

## Power Relations of The National Sharia Council and the Construction of Islamic Identity through Sharia Discourse Masification

Abdul Rahim

UIN Mataram

[abdul.rahim@uinmataram.ac.id](mailto:abdul.rahim@uinmataram.ac.id)

Halimatuzzahro

Al Azhar University, Cairo

[halimatuzzahro11@gmail.com](mailto:halimatuzzahro11@gmail.com)

### Abstract:

*This paper attempts to describe the Islamic discourse echoed by the National Sharia Council (DSN) as an ideal solution in products/programs that are suitable in Islamic law, but in practice it becomes a sheath of domination that is accepted by the Muslim community as taken for granted. The practice of sharia discourse that create new capitalism occur in Banks Syariah, BPJS Syariah, and Cooperatives Syariah. The power relations of the National Sharia Council which claime sharia discourse as an ideal concept, behind which there are capitalist interests that are networked with non-sharia (conventional) products / programs. Through the power of the DSN as a knowledgeable authority, the Muslim community as a target began to hegemony over the sharia discourse, because the cult of the DSN represented the intellectual authority in Islamic law. Meanwhile, consumptive practices in the sharia discourse can be seen in the concept of sharia tourism, sharia hotels, and syar'i hijab. The syar'i hijab, which is the mainstay of capitalism in fashion products targeting the Muslim community, forms excessive consumerism in decoration (tabarruj) rather than the simplicity idealized in Islamic law (zuhud / asceticism). Ideal sharia practices and in accordance with Islamic law in economic terms can be echoed again through the maximalize management of Baitul Mal as an accommodating forum for Zakat Mal, Infaq, waqf and others.*

**Keywords:** Sharia Discourse, Domination, Identity, Consumerism.

### INTRODUCTION

The sharia discourse that is developing in Indonesia today is more directed at identity politics to show that the life line of the Muslim community who wants to be brought back to Islamic law has a chance to be done (Mahyudi, 2015). Starting with the emergence of studies on Islamic economics offered in universities, then the sharia discourse began to develop with the holding of sharia products which were intended as resistance from conventional products. In the study, Fakhрина (2017) tries to explore economic freedom that is faced with State intervention in terms of Ibn Khaldun's perspective. The sharia discourse echoed by the State in the economic concept is an intervention that targets the Muslim community to believe that the Islamic economic system can be implemented, as well as countering conventional products. According to the National Sharia Council (DSN) as an underbow MUI (Indonesian Ulama Council) institution which has the authority to

issue halal certification or support sharia discourse, it is deemed not in line with Islamic values and prevailing social values. So sharia products are intended as a solution.

However, if we look closely, the sharia discourse that is developing on a national scale now leads to worldly affairs, which are disguised through the power of the National Sharia Council to include the initials of sharia as a product/program identity in accordance with Islamic law. The Muslim community as the target subject in the context in Indonesia, with the sharia discourse issued as a solution step in carrying out programs/products in accordance with Islamic law began to hegemony with this discourse. Jurgen S. Nielsen (2016) in his book *Shari'a As Discourse* mentions that the sharia discourse that develops in the European context, for example, is also confronted with traditions, state constitutions, and even triggers a response between civil law and religious identity. This means that the sharia discourse that develops in Muslim societies to restore religious identity can actually trigger conflict when many things are still being debated.

In this paper, the author tries to describe the problem formulation of how the sharia discourse that is currently developing makes the power of the National Sharia Council to dominate the Muslim community in order to accept the concept of sharia as an ideal, while in practice it is far from values in Islamic law and human values. Even creating a new capitalism within the network of capitalism that is already established/lasting. In addition, the author will also describe how the echoed sharia concept becomes the value of religious compliance as identity politics, as well as sharia discourse as an Islamic cultural industry in the promotion of sharia products/programs.

The concept of power relations the author tries to explore from the perspective of Foucault (2002) that the power aspect of the National Sharia Council which dominates through the Sharia discourse that is echoed, is just a symbol to justify an action in accordance with Islamic law. The power relation of the National Sharia Council and MUI as the subject that produces the discourse, can be accepted by the Muslim community with their modalities which are cult as knowledgeable parties. Then their knowledge in terms of Islamic law is poured into creating new products (sharia) disguised through a religious veil, behind this there is an established capitalist/company interest as a supporter of the sharia product. While in practice it can be said that it is not in accordance with the conception of sharia (law) in Islam (Nurhakim, 2011).

