Identity Politics and Local Regulations: A Critique of Ideology on Local Regulations in the Post-New Order

Eko Mukminto
Faculty of Law, Universitas Negeri Semarang
Sekaran Gunungpati, Semarang, Jawa Tengah 50229
E-mail: ekomukminto@mail.unnes.ac.id

Rofi Wahanisa
Faculty of Law, Universitas Negeri Semarang
Sekaran Gunungpati, Semarang, Jawa Tengah 50229
E-mail: rofiwahanisa@mail.unnes.ac.id

ABSTRACT

This article aims to study the identity politics embedded in local regulations in post-New Order Indonesia. This study used Critical Discourse Analysis to uncover the configuration of identity politics embodied in law and local regulations. After the fall of the New Order regime, the Indonesian government chose decentralization of power, which led to a path to regional autonomy. In its dynamics, several regional policies and regulations tend to project local legal politics with primordialism and conservativism in forming social coherence. Many regulations were criticized because it tends to have a complex nuance for minorities. From the analysis of several regional regulations or policies, the most prominent trend was Islamic identity. This study showed that Islamic identity became popularized and intertwined with local populism because New Order's centralism repressed Islam in the political landscape. Thus, after the fall of the new order regime, decentralization becomes a channel to offer the repressed ideological fantasy of Islamic legality at an elevated level.

Keywords: *Ideology, Identity Politics, Local Regulations, Post-New Order*

ABSTRAK

Artikel ini bertujuan untuk mengkaji politik identitas yang tertanam dalam peraturan daerah di Indonesia pasca Orde Baru. Penelitian ini menggunakan Analisis Wacana Kritis untuk mengungkap konfigurasi politik identitas yang diwujudkan dalam undang-undang dan peraturan daerah. Setelah jatuhnya rezim Orde Baru, pemerintah Indonesia memilih desentralisasi kekuasaan, yang mengarah pada jalan menuju otonomi daerah. Dalam dinamikanya, beberapa kebijakan dan peraturan daerah cenderung memproyeksikan politik hukum lokal dengan primordialisme dan konservativisme dalam membentuk koherensi sosial. Banyak regulasi yang dikritik karena cenderung bernuansa kompleks bagi minoritas. Dari analisis beberapa peraturan atau kebijakan daerah, tren yang paling menonjol adalah identitas keislaman. Kajian ini menunjukkan bahwa identitas Islam menjadi populer dan terjalin dengan populisme lokal karena sentralisme Orde Baru menekan Islam dalam lanskap politik. Dengan demikian, setelah tumbangnya rezim orde baru, desentralisasi menjadi saluran untuk menawarkan fantasi ideologis yang tertindas tentang legalitas Islam pada tingkat yang lebih tinggi.

Kata Kunci: Ideologi, Politik Identitas, Peraturan Daerah, Pasca Orde Baru

Introduction

After the fall of Suharto's New Order Regime in May 1998, the concept of centralized government in Indonesia was criticized. This centralized concept is considered to impede development in the regions outside Java. The concept of the New Order government is also considered Java-centric and ignores development outside Java island. Then, the post-Soeharto administration abandoned centralism and conceived decentralization to open up opportunities for all regions in regional autonomy to develop their regional potential.[1] Moreover, local autonomy law was enacted by Law Number 22 of 1999 concerning Regional Autonomy, and Law Number 25 of 1999 concerning Fiscal Equalization between the Center and the Regions. Both laws have been in effect since the administration of President Habibie in 1999. Both laws transfer power and revenue to regional governments, which in its implementing regulations have handed over authority to 30 provinces and 365 districts and designated them as administrative areas that deal with matters of welfare to public health.

Furthermore, Law Number 22 of 1999 has invalidated Law Number 5 of 1979, which instructs to make the village government similar throughout Indonesia based on the model on the village government in Java.[2] Based on this law, each province can develop its village governance structure, restore old village institutions and leadership, and resolve local problems according to local customs. The post-Soeharto administration also granted Special Autonomy Regions to Aceh and Irian Jaya (later whose name was changed back to Papua). For example, Aceh Province implements Islamic law (sharia) and the election of regional leaders by some local parties.[3] In 2004, Law Number 32 of 2004 replaced Law No. 22 of 1999 and then replaced Law Number 23 of 2014 concerning Regional Government.

After the second amendment to the Indonesian constitution, the authority of local governments in making policies is regulated in Article 18 Paragraph (6) of the 1945 Amendment to the 1945 Constitution of the Republic of Indonesia, which states that Regional Governments have the right to order

---

[1] The centralism of the central government's power was originally an attempt to quell regional upheaval in the constellation of national political stability. The evaluation of the Java-centric centralism of the New Order government has paved the way for regional autonomy and fiscal decentralization. In fact, it is acknowledged that the implementation of fiscal decentralization in the reality tends to be influenced by political aspects rather than economic aspects. Proborini Hastuti, "Effect of Regional Political Stability on the Implementation of Fiscal Decentralization in Indonesia," *SIMPOSIUM NASIONAL KEUANGAN NEGARA* 1, no. 1 (2018): 784–99.

