba, 191 candidates aspiring to become local bureaucrats had to pass a test in Qur'an reading. Three people failed and were given a week to learn to read the Qur'an in Arabic, after which they were tested again. The article also showed a picture of an

on Qur'an reading skills (Peraturan Kabupaten Daerah Bulukumba No 6/Tahun 2003).⁸ Patabai Pabokori, the then regent who initiated all these new by-laws, further conducted a 'Crash Programme in Religiosity' (*Crash Program Keagamaan* [sic]) for his district, during which he distributed 'degrees' for outstanding Qur'an reading abilities to 'students' wearing 'graduation uniforms', and had small children recite from the Qur'an in Arabic. The regent further distributed money to schoolteachers in the district and had bottles of alcohol publicly destroyed by a steamroller (Patabai Pabokori, 2005, pp 128–133).

New regulations on alms: national-level ambiguity allows regents to adopt by-laws

There are shari'a by-laws, however, which go beyond mere symbolism and serve more concrete interests of local politicians. It is such by-laws with which this article is concerned. Most important in that respect are the by-laws on *zakat* that have been adopted by many districts in South Sulawesi province in recent years. 'Zakat is an obligation of Muslims to give a specific amount of their wealth – with certain conditions and requirements – to beneficiaries called *al-mustahiqqin*' (Alfitri, 2006, p 57).⁹ This obligation outlined in the

ustadz [religious notable] supervising the Qur'an reading test at the regent's office (*Fajar*, 4 July 2006, p 29). In an interview conducted in November 2007 with Amin Syam, then governor of South Sulawesi province, he stated that his government had designed a course for bureaucrats that allowed state officials to become fluent in Arabic within just nine hours. Therefore, no bureaucrat in the provincial administration should be afraid of failing the Arabic test (Amin Syam, 2007).

⁸ Other regents have implemented similar by-laws. In Pangkep regency, for example, every district bureaucrat now has to attend 'religious training' once a year. During this training, all members of the district administration have to live in Pesantren Marang, a religious boarding school, for three days (*Pedoman Rakyat*, 31 July 2006, p 19).

⁹ 'There are two types of *zakat* in Islam: a flat fee imposed on each person, called *zakat al-fitr*, and a tax on wealth, called *zakat al-mal*. *Zakat al-fitr* refers to the obligation of every Muslim (except those who are absolutely destitute) to contribute a certain amount of staple food or pay an equivalent monetary amount in the month of Ramadan before the Muslim festive season celebration known as *Ied al-Fitr*. The *zakat al-fitr* flat fee is one *sa*' – a little more than two kilograms of wheat, barley, dates, or rice – or the monetary equivalent. All Muslims – including the poor, as long as they will still have food for the first day of *Ied al-Fitr* – must pay *zakat al-fitr* for themselves and their dependents. The proceeds are devoted to helping feed the needy during the *Ied al-Fitr* celebration. Accordingly, even though many have-nots must pay *zakat al-fitr*, they are also the major recipient of the proceeds. In practice, payers usually give *zakat al-fitr* directly to beneficiaries without interference from the state or any other third party. Unlike *zakat al-fitr*, *zakat al-mal* is levied only on Muslims whose wealth exceeds a threshold called *nisab*. Before *nisab* is calculated, the basic needs of the payer and his family, as well as their

Qur'an originates in Islam's strong concern with social and economic justice.¹⁰

It was not until the demise of the Suharto regime in 1998, however, that the Indonesian government promulgated the comprehensive Law on Zakat Management (No 38/1999), which regulated the involvement of the state in *zakat* collection more coherently (*Warta Perundangan*, 18 October 1999, p 1).¹¹ The adoption of the Law on Zakat Management No 38/1999 during Habibie's presidency was regarded as an important political achievement by those Muslim groups that longed for a closer relationship between the Indonesian state and Islam (Salim, 2003, p 218). However, the law was drafted hastily, and Habibie probably did not intend it to be more than a populist move to secure broad support from the Muslim community ahead of presidential elections.¹²

financial obligations and debts due, are taken into account...Those requirements distinguish *zakat al-mal* from *zakat al-fitr*, and enable *zakat al-mal* to be regulated by the state much like a tax' (Alfitri, 2006, p 58).

¹⁰ See Davis and Robinson, 2006.

¹¹ Political elites in Indonesia traditionally had a rather ambiguous attitude towards *zakat* collection and distribution, which had historical origins. In the nineteenth century, the embezzlement of *zakat* revenues by members of the Dutch colonial bureaucracy was widespread. In nineteenth century West Java, *zakat al-fitr* was mainly paid to religious teachers, so-called *kiayi* or village Qur'an teachers. In East Java, *zakat al-mal* was under the jurisdiction of the *kiayi* or other religious notables (*ulama*), while *zakat al-fitr* was given to religious notables at the village level, including preachers (*khatibs*) and other official staff working at the mosques. The main difference, however, was that in East Java neither *zakat al-fitr* nor *zakat al-mal* was collected by government bodies (*amil*) established for this purpose, while in West Java 'specially appointed religious functionaries exercised the role of *amil*, and these were in turn under the direct supervision of the so-called native chiefs in their respective administrative division' (Salim, 2003, p 183). Unsurprisingly, it was from the regions of West Java that the colonial government received the highest number of reports of misuse of *zakat* funds (Salim, 2003, p 183). Against this backdrop, the colonial government feared that the misuse of *zakat* by its appointees would eventually undermine its own authority. In 1893, the government of the then Netherlands Indies issued a regulation aimed at preventing such behaviour. In 1905, the government reiterated its determination to go against such practices, when it issued another regulation, *Bijblad* 6200, which explicitly prohibited native officials from being involved in *zakat* management. Since the beginning of the twentieth century, then, the Indonesian government has made a clear distinction between the state and the Muslim community's affairs regarding religious matters (Salim, 2003, p 183).

¹² Due to the rushed drafting and implementation of this law, it is full of shortcomings. For example, the law fails to specify the calculation of *nisab*, the threshold for *zakat al mal* payments mentioned above, along with the exact time of payment for *zakat*. The law states that such matters should simply follow Islamic law as outlined in the Qur'an (Alfitri, 2006, p 63). Law on Zakat Management No 38/1999 was also in conflict with the Law on Income Tax No 17/2000 (amending the Law on Income Tax No 7/1983), on which more below.

Nevertheless, the Law on Zakat Management No 38/1999 established rules for Government Zakat Collection Bodies (BAZ – Badan Amil Zakat) and Private Zakat Collection Bodies (LAZ – Lembaga Amil Zakat) to collect and distribute both *zakat al-mal* and *zakat al-fitr*.¹³ A subsequent decree by the Ministry of Religion, MRD No 581/1999, detailed the organizational structures and specified broad competencies for BAZ. It also issued conditions that LAZ had to fulfil in order to be officially approved as *zakat* collection institutions.

However, neither the national *zakat* law nor the ministerial decree specified rules on *how* to collect *zakat* (Alfitri, 2006, p 64). More importantly, the Law on Zakat Management No 38/1999 did not make *zakat* payments obligatory, unlike similar laws in other Muslim countries. Leaving it up to Muslims whether they paid *zakat* or not, the Indonesian state at the national level adopted a somehow ‘neutral position with regard to the scope and the obligatory nature of *zakat*’ (Alfitri, 2006, p 63). It was this failure of central government to issue clear regulations on the actual collection process for *zakat* and its hesitant position *vis-à-vis* the obligatory nature of *zakat* collection that worked to the advantage of regents.