## **DISCUSSION**

### **The Practice of Sharia Discourse as New Capitalism**

One example of the practice of Islamic products is Islamic banks, with higher loan interest but shrouded in the term "profit sharing" (Sarwat 2013). Islamic banks are intended as a solution to break the usury that occurs in conventional banks, in practice Islamic banks have higher interest rates that are pegged to the profit-sharing claims. Islamic banks that assist in funding the businesses of individuals or groups that borrow from them, have been determined at the outset that the percentage will become part of the bank, even though the business of the individual borrowing has not yet started.

Logically, Islamic banks ignore the risk aspect that could occur in the borrower's business, while the interest for the return has been pegged. Interest from loans claimed as profit sharing does not promise a program run by Islamic banks as a solution for conforming to the concept of Islamic economics. However, the new oppression that occurs under the guise of religion, seems to be accepted by the community through the power of the National Sharia Council which represents Muslim intellectuals and as

legitimacy for the halalness of existing products/programs. Even though Islamic banks carry the concept of Islamic economics, in practice they are more oppressive than conventional banks, so the role of DSN under the pretext of expanding the Islamic economy on the basis of Islamic banking becomes something natural, with the hegemonic community to participate in its development.

In fact, if we look back to the conception of sharia as Islamic law, if the form of funding assistance is agreed upon as profit sharing, then there is no provision at the beginning for the distribution for fund providers and business actors. Likewise, when there is a loss, the provider of funds does not get anything, even the most appropriate is the possibility that the provider of funds can help bear the losses suffered by business actors, this is the concept of sharia and is in accordance with the values of socialism in society.

The initial mission of Islamic banking, which was intended to help small entrepreneurs and weak in capital, did not materialize as expected. Therefore, it is not surprising that various criticisms emerged against him, both from among Muslims themselves and from among non-Muslims. As the name implies, Islamic banking should be able to make a very significant contribution to the goals of the Muslim community in the economic field, such as poverty alleviation, equitable distribution of wealth, and job creation. However, according to some experts, the maximum contribution can be realized if it is allowed to operate in tough competition with conventional banks. It is only able to provide a full positive role when the practice of banking based on interest is completely replaced by an Islamic financial system (Niazi, 1990; Aziz, 2012). So this is where we see how the sharia discourse is echoed in banking as a form of artificial Islamization.

However, even though the practice of Islamic banks is hidden behind the new capitalism/new oppression, but the Muslim community who is hegemonized by the sharia discourse that has a halal guarantee from the National Sharia Council as the authority of the power, then this is accepted naturally. The presence of Islamic banks in Indonesia also cannot be denied that the occurrence of a tendency to be trapped by Islamic banks into the paradigm of capitalism indicates the weakness of culture and Islamic awareness in a kaffah manner. In addition, the regulator that oversees Islamic banks, in this case Bank Indonesia and DSN-MUI, has not been able to produce legal products that can encourage Islamic banks as kaffah Islamic financial entities (Aswad, 2015).

In fact, the market has responded to this hegemony with products that contain spiritual content in the context of the sharia market which greatly affects the economic sphere. This comes with the role of spiritual lifestyle agents playing an important role in helping and shaping this new urban middle class in consuming Islam to signify their Islamic identity. Then came the active blending of Islamic piety and capitalism in the contemporary Indonesian situation. The symbolic consumption of Islam has become a new source of spiritualism as well as a source of religious identification (Utama, 2015).

The cult of the DSN as parties who have knowledge of the law, then their power as authority over the sharia discourse also has legitimacy to continue. The power relations they have by producing sharia discourse as a cover of domination over the various interests of the investors in Islamic banks are also networked with existing conventional banks (Nugroho, 2019). In this case, Islamic banks cannot actually be said to fully adhere to sharia principles as is the case in the concept of Islamic law regarding financial management or public funds. For example, in accessing capital, Islamic banks will first consider businesses that have an established margin between capital and profits, or businesses that have almost

no risk. In fact, access to capital is also quite necessary for newly initiated businesses. While Islamic banks still depend on conventional banks, they still have the same climate that the capital provided must be able to generate greater profits as operational costs, or other names.

