

From Personal to Communal: The Conflict among Sunni- Shjite in Sampang, East Java

Mukhsin Achmad, Khoiruddin, Moch. Nur Ichwan*

State Islamic University of Sunan Kalijaga, Yogyakarta,
Indonesia.

Email*: moch.ichwan@uin-suka.ac.id

Abstract

This paper discusses conflict of Sunni-Shja which occurs in East Java. The relationship among them is dominated by contravention, competition/contestation and conflict. The contravention occurs during the emergence of Shjite community in Madura. when the majority of Madurese community who are mostly Sunni rejected their first existence. For instance, Ali Karrar Shinhaji (The local Ulama) was against the decision of Kyai Makmun to deliver his son, Tajul Muluk, to study at YAPI Bangil that affiliated with Shji. The conflict further escalates because of Tajul Muluk's and Roisul Hukama's personal problem. Eventually, the conflict thus increases on the higher level in Sampang and in Province level. This paper examines how the conflict of Sunn-Shji emerges, whether it is a pure of family conflict or involves the conflict among the religious authorities in Sampang society. This paper utilizes Myers' theory combined with critical discourse analysis on the causal factor of conflict. Through both bibliographical and empirical investigation, this paper finds that the conflict emerges from family to province, when the contestation and conflict between Tajul Muluk and Roisul Hukama increase to higher level, from community of Sampang to East Java Province. In addition, this conflict also involves the contestation among religious authorities, when the positivisation of fatwa, which is morally binding, transforms into a public policy of the government that legally binding is the evident of this conflict.

Keywords: Conflict, Sunni-Shjite, Fatwa, Public Policy, Violence, Discrimination.

A. Introduction

Contravention, competition and conflict are three categories useful to be implied on discussing social interaction between Sunni and Shi'a community in Sampang. The social interaction¹ as a scientific term needs some requirements to classify, started with the contravention category. Contravention category was chosen because the majority of Sampang society is Sunni, and more specific are followers of Nahdlatul Ulama (The Awakening of Ulama) and the emergence of Shi'a community has contravened it. Kyai Makmun, a Muslim scholar in Sampang who highly respected the success of the Iranian Revolution and its leader Ayatullah Khomeini started the Shi'a community in Sampang, by converting his own family members. After receiving many books about Shi'a, he thus encouraged his son, Tajul Muluk, to study at YAPI Islamic boarding School, one of the Islamic boarding schools closely affiliated with the Shja. his decision was protested by Ali Karrar Shinhaji² by demanding him to stop Muluk's study at YAPI³ with two reasons. First, he argued that YAPI is a Shi'ite college different from the *Buju* doctrine (circle of kyai) in Batu Ampar. Second, according to him, YAPI is not affiliated with the family or circle of knowledge (*Sanad al Ilmi*) for many Islamic boarding schools (pesantren) in Madura.⁴

Karrar's protest shows how contravention occurs during the emergence of Shja in Sampang. Ali Karrar was worried that the emergence of Shja would change the orthodoxy of the Islamic tradition in Sampang. When Tajul and Rois returned to Sampang, Rois received and accepted his father's idea to support Islamic teaching in Madrasa, while Tajul chose to continue his studies in Saudi Arabia. He studied at the same college Ali Karrar did: Maliki

¹ Alexander L. George and Andrew Bennett, *Case Studies and Theory Development in the Social Sciences* (Cambridge, Mass: MIT Press, 2005), 206.

² Ali Karraf Shinhaji is the local ulama in Sampang and pamekasan who has the family relationship with Kyai Makmun. Kyai Ali Karrar has the high influence on local community in Sampang. He has the four Islamic Boarding Schools in Madura. Both kyai Makmun and Kyai Ali Karrar ae local ulama those have the charismatic influence.

³ Muhammad Afdillah, *Dari Masjid Ke Panggung Politik Melacak Akar-Akar Kekerasan Agama antara komunitas Sunni dan Syiah di Sampang, Jawa Timur* (Yogyakarta: CRCS UGM, 2016), 54.

⁴ *Ibid.* 41.

Islamic college. Unsatisfied with his studies, Tajul quit and became a migrant worker in Saudi Arabia and met Muhammad Liwa Mahdi, a follower of Shja from Qatif Arab Saudi. Mahdi was a student of King Abdul Aziz University and provided books about Shi'a for Tajul Muluk.

Competition also colors the social interactions between the Sunni and Shja in Sampang. It was started by two local clerics (Kyai Makmun and Kyai Ali Karrar). Kyai Ali Karrar is the local Ulama who protected the tradition of *Buju* in Madura. I travelled to Sampang and Pamekasan, Madura, and observed his four Islamic Boarding Schools. There is a convention, according to Ali Karrar, that every Madurese must only study at Islamic boarding schools in Madura. If they go outside of Madura, it should at least be affiliated with the Islamic Boarding School of Madurese Kyai. This is to protect the *Ahl Assunnah wa Aljama'ah* (Sunni) Madurese Islamic ideology. Sunni itself refers to Asy'ariyan and Maturidiyah in Islamic theology; refers to Syafi'i and it still recognizes the Maliki, Hanafi and Hambali schools in fiqh/Islamic law; and refers to Al Ghazali and Junaid al Baghdadi in *Tasawuf* (Islamic mysticism).⁵ Shja is outside of Sunni theology, fiqh and Tasawuf (Islamic mysticism), and because Shi's is different than Sunni, it has become a point of contention. Kyai Ali Karrar himself is a chairman of BASSRA (Badan Silaturrahmi Ulama Pesantren Madura/The Ulema Association of Madurese Islamic Boarding School) and the chairman of FMU (Forum Musyawarah Ulama/Ulema Forum for Consultancy). Therefore he is influential in the Pamekasan and Sampang societies.⁶

Kyai Makmun (the father of Tajul Muluk and Roisul Hukama) was a local cleric in a poor village in Sampang. However, the Muslim community highly respected him and gave him the title *Rah Toan* because he was from a respected clerics dynasty. His student even gave 'subjunctive words' if they were permitted to touch the floor with their forehead (*sujud*) in this world to Kyai Makmun.⁷ Both Kyai Makmun and Kyai Ali Karrar had high influence among the

⁵ Kyai Ali Karrar Shinhaji was interviewed on Friday, 23 March 2018 at 10.00 AM at his Islamic boarding School.