Regulating the collection of zakat and making zakat payments mandatory

Local shari’a by-laws on *zakat* have two main characteristics. The first concerns regulation of the collection process. Regents in several districts of South Sulawesi used shari’a by-laws to bring the collection of *zakat* under their control. A by-law in Bulukumba regency, for example, explicitly states that the collection of *zakat* falls under the authority of the local government *zakat* collection body, BAZ (Peraturan Kabupaten Daerah Bulukumba, No 2/2003, Bab 8, Pasal 22–26). Most districts in the province that adopted shari’a by-laws followed the example of Bulukumba and gave BAZ far-reaching autonomy in collecting *zakat*.

While, theoretically, the national *zakat* law ruled BAZ to be independent from local government intervention, this was rarely the case in practice. In Barru district in South Sulawesi, for example, Muhammad Rum, the regent, stated in an interview that, based on a regulation he had issued, BAZ would receive money from the district budget (APBD

¹³ The law primarily outlined clear regulations for BAZ, while it failed to do so for LAZ (Alfitri, 2006, p 65; Salim, 2003, p 219). It thus empowered BAZ *vis-à-vis* LAZ.

– Anggaran Pendapatan dan Belanja Daerah) to pay the 'operational costs' and salaries of BAZ personnel (Rum, 2006). The regent further stated that he was also consulted on the appointment of board members of the *zakat* collection body. Likewise, a shari'a by-law on *zakat* adopted in Makassar, the provincial capital, ruled that either the mayor or the head of the city's religious department would appoint the board members [*pengurus*] of BAZ in the capital (Peraturan Daerah Kota Makassar, No 5/Tahun 2006, Bab 8, Pasal 14, Alat 1).¹⁴

Regents have also used shari'a by-laws to extend their control over the collection of *zakat* money outside the immediate reach of the government-controlled *zakat* collection body mentioned above. The shari'a by-law on *zakat* in Bulukumba regency, for example, ruled that the final appointment [*pengukuhan*] of private *zakat* collection bodies in the district (LAZ) should fall under the authority of the regent (Peraturan Kabupaten Daerah Bulukumba No 2/2003, Bab 5, Pasal 13, Ayat 1).¹⁵

The second and no less important characteristic of *zakat* by-laws issued by regents is that they made the payment of both *zakat al-fitr* and *zakat al-mal* mandatory for the population in their jurisdiction. In Bulukumba regency in South Sulawesi, for example, the local regulation on the collection of *zakat* ruled that 'all Muslim people, who are working...[have to pay *zakat*] after paying taxes' (Peraturan Kabupaten Daerah Bulukumba No 2/2003, Bab 7, Pasal 16).¹⁶ Furthermore, all Muslims going on the pilgrimage to Mecca in a given year are obliged to pay 1% of the costs of the pilgrimage to the government *zakat* collection body, BAZ (Peraturan Kabupaten Daerah Bulukumba No 2/2003, Bab 7, Pasal 19, Pasal 20 Ayat 1–4).¹⁷ The local by-law on *zakat*

¹⁴ While such regulations are in conflict with the national law, they also directly contradict the ruling on *zakat* laid down in the Qur'an itself, in which it is stated that the management of *zakat* should be financially self-sustaining and that *zakat* collectors are to be paid from *zakat* revenues. 'Those who collect and distribute *zakat al-mal* are paid from *zakat* proceeds. *Zakat* collectors are among the *zakat al-mal* beneficiaries in Islam. Hence, imposing the obligation of collecting and distributing *zakat* on the state does not burden the...budget' (Alfitri, 2006, p 58).

¹⁵ According to the by-law, the head of the district's department of religion is supposed to suggest possible private *zakat* collection bodies (LAZ) in a list to be handed in to the district government. Final approval is then given by the regent based on this list.

¹⁶ 'Zakat profesi dikeluarkan atau disisihkan dari pendapatan seorang muslim yang bekerja atau berprofesi setelah dikeluarkan pajak' (Perda No 2/2003, Bab 7, Pasal 16).

¹⁷ Fees imposed on *hajj* pilgrims as well as the rather mundane rationales behind them are not really new in Indonesia. In 1978, President Suharto himself imposed a fee on *haji*. The money obtained was then used by him and his entourage for 'tactical funds' usually dispersed in the context of elections (Amal, 1992, p 166). Interestingly, the

Table 1. Mandatory monthly *infaq* and *sadaqah* payments for civil servants, by rank.

Bureaucratic rank	Monthly payment in Indonesian Rupiah (IDR)*	
	<i>Bulukumba district</i>	<i>City of Makassar</i>
Class I	1,500	1,000
Class II	3,000	3,000
Class III	4,000	5,000
Class IV	5,000	10,000
Government official [<i>Pejabat Negara</i>]	7,000	na

Source: Perda Kabupaten Bulukumba No 2/2003, Bab IV, Pasal 20; Tentang Pembentukan Unit Pengumpul Zakat, Instruksi Walikota Makassar No 02/451.12.05/Inst/2007.

*IDR 10,000 equalled US\$1.09 at the time of writing in November 2007.

further ruled that the working population of Bulukumba was obliged to pay *infaq* and *sadaqah*, payments to poor Muslims, which the Qur'an actually specifies as voluntary. Every Muslim in Bulukumba district was charged IDR1,500 per month (approximately US cents15) for *infaq* and *sadaqah* at the time of writing

Targeting bureaucracies and private sector enterprises

The most immediate target of such by-laws were local bureaucrats. Members of the district bureaucracy in Bulukumba, for example, were requested to pay 2.5% of their annual salary towards *zakat*. Additionally, staff of the local bureaucracy are obliged to pay *infaq* and *sadaqah*, the exact amount depending on their bureaucratic rank – see Table 1. Similarly, in the provincial capital Makassar, a shari'a by-law on *zakat* collection, followed by a mayoral instruction, imposed analogous regulations on the city administration (Peraturan Walikota Makassar No 3/Tahun 2007; Instruksi Walikota Makassar No 02/451.12.05./Inst/2007). In both jurisdictions, the amounts outlined in the shari'a by-laws are directly deducted from the bureaucrats' salaries.