Likewise with the practice of sharia cooperatives, not much different from the concept of Islamic banks above. Conventional cooperatives that manage savings and loan units, in providing loans to individuals or business groups, initially have an agreement on interest to be given to the fund provider as operational costs for the continuity of the cooperative. Sharia cooperatives are the same as conventional cooperatives, only their affiliations which are usually under the auspices of religious institutions (Islamic boarding schools, Islamic colleges) are claimed to be more Islamic than conventional cooperatives, even though the practice is the same, and sharia is a symbol of the veil of interest which indicates usury as well.

### **Sharia as Identity Discourse**

The charm of Indonesia, which is still echoed today, is trying to carry the discourse of sharia also in its tourism promotion. Halal tourism / sharia tourism which in 2015 was pinned in one of Indonesia's regions, namely Lombok as the best halal tourism and the best Honeymoon destination from the halal tourism association (Halal Tourism Association) in the World Halal Summit / Exhibition competition spearheaded by the United Arab Emirates (*travel.kompas.com, 2016*), echoed again for this year through the votes distributed on the internet to choose several areas that were offered as the best halal tourism.

Some areas in Lombok that will be used as sharia tourism are the Islamic Center Mosque in Mataram, Pink Beach in the remote of southern East Lombok, and Tanjung Bloam in Central Lombok. The growing discourse about sharia tourism offered at the Islamic Center mosque is still limited to showing the grandeur of the mosque, and the discourse of NTB as a center for Islamic studies.

Sharia tourism through the Islamic Center which is developing has begun to be tarnished with sharia conceptions that are not really applicable. For example, the circulation of photos of two foreign tourists kissing right in front of the Islamic Center yard, then some time ago the tower with a height of 99 meters had become a tourist arena with illegal fees so that they could climb to the top to see around the city of Mataram. Likewise, visitors who go up to the tower, many women wear shorts, short-sleeved shirts and take selfies at the top of the tower (*Interview with Hamdani, manager of the Asmaul Husna Tower Islamic Center Hubbul Wathan, December 2016*).

Meanwhile, sharia tourism (*kabarlombok.com, 2016*) which is launched in the coastal area, namely Pink beach with the beauty of pink sand beach seen from a distance, and various marine life that can be seen directly with the clarity of the water. The beach, which is located in the administrative area of East Lombok Regency, is being discussed by the Provincial Government through the Tourism Office to become a sharia tourism object with a tourism concept that emphasizes Islamic values. However, the problem with the takeover of the coastal area as a tourist area is that residents in the area whose source of livelihood as fishermen, will automatically be eliminated with protection from the owner of the power over the area as a tourist area..

The local government authority through its regional regulation (Perda) has begun to standardize these tourist areas with accommodation standards and prices that become the

basis for regional income. Then the relationship between visitors and the tour manager is determined by the money they have to be able to access these tourism area. Even the indigenous people who live close to the tourist area, with a standard price determined through the authority of the Regional Regulation, they also have to pay to be able to enjoy the tour. Privatization of tourist areas with sharia discourse developed by the owner of the power makes the original inhabitants excluded from their source of income, then access to tourism by fellow ethnic Sasak residents must also pay a retribution in accordance with the standards determined by the Regional Government.

It is different with the concept of a sharia hotel which was also developed in Lombok. Through the award as The Best Halal Tourism and Best Honeymoon Destination last year, the local government offered hotel entrepreneurs to change their hotel concept into a sharia hotel with a market share of Muslim tourists who would visit. Several hotels are willing to accept the sharia concept, with provisions for clarity of visitor identity/status, expansion of places of worship, decoration with an Islamic appearance, and halal culinary. However, in practice, several hotels that agreed to the sharia concept were due to declining revenues, secretly starting to turn around for their business continuity, but the sharia label was still attached to their business.

One of the lecturers of an Islamic university in Mataram once conducted a case study on the sharia label on the hotel whether it was in accordance with the sharia concept in Islamic law. His visit to a hotel with a sharia label in Mataram was observed by being a visitor and bringing one of the young women to the hotel. It turned out that at the reservation desk when he booked a room he was not asked at all whether their status was a married couple or whether there was a family relationship, the reservation immediately gave the room key to visitors, before just checking their identity. "The sharia label is the cover behind the sharia discourse that is being echoed by the state, especially in NTB where halal tourism is developing. However, in practice it cannot be separated from economic motives, profit which is more dominant is the goal" (Interview with M. Ali, lecturer in Islamic Economics at IAIN Mataram, December, 2016).