⁶ Muhammad Afdillah, *Dari Masjid Ke Panggung politik*, 40.

⁷ *Ibid.*, 40.

Madurese society, but they had different trajectories. Ali Karrar preferred to use the structure of society, while Kyai Makmun preferred the cultural approach. Ali Karrar had many Islamic boarding schools, while Kyai Makmun had social intimacy through social interaction with people.

In the end, the conflict of social interaction between Sunni and Shiite firstly occurs on the micro level, namely the family. Makmun had five boys and three daughters. His family was split into two groups of ideology. The first group believed in Shja ideology while the second group followed Sunni ideology. Those who held Shi'a beliefs in the Makmun family were Tajul, Iklil, and Hani. The others; Rois, Budur, Fatimah, Kulsum and Ahmad; chose the Sunni ideology.

Table 1. Groups of ideology of Makmun's childrens.

Shja	Sunni
<ul style="list-style-type: none"> ▪ Tajul ▪ Hani ▪ Iklil 	<ul style="list-style-type: none"> ▪ Rois ▪ Kulsum ▪ Ahmad ▪ Fatimah ▪ Budur

The emergence of new Shi'a family in Sampang has successfully split and influenced the way Madurese categorize their society into two groups: in-group and out-group society. In-group is the Sunni, since they were the majority in Sampang, while the out-group is the Shja, as the minority. Based on Pruitt and Rubin's argument, it causes contestation, competition, and conflict within the society against each other.⁸ As minority, the Shi'a struggled to exist even though Tajul spread Shja openly. On other hand, the Sunni felt threatened by the existence of Shja in Sampang. They were afraid that Shi'a would outnumber Sunnis and become the majority ideology.

It is obvious that the conflict between Sunni and Shji in Sampang starts from individual conflict between Tajul Muluk and

⁸ On this case on society commonly emerges the term 'We' and 'They' or in Arabic language 'minna' and 'minhum' the term of 'We' refers to Sunni while the term of 'They' refers to Shiah. See Ihsan Ali Fauzi, *Ambivalensi Sebagai Peluang, Agama, Kekerasan, Upaya Perdamaian-perdamaian*, *Religio: Jurnal Studi Agama-agama*, Comparative Religion department of Ushuluddin Faculty of UIN Sunan Ampel Surabaya, Vol. 03, No. 01, Maret 2013, 40.

Roisul Hukama and eventually grows as community conflict. Using Pruitt and Rubin's understanding, conflict in social psychology is perception regarding perceived divergence of interest or a belief that the aspirations of conflicting parties cannot be achieved simultaneously. Interest is people's feelings about what he really wants.⁹ Conflict therefore is different perception regarding interests, because perceptual perceptions of conflict mean opening up the possibility that one party believes in a temporary conflict of interest the other party does not, then obviously one party is wrong. The interest on social psychology are two groups: individual interest and the community interest.¹⁰

This paper will inquire, based on the previous understanding of conflict, how conflict is a series of conflict escalation between Sunni and Shi'ite in Sampang, Madura. Based on the bibliographical and empirical investigation, this paper proposes two research questions. The first, why the conflict between Sunni and Shji emerges? The second, what is the category of conflict escalation among them? In line with both questions, according to Myers, there are four things that cause conflict: social dilemmas, competition, perceived injustice, and misperception (misunderstanding).¹¹ This paper will try to illuminate the conflict among Sunni and Shji in Sampang by considering all of those four causes. This paper will therefore begin with describing the historical background of Shi'i in Madura, in order to better understand how it correlates and interacts with Sunni people. From its history and social background, it will be easier to understand the characteristic of Madurese Shja and their relationship with their counterpart, the Sunni.

B. Madurese Shjites: Historical and Social Background

Beginning in early 1980, Makmun, a prominent figure of Islamic Clerics in Nangkernang, Karang Gayam Village, Sampang received news from his companion about the 1979's Iranian

⁹ Dean G. Pruitt, Jeffrey Z. Rubin, *Teori Konflik Sosial*, translated by Helly P. Soetjipto (Yogyakarta: Pustaka Pelajar, 2011), 9, 21- 22

¹⁰ Faturochman, *Keadilan Perspektif Psikologi Sosial* (Yogyakarta: Pustaka Pelajar, 2012), 25.

¹¹ David G. Myers, *Social Psychology*, tenth edition (McGraw-Hill, 2010), 184 - 484

Revolution. He was deeply inspired by the Revolution and was very impressed with Ayatullah Khomeini—the then leader of the Shja. Yet, Makmun was aware that spreading the Shja ideology in his village would be difficult because the majority of Muslims in his village embraced the Sunni ideology. Because of that, Makmun learned about the Shja gradually and indirectly and sent three of his sons (Iklil al Milal, Tajul Muluk, and Roisul Hukama) and their sister (Umni Hani) to the Islamic Boarding School of YAPI in Bangil, Pasuruan. YAPI is well known as an Islamic boarding school affiliated with Shja Ja'fariyah. At YAPI, they spent years between 1987-1991. During the process, Ali Karrar Sinhaji (the brother of Makmun) asked Makmun to recall Tajul Muluk and Raisul Hukama. YAPI, in Sinhaji's opinion, is a Shjite Islamic boarding school. Makmun's sons thus went back to Sampang in 1991.¹²