[2] The concept of Javanese-centric local government is very thick in Law no. 5 of 1979, which wants to homogenize the form of village government, adapted to that on the island of Java, based on the nature of the Unitary State of the Republic of Indonesia (NKRI Concept), the position of village government is as far as possible being uniformed, taking into account the diversity of village conditions and customary provisions that are still in effect to strengthen governance. Villages to be more capable of mobilizing the community in their participation in development and carrying out village administration that is increasingly widespread and effective. See "Law Number 5 of 1979 in the Considerations Section" (n.d.).

[3] Angel Rabasa and Peter Chalk, *Indonesia's Transformation and The Stability of Southeast Asia* (Santa Monica California: RAND, 2011). P. 48. The granting of Special Autonomy status to Aceh Province cannot be separated from the historical context of Aceh itself in the past after the revocation of the status of Military Operation Areas in Aceh. In fact, there have been many violations of human rights during the implementation of the Military Operations in Aceh. Thus, it can be said that the granting of special autonomy status to Aceh is rhetorical. This Special Autonomy can be seen as a compensation for what has happened in the past.

regional regulations and other regulations to carry out autonomy and co-administration tasks. Later in its development is clearly stated in Law Number 23 of 2014, namely Article 22, paragraph 1, which states that Regions have the right to determine regional policies in carrying out Co-Administration tasks. This legal basis eventually becomes the legal logic of regional governments that try to compete in making various regional policies that are interpreted as symbols of the identity and interests of their respective regions.

In 2010 the National Commission on Violence against Women (Komnas Perempuan) released a research report on 154 regional policies published at the provincial level (19 policies), district/city level (134 policies), and at the village level (1 policy) between 1999 and 2009. The report shows that many policies have become a means of institutionalizing discrimination, these regional policies were decreed in 69 districts/cities in 21 provinces, and more than half of the discriminatory regional policies (80 policies) were issued almost simultaneously between 2003 and 2005. Several regions, such as the Provinces of West Java, West Sumatra, South Kalimantan, South Sulawesi, West Nusa Tenggara, and East Java, are six provinces which, according to Komnas Perempuan, their districts often issue regional policies that discriminate against women. 63 of the 154 regional policies are considered discriminatory against women through restrictions on the right to freedom of expression, reduction of the right to protection, and legal certainty. Eighty-two regional policies regulate religious issues, such as restricting freedom of religion for the Ahmadiyya congregation.[4]

Later in its development, many regional policies and regulations became polemics in the community, such as the prohibition of all offices in West Aceh Regency from serving women who dress up inappropriate clothes and tight pants as ordered in the Regent's Regulation no. 5/2010 concerning the enforcement of Islamic Sharia and Qanun Number 11/2012 concerning Aqidah, Worship and Islamic symbols. West Java Regional Broadcasting Commission (KPID) banned 17 English songs. In 2019, the Mayor of Depok initiated a right-handed eating program[5]. Moreover, like the stipulation of foreign language Wednesdays in East Nusa Tenggara as stated in the Gubernatorial Regulation No. 56 of 2016. Therefore, in public discourse, problematic regional policies or discriminatory regional regulations have emerged from these policies.

In the normative approach to law, this political bias configuration cannot be analyzed. Therefore, we cannot rely just on a normative juridical analysis, but we need a deep analysis that can expose and uncover the ideological configuration in society. Therefore the fundamental question is, how is the ideological configuration of identity politics manifested in regional policies and regulations after the New Order? Second, How can the origins of identity politics be manifested in post-New Order regional policies and regulations? Moreover, why does it appear in constructing primordial identities such as religious sentiments, gender bias, or ethnic sentiments?

---

[4] National Commission Against Violence Against Women (KomNas Perempuan), "In the Name of Regional Autonomy: Institutionalization of Discrimination in the Indonesian Nation-State Order, Monitoring Report on the Condition of

Fulfillment of Women's Constitutional Rights in 16 Regencies/Cities in 7 Provinces" (Jakarta, 2010).

[5] Based on the prophet's sunnah and Islamic teachings, it is prohibited to use your left hand intentionally when eating.

Method

This article used the Critical Discourse Analysis method.[6] The central proposition using the Critical Discourse Analysis method is based on the proposition of critical legal studies, which comprehends that the law-making process is ideological. Furthermore, the sublimation of ideology in the social context is discourse as a social practice. Thus, the study of power relations as discourse critiques social power by the dominance of individuals and social groups in society.[7] At this point, critical discourse analysis is used to uncover the workings of the discourse process as a particular ideological-political practice that affects legal or regulatory content.