In several cases, shari'a by-laws on *zakat* were also adopted to gain

number of pilgrims from Bulukumba regency going to Saudi Arabia has declined sharply since 2003, the year the aforementioned by-laws on *zakat* were adopted. While in 2003, a total of 1,600 pilgrims from Bulukumba regency made the journey to Mecca, this number dropped to 637 in 2005 (Badan Pusat Statistik Sulawesi Selatan, 2005, p 104). One can only speculate whether this relates to the shari'a by-law described above, which imposed a 1% tax on the costs of the trip. Approximately 210,000 Indonesian pilgrims travelled to Saudi Arabia in 2007.

leverage over the local business community. In Pangkep district, for example, Syafruddin Nur, who won the regent election in 2005, distributed leaflets during his campaign in which he promised to issue a regulation that created 'incentives for the Imams...[These incentives would] be derived from contributions [*infaq* payments] amounting to 1 percent from every company that [was] to realise a government project [in Pangkep district]' (Syafruddin Nur, 2005).¹⁸

To provide a final example, in Makassar city, the shari'a by-law on *zakat* rules that the government *zakat* collection body, BAZ, has the authority to collect *zakat* from both private and state-owned enterprises. The *zakat* collection body was even given the authority to extract *zakat* from small vendors at local markets (Peraturan Daerah Kota Makassar No 5/Tahun 2006, Bab 8, Pasal 15, Ayat 1a-c, 2a-c). Based on this by-law, the city government currently targets 73 nightclubs [THM – *Tempat Hiburan Malam*]. These karaoke bars, massage parlours and clubs are now obliged to pay 2.5% of their revenues to the government *zakat* collection body, BAZ (Fajar, 5 July 2007, online). H.M. Ruslan, the head of the 'Special Committee on the Planning of the Zakat by-law' [*Pansus Ranperda Tentang Zakat DPRD Sulsel*] of the provincial parliament, announced in July 2007 that the scope of the *zakat* by-law would soon be extended to include 'all companies in South Sulawesi, even those that have slipped through the [current] by-law...' (Fajar, 5 July 2007, online).¹⁹

Increased local government revenues through shari'a by-laws

Shari'a-inspired by-laws on *zakat* collection of the type described above greatly increased the revenues at the disposal of regents. Again, Bulukumba regency is an illustrative case. In 2001, the Bulukumba government employed 8,053 bureaucrats, falling into the categories listed in Table 2 (Badan Pusat Statistik Sulawesi Selatan, 2001, p 39). Against the backdrop of the obligatory *infaq* and *sadaqah* payments for state officials listed in Table 1, this yields around US\$34,000 per year just from *infaq* and *sadaqah* payments from state personnel in the four income brackets listed. To these revenues are added the money derived from the by-law requiring every bureaucrat in Bulukumba district

¹⁸ 'Memberikan...insentif bagi Imam Masjid yang diperoleh dari infaq sebesar 1 persen setiap pengusaha yang melaksanakan proyek pemerintah' (Syafruddin Nur, 2005).

¹⁹ '...tapi seluruh perusahaan yang ada di Sulsel pun tak luput dari perda...' (Fajar, 5 July 2007, online).

Table 2. Number of government civil servants, by rank.

Bureaucratic rank	Number of government civil servants	
	<i>Bulukumba district (year 2001)</i>	<i>City of Makassar (year 2007)</i>
Class I	509	109
Class II	3,147	1,366
Class III	4,070	8,517
Class IV	327	3,769
Government official [<i>Pejabat Negara</i>]	na	na
Total	8,053	13,761

Sources: Badan Pusat Statistik Sulawesi Selatan, 2001, p 39; Bagian Kepegawaian Kota Makassar, 2007.

to pay 2.5% of his or her salary each month to the government-run *zakat* collection body. This latter type of by-law has to be put in the context of the national tax law.

In 2003, the Director General of Tax in Jakarta had issued a decree to amend Law on Income Tax No 17/2000, ruling that *zakat* payments of up to 2.5% could be subtracted from a person's gross income (No KEP-163/PJ/2003, Article 1, Sections 1 and 3).²⁰ Against this backdrop, the by-laws issued by the district government in Bulukumba or the city government of Makassar, which required every bureaucrat to pay 2.5% of his or her monthly income to *zakat*, did not create new revenues as such. Bureaucrats in Bulukumba or Makassar can simply deduct the *zakat* they are obliged to pay each month from their national tax payments. In short, both the regent in Bulukumba and the mayor of Makassar used shari'a by-laws to channel tax money into the local government *zakat* collection body, BAZ, at the expense of the tax revenues from their respective jurisdictions.

Overall, such shari'a by-laws have greatly enlarged *zakat* revenues

²⁰ While the aforementioned Law on Zakat Management No 38/1999 stated that *zakat* given to BAZ or LAZ could be deducted from a taxpayer's income, *zakat* cannot be found on the list of deductions in the Law on Income Tax No 17/2000. On the contrary, it ruled that *zakat* collected by BAZ and LAZ could not be deducted from taxable income. This discrepancy led the Director General of Tax to issue a tax decision in 2003, stating that *zakat* up to 2.5% paid to BAZ and LAZ could be subtracted from gross income (No KEP-163/PJ/2003, Article 1, Sections 1 and 3). However, this deduction applies to income tax only. *Zakat* on capital gains is still not tax-deductible. See also Alfitri's (2006, pp 64–65) elaborations on the inconsistencies in the Law on Zakat Management No 38/1999.

in many districts of South Sulawesi.²¹ The Preparatory Committee for the Implementation of Islamic Law, a group lobbying for the implementation of shari'a by-laws in South Sulawesi already mentioned above, claims that in Bulukumba district, revenues from *zakat-mal* alone rose from US\$900,000 (IDR9 billion) before the by-law to US\$8–9 million (IDR80–90 billion) after the by-law on *zakat* was adopted (KPPSI, 2005, p 178). The same amount was mentioned during an interview by Patabai Pabokori, the regent during whose tenure the new *zakat* system was adopted (Patabai Pabokori, 2006).

In the city of Makassar, a study conducted by the municipality government in July 2007 concluded that *infaq* and *sadaqah* payments alone from the more than 13,000 bureaucrats in the city administration would bring in at least US\$15,600 (IDR156 million) per year for the coffers of the *zakat* collection body of the municipality government (*Fajar*, 4 October 2007, online). However, this seems to be a gross understatement. Calculations based on official government statistics (summarized in Tables 1 and 2) show that the city government in Makassar earned no less than US\$101,270 per year through *infaq* and *sadaqah* payments alone, deducted directly from city bureaucrats' salaries.²²

Furthermore, the study stated that, so far, the by-law on additional mandatory *zakat* payments had been imposed on only 50% of the city's bureaucrats. Nevertheless, *zakat* collection had already raised

²¹ Regents in South Sulawesi also used shari'a by-laws to control economic resources in other ways. In several districts, regents adopted by-laws on the consumption of alcohol. These 'hard liquor by-laws' [*perda miras-minuman keras*] often work to the advantage of the regent and his affiliates. In various districts, such by-laws did not forbid the consumption of alcohol entirely, but only regulated it. Often this created a monopoly on the sale of hard liquor by people close to the regent. Some members of the Preparatory Committee for the Implementation of Islamic Law, the shari'a lobbying group mentioned above, themselves pointed out the rather mundane rationale of regents for implementing shari'a by-laws on alcohol consumption and distribution. Sawati Lambe, Deputy Head of the Preparatory Committee for the Implementation of Islamic Law in the city of Parepare, said during a debate on a hard liquor by-law in the local parliament: 'If [the selling of alcohol] is only regulated [but not completely forbidden], this is just abusing [the regulation]. This regulation on liquor is just going to enrich certain people' ['Kalau hanya mengatur, itu sama halnya main-main saja. Pengaturan miras hanya akan memperkaya orang-orang tertentu'] (*Tribun Timur*, 3 July 2006, p 30).