Among those sons, only Tajul Muluk who continued his study at Mecca to learn Islam with Sayyid Muhammad al Maliki in 1993, while Roisul Hukama supported his father in managing their Islamic boarding school in their village. During the study, Tajul Muluk apparently had trouble with the funding of his studies which resulted in uncompleted study and became a migrant worker until he came back to Indonesia in 1999. During his life in Saudi Arabia, he met Muhammad Liwa' Mahdi, who was a follower of Shja in the Qatif Region of Saudi Arabia. He provided books of Shja for Tajul Muluk, who then studied the books for roughly six years during his time in Saudi Arabia.¹³

Coming back, Tajul Muluk received a land from the villagers to build a house, which also functioned as an Islamic boarding school that included a place for prayer and Islamic teaching. Tajul Muluk gave lessons about the Shja doctrine at Misbahul Huda Islamic Boarding School. He and his brother taught the Islamic students at the boarding school. In contrast to his father's method of spreading Shja, Tajul Muluk tended to be more open than Makmun.

¹² Mundiroh Lailatul Munawaroh , *Penyelesaian Konflik Sunni-Syiah di Sampang Madura*, (Yogyakarta: Tesis UIN Sunan Kalijaga, 2014), 52-53. Compare with Muhammad Afdillah, *Dari Masjid Ke Panggung Politik; Studi Kasus Peran Pemuka Agama dan Politisi dalam Konflik Kekerasan Agama antara Komunitas Sunni dan Syiah di Sampang Jawa Timur* (Yogyakarta: UGM CRCS:2013), 59.

¹³ *Ibid.*,52-53.

Tajul Muluk became a young Muslim chairman and prominent Islamic scholar after he taught Islam in his village. In only a short time (about three years), Tajul Muluk had more than a hundred followers who also became his loyal students. At the beginning of 2003 he only taught Shja to 8 people, most of whom were in his family. Until 2012 the number of his followers increased to 600 followers. From 50 households, this new community then grew into 150 households in 2011. In 2007, they joined IJABI (Ikatan Jama'ah Ahlul Bait Indonesia/Assosiation of *Ahlul Bait* Group in Indonesia), a nationally official organization of Shja in Indonesia.

When Tajul Muluk spread Shja in his village, he received harsh responses from local Muslim clerics. One of them was Ali Karrar Sinhaji, the chairman of the Islamic boarding school of "Darut Tauhid," in Lenteng Village, Proppo District, Pamekasan region. At the beginning of 2004, Ali Karrar Sinhaji strongly disagreed with the activity of Tajul Muluk regarding the Shja in Sampang. When I interviewed Ali Karar Shinhaji, he stated that the Shja was a deviant sect and it tended to deviate others.¹⁴ Another Muslim scholars in Sampang shared the same opinion; as well as many other Muslim scholars in Omben also had the same opinion. Although they did not agree with Tajul Muluk's activities, they did not stop them because they still respect his father, Makmun, as a prominent Muslim cleric in Sampang. In June 2004, Makmun fell sick and passed away. After he died, opponents felt free to intervene with Tajul Muluk's Shja movement in Sampang. Moreover, although the Shja teaching in Sampang was first introduced by Tajul Muluk and Roisul Hukama, problems emerged after conflict came between the two. As the result, Roisul Hukama converted to Sunni from Shi'a and made the family of Makmun split. This is the starting point in the conflict of the Shi'a in Sampang, from family level to communal level.

To understand the Shja in Sampang, we have to understand the characteristic of societies located in the regency. The character of Sampang society is constructed through three pillars. Firstly, three characters are represented, 'Bhuppa, Guruh, and Rato', which translate to 'the parents, the teachers, and the government'.

¹⁴ Ali Karrar Shinhaji was interviewed at his Islamic Boarding School on Friday, 23 March 2018 before Jumah prayer.

Secondly, 'Taretan dibi' and thirdly, 'Lebbhi bagus pote tolang atembheng pote mata'. Those these three values are important factor in identifying social interaction within the Sampang society.

Let's take a look at the first value of Sampang people: "Bhuppa, Guruh, and Rato." *Bhuppa* means parent and it is the micro level of the society, while the *Rato* has power over the society. *Rato* represents the government in each level. *Rato* is the macro level, while *Guruh* is on the mezzo level, the mid position between the micro and macro levels. *Guruh* represents Islamic clerics, Islamic teachers working in mosques, or Islamic clerics working in Islamic Boarding Schools. *Guruh* is the mediator between the *Bhuppa* and *Rato* in the Sampang society.¹⁵

Bhuppa represents the symbol of the family, which is the primary structure of Sampang society. Because family is the main pillar of society, every family member is responsible for protecting the prestige of their family. On account of this attitude, the neighborhood development of Sampang society is very strong. A consequence is that, something felt or done by a member of the family represents the whole family, even if it was a positive or negative matter.¹⁶ This family system is symbolized by the *Taneyan Lanjhang* (The Long Front Page of House). It means that the extended family is still related to family with the The Long Front Page. For example, in Madurese culture every father has an obligation to build a house for his daughter once she gets married, but he does not need to build a house for his son because the son will follow his wife once they get married.¹⁷

Guruh represents the Islamic teachers or specifically the Muslim cleric (*Kyai*). *Guruh*, or *Kyai*, is an important role because he teaches Islamic teachings and guides society in the world or after life¹⁸. Besides the previously mentioned roles, the *Guruh* is also a mediator between the micro level (*Bhuppa*) and macro level (*Rato*). Madurese society honors the *Guruh* because, in their opinion, they have special privileges including *ilmu kesaktian* (uncommon

¹⁵ Muhammad Afdilla, *Dari Masjid ke Panggung Politik*, 26-27.