Discussion

1. Primordial Identity Trends in the Regions (or Local Regulations in the captivity of Identity Politics)

Identity politics focuses on strengthening and maintaining the cultural rights possessed by an individual or group in society. The anti-essentialist acceptance of identity in Cultural Studies states that identity politics is a new language for our identity. It is at this point that awareness of primordial cultural symbols becomes political. In the categorization of the development of identity politics, James Tully states that there is an ontological problem in the body of identity politics[8]. The problem lies in its characteristics which are difficult to identify. In other words, identity politics is identical with the struggle of minorities (religious, cultural, gender, sexual orientation) and how the dominant majority, such as race or religion, in the socio-political landscape.

In this case, the regional regulations considered problematic have highlighted patterns and themes, namely the spirit of primordial identity such as religious or ethnic identity. However, juridically, there is nothing incorrect with the pertinency of these regional regulations. However, as a study of ideological criticism, this study does not end at the juridical-formalist level. Therefore, to find out its ideological configuration, the next thing that needs to be studied is the trends and patterns of these regulations and policies.

Arskal Salim in Hayatun Na'imah, Sharia-Based Regional Regulations, and State-Religious Relations In the Pancasila Perspective, stated these regional regulations and regional policies could be classified in several ways, namely: (1) Regarding public order, such as the prohibition of prostitution activities and restrictions on the distribution or consumption of alcoholic beverages; (2) religious obligations and skills such as paying zakat and the ability to read and write the Qur'an; and (3) religious symbolism in the form of Muslim clothing.[9] The three classifications can be seen as normativity at a formalist level. So, those regulations are not in a substantial religious capacity whether the product of the regional law is indeed a projection of the ideological ideology of Islam at the level of legal politics.

The first classification, which is about public order, such as the prohibition of prostitution activities and restrictions on the distribution or

---

[6] R. Wodak and M . Meyer, "Critical Discourse Analysis: History, Agenda, Theory, and Methodology.," in *Methods for Critical Discourse Analysis*, ed. R. Wodak and M. Meyer (London: Sage, 2009).

[7] Teun A. Van Dijk, "Principles of Critical Discourse Analysis," *Discourse & Society* 4, no. 2 (1993): 249–283

[8] James Tully, *Identity Politics, The Cambridge History of Twentieth-Century Political Thought* (Cambridge: Cambridge University, 2003).

[9] Arskal Salim in Hayatun Na'imah, "Perda Berbasis Syariah Dan Hubungan Negara-Agama Dalam Perspektif Pancasila, Mazahib," *Jurnal Pemikiran Islam, Mazahib* XV, no. 2 (2016): 155.

consumption of alcoholic beverages, basically does not appear as religious nuances but appears as an effort to bring Order. However, in the second classification, namely on religious obligations and religious abilities such as paying zakat and the ability to read and write the Qur'an, it is clear that the encouragement to practice religious rites formally. Third, religious symbolism in Muslim clothing appears as a medium to visually display an Islamic identity.

The question that arises on the legality aspect of these regulations is to answer how to legislate a regional legal product? The answer is that regulation must follow the procedures in Article 1 point 1 of Law Number 12 the Year 2011 concerning making rules, which instructs those laws and regulations include the stages of planning, drafting, discussing, ratifying, or determining to enact. The instrument for planning the formation of regional regulations is The Regional Legislation Program (Prolegda). This Prolegda is a starting point for developing regional regulations and other regional legal products that are regulatory. It means the question that should be asked is, what are the characteristics of these regional regulations? What trends stand out in these regulations or the policies in regional legal products.

Moreover, the most crucial thing to ask is how is the development of regional products such as regional regulations in terms of quality, are they by regional needs from the last few years? This question, of course, must be answered by studying the characteristics of each region's development in its social reality. There is domination that aims to articulate a unique identity to a value that reflects a region. Such as in West Sumatra, the majority of the population is Muslim. At the same time, the emergence of regional regulations with Christian content or often referred to as "gospel" regulations, appeared in Papua,

where most of the population is Christian. From this, it can be analyzed that the emergence of regional regulations or policies refers to the desired symbol representing majority identity in a region or is considered to be.

This representation of the majority can be seen as domination, of course, is not present in the visible landscape but is intertwined in the ideological bias that shroud social reality. The condition of ideological reality is an appearance considered natural. What political arguments underlie is the formation of local regulations that demonstrate the primordial identity of the people. Oddly, this situation is frequently interpreted as a democracy that is articulated as the representation of the majority. For example, a religious identity that the enactment of an Islamic-nuanced local regulation is a logical consequence of the expression of most of the Muslim population. Thus, enactment of Local regulations must be based on the values of Islamic teaching.