²² This number is derived by adding the total *infaq* and *sadaqah* payments per bureaucrat for all four ranks. The US\$15,600 *infaq* and *sadaqah* revenues per year reported in the government's study were underreporting the amount of money netted because the study simply assumed that the IDR1,000 a month payment would apply to all four bureaucratic ranks. Table 1 shows, however, that this is not the case. According to the shari'a by-law on *zakat* collection in Makassar, bureaucratic ranks pay different amounts of *infaq* and *sadaqah* per month.

US\$360,000 (IDR3.6 billion) per year, the study concluded (*Fajar*, 4 October 2007, online). In an interview in October 2007, the Mayor of Makassar, H. Ilham Arief Sirajuddin, stated that he expected *zakat* revenues from the bureaucrats in his administration and the broader population to rise to US\$150,000 per month in the future (Ilham Arief Sirajuddin, 2007).

Against this backdrop, it is no surprise that Azwar Hasan, spokesman for the Preparatory Committee for the Implementation of Islamic Law, stated with a big grin during an interview that '[o]verall, local governments are [implementing] *zakat* by-laws quite enthusiastically because they profit from them' (Azwar Hasan, 2006).

The distribution of *zakat* revenues generated through local shari'a by-laws

The great discretionary power over the *zakat* collection process, as well as the domination regents enjoyed over government *zakat* collection bodies,²³ allowed the regents in several districts to redistribute revenues obtained through shari'a by-laws both before and after local elections in ways that consolidated their power. Most striking in this respect is the district of Barru in South Sulawesi, where H. Andi Muhammad Rum and his deputy H. Kamrir Daeng Mallongi were re-elected in 2005 with 52% of the votes, the second best result in the entire province.²⁴ As Kamrir Daeng Mallongi, the Deputy Regent, explained, *zakat* revenues were used by his government both before and after the elections,

'to improve the religiosity of the district. In Barru, we already know that 99 percent of [the inhabitants] follow Islam. Against this backdrop, what can we do, we wondered, for the religious life [in the district]? We saw that people who work for society through religious activities, such as Qur'an reading teachers [or] Imams in the mosques, sometimes didn't get enough attention from previous governments. I mean, they really work in such jobs because they hope eventually to

²³ The shari'a by-law on *zakat* of Makassar city, for example, rules that the auditor who oversees the *zakat* distribution is to be appointed by the mayor of the city (Peraturan Daerah Kota Makassar No 5/Tahun 2006, Bab 13, Pasal 26, Ayat 2).

²⁴ Only one regent, Syafruddin Nur, achieved a better result. Nur collected 58% of the votes in Pangkep district. See Buehler and Tan (2007) for the complete election results for the first direct elections of regents in South Sulawesi province in 2005.

be paid by God. But we know that they want to eat, they have children, they have families they want to feed...Therefore, we thought what is needed is an incentive by the government...so that they can truly focus on their activities...[T]his has been well appreciated by the population. After this analysis, we drew up a budget [*menganggarkan*] for Qur'an reading teachers [and] Imams in the villages. Their responsibilities lie not only with activities concerning their mosques but they also have religious obligations concerning the well-being of the people. They have to [read from the Qur'an] at people's funerals and the like. For sure, if they don't get support, they cannot focus on such activities. They want to eat too!...That's why we came up with an incentive for such people...so that they can see we value them as leaders. We spoke to religious leaders [*kiyai*] [and showed them] we, [the government] have potential. We have money not only from the local budget but also from within the larger population. We can make the wider population contribute via *zakat*. That's why we adopted a by-law on *zakat*. We adopted a shari'a by-law on *zakat*...so that we can do justice to the truly charismatic local leaders [*tokoh masyarakat*] [who] have an extraordinary understanding of religion. It was [such local notables] who looked for people to support their leadership [*kepengurusan*]. This motivated us to collect *zakat*. And the results have been extraordinary! We have managed to collect almost USD 100,000 [IDR1 billion] in *zakat* revenues.' (Kamrir Daeng Mallongi, 2006).

As becomes clear, the regent and his deputy were distributing money to religious figures of the type described above, fully aware of the important role such religious notables play as vote brokers. The money came to a large degree from *zakat* revenues raised by the local government and channelled into the government *zakat* collection body, BAZ. This was confirmed not only by Kamrir Daeng Mallongi quoted above, but also by Muhammad Rum, the regent himself, in an interview (Muhammad Rum, 2006).

After being re-elected as head of Barru district in 2005, Muhammad Rum consolidated the scheme described above that distributed money to religious notables. This is shown by various records collected at the district treasury in Barru district. From January until June 2006, for example, the regent of Barru district paid 750 Qur'an reading teachers US\$7 (IDR70,000) each month, 368 mosque preachers and mosque personnel US\$7.50 (IDR75,000) each month, while 193 mosque leaders

and their assistants received, due to their higher social status and thus their higher value as vote brokers, US\$10 (IDR100,000) each month (Bendaharawan Kabupaten Barru, 2006a–c). In short, a staggering 1,311 religious notables, previously working on a voluntary basis, now received a monthly cash donation from the regent. They all had to show up personally at the regents's office to receive the money. Their signatures, or in the case of the illiterate ones, their fingerprints, on the documents quoted above, show that every single one of them took their money each month, as presented in Figure 1.

A comparison of the recipients' geographical distribution (Table 3) and the election figures (Table 4) from the direct elections in 2005, won by Muhammad Rum, shows an interesting pattern. Those subdistricts where the margins between Rum's election result and that of his main competitor Anwar Aska were smallest, namely Soppeng Riaja and Balusu subdistricts, were always amongst those subdistricts where the smallest number of religious notables received a monthly cash injection.²⁵ In other words, the incumbent and his deputy consolidated their turf by distributing money to religious notables in 'their' subdistricts, while in subdistricts that were strongholds of their rival, a smaller number of power brokers received money.²⁶

Regents in other districts of South Sulawesi invented similar strategies. The political and economic rationales for implementing shari'a

²⁵ These are the subdistricts highlighted grey in Table 3. The subdistricts of Soppeng Riaja and Balusu have only around half the electorate compared with the larger subdistricts, as shown in Table 4. One could thus point out that confounding elements such as district size and electorate figures have not been neutralized in the comparison above. Indeed, the aforementioned comparison would be more accurate if the level of support for religious teachers could have been calculated on a per capita basis for each subdistrict. However, despite repeated visits to the Department of Religion in Barru district, it was not possible to obtain total numbers of religious figures in the district. In fact, the Department of Religion in Barru referred to the District Treasury's documents used in Table 3 as the comprehensive lists of imams in Barru district. Furthermore, the fact that in Pujananting, the smallest subdistrict, a greater number of religious figures received money than in the larger subdistricts of Soppeng Riaja and Balusu, is evidence that the distribution of these *zakat* revenues has become politicized in Barru regency. Recent documents gathered on a research trip in December 2007 support the aforementioned claim further. The general *zakat*-revenue distribution scheme was expanded throughout 2007, and an even greater number of religious notables received *zakat* revenues from the regent. The number of Qur'an reading teachers in Balusu subdistrict who received *zakat* revenues, however, dropped compared with the year 2006 quoted above.

²⁶ Andi Anwar Aksa, the main competitor of the government head Muhammad Rum, is actually the latter's cousin. The family feud between them shapes political dynamics in Barru district.