The concept of sharia in hotels, which refers to the offer of the local government, makes the identity of sharia as a cover for people's perceptions of the business they are doing. Whereas practices that are not in accordance with these provisions should have sanctions set. However, the veil seems to have also received protection for their efforts with taxes from operations that are included as regional income. The sharia concept promoted by the hotel is an attempt to disguise the dilapidated nature of their business, and business continuity is an important thing that must be maintained. The construction of sharia as an identity that is supported by the owner of the power increasingly supports its capitalist existence.

Meanwhile, the sharia identity that is echoed through the *syar'i* hijab as a discourse on the ideal dress style for Muslim women is also the power of capitalism in fashion products. The *syar'i* hijab, which is the construction of public figures who produce Islamic discourse through their style of dress, becomes the domination of the rampant market production of this fashion. The modalities of these public figures are seen from the perspective of Bourdieu (1996) that the discourse that develops and becomes massive through the characterization of these figures seems to be accepted as something ideal. And the relationship between those who produce discourse and those who receive discourse, makes this figure a benchmark for the discourse that dominates. One of them is through the *syar'i* hijab which is echoed through the figures of actors in Islamic films.

With the circulation of the syar'i hijab discourse, capitalism from fashion producers began to penetrate the market share of the Muslim community. Sharia has again become a cover for domination over capitalism for fashion products, some of which can be said to be incompatible with proper dress styles according to Islamic law, and lead to excessive behavior in ornate (Tabarruj). For example, camel hump hijab products, ninja style hijabs, and some fashion products which, when used, accentuate the appearance of female curves. Such massive sharia discourse has become the profit base for capitalists with a sharia identity that is discoursed on their products (Christoffersen, 2016).

Sharia in the context of syar'i hijab makes the practice of consumption of fashion products as their identity that shows piety, even though this practice is a construction of a discourse that undermines Muslim society into consumptiveness, and further perpetuates capitalism. The phenomenon of popular Islam which is expressed through the consumption of fashion that is considered syar'i, architecture, or products that are embedded with religious labels also includes rules that are considered Islamic, causing the emergence of a new middle class that carries the aspirations of sharia discourse as capital (Noor, 2015). Even though there are those who argue that the design of syar'i hijab products is also direct from Muslim designers themselves, it is a new capitalism that has emerged from the Muslim community itself, then with these products it becomes legitimacy to discuss the ideal concept in dress style.

### **Sharia Discourse as an Islamic Culture Industry**

The dominance of the National Sharia Council (DSN) as the gate keeper of legal conformity and Islamic characteristics of a particular product or program, has increasingly made the discourse of sharia a consumption practice of Islamic identity and piety. Gokariksel and McLarney (2010) in their article Muslim Women, consumer capitalism, and the Islamic culture industry, state that consumption practices for commodities that are echoed through religious motives are the construction of identity as an Islamic individual or community. In this regard, Gokariksel also discussed the phenomenon of the hijab boom as a commodity that is developing globally.

Hijab from the production of capitalism began to penetrate the Muslim community to accommodate their expressive need for piety. In addition, the discourse of beauty and femininity through hijab makes capitalism that seeks profit more lasting with the expression of Islamic identity, especially those targeting Muslim women (Gokariksel & McLarney, 2010). Discourse of piety formed through syar'i hijab fashion is quite successful in shaping an increasingly consumptive lifestyle for the sake of image and identity.

The practice of the cultural industry in the sharia discourse is an attempt to rationalize the logic of religion to control certain processes as part of the identity of the Muslim community. Sharia is not only a veil over identity, but also forms a new capitalism in Muslim society itself, one of which is through sharia banks, sharia cooperatives, the syar'i hijab that is echoed, are modes of capitalism that try the Muslim community for greater profits through consumption. discourse of piety on the sharia product.

Sharia as a discourse produced by those in power is used to lead public opinion with rationality that is crammed in accordance with religious guidance, and tries to make the subject claim to be religious when they want to switch to the sharia conception. Sharia, if associated with the dialectic of enlightenment, Adorno-Horkheimer (2002) is analogous to rationality to return the mark of Muslim society to religious guidance, but in practice it creates a new capitalism in society itself. The practices of sharia products that are claimed

to be enlightenment give rise to new oppression and social estrangement, as is the case in the practice of Sharia Banks and Sharia Tourism which is being discussed.