Many regional policies and regulations seek to show, project, and confirm religion in a local regulation, which in the end, the labeling of this Sharia's Local Regulation has become a trend in various regions. This, in reality, is not a Sharia local Regulation legally, but it formally wants to be recognized at least are considered subscribed Islamic values or at least formal Islamic teachings. For example, Solok local Regulation Number 10 of 2001 concerning Compulsory Reading of the Qur'an for Students and Bride and Groom has substance for elementary-high school students and prospective brides to be good at reading the Qur'an. This 2001 regional regulation is an example of local regulation in the early post-New Order era, which tried to emphasize the obligation for students from elementary to high school to be able to read the Qur'an. Even in the regional regulation, the sanctions for this

Regional Regulation contain provisions for sanctions for students and prospective brides who do not carry out the provisions to be good at reading the Qur'an. Sanctions for students are not being accepted at the next level of education or being transferred to another school.

Meanwhile, suspension of marriage is a sanction to the bride or groom who cannot read Qur'an[10]. Here, there are Islamic characteristics formally and imbued as a prerequisite in education and family law. However, this regulation is not imposed or applied as prerequisites for other religions, but what is clear is that the reading of this Regional Regulation is an attempt to show that the formal characteristics of Islam are an ideal to be achieved.

The tendency to dominate religious interpretations also appears in several regional regulations and regional head regulations, as we observed in West Java Governor Regulation (Pergub) Number 12 of 2011 concerning the Prohibition of Activities of the Indonesian Ahmadiyya Congregation in West Java. Then, Banten Governor Regulation No. 5 of 2011, Prohibition of Activities Adherents, Members of the Management of the Indonesian Ahmadiyya Congregation (JAI) in the Banten Province, West Sumatra Governor Regulation No. 17 of 2011 concerning the Prohibition of Activities of the Indonesian Ahmadiyya Congregation in West Sumatra Province, and Pandeglang's Bupati Regulation Number 5 of 2011 concerning the Prohibition of Activities of the Ahmadiyya Congregation in Pandeglang Regency and also Governor's Regulation Number 55 of 2012 concerning the Guidance of Religious Activities and

Supervision of Heresies in East Java. Some of these regulations clearly show that certain religious teachings are considered deviant and categorized as heretical. The Ahmadiyya Community itself is often discriminated against for its existence in Indonesia, both national and local. It is clear here that the logical relation of majority and minority is in unequal coordinates, and this inequality is institutionalized through regulation.

The prohibition of religious teaching or belief violates human rights principles, but unfortunately, the government's policy often takes the pretext of maintaining public security and order at the disadvantage of minority rights. Additional notes regarding the motives of religious nuances in regulations are at the level of regional regulations and village regulations. In Padang village, Guntarang sub-district, Bulukumba district uses religiously nuanced village regulations. Namely with the Muslim Village Regulation No. 5 of 2006. Bulukumba Regency itself is the first district in South Sulawesi to implement a Sharia-based Regional Regulation since 2002.[11] This situation is a symptom of a tendency to return to primordial identity in a formal normative order.

From the analysis of several regional regulations or policies above, a red thread can be drawn: the tendency for political identity to be applied in formal law. Local politics that tend to be biased by ethnicity or religion are the driving force that directs how a regulatory tendency reflects. Thus, the following question is why religious tendencies are more dominant than other political identities?

---

[10] Lita Tyesta Addy Listya Wardhani and Adissya Mega Christia, *Perda Berbasis Muatan Agama: Problematika, Pembinaan Dan Pengawasan* (Yogyakarta: Bildung, 2020). P. 9.

[11] Heriansyah Anugrah and Ridho Al Hamdi, "Kebijakan Syariah Di Akar Rumput: Menelusuri Motif Politik Terbitnya Peraturan Desa Tentang Hukuman Cambuk Di Kabupaten Bulukumba," *Politea: Jurnal Politik Islam* 3, no. 2 (2020): 185–211.

Aceh Province's reasons for implementing the Qanun are based on their population. Almost 98% of the Aceh population is Muslim.[12] So basically, the majority's logic in applying Islamic fiqh was initiated from the logic to apply shari'a formally and institutionally. Later, this legal reasoning became an inspiration for other regions in the era of autonomy to draw the same legal logic to a more formal sphere.

The phenomenon of regional legal products such as regional regulations containing religious content or those that symbolize regionalism is a social symptom that can be deconstructed to see what is happening in the era of regional autonomy. This phenomenon is essential because the regional legal product order configuration after the New Order has significantly changed the local regulation. Examining more profoundly affects the relationship between the central and regional governments and the relationship between the central government and the state and religion.

Historically, the relationship between state and religion in Indonesia has had its ups and downs. From one government regime to another, it goes even further, namely in the formation of the basis of the state. This discourse is not new. In the discussion of Pancasila, the struggle for political Islam in the Jakarta Charter can be a drive to formalize Islam in the national political order. Nevertheless, in the ideological Order of political Islam, there were obstacles from Asas Tunggal in the New Order era that Pancasila was the state's official single principle. The third is in the technical order discourse, how will it be implemented if Islamic law is applied

as a law informal national law.[13] Thus, these religiously regional regulations are a symptom that surfaced in the era of regional autonomy after the fall of the New Order regime, which had a centralized power.