	2	3	4	5	6	7	8	9	10
	KECAMATAN PULJANANTING								
	DESA PATTAPPA								
395	MARWAH	70.000	70.000	70.000	70.000	70.000	70.000	420.000.2096	
397	INAPING	70.000	70.000	70.000	70.000	70.000	70.000	420.000	
398	WERKE	70.000	70.000	70.000	70.000	70.000	70.000	420.000.3986	
399	HADINI	70.000	70.000	70.000	70.000	70.000	70.000	420.000	
400	SAMANG	70.000	70.000	70.000	70.000	70.000	70.000	420.000	
401	HANING	70.000	70.000	70.000	70.000	70.000	70.000	420.000	
402	CINLONG	70.000	70.000	70.000	70.000	70.000	70.000	420.000	
403	SURRIAH	70.000	70.000	70.000	70.000	70.000	70.000	420.000	
404	INGRASEPARIDA	70.000	70.000	70.000	70.000	70.000	70.000	420.000	
405	MANTANG	70.000	70.000	70.000	70.000	70.000	70.000	420.000	
406	KISMAYATI	70.000	70.000	70.000	70.000	70.000	70.000	420.000	
407	MAROLA	70.000	70.000	70.000	70.000	70.000	70.000	420.000	
408	ROHANI PULUNG	70.000	70.000	70.000	70.000	70.000	70.000	420.000	
409	ANAS	70.000	70.000	70.000	70.000	70.000	70.000	420.000	
410	MUHAJIRING	70.000	70.000	70.000	70.000	70.000	70.000	420.000	
411	MASDUHA	70.000	70.000	70.000	70.000	70.000	70.000	420.000	
412	INUHA	70.000	70.000	70.000	70.000	70.000	70.000	420.000	
413	KIBING	70.000	70.000	70.000	70.000	70.000	70.000	420.000	
414	RUSDIANA	70.000	70.000	70.000	70.000	70.000	70.000	420.000	
415	IMARI	70.000	70.000	70.000	70.000	70.000	70.000	420.000	
416	HASNAWATI	70.000	70.000	70.000	70.000	70.000	70.000	420.000	
417	NURAEINI	70.000	70.000	70.000	70.000	70.000	70.000	420.000	
418	INUGA	70.000	70.000	70.000	70.000	70.000	70.000	420.000	

Figure 1. Donations by the regent to imams, Barru district, January–June 2006 (excerpt).

Table 3. Donations by the local government in Barru district, January–June 2006, by profession and subdistrict.

Mosque leaders and assistants [Imam Masjid dan Pembantu PPN-Imam Desa]		
Subdistrict	Number of recipients	Total amount of money spent
Balusu	22	IDR13,200,000
Barru	34	IDR20,400,000
Mallusetasi	15	IDR9,000,000
Pujananting	30	IDR18,000,000
Soppeng Riaja	22	IDR13,200,000
Tanete Riaja	31	IDR18,600,000
Tanete Rilau	39	IDR23,400,000
Total	193	IDR115,800,000
Qur'an Reading Teachers [Guru Mengaji]		
Subdistrict	Number of recipients	Total amount of money spent
Balusu	71	IDR29,820,000
Barru	157	IDR65,940,000
Mallusetasi	101	IDR42,420,000
Pujananting	100	IDR42,000,000
Soppeng Riaja	83	IDR34,860,000
Tanete Riaja	107	IDR44,940,000
Tanete Rilau	131	IDR55,020,000
Total	750	IDR315,000,000
Mosque preachers and mosque personnel [Khatib/Bilal dan Pelayan Masjid]		
Subdistrict	Number of recipients	Total amount of money spent
Balusu	28	IDR12,600,000
Barru	77	IDR34,650,000
Mallusetasi	52	IDR23,400,000
Pujananting	40	IDR18,000,000
Soppeng Riaja	47	IDR21,150,000
Tanete Riaja	58	IDR26,100,000
Tanete Rilau	66	IDR29,700,000
Total	368	IDR165,600,000

Source: Bendaharawan Kabupaten Barru, 2006a–2006c.

by-laws regulating the collection and distribution of *zakat* were quite obvious in Enrekang district, where the regent La Tinro La Tunrung is facing direct elections in 2008. He has been expanding his local network at the subdistrict level via religious notables. On 17 June 2006, for example, La Tinro La Tunrung personally distributed no less than US\$39,750 (IDR97.5 million) in a single day to 53 imams, summoned to his office from all the subdistricts in his district.²⁷ A local newspaper published a picture showing La Tinro La Tunrung handing out wads of

²⁷ Each imam received US\$750 (IDR7.5 million) to improve the appearance of his mosque.

Table 4. Number of votes in the direct elections for Regent in Barru Regency in 2005, per subdistrict.

Names of candidates	Number of votes per subdistrict										%
	Barru	Rilau	Riaja	Soppeng Riaja	Mallusetasi	Balusu	Pujananting	Total			
H.A. Anwar Aksa and Andi Hasan Syukur	6,711	2,399	1,019	4,122	2,772	3,886	927	21,836	24.9		
H.M. Basir Palu and Idris Bau Mange	5,567	3,773	3,942	1,288	3,347	1,651	547	20,115	22.9		
H. Andi Muhammad Rum and H. Kamrir Mallongi	7,441	11,425	6,203	4,212	7,082	4,083	4,750	45,196	51.5		
Total	19,719	17,597	11,164	9,622	13,201	9,620	6,224	87,147	99.3		
Informal Total	140	148	89	90	83	81	72	703	0.7		
								87,850	100		

Source: KPUD (Barru, 2005).

cash to the religious notables lined up (*Fajar*, 19 June 2006, p 32). Just for those who thought otherwise, La Tinro La Tunrung dictated into the journalists' microphones: 'This has nothing to do with politics!' (*Fajar*, 19 June 2006, p 32).²⁸

In Bulukumba too, Patabai Pabokori, the former regent already mentioned above, used money obtained through *zakat* by-laws to establish and nurture networks at the subdistrict level. Without distributing money one cannot win direct elections, Patabai Pabokori stated in an interview. 'These days, the people are already smart. They know that once you become regent, you are going to have a lot of money' (Patabai Pabokori, 2006). Again, photographs show Patabai Pabokori distributing money to religious notables in public (Patabai Pabokori, 2005, p 133).²⁹

Patabai Pabokori also established another scheme to penetrate subdistricts. He established a programme in which certain villages in the subdistricts were chosen by the regent to become 'Muslim villages' [*Desa Muslim*] (Patabai Pabokori, 2005, pp 74–75). These villages were assigned the task of being as 'Islamic' as possible, resulting in women being urged to wear headscarves, inhabitants being obliged to deposit their money in shari'a banks, street and government office names being written in Arabic, and local government buildings greeting visitors with signs reading 'We are sorry! We do not serve customers not wearing a jilbab' (Mulia, 2006).³⁰ By December 2007, 12 '*Desa Muslim*' had been established in Bulukumba district. As God blesses those who follow him, villages that have been selected by the regent to become 'Muslim villages' receive additional budget funds from the district government, mainly derived from *zakat* (Mulia, 2006).

Regents also used *zakat* funds obtained through shari'a by-laws to support semi-criminal militias. In South Sulawesi, Laskar Jundullah, the

²⁸ 'Ini tidak ada hubungannya dengan politik' (*Fajar*, 19 June 2006, p 32).