Through the power of the National Sharia Council and the MUI (Indonesian Ulema Council) as authoritative parties who have a fatwa that conventional products can lead to haram with the concept of capitalism that extorts society. Then sharia products are offered which are discoursed more in accordance with Islamic law, although in practice they are not much different from the existing (conventional) products. The National Sharia Council is like a party trying to lead public opinion with the discourse of sharia as a politics of piety with intellectual authorities and institutions that are given authority over the management of halal certification or sharia discourse (Said, 2020).

Ismail Fajri Alatas (2021) in his book *What Is Religious Authority* tries to investigate how the voice of religious leaders in religious matters can become authoritative. Even in the context of state institutions, religious figures in the terminology of official ulama, including MUI, have a fairly broad authority compared to unofficial religious figures, or those who are not state institutions. This is the study of Norshahril Saat (2018) which compares official scholars in Indonesia and Malaysia.

The hegemony of sharia discourse in terms of Gramsci's (1999) thought that sharia, which was intended as a solution, actually formed a new domination in Muslim society itself which was not in accordance with Islamic law. The role of Islamic intellectuals in this case, which is represented through the National Sharia Council is nothing but the party who legitimizes that the sharia that is echoed is in accordance with the law that is understood by their interpretation. In fact, their legitimacy as the party that constructs the sharia discourse is still wide open for criticism so that it is in accordance with Islamic values and socialism for fellow human beings.

In this regard, Althusser's thoughts also strengthen the thinking of the German theorist, Antonio Gramsci (1971) regarding hegemony. Gramsci's theory of hegemony (1971), like Althusser's theory of the Ideological State Apparatus, is also basically a repression of power. The difference is, repression in hegemony is characterized by "subtle" relying on moral and intellectual leadership and is active. Hegemony is not achieved through coercive power, but through systemic discourse (language), directed, and sustainable to win voluntary public acceptance of an idea or regime (Barker, 2000: 61 in Halimatusa'diah 2014). Sharia which is hegemonized by the National Sharia Council through religious institutions, education, mass media, has become an ideology that increasingly supports the interests of the power owners behind it. The interests of the capitalist economy are increasingly legitimized for the acceptance of the subtly hegemonized society through the moral and intellectual leadership of the National Sharia Council.

Meanwhile, Sharia is viewed from the concept of the Ideological State Apparatus (ISA) proposed by Althusser, namely religious, cultural, educational institutions, including the mass media, which contribute to shaping the ideology of society in order to accept the concept as discoursed by those in power as a form of obedience. The way the ISA works is more about ideological aspects, then in the end it will be repressive too, because it is intended to manipulate consciousness (in Halimatusa'diah 2014). Public awareness of adherence to religion accepts the concept of sharia as a solution, but hidden the veil of religion as politics behind it.

## CONCLUSION

What is the main goal in the sharia discourse is actually an emancipatory effort so that the Muslim community bridges the principles of religious law in practice. However, when the sharia discourse meets product/program capitalization, that is what makes sharia in practice begin to consider profit values as a goal. For example, in Islamic economics, the developed sharia principles should be accommodated through zakat mal (Wealth) and infaq in the form of Baitul Mal which is the center of Islamic financial management (Adnan, 2015). And to bridge the efforts of the Muslim community without the interest that ensnared at the beginning, but with the administrative costs incurred when individual or group businesses run well.

The logic of awareness to help each other in Islamic law is in line with the values of socialism. Socialism for fellow human beings as a form of respect for Islamic law can be contained in an effort to build mutual prosperity through appropriate economic practices to be developed by these Islamic banks. However, due to their capitalist principles which play a significant role in the company, socialism is actually being neglected, only profit interests over their capitalism.

The identity of sharia is only a discourse that becomes a veil over the domination and veil of capitalism that dominates Muslim society, but is accepted as something taken for granted through the power of the National Sharia Council which acts as an intellectual party for the massive hegemony of the discourse. Then the emancipatory efforts to realize that instrumental rationality through cultural products that are shrouded in sharia identity is something that is conditional with interests, it should be returned to the roots of sharia or Islamic law in accordance with the values of socialism that are highly upheld in Islam. One of them is the value of usefulness for fellow human beings, with the aim of mutual welfare. This is what is meant by progressive Islam and progressive ijtihad as initiated by Abdullah Saeed (Mu'ammam, 2017).

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