The way of regional regulations and policies was chosen in the landscape of the populist political Islam struggle. The ideological situation that allows regions to implement local regulations or policies with religious content impacts local political representation. Because, like it or not, the local political constellation also has its significance in influencing political power in local government.

Purwo Santoso (2011), in"Proliferation of Local Governments in Indonesia: Identity Politics within a Troubled Nation-State," showed that this condition is possible consequently where local politics that is embodied in the body of local government is presented as a common denominator that accommodates collective identity also to make politics functional[14]. Furthermore, in the context of regional autonomy, only local governments can functionally appear as the political consequences of differences. Additionally, identity politics plays a strategic role as political fuel at the local level. Thus, the tendency in the regional competition to show their identity has something in common, namely, the elements or nuances of the religion of most of the region.

Michael Buehler in The Politics of Shari'a Law: Islamist Activists and the State in Democratizing Indonesia shows that the post-New Order political competition is very tight where local

---

[12] Munawar Ahmad, "Fenomena Perda Syariah: Institusional Identitas Pada Local State," *Jurnal Ilmiah Sosiologi Agama Dan Perubahan Sosial* 1, no. 1 (2007): 4.

[13] Hayatun Na'imah, "Perda Berbasis Syariah Dan Hubungan Negara-Agama Dalam Perspektif Pancasila," *Mazahib: Jurnal Pemikiran Islam, Mazahib* XV, no. 2 (2016): 155.

[14] Purwo Santoso, "Proliferation of Local Governments in Indonesia: Identity Politics within a Troubled Nation State," *PCD Journal* III, no. 1–2 (2011): 23.

politicians can not only seek support from the political elite at the national level but also must be able to garner support from local powers to gain power. Which, in this case, did not exist during the New Order government. The New Order government did not need local politicians to support the national elite. Thus, these local elites inevitably have to seek support at the local level.[15]

Local political representation shows as an accumulation of power after the fall of Suharto. At this point, the discourse on the concept of identity politics at the ideological level appears. In this case, the product of regional law can be seen from the point where the concept of decentralization emerges. Therefore, one thing that is suspected is how to draw the political configuration embedded in the regulations so far and why it appears in constructing primordial identities such as religious sentiments, gender bias, or particular ethnic sentiments? Of course, this analysis cannot necessarily abandon the historical aspects of past power that have been embedded in the nation's political culture for a long time.

2. The Origins of Islamic Identity Politics Post -New Order

The political context of Indonesia nowadays cannot be disconnected from the past. The power of the New Order, which has gripped power for more than 30 years, had a significant influence on the contemporary Indonesian political era. The emergence of the New Order was born from the overthrow of Soekarno's power, which was considered protecting the communist party responsible for the kidnapping of high-ranking military officers on the morning of October 1, 1965. Which then received retaliation from the Army by purging the

communist and Soekarnoist elements in the government and society. In this communist purge, the New Order and the Islamic group joined hand in hand.[16]

In his analysis of the emergence of the New Order, Andreas Vickers[17] states that New Order, from the historical aspect, can be divided into three periodizations: the Honeymoon phase, the Stalinist phase, and the Opening phase. The three periodizations have not mentioned or at least discussed the New Order crisis period. In the Honeymoon phase, the first phase, namely 1967-1974, the political system is still open. Power relations with the press are still well established. It can be said that there is still freedom of the press, not too much military domination in the government, and still maintaining good relations with elements of Islamic groups. However, this Honeymoon phase had to run aground after the Malari riot, which in the end forced Suharto to re-consolidate his power with the military due to political pressure from students.

In the second period, namely, the "Stalinist" phase, authoritarianism became the characteristic put forward in this period. The government stabilizes the power of political power (depoliticization) on universities. In this phase also military power becomes dominant. The military went hand in hand with the bureaucracy, which became the political instrument of the New Order. This phase is also at the stage of political ideology which has increased, namely the implementation of "Pancasila indoctrination,"/ This Indoctrination, in the dictionary of the New Order Government, was rendered

[15] Michael Buehler, *The Politics of Shari'a Law: Islamist Activists and the State in Democratizing Indonesia* (Cambridge: Cambridge University, 2016). P. 104-107.

[16] John Musa Reonhard, "Politik Identitas Mas Orde Baru memasuki era Reformasi," *SOCIETAS DEI* 6, no. 1 (2019): 117–131.

[17] Andreas Vickers in Zainnudin Maliki, *Sosiologi Politik: Makna Kekuasaan Dan Tranformasi Politik* (Yogyakarta: Gajah Mada University Press, 2016).

into P4 (Guidelines, Understanding, and Practicing Pancasila) that made the government Institution called BP7 (Agency of Education and Culture and Implementation of Guidelines, Appreciation, and Practice of Pancasila) became the sole interpreter of Pancasila

In the third periodization, namely in the late 1980s, the forces that had been at odds with power emerged. In the economic aspect, the government issued several deregulations that accelerated the inflow of foreign capital. Investment banking is made easy. However, a coercive state practice structure was the hallmark of the New Order government.