²⁹ The mosque-building frenzy in Bulukumba during Patabai Pabokori's tenure led to great frustrations within the population, especially among bureaucrats in Bulukumba district, who paid for it all through their mandatory *infaq*, *sadaqah* and *zakat* contributions. For example, a local newspaper in South Sulawesi to which people can anonymously send mobile phone text messages, which are then published the next day, received various such messages from bureaucrats in Bulukumba district. One complained that if his salary was cut each month for *infaq*, *sadaqah* and *zakat* payments, which were then allegedly used for mosque projects run by the regent, he would at least expect these mosques to be really built. So far, the sender informed the newspaper, not much had happened in that respect (*Tribun Timur*, 28 July 2006, p 17). Local protests against shari'a by-laws of the kind mentioned above have been largely absent. This might have to do with the fact that the by-laws on *zakat*, for example, have mainly targeted the bureaucracy and not (yet) the broader population.

³⁰ 'Maaf! Tidak melayani tamu yang tidak berjilbab' (Mulia, 2006, online).

paramilitary wing of the Preparatory Committee for the Implementation of Islamic Law, drawing on local gangs and youth groups,³¹ has become a kind of informal shari'a police force in many districts. Revenues collected by regents through shari'a by-laws were used to support this organization. As Patabai Pabokori, the former regent of Bulukumba, stated: 'The money from *zakat* [collection] is for the poor. There are many thugs among poor people. If you give them money, then they keep quiet' (Patabai Pabokori, 2006). Applying some interesting logic, Patabai Pabokori further stated that the crime levels in Bulukumba regency had dropped since the implementation of shari'a by-laws, because petty criminals and thugs were now paid by the district government to be part of Laskar Jundullah, patrolling the streets in his district and supervising the implementation of shari'a (Patabai Pabokori, 2006).³² In several districts, Laskar Jundullah members have also served as election witnesses during the direct elections of regents and have come to play important roles in steamrolling tactics and intimidation, both before and after elections.

Finally, as mentioned above, several by-laws in South Sulawesi gave great discretionary power to the regent to select private *zakat* collection bodies (LAZ). This further strengthened the role of the regent. Given the fact that *zakat* collection in South Sulawesi, and Indonesia in general, is often conducted by private *zakat* collection bodies affiliated with institutions or *pesantren* that also carry political weight in local politics, such as Muhammadiyah, Nahdlatul Ulama (NU) or locally influential *pesantren* such as DDI Mangkoso or Hidayatullah in the case of South Sulawesi province, shari'a by-laws that allow the regent to approve or reject private *zakat* collection bodies provide the regent with a formidable tool to reward political allies and punish foes.³³

³¹ 'Many of its [Laskar Jundullah] members have backgrounds in local gangs and it is a feared presence in South Sulawesi, where it regularly intimidates parliamentarians, officials and the media into supporting its moves to implement shariah [sic!]' (Fealy, 2002, p 10).

³² The symbiosis between such pseudo-religious organizations and criminal activities is nothing new and is not bound to the Indonesian context. Bayart wrote in his study of the criminalization of the state in Africa: 'In the most extreme cases, crime actually flourishes in the bosom of religion: bandits can be assiduous in undertaking pious works (thus giving rise to the notion that they can be "social") and in the Ottoman Empire or nineteenth-century India outlaws were commonly graduates of Koranic schools or former members of ascetic brotherhoods' (Bayart, 1999, p 36).

³³ Shari'a by-laws other than the ones on *zakat* collection covered in this article seem to serve similar ends: namely to increase revenues and channel the money in directions that were useful to win elections, either by nurturing networks at the subdistrict level or by simply paying campaign expenses. In Barru district, for example, a shari'a-inspired by-law on alcohol consumption, of the kind already mentioned in a footnote

Changing patterns of power accumulation and political corruption

As shown in the paragraphs above, the implementation of shari'a by-laws in various districts of South Sulawesi allowed regents to raise revenues in their districts through the collection of *zakat*.³⁴ These new revenues were then used to establish and nurture networks of power brokers at the district and subdistrict level. Seen in this light, shari'a by-laws on *zakat* constitute a predatory tax, whose implementation is driven by local political elites and which serves their political interests. In other words, official government programmes camouflaged as contributions to religious notables were actually used to bribe local power holders.

The aforementioned developments have to be situated in the context of institutional reforms adopted after the demise of the New Order in 1998. One important new regulation concerns the election of regents. These were put on a new legal basis on 14 October 2004 with the implementation of the new Regional Governance Law No 32/2004.³⁵ It ruled that regents were to be elected directly by the people and that candidates had to be nominated by a party or a coalition of parties that had gained 15% of the votes in past elections, or occupied 15% of the seats in the local parliament.³⁶ The first direct elections under the new regulations were conducted in June 2005 in 226 districts across the archipelago.

As shown elsewhere, the new institutional framework for the election of regents both increased the importance of personal networks of power brokers at the local level (Buehler, 2007) and forced up the costs of competing in such elections (Buehler and Tan, 2007). 'The [electorate]

above, does not completely forbid the consumption of alcohol in the district; it merely regulates it. It ruled that in the entire district, only one hotel was allowed to sell alcohol. The hotel is owned by the head of the South Sulawesi Hotel Association (PHRI – Perhimpunan Hotel dan Restoran Indonesia), a member of the pro-government political party Golkar and one of the financiers of the district head's election campaign.

³⁴ They also raised their revenues through the establishment of alcohol monopolies or by imposing new regulations on local businesses, as briefly mentioned above.

³⁵ Regional Governance Law No 32/2004 replaced the previous law on Regional Autonomy No 22/1999.

³⁶ Regional Governance Law No 32/2004, Article 56, Paragraph 2, Article 59, Paragraph 1. On 23 July 2007, the Constitutional Court in Jakarta overruled this article in the autonomy law, allowing candidates to run without a party nomination in future local elections. On 28 April 2008, revised Regional Governance Law No 12/2008 was adopted, allowing independent candidates to stand in regent elections.

has become for the regent what sugar is for an ant. The ant has to get close to the sugar...’, as H. Kamrir Daeng Mallongi, the Deputy Head of Barru district aptly described the new relationship between local elites and the wider population after the introduction of direct elections (Kamrir Daeng Mallongi, 2006).

In other words, institutional reform in post-New Order Indonesia has created an environment that is highly receptive to political strategies that have been described as machine politics in other contexts, namely ‘the purchase of votes with offers of public jobs and services...’ (Erie, 1988, p 2). Shari’a by-laws on *zakat* that allow political elites to raise revenues and distribute them at their discretion have to be situated in this context.

Political elites must now establish linkages to the electorate, preferably to those constituencies that are crucial for a victory at the ballot box:

‘[I]n the case of clientelism, under conditions of democratic enfranchisement the major cost of constructing such linkages is that of building organizational hierarchies of exchange between electoral clients at the ground floor of the system, various levels of brokers organized in a pyramidal fashion, and patrons at the top. Politicians have to identify resources they can extract and offer to clients in exchange for contributions to their electoral efforts. Moreover, they must construct organizational devices and social networks of supervision that make direct individual or indirect group-based monitoring of political exchange relations viable.’ (Kitschelt and Wilkinson, 2007, p 8)

These highly concentrated and focused exchanges of goods between political elites and certain groups within the electorate often raise other issues. There is always the risk of opportunistic defections. Either political elites who promised money or favours in exchange for votes do not live up to their pledge, or voters ‘take the money and run’, ie they do not vote for those politicians who gave them goods or money. Against this backdrop, political elites engaging in machine politics with parts of the electorate can only succeed if they have the means to monitor these exchanges, and if need be, impose the terms of their clientelistic bargain through various forms of organizational surveillance and enforcement structures.