¹⁶ *Ibid.*

¹⁷ A. Latief Wiyata, *Carok: Konflik Kekerasan Dan Harga Diri Orang Madura*, second edition (Yogyakarta: LKiS, 2006), 44.

¹⁸ Abdur Rozaki, *Menabur Kharisma Menuai Kuasa; Kiprah Kiai Dan Blatter Sebagai Rezim Kembar Di Madura* (Yogyakarta: Pustaka Marwa, 2004), 4.

knowledge). The *Guruh* or *Kyai* also has a special position in Madurese society. Commonly *Kyai* are invited by the people to pray for celebrations or social traditions such *Maulidan* (the celebration of Prophet Muhammad) and other events. This produces an economic impact for the *Kyai*. In Madurese society, they do not allow the *Kyai* to work. Consequently, they give compensation to the *Kyai* by giving a portion of rice to them every time there is a harvest. *Kyai*, in Madurese society, is the central position; the *Kyai* consults all issues in the society. Because of this, *Kyai* are the cultural brokers between the society and government.

Rato represents the government. *Rato* is the highest position in Madurese society because they have the responsibility to protect the socio-economic and political values of the society. *Rato*, or the government, also has the primary position in Madurese society and uses politics to solve problems amongst the people. The Madurese society often enrolls *Ratos* and *Guruh*s to mediate and solve problems. Together, conducted by society, they handle the problems of all the citizen's.¹⁹ In Madurese society the *Guruh* and *Rato* have become the backbone for solving all the problems and for protecting the people from threats. The interaction between the *Guruh* and *Rato* is supportive. It is common in Madurese society that the government apparatus often ask and consults with the *Kyai* for declaring public policies in Madura. The government needs support from the *Kyai* to deal with public policy. Generally, the *Rato* visit the *Kyai* to ask for advice about the matter. Some of them ask the *Kyai* for support in the general election. The *Kyai* also need the politicians and their bureaucracy for fundraising and access of facilities for funding and other opportunities. The relation between the two is mutualistic symbiosis, meaning they need each other.

There are two traditions of Madurese society that still exist today: *taretan dibi* which means brotherhood and friendship; and *lebbhi bagus pote tolang etembheng pote mata*, which means "it is better to die rather than humiliated." These cultural values may seem to contradict one another, but they actually could empower the spirit of conflict and reconciliation amongst Madurese society. The concept

¹⁹ Yohanes Bahari, 'Model Komunikasi Lintas Budaya dalam Resolusi Konflik Berbasis Pranata Adat Melayu dan Madura di Kalimantan Barat', in *the Journal Ilmu Komunikasi*, no. 2 (Mei 2008): 112.

of *Bhuppa*, *Guruh* in Madurese philosophy refer to the spirit of brotherhood and togetherness. This value creates advantages for Madurese in the outside world. Specifically, they will support and help each other no matter where they are.²⁰ Madurese society has philosophical value: “*taretan dhibi*, which is the attitude brotherhood and friendship in society²¹. *Taretan dhibi* was manifested by *Gerjih*, which means working together. *Gerjih* is the tradition of Madurese society to support each other.

The value of *lebbhi bagus pote tolang etembheng pote mata* could be both the possible tool for the integrated system of Madurese society, and the cause of conflict among the society. This value refers to the obligation for every Madurese to protect their good image, their prestige, and their other family values in Madurese society. In order to protect these values, Madurese will defend their values at all costs, even to death. This tradition is manifested by the ‘*carok*’. *Carok* is a duel between two individuals until one of them is killed. One way *carok* is instigated is when a person is caught in contestation for a woman. *Carok* can also be instigated by religious blasphemy, personal property problems, and humiliation.²²

Once again, *Gerjih* is the symbol of coordination, solidarity and neighborhood development. *Gerjih* is the positive side and could strengthen the Madurese society. Based on my interview with the key informant of FKUB (Interreligious forum of Madura), the *Gerjih* could be tool of reconciliation between the Sunni and Shi’ites in Sampang, Madura. The challenge of both values is how to manage the value related to the social, economic and religious issues. Those values can be used as an opportunity to reconcile, but those values could also trigger conflict. In other words, the values are like a knife that has two sides. One side can be used as tool for cooking, but the other side can be used to kill.

²⁰ Yohanes Bahari, ‘Model Komunikasi Lintas Budaya dalam Resolusi Konflik Berbasis Pranata Adat Melayu dan Madura di Kalimantan Barat’, *Jurnal Ilmu Komunikasi*, 112.

²¹ As researchers when We observed through fieldtrip in Sampang Madura I feel those attitude (*taretan dhibi*/ brotherhood and friendship). We were accompanied by friend of Madurese He mediates us to meet the key informan of Religious and social figure in Sampang such as the chairman of MUI, the chairman of FPI, The chairman of AUMA (Madura’s Ulama Alliance) and other figures in Madura.

²² Mohammad Afdilla, *Dari Masjid Ke Panggung Politik*, 33-34.