From the periodization above, the "Stalinist" period is an era that haunts every phase of the New Order's power periodization. This period can be seen from the process of hegemonization of the New Order's power which was implanted since the beginning of the New Order government. The suppression of the power of Soekarno and the Indonesian Communist Party, which was assisted by elements of the political power of Islam, either using physical or cultural violence, was the forerunner to the establishment of the New Order's power. In politics, the power of Islam was simplified into one political party, namely the United Development Party (PPP), in 1973. At this point, the power of the New Order removed the political power of Islam and reduced all Islamic political activities to purely religious activity. This act is called the depoliticization of Islam or the political sterilization of Islam. During this period, many Islamic groups and Islamic activists were under pressure and imprisoned.

In the 1980s, the intellectual power of Islam experienced a significant increase and could encourage the rise of Islamic groups. Later, Suharto's power and the New Order tried to control it by accommodating it in ICMI (Indonesian

Muslim Intellectuals Association) forum. This organization exists to reduce the possibility of a critical attitude to the government.

Another case of hegemony and repression symbolically carried out by the New Order Regime was the prohibition of wearing the jilbab in schools in the 1980s. At that time, there was a trend of wearing a jilbab (or in the New Order's terminology: "headscarf"), and the Minister of National Education, Noegroho Notosoesanto, responded by banning the wearing of headscarves which violated the school uniform rules. This prohibition example, if examined more deeply, also led to discord in Islamic symbols or identities. Because Muslims must wear jilbab but get banned by the New Order regime, this prohibition applies not only in schools but also in official offices and institutions[18]. This analysis is in accord with Henk S. Nordholt thesis, which formulates that the emergence of identity politics today is the impact of the repression politics carried out by the New Order.[19]

The fall of the New Order's centralized power to become a decentralized government finally affected the regions' strength of ethnic and religious sentiments. Then it bolstered the emergence of the terms "Putra Daerah" or "Indigenous Muslims" and made ethnic, locality, or religious sentiments a political commodity that consolidates political power in regions. Thus, current political conditions are an overflow or wave of history that arose due to the repression and constellation of New Order power control.

---

[18] Heru Prasetya, *Pakaian, Gaya Dan Identitas Perempuan Islam Dalam Identitas Perempuan Indonesia: Status, Pergeseran Relasi Gender, Dan Perjuangan Ekonomi-Politik* (Depok, 2010).

[19] Muhtar Haboddin, "Menguatnya Politik Identitas Di Ranah Lokal," *Jurnal Studi Pemerintahan* 3, no. 1 (2012): 120–23.

The anti-centralistic view post-New order gave a breath of fresh air to populist politics in the regions—consolidating in the name of religion as a political commodity. Religion becomes a populism that can be presented instantly because the social bonds offered are more practical. Furthermore, repressed dreams of political Islam in the past fill the gap of history, which ideologically sublimate the fantasies of Islamic politics in the current politics.

3. **Identity Political Populism as the Ideological Configuration of Post-New Order Society**

It has been shown previously that the tendency of identity politics exists in political contestation and has a significant projection in regulations. Thus, identity plays its role in the realm of local politics. The construction of meaning built in an identity provides a compound of the social bond. The incorporation of individuals in a social group can be driven by the similarity of identities possessed by these individuals. Primordial identities become the familiar constellation in fostering common bonds between individuals in a social group. Primordial identities usually manifest in race, ethnicity, gender, and religion. In the end, this group has its characteristics and becomes an identity group.

In politics of the 20th century, identity became a means of discourse battle in terms of power relations. Identity is a complex field of struggle. It becomes a landscape of political struggle from discourses on race, ethnicity, religion, gender to sexual orientation.[20] The struggle for interests within a group and group is present in the fragments of identity that bind and become the group's support.

In contemporary Indonesian political life, the role of identity politics becomes a political polarization[21] that leads to group conflicts with the concept of secular-nationalist identity and groups with religious identities.[22] These two poles of identity have historically tended to conflict ever since the Republic of Indonesia was founded. Moreover, the post-New Order democratization process provided a broader political landscape for these two political identity groups. Terminologically, identity politics refers to a social movement to fight for an acknowledgment that has historically been repressed in such a way whether ethnicity, religion, gender, etc.[23] At this point, that awareness of primordial cultural symbols becomes political.

Nationalist Identity in Indonesia has historically been born as an identity proposition that encapsulates all the primordial identities in Indonesia in formulating an "Indonesian" identity. Nationalism is a formula that can overcome differences and create a new nation formula above all primordial differences such as ethnicity, race, and religion. The identity of nationalism itself comes from the consequences of the sense of fate and sharing that was experienced politically under the colonial rule of the Dutch East Indies.[24] While the Identity of Religion—Islam—is the identity of the majority in Indonesia. The relationship between the two forms a

---

[20] Rui Sindic, Denis , Barreto, Manuela and Costa-lopes, "Power and Ldentity: The Multiple Facets of a Complex Relations," in *Power and Ilentity*, ed. Rui Sindic, Denis , Barreto, Manuela and Costa-lopes (New York, NY, 2015).