Coercive and violent forms of punishment definitely occur during

clientelistic exchanges and are generally not given enough attention in the study of such relationships (Sidel, 1999). However, such forms of enforcement are usually costly and political elites generally prefer lower-cost methods of monitoring and enforcement. Hence group rather than individual monitoring techniques tend to be employed as well as public methods of monitoring, instead of networks of private informants. While the efficiency of monitoring groups is directly related to group cohesion, there are various options at hand for political elites also to monitor constituencies where group cohesion might be less distinct. One such method is constant interaction with a group or its leaders over time. Clientelistic exchanges then become an ‘ongoing, iterative process in which the past behavior of...individuals, and communities present expectations of the obligations of patrons to clients and vice versa’ (Kitschelt and Wilkinson, 2007, p 17). Continued interaction and exchange between patrons and clients over time – for example, at local celebrations – may eventually make such regular monitoring of voting unnecessary.

Shari’a by-laws provide political elites with a tool to address new challenges

In South Sulawesi province, regents adopted shari’a by-laws as a means to address challenges of the kind described above.

First, shari’a by-laws allow political elites to raise goods and money that can subsequently be distributed to certain constituencies. Most important in that respect are the by-laws on *zakat* that have already been adopted by roughly one-third of all the districts in the province. Such by-laws on alms have allowed regents to raise considerable amounts of money, often equalling several hundred thousand US\$ per year. Usually, such shari’a by-laws on *zakat* target the local bureaucracy, ie every bureaucrat is obliged to pay a certain amount of his or her salary to a government-controlled *zakat* collection body (BAZ), or they target specific businesses such as nightclubs and karaoke bars. In both cases, the collection of *zakat* is relatively straightforward and does not require much organizational effort. Monthly *zakat* payments are simply deducted from bureaucrats’ salaries, while the semi-legal status of nightclubs and karaoke bars makes their owners vulnerable and thus less prone to resistance.

While shari’a by-laws on the collection of *zakat* are always very

precise about who must pay such contributions,³⁷ documents showing the distribution of such funds by district governments are either non-existent or very vague in the rare cases where they actually exist.³⁸ The 2006 annual report of the government-run *zakat* collection body in Barru district, for example, covers only two pages detailing the dispersion of US\$88,442 (IDR884,421,484). The report simply states that 770 'poor people' [*Miskin*], 72 converts [*Muallaf*] and 28 mosques [*Mesjid*] had been given some money (Laporan Pengurus BAZ Barru, 2006, p 2).

The dispersion of revenues raised through *zakat*, then, is to a large degree at the discretion of the regent. Providing benefits for certain subsets of citizens while imposing costs on other subsets, shari'a by-laws on *zakat* are thus a perfect example of the creation of goods popular with politicians engaging in clientelistic politics.

In various districts, revenues raised through shari'a by-laws have been expended on locally influential religious notables and *pesantren* with the aim of establishing tightly knit networks of imams and Qur'an reading teachers. It is these religious notables who serve as power brokers between the political elite and the broader population in the context of elections.

In fact, even 'symbolic' shari'a by-laws have acquired political meaning in the context of institutional change and the new challenges regents face. By establishing 'Muslim subdistricts' or 'Muslim villages', areas in which shari'a law is extended to all aspects of life, regents in several districts of the province have used shari'a by-laws to extend their control even further to the subdistrict level. Both the material incentives they have offered, and the increased attention that power brokers and the broader population receive from local political elites in such areas, are aimed at establishing social networks of supervision, making direct individual or indirect group-based monitoring of political exchange relations in the context of competition over power viable.

Shari'a by-laws have also been used to streamline and co-opt certain networks, most obviously those that arise from within the state apparatus. Various regents have adopted shari'a by-laws making vaguely

³⁷ The shari'a by-law on *zakat* in Maros, for example, shows a very elaborate table, stretching over four pages, identifying the various groups that have to pay alms (Peraturan Daerah Maros No 17/2005, Pasal 17).

³⁸ From the 17 districts in South Sulawesi that have adopted shari'a by-laws on *zakat*, it was possible to obtain documents on the dispersion of *zakat* funds from only two districts, Barru and Maros.

defined 'Qur'an reading capability' a criterion for becoming a member of the district bureaucracy, or for promotions. This allows the regent to streamline the bureaucratic apparatus drastically in the district under his control, while also increasing the power of local political elites occupying state positions. It is such lower rungs of the bureaucracy that have become increasingly important in establishing linkages to the electorate following the introduction of direct elections for regents.³⁹

Also, shari'a by-laws on improving the Qur'an reading skills of the local population provide political elites with a tool to tap into various networks forming the electorate. Scholars working on the phenomenon of Qur'anic recitation practice in Indonesia have pointed out the community-building effects of such exercises:

'Historical traditions of the public recitation of the Qur'an in the Indonesian archipelago are associated with the religious patronage of ruling elites as well as with widespread Sufi-oriented practices of piety...Sufi networks of teaching, practice, and performance complemented and overlapped the formation of other institutions and systems of education in the Muslim archipelago.' (Gade, 2004, p 31)

In other words, it is such networks of mosques, *pesantren* and study groups created around different styles of Qur'an recitation,⁴⁰ which form a fabric that supplements official state institutions and the networks that arise from the state. Influential Qur'an memorization teachers create a heritage that includes '...families and networks known for

³⁹ An example of the power that lower bureaucrats have acquired in the context of decentralization and direct elections and the role as power brokers they have come to play is provided by the Health Insurance for the Poor [*Askeskin-Assuransi Kesehatan Miskin*] programme, which was adopted by the Indonesian government in 2005. The insurance scheme was designed to increase health coverage of poor people by removing the financial barriers to access to health services. One major flaw in the very laudable programme was that it placed the responsibility of selecting beneficiaries with local governments. Concretely, poor people who wanted to gain access to the scheme needed a letter from the village head [*lurah*], who is appointed by the regent. Unsurprisingly, in order to win popular favour, local governments greatly expanded the membership of the Health Insurance for the Poor programme in gross disregard of the quotas approved by central government, on whom the entire costs of the scheme fell. Only two years after its establishment, the scheme was already in deep financial crisis (Wheeler, 2007, p 15).

⁴⁰ Most commonly featured in Indonesia is the *mujawwad* style of Qur'an recitation called *tilawah* in the Indonesian language. In South Sulawesi, more traditional styles such as *murattal* are still practised (Gade, 2004, pp 34–35). They are often referred to by locals as 'weepy songs' [*lagu nangis*]. On the history of Qur'an recitation in Makassar, see Gade, 2004, pp 31, 269.

memorization...’ (Gade, 2004, p 32). More institutionalized Qur’an recitation groups such as Majelis Ta’lim are another example of tightly knit networks that can be found not only in South Sulawesi province, but in Indonesia in general. It is against this backdrop that the system of Qur’anic recitation has been described as a ‘machinery of social structure’ (Gade, 2004, p 48).