C. The Escalated Conflict: From Family to Province

Conflict amongst communities in Indonesia is categorized into three. The first category is cultural conflict. This conflict deals with ideology and values such as stereotyping, discoursing through public opinion, and the wide spreading of opinions on society. This discourse also could be manifested by a fatwa or public policy issued by the government that discriminates others, especially religious minorities.²³ The second category is mass movements. It is displayed by a show of force using mass demonstrations addressing conflicted groups. For example, a demonstration organized by a mass organization may ask the government to ban Shja, or they may ask the MUI to give a fatwa declaring another community as a deviant group. The third category is violence. Violence is a conflict with physical and psychological aspects. Examples are about destroying the buildings or places of worship.²⁴

According to Galtung, there is a triangle of violence: direct, structural, and cultural violence.²⁵ Direct violence refers to physical and mental violence; indirect violence refers to structural violence; and structural violence comes from the social structure itself—between humans, between sets of humans (societies), and between sets of societies (alliances, regions) in the world. Inside human beings there is an indirect, non-intended, inner violence that comes from the personality structure.²⁶ The major form of outer structural violence is well known, and is repression and exploitation in politics and economics. Cultural violence is in symbolism, religion and ideology, language and art, science and law, and in media and education. These can be used to justify or legitimize direct or structural violence.²⁷

In discussing the violence against Shjite community in Sampang, it appears on all aspects of life against Shja community in Sampang and even in Sidoarjo including freedom of expressing

²³ Nawari Ismail, *Relasi Islam Sempalan, Islam Mapan, dan Negara* (Yogyakarta: Penerbit Samudera Biru, 2014), 85

²⁴ *Ibid.*, 85

²⁵ Johan Galtung, *Peace by peaceful means, peace and conflict, development and civilization* (Oslo: International Peace research institute/ SAGE Publication, 1996), 3.

²⁶ *Ibid.*, 2-3.

²⁷ *Ibid.*, 196.

religiosity, freedom of fear, freedom of life, economic, education and others. Both direct and indirect violence obviously exist in this case.

Table 2. Types of Violence according to Galtung.

Form of Violence	Survival Needs	Well-Being Needs	Identity Needs	Freedom Needs
Direct Violence	Killing	Maiming Siege, Sanctions Misery	Desocialization Resocialization Secondary Citizen	Repression Detention Expulsion
Structural Violence	Exploitation A (Strong)	Exploitation B (Weak)	Penetration Segmentation	Marginalization Fragmentation

In addition, there are five triggers of conflict. The first trigger is competition: the effort to achieve something by being a victim. The second trigger is domination. Domination is when one group tries to regulate the other group, which in turn causes the regulated group to clash with the dominating group. The third trigger is failure to blame a certain group if it fails to pursue its goal. The fourth trigger is provocation: when one group mocks the other. This action creates unhappy feelings for the other. The fifth trigger is difference of values. Different values may not always align when determining whether something is right or wrong.²⁸ Rather different, the triggers of conflict according to Fox are individual hate, self -defense, enlarging the problem, limited communication, closed culture, tension, increased doubt, polarization, discrimination, and disturbance.²⁹

Conflict between the Shjite and Sunni in Sampang was triggered by at least three factors. The first factor was that Shja in Sampang Madura were rejected by the Madurese *Ahl al Sunnah wa al jama'ah* because its existence created a disturbance. The root cause of this problem was the different ideologies. This made some want to

²⁸ Sabian Utsman, *Anatomi Konflik dan solidaritas Masyarakat Nelayan, Sebuah Penelitian Sosiologis* (Yogyakarta: Pustaka Pelajar, 2007), 16. This theory also was described by Abu Bakar on his dissertation. Please read more on Rifa'i Abu Bakar, *Dinamika Gerakan Syiah*, 391.

²⁹ Anne Fox, *Mengendalikan Konflik, Tips-Taktik-Teknik*, translated by Ary Kristanti (Surabaya: Selasar Publishing, 2009), 9.

exile the Shi'a. The second factor was the repetitive propagation of Shi'a ideology in Sampang. The Sunni group disliked the method Tajul Muluk used for spreading Shja beliefs, which increased tensions. The civil unrest towards the Shi'a became latent and conflict emerged because Tajul convinced some to become his followers. This attitude made the Sunni group angry. The third factor was the leader of the Shja in Sampang stating that the holy Qur'an was not original and that the original one was revealed to Imam Mahdi.³⁰

The primary factors that became the triggers of conflict was the concept of *Imamah*. The *imamah* concept made the conflict unending.³¹ The witness protection institution (Lembaga Perlindungan Saksi dan Korban/LPSK) found five root causes for the conflict between the Shja and Sunni.³² The first root cause was the emergence of the fatwa, which contained statements from the MUI, the chairman of the NU, and BASSRA *Ulama*, declaring the Shja as a deviant sect. This caused some Shi'i to return to Sunni Islam. The second root cause was when the chairman of the Sampang Government ignored Shja followers in Sampang. The third root cause was the ruling issued from both the Sampang state court and the high court of East Java declaring Tajul Muluk as a Sunni guilty of religious blasphemy. Tajul was sentenced to prison for two years as a consequence, but the sentence was adjusted to four years. The fourth root cause was personal conflict between Rois and Tajul Muluk who lead the Madurese Shi'a members for a long time. The fifth root cause occurred during local government elections.

The previous triggers of conflict caused the violence against the Shi'a. Violence is behaviour involving physical force intended to hurt, damage, or kill someone or something.³³ In other words,

³⁰ Dicky Sofjan (editor), *Sejarah dan Budaya Syiah di Asia Tenggara* (Yogyakarta: ICRS UGM, 2013), 278-280.

³¹ The Chairman of MUI K.H. Bukhori Ma'shum also states that Imamah according to Sunni Group is dangerous ideology. Because based on the ideology of Imamah, Shi'ah can be a rebellion to the official government. I interview the Chairman of MUI K.H. Bukhori Ma'shum on 26 March 2018 on his house at 09.15 AM.

³² <https://news.detik.com/berita/2240068/lpsk-temukan-5-penyebab-konflik-sunni-syiah-di-sampang-madura>. accessed at 07 december 2018.

³³ <https://en.oxforddictionaries.com/definition/violence>. accessed at 8 december 2018.

violence can be defined as all actions that disturb others either physically or psychologically, including the despotism of human rights and basic needs.³⁴ Included in this definition is direct violence, indirect violence, repressive violence, and alienating violence.