[21] Wodak and Meyer, "Critical Discourse Analysis: History, Agenda, Theory, and Methodology."

[22] Diego Fossati, "The Resurgence of Ideology in Indonesia: Political Islam, Aliran and Political Behaviour:," *Https://Doi.Org/10.1177/1868103419868400* 38, no. 2 (August 2019): 119–48, https://doi.org/10.1177/1868103419868400.

[23] Kobayashi. Audrey., *Identity Politics. In International Encyclopedia of Human Geography* (Amsterdam: Elsever, 2009). P. 282.

[24] Yeni Sri Lestari, "Politik Identitas Di Indonesia: Antara Nasionalisme Dan Agama," *Journal of Politics and Policy* 1, no. 1 (2018): 19–29.

political constellation of secularization and religion.

Indonesian nationalism itself is not entirely secular, but religious identity does require the totality of religion in all aspects of life, even in public. Actually, in social life, there is no separation between religion and state in Indonesia. Here, applies the logic of the majority as a political representation which has historically been blocked because of a political agreement at the beginning of Indonesia's independence which took the middle way, namely taking Pancasila as the Fundamental Principle of the state, which formulated a concept that was more acceptable to all political groups in Indonesia.

Furthermore, the fundamental question of identity involves how a subject identifies himself with specific markings. In other words, its operations are interpreted from how the interpellation process can operate to determine the meaning and reproduction of society—this interpretation, where values and ideas exist in society and are reproduced materially through the ideological apparatus.

Louis Althusser formulated that in the social order within the scope of the state. There is an ideological construction that is reproduced through its apparatuses. There are The State Repressive Apparatus (Repressive State Apparatus) and the Ideological State Apparatus. If the repressive state apparatus works coercively, the ideological state apparatus works non-coercively[25]. At this point, the law acts as a force that manifests and maintains society's values and ideas. These values do not exist in the articulation, but the existing power relations and conflicts play a role in how values in society exist

and are preserved. The subject interpellation process is present in this ideological constellation, namely, how the subject feels called to be part of the construction of existing values or identifies himself in an existing ideological relationship. The identity of a subject is in this ideological signification relation. So, without the existing social formation, the subject will not be the subject. Only in this social construction will the subject become complete.

The following question: what exactly is identity populism? What is the meaning of populism, why can it play its role in such a way and dominate contemporary political discourse after the New Order? According to the study of Slavoj Zizek, Populism itself occupies the purest political space[26]. In the sense that populism is not present as politics that carries a specific context, but populism is present as a political forum for any thought, whether its form carries progressive or conservative themes.

Populism has the characteristic that the ontic content of the desired political demands but just as a formal fact, through the ties that are present, for example, the general will of the people emerges as political subjects, And the political propositions over all the different struggles and particular antagonisms emerge only as part of the antagonistic struggle between " we" versus "them." The term "we" versus "them" is not predetermined but rather as a stake in the struggle for the process of hegemony. This adversary or antagonistic process between "we" and "them" becomes a political commodity in identity politics.

Conclusion

Several regional policies and regulations tend to project legal politics

---

[25] Louis Althusser, "Ideology and Ideological State Apparatus," https://www.marxists.org/reference/archive/althusser/1970/ideology.htm, 1970.

[26] Slavoj Zizek, "Against the Populist Temptation, Critical Inquiry," *Critical Inquiry* 32, no. 3 (2006): 551–574.

with primordialism and conservativism in forming social coherence. The most prominent trend is religious identity. This study is proven by the many regional policies and regulations that seek to show, project, and confirm religion in a regional regulation. The labeling of the "Sharia" regulation has become the trend in various regions. From the analysis of several regional regulations or policies, a common thread can be drawn towards a tendency towards a political identity that is tried to be implemented in legal norms.

The framework of contemporary Indonesian politics on a national or local level cannot be separated from the influence of the past. The repressive power of the New Order, which had gripped it for more than 30 years, still influences contemporary Indonesian politics. The repressive power of the New Order toward Islam is the origin of the emergence of repressed fantasies about the formality of Islamic values. Then, after the fall of Suharto's power, the spirit of decentralization of power intertwined with identity politics coexisted with populism. Then, contemporary identity politics became the ideological configuration of the Indonesian post-New Order community at the local level.

The result of this study on ideological configurations does not provide a separate prescriptive on the actuality of nuanced policies in identity politics per se but is to dismantle the ideological veils that are intertwined in the law. Thus, this study proposes that ideas or values that work behind the law must provide progressiveness toward democratization, not a sectarian policy.