Adopting shari’a by-laws on Qur’an recitation skills allows regents not only to enhance such networks, but also to use them to structure the electorate and mobilize it at election times. The massive amounts of money regents spend on such Qur’an recitation exercises provide ample evidence of the importance local political elites attribute to networks attached to such practices.⁴¹

Furthermore, it is the same shari’a by-laws that establish access to networks of the kind mentioned above that also allow local political elites to minimize the risk of opportunistic defections. Pursuing machine politics, in certain districts of South Sulawesi regents have used revenues raised through shari’a by-laws to establish a semi-official shari’a police, consisting of barely disguised petty criminals and hoodlums, who have now come to play a role in organizational surveillance and enforcement structures in the context of local elections.

Monitoring usually works in more subtle ways, however. Politicians and constituents gain confidence in the viability of their clientelistic relationship by iteration, as mentioned above. In other words, continued interaction and exchange over time induce expectations of reciprocity and may make constant monitoring of voting unnecessary. Shari’a by-laws allow regents not only to institutionalize the exchange of cash and goods, but also to enforce such social interaction. Shari’a by-laws on the establishment of ‘Muslim villages and subdistricts’ in Maros district rule that these designated areas receive regular cash transfers from the district government. Likewise, the scheme established in Barru regency required more than 1,000 imams to turn up every month at the district government office to receive a cash donation funded through a shari’a by-law on *zakat*. Finally, sponsoring Qur’an recitation meetings, which are held weekly if not daily, serves as a constant reminder

⁴¹ In 2006, La Tinro La Tunrung, the regent of Enrekang district, spent US\$130,000 (IDR1.3 billion) from the district budget on Qur’an reading training. The money was mainly handed out to imams and mosque personnel. M. Darwis, the Head of Enrekang’s Department of Religion, stated that the US\$130,000 was a necessary investment with regard to the Qur’an reading competition between districts held in the province that year (*Fajar*, 19 June 2006, p 32).

to large parts of the electorate as to whom they should be showing loyalty on election day.

What becomes evident is that the rise of shari'a by-laws indicates broader changes in the patterns of power accumulation and political corruption in Indonesian local politics.

Patterns of power accumulation and political corruption during the New Order

During the New Order, regents and governors were appointed by central government based on lists drawn up by local assemblies. These 'elections' were certainly rife with practices in which money and favours changed hands. Interest groups and individuals lobbied regional assembly members, 'often at the instigation of potential candidates' (Malley, 1999, p 162). This happened mainly in the short time between the incumbent handing in his letter of resignation and the day the local parliament was expected to submit its list of prospective candidates to higher-level bureaucrats, who then decided who would become regent. Since Golkar was almost always the majority party in the local assemblies, most of the lobbying and bribing actually took place within the party itself (Malley, 1999, p 62).

The most immediately obvious difference in the situation faced by local politicians since 1998 was that the exchange of money and favours was no longer oriented upwards, as during the New Order. In the past, appointments were decided by how much money or how many favours were given to decision makers higher up the pecking order.⁴² In South Sulawesi province, for example, Colonel Ahmad Lamo, who became governor in 1966, was rather unpopular with the local population, but greatly liked by central government, especially after the provincial Golkar party machine under Lamo's guidance reaped an impressive number of votes in the first legislative elections under the New Order regime in 1971.⁴³ It was against this backdrop that '[a]ll political groups in the region realized that whether Lamo was reappointed or not depended entirely on the central government' (Amal, 1992, p 169). A national newspaper cynically commented that the central

⁴² Even during the New Order, local power holders needed to distribute favours and money to the local population to gain support. However, controlling constituencies was relatively unimportant to remain in power, in contrast to good relationships with higher-level bureaucrats and politicians.

⁴³ In the 1971 legislative elections, 78.2% of the electorate voted for Golkar (Amal, 1992, p 166).

government's decision would largely depend on how much 'precious metal' Lamo would pass on to top government officials in Jakarta (*Tempo*, 19 February 1972).⁴⁴ In short, bills were settled long before the actual 'election' of the regent, and they involved payments to a strictly limited number of people. Furthermore, political corruption occurred in more or less predetermined channels dictated by the centralized power structures of the New Order regime. All this changed dramatically with the democratic decentralization that followed the post-1998 reforms.

Conclusion

The conditions for power accumulation in Indonesian politics have changed profoundly since the adoption of various institutional reforms adopted after the demise of the New Order in 1998. In particular, local political elites are facing entirely new dynamics. With the introduction of direct elections for regents, candidates were confronted, almost overnight, with the task of 'working' several hundred thousand voters, while during the New Order bribing a few people had been sufficient to get a candidate into office. This not only created financial challenges of an entirely new scale, but the 'business of governance' in Indonesian districts also became much more unpredictable and less predetermined.

Most immediately important, the democratization of political institutions has resulted in a democratization of political corruption. Corruption patterns in Indonesian districts increasingly resemble what Scott has termed 'market corruption', ie a system within which the exchange of money or favours has become an impersonal process and in which influence is accorded to those who can pay the most, regardless of who they are. While there is no full-blown market corruption in South Sulawesi, and while personal relationships between candidates and the electorate remain important, the fact that politics is increasingly decided by money and not so much by traditional loyalties, provides ample evidence for a democratization and 'marketization' of political corruption in the province. The deregulation of political corruption currently under way in Indonesian local politics, then, has forced local political elites to look for new strategies to accumulate

⁴⁴ '...kebidjaksanaan Pusat itu mungkin akan sangat tergantung pada logam mulia jang alamat pengirimnja...' (*Tempo*, 19 February 1972, p 47).

and disperse power.⁴⁵ The implementation of shari'a by-laws is one such strategy.

The attraction of shari'a by-laws for regents has to be seen against this backdrop of widening uncertainties and insecurities in the terms of contestation among elites competing for local posts. The religious context within which revenues are raised through shari'a by-laws not only veils bribery and electoral corruption with certain 'social cosmetics', but more importantly, such by-laws produce a kind of glue that increases the degree of predictability. These by-laws have turned out to be a useful means of addressing many of the challenges faced by local political elites, such as raising revenues for political ends, establishing linkages to the electorate, and monitoring constituencies. Shari'a by-laws, in other words, are an attempt by local political elites to re-regulate political corruption practices that emerged in the context of institutional change.

The growing attraction of shari'a-inspired by-laws, and the change in political corruption for which they stand, also confirm the old finding that political resources are made more or less valuable by the nature of a political system (Scott, 1972, p 88). While in the authoritarian setting of the New Order, control over the Golkar party branch or a key military unit was a viable source for demanding favours, in post-New Order Indonesia, control over a bloc of votes has become a resource that can be traded against cash. The changing value of political resources, then, has resulted in changing strategies to accumulate such resources. Shari'a by-laws on *zakat* and other issues are an expression of this change.

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⁴⁵ The prevalence of money politics as such indicates that there has not been a consolidation of political competition in the districts of South Sulawesi. Money politics are a sign of weakness, not of strength, and they usually occur when machine politics are in their infancy. See Erie's (1988, p 21) study on Irish machine politics in nineteenth century America for a more elaborate categorization of different stages of machine politics.

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