The first, direct violence, refers to behavior likely to directly attack someone physically or psychologically. An example of this violence is exiling to someone to another place, burning a house or property, and killing. The second, indirect violence, refers to all actions that damage human beings, including persistent indirect death threats between the victim and party responsible for the problem. An example of this type of violence is omission. Omission would be similar to when the houses of Tajul Muluk's followers were burnt down and the police mishandled the matter. The third, repressive violence, refers to the revocation of basic rights such as the right to be protected from pain and suffering.³⁵ An example of this violence would be withholding civil, politic, and social rights. The fourth, alienative violence, refers to revocation of higher individual rights, such as the right for psychological, cultural and intellectual growth.

D. Fatwa, Public Policy and Discrimination

A Fatwa is an Islamic legal opinion that is morally binding, whilst the public policy is the decision or action that is made by those in Political authority (government) that is legally binding. Madurese society is commonly built upon religious authorities, through the influence of Kyai, who are powerful in Sampang society. Muftis in fatwa commission of MUI's Sampang regency are part of that religious authority, whilst the government who designs the public policy is part of state authority. Although Madurese society is commonly constructed as a traditional society, they also generally submit and respect the government. It is evident that in this case, the

³⁴ Jamil Salmi, *Violence and Democratic society Hooliganisme dan Masyarakat Demokrasi* (Yogyakarta: Pilar Media, 2005), 35. Compare on the book of John Keane, *Violence and Democracy (contemporary political Theory)*, (UK: Cambridge University Press, 2004), 89.

³⁵ Jamil Salmi, *Violence and Democratic Society*, 41.

role of the government was invited as a resolution of the Shja Sampang case.

To capture the process of production of fatwa and public policy, the figure below will help us understand how both fatwa and public policy work to protect the religious orthodoxy in Sampang community:

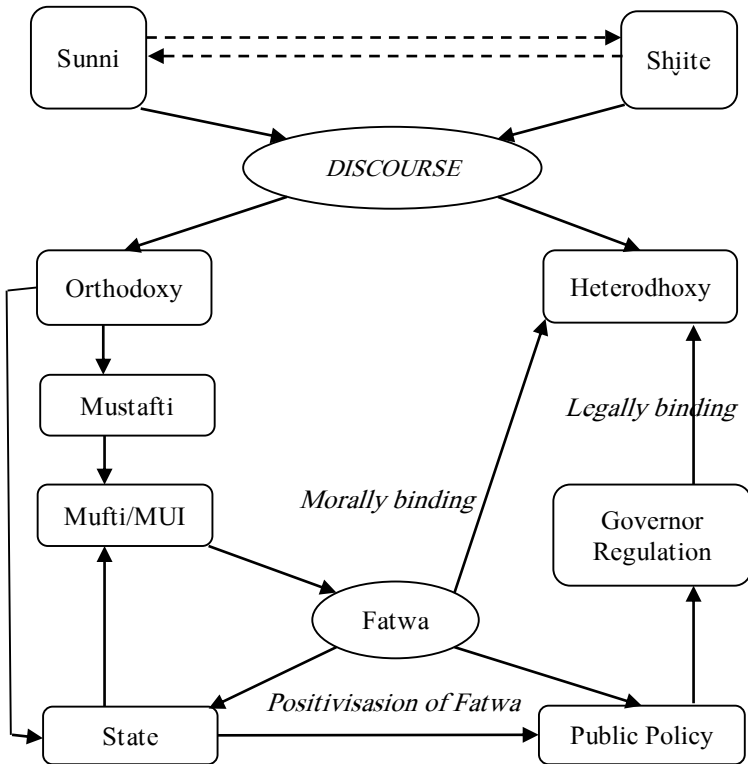


Figure 1. Process of production of fatwa and public policy.

Many factors play for issuing fatwa against Shi’a in Sampang. The first factor is difference in ideologies. This factor is the primary factor for the issuing of the fatwa. The difference in ideologies creates the “othering” factor amongst the Sunni society, in Sampang in particular, and in East Java in general, causing a split in society. Exclusion of those who differed from the Sunni occurred by constructing the mindset “We” for the majority and “They” for

minority. The implication of this framing is cultural and structural, causing such things as discrimination, marginalization, prejudice, stereotyping, persecution, relocation, and other forms of violence. The other factors are the economic and political factors. The evidence of this economic factor is the emerging term “*Kyai Amplop*” (*lit.* The Kyai of Envelop) that was used by Tajul Muluk. This statement angered the Sampang society. The other evidence is Tajul’s reformation of religious tradition such as “maulidan”. Economics and politics are interconnected especially in the effort of reformation, with the local government managing correspondence and licensing through a village government. The political factor also contributed to the demand of the government to issue the fatwa. The other factors are the social jealousy and psychological factors. The increase in Tajul’s followers made the local clerics feel less power in their religious authority.

The fatwa becomes a religious instrument to exclude the Shja from Sampang society. The evidence that the fatwa of MUI Sampang regency was a religious instrument was justified by the local government when The State Court sentenced Muluk for two years in prison for religious blasphemy. When Tajul Muluk proposed this issue to the higher state court of East Java province, the judge sentenced him to four years in prison.

The evidence based of the interconnection between the fatwa of Sampang regency with public policy is the content of the fatwas (in Sampang regency level and in East Java Province level), which recommends the local government to issue the public policy for regulating the Shja. The local government of East Java province response of both fatwas was to regulate the Shja through governor regulation number 55 of 2012, concerning *Tentang Pembinaan Kegiatan Keagamaan dan Pengawasan Aliran Sesat di Jawa Timur* (the supervision of religious activity and monitoring on heretical sects in East Java).