References

Althusser, Louis. "Ideology and Ideological State Apparatus." https://www.marxists.org/reference/archive/althusser/1970/ideology.htm, 1970.

Angel Rabasa and Peter Chalk. *Indonesia's Transformation and The Stability of Southeast Asia*. Santa Monica California: RAND, 2011.

Arskal Salim in Hayatun Na'imah. "Perda Berbasis Syariah Dan Hubungan Negara-Agama Dalam Perspektif Pancasila, Mazahib." *Jurnal Pemikiran Islam, Mazahib* XV, no. 2 (2016): 155.

Audrey., Kobayashi. *Identity Politics. In International Encyclopedia of Human Geography*. Amsterdam: Elsever, 2009.

Buehler, Michael. *The Politics of Shari'a Law: Islamist Activists and the State in Democratizing Indonesia*. Cambridge: Cambridge University, 2016.

Dijk, Teun A. Van. "Principles of Critical Discourse Analysis." *Discourse & Society* 4, no. 2 (1993): 249–83.

Fossati, Diego. "The Resurgence of Ideology in Indonesia: Political Islam, Aliran and Political Behaviour." *Https://Doi.Org/10.1177/1868103419868400* 38, no. 2 (August 2019): 119–48. https://doi.org/10.1177/1868103419868400.

Haboddin, Muhtar. "Menguatnya Politik Identitas Di Ranah Lokal." *Jurnal Studi Pemerintahan* 3, no. 1 (2012): 120–23.

Hastuti, Proborini. "Effect of Regional Political Stability on the Implementation of Fiscal Decentralization in Indonesia." *SIMPOSIUM NASIONAL KEUANGAN NEGARA* 1, no. 1 (2018): 784–99.

Heriansyah Anugrah and Ridho Al Hamdi. "Kebijakan Syariah Di Akar Rumput: Menelusuri Motif Politik Terbitnya Peraturan Desa Tentang Hukuman Cambuk Di Kabupaten Bulukumba." *Politea: Jurnal Politik Islam* 3, no. 2 (2020): 185–211.

Law number 5 of 1979 in the Considerations section (n.d.).

Lestari, Yeni Sri. "Politik Identitas Di Indonesia: Antara Nasionalisme Dan Agama." *Journal of Politics and Policy* 1, no. 1 (2018): 19–29.

Lita Tyesta Addy Listya Wardhani and Adissya Mega Christia. *Perda Berbasis Muatan Agama: Problematika, Pembinaan Dan Pengawasan*. Yogyakarta: Bildung, 2020.

Maliki, Andreas Vickers in Zainnudin. *Sosiologi Politik: Makna Kekuasaan Dan Tranformasi Politik*. Yogyakarta: Gajah Mada University Press, 2016.

Munawar Ahmad. "Fenomena Perda Syariah: Institusional Identitas Pada Local State." *Jurnal Ilmiah Sosiologi Agama Dan Perubahan Sosial* 1, no. 1 (2007): 4.

Na'imah, Hayatun. "Perda Berbasis Syariah Dan Hubungan Negara-Agama Dalam Perspektif Pancasila." *Mazahib: Jurnal Pemikiran Islam, Mazahib* XV, no. 2 (2016): 155.

National Commission Against Violence Against Women (KomNas Perempuan). "In the Name of Regional Autonomy: Institutionalization of Discrimination in the Indonesian Nation-State Order, Monitoring Report on the Condition of Fulfillment of Women's Constitutional Rights in 16 Regencies/Cities in 7 Provinces." Jakarta, 2010.

Prasetya, Heru. *Pakaian, Gaya Dan Identitas Perempuan Islam Dalam Identitas Perempuan Indonesia: Status, Pergeseran Relasi Gender, Dan Perjuangan Ekonomi-Politik*. Depok, 2010.

Reonhard, John Musa. "Politik Identitas Mas Orde Baru Memasuki Era Reformasi." *SOCIETAS DEI* 6, no. 1 (2019): 117–31.

Santoso, Purwo. "Proliferation of Local Governments in Indonesia: Identity Politics within a Troubled Nation State." *PCD Journal* III, no. 1–2 (2011): 23.

Sindic, Denis , Barreto, Manuela and Costa-lopes, Rui. "Power and Ldentity: The Multiple Facets of a Complex Relations." In *Power and IIentity*, edited by Rui Sindic, Denis , Barreto, Manuela and Costa-lopes. New York, NY, 2015.

Tully, James. *Identity Politics, The Cambridge History of Twentieth-Century Political Thought*. Cambridge: Cambridge University, 2003.

Wodak, R., and M . Meyer. "Critical Discourse Analysis: History, Agenda, Theory, and Methodology." In *Methods for Critical Discourse Analysis*, edited by R. Wodak and M. Meyer. London: Sage, 2009.

Zižek, Slavoj. "Against the Populist Temptation, Critical Inquiry." *Critical Inquiry* 32, no. 3 (2006): 551–74.