The interconnection between the fatwa and public policy in Sampang and East Java Province is evident on the *Peraturan Gubernur (Pergub)* (Governor regulation) of East Java Province, which mentions in its content the giving of authority for MUI in local

regions to measure the parameters of whether sects are heretical or not. The local government will follow up the recommendation from the religious authority to supervise and monitor, as well as identify the heretical sect. Framing the fatwa in a positive way was the process for it becoming the law at local and national level.

The religious authority and state authority need each other. This reason is due to the culture of the East Java community, especially the Sampang Madura District. For example, the Kyai occupies a very strategic position, but the clerics were limited in their power in the context of the law. The Kyai also needed a ruler to ensure that the Kyai's will with his followers could be accommodated by the state. Simultaneously, the state in making policies requires legitimacy from the community. The Kyai has a strong base of legitimacy in the community which often becomes the government's reference in making government policies. When the will of Kyai as the holder of religious and social authority has been accommodated by the government as the authority of the state through the establishment of public policies that are binding on all citizens, *this is what I call the positivisation of fatwas in public policy*. The impact of the state support for the interest of majority is that the minority will be excluded from the society. It results in marginalization and discrimination on all aspects of life. The relocation of them is an example of exclusion, being exiled from their motherland. They were removed from their social roots of original culture and society.

E. Displacement: The role of State in relocating Madurese Shja

Discourse and social practice are inseparable, such as the fatwa and the emerging violence.³⁶ The issuing of the fatwa against Shja in Sampang seemed to be a means of reinforcement for the community to commit violence against Shiites as well as shows how religious authorities³⁷ played an important role in displacing Shjite of

³⁶ Luthfi Asy syaukani, *Fatwa and Violence in Indonesia, Journal of Religion and Society* Volume 11 (2009),1. According to Him the fatwa and violence are strong connection.

³⁷ In accordance with Weber's view, religious authority may be defined as "a certain quality of an individual personality by virtue of which he is set apart from ordinary men and treated as endowed with supernatural, superhuman, or at least specifically exceptional qualities. For more description please read Max Weber, *Theory of Social and Economic*

Sampang in the refugee camp, “Puspo Agro” in Sidoarjo. According to Fitria, a citizen of the refugee camp, the fatwa against Tajul Muluk’s teachings by MUI Sampang made the Government relocate them quickly from Sampang to Sidoarjo.³⁸

On August 26, 2012, The worst case against Shja occurred. It happened due to an explosion of conflict when a number of groups of students from the Shiite community returned to Bangil, Pasuruan, after a vacation Eid Al-Fitr. By the time they returned, dozens of mobs had already blocked and threatened to burn and kill them, because they actually were not allowed to study in Bangil. The crimes continued with burning a number homes owned by Shi’a residents. This action resulted from clashes between the two groups.³⁹ Although the government protected them by evacuating them to the sport Center (GOR) of Sampang, the threats, nevertheless, continued from the Sunni community, with the Sampang society, supported by the clerics, holding the “Tabligh Akbar” to dispel them from Sampang. Worried that there would be a clash between Sunni at Shi’ite at that time, the Government issued a policy, through the security apparatus, to evacuate the Shi’ite from Sampang to Sidoarjo by force.⁴⁰

There were at least 235 refugees, including adults and children, evacuated by the government under security of the police to the Puspo Agro refugee camp. The policy for relocating Shja groups from Sampang, on one hand, was to prevent secondary conflicts between the two groups, although these refugee camps have and will cause new difficult social problems for the refugees. These refugees no longer have the right to live freely and carry out social activities. It

Organization, transl. Henderson and Talcott Parsons (Glancoc-III: The Free Press, 1957), 329. In other article about that We could read on Zulkifli, The Ulama in Indonesia: Between Religious Authority and Symbolic Power, in *the Journal MIQOT* Vol. XXXVII No. 1 Januari-Juni 2013,185.

³⁸I interview Fitria (the wife of Iklil) in Puspo Agro the camp of Refugee at Jemundo, Sidoarjo. At 11.00, 21 march 2018.

³⁹ Hazim, Dampak Sosial Dan Psikososial Bagi Pengungsi Pasca Konflik Antara Sunni - Syiah Di Sampang Madura, in *the Journal Of Psikologia*, 11.

⁴⁰ Rudi Setiadi was be interviewed (He is the Chairman of KESBANGPOL of Sampang) at his house at 21 March 2018 at 19.00 PM. I also interview the staff of social officer at Sampang Government at 23 march 2018 at the social office of Sampang Regency.

also highlights the fact that their social and economic capitals were in Sampang, not in Jemundo, Sidoarjo.⁴¹

Since power is one way of gaining compliance with the decisions made by those who are in a position of authority, the process of relocating the Shi'ite society to Sidoarjo reveals how the authority use their power to create the policy.⁴² The process of the relocation of the Shi'ite society in Sidoarjo cannot be separated from the fatwa and public policy in Sampang and East Java. This is because, during the New Order era, MUI was under the great influence of the New Order government which is indicated with most of the fatwas MUI issued to give religious justification for the government policies.⁴³ For instance in 1981 Soeharto forced all institutions to abide the so-called "Azas Tunggal" (The singular principle) and asked for support through the Pancasila (The Indonesian State Ideology), because through this ideology a civil religion could be considered.⁴⁴ Based on this policy, Soeharto used MUI to issue the recommendation to prevent the same influence Khomeini had after the Iranian revolution.

Meanwhile, Shja has become a vulnerable group since the impact of the geopolitical crisis, especially with the national policy of the Indonesian and local government to marginalize and discriminate them. The process of marginalization and discrimination of the Shja society is still occurring on both the national and local

⁴¹ Tajul Muluk mentions about the struggle for the surviving in the camp of refugee. Some of them work as some of them work as coconut graters, motorcycle taxi drivers and masons. I interview him at Jemundo, Puspo Agro, Sidoarjo 21 March 2018.

⁴² Elmer S. Miller and Charles A. Weitz, *Introduction to Anthropology* (Eaglewood Cliffs: Prentice-Hall Inc, 1979), 531.

⁴³ Zulkifli, *The Ulama in Indonesia: Between Religious Authority and Symbolic Power*, in *the Journal MIQOT*, 186.

⁴⁴ On this case Dicky Sofjan (The scholar from Indonesian Consortium for Religious Studies, ICRS ,Yogyakarta) elaborates about the pancasila literally means "five main principles" in Sanskrit, which comprises: Belief in One God; Humanity; Indonesian unity; democracy by consensus; and social justice. For more on the discussion on Suharto's management of Islam during the New Order, see Donald E. Weathermen, "Indonesia in 1984: Pancasila, Politics, and Power" in *Asian Survey*, 25(2), William Liddle, "Soeharto's Indonesia: Personal Rule and Political Institutions" *The Journal of Asian Studies*, 58(1) 1985:68-90. For further information read the Dicky Sofjan, "Minoritization & Criminalization of Shia Islam in Indonesia," in *the Journal of south Asian and Middle Eastern Studies* vol. XXXIX, No.2, WINTER 2016, 32-33.

level. On the local level Shja in Sampang has become the victim of the hegemony of power in the contestation between the majority group, Sunni, and the minority group, Shi'i. According to Sofjan, the contestation between Sunni and Shi'ite is related to the global politic crisis between the hegemony of Iran and Saudi Arabia in the Muslim world. It has become a proxy war⁴⁵ between them concerning the contestation of religious influence.

The Indonesian society, on the local context of Sampang, has also not been able to avoid the phenomenon. The discourse through MUI's fatwa (its content recommendation) appeals to all Muslims to take a high attention of the spreading of Shi'a due to their primary difference with the Sunni community. While, on a locally religious authority, through MUI and other institutions such as BASSRA/*Badan Silaturahmi Ulama Pesantren Madura* (an association of religious figures owning and running Islamic Boarding Schools in Madura Island), Nahdhatul Ulama, Muhammadiyah, declared that Shja is a deviant sect. This discourse was adopted by the Government on the provincial level through the governor's decree. The incident on August 26, 2012, occurred just a month after the East Java Governor issued the Governor's decree (East Java Gubernatorial Decree No. 55) banning minority faiths to disseminate or to practice their faith in public.⁴⁶ The issuing of the public policies, such as East Java Gubernatorial Decree No. 55, was also motivated by the governor election in East Java,⁴⁷ including the public policy relocating the Shi'ite community. However, in Masdar Hilmy's opinion, the case of Shi'i in Sampang was also motivated by the political economic motivation. The combination of politics and

⁴⁵Proxy War that I meant refer to a proxy war occurring at two levels: one, between the traditional bipolar powers of the US, supporting mostly the compliant Arab sunni regimes, and Russia, supporting the "rogue states" such is Iran and Syria. The other proxy is between Saudi Arabia and Iran in the context of Yemen, which has progressed from "civil war" to what now seems like an outright regional war. *Ibid.*, 36.

⁴⁶ Aan Suryana, Discrepancy in State Practices The Cases of Violence against Ahmadiyah and Shi'a Minority Communities during the Presidency of Susilo Bambang Yudhoyono, in the *Journal of Islamic Studies "Al-Jāmi'ah"*, Vol. 55, No. 1, 2017 M/1438 H, 80.

⁴⁷ Mohammad Iqbal Ahnaf et al., *Politik Lokal dan Konflik Keagamaan: Pilkada dan Struktur Kesempatan Politik dalam Konflik Keagamaan di Sampang, Bekasi, dan Kupang* (Yogyakarta: CRCS UGM, 2015), 28.

economic interests makes the government adopt the majority's aspiration rather than give the minority their rights.⁴⁸

Under such circumstances, Tajul Muluk and his followers accepted the demands to move out of Sampang. The process of relocation was organized by the police and Sampang society while the government gave allowance to those at the refugee camp. For those who didn't want to move, they were forced to sign a pledge of repentance, essentially acknowledging that Shi'a's teachings were heretical and they must return to their previous Sunni teachings. If they did not sign this pledge, their houses will be burned and their safety would not be guaranteed. Thirty-five Shiites signed the pledge and were picked up by the community head and the police to be taken to the cleric's, Safiudin Gersempal, house in Omben.⁴⁹

Aside from relocation, there is also an effort to reconcile both groups. The effort for reconciliation between Sunni and Shi'i was submitted to the government during Susilo Bambang Yudhoyono era. The reconciliation which specifically discussed the settlement of the Sampang case was attended by the following people: Coordinating Minister of Politics, Law and Security (Menkopolhukam), Djoko Suyanto; Coordinating Minister of Economy, Hatta Radjasa; Minister of Religion, Suryadharma Ali; Minister of Home Affairs, Gamawan Fauzi; Minister of Education and Culture, Mohamad Nuh; Indonesian Police Chief, Gen. Timur Pradopo; Minister of Public Housing, Djan Fariz; Cabinet Secretary, Dipo Alam; East Java Governor, Soekarwo; IAIN Chancellor Professor, Abdul A'la; chairman of the Ahlul Bait Indonesia Syuro Council, Umar Shahab; and lastly Sampang Regent, Fanan Hasib, and representatives of Shi'a.

The result was positive, with President SBY requesting that the Shi'a residents be allowed to return home no later than December that year. There must be no coercion to repent. Prof. A'la was

⁴⁸ Masdar Hilmy, "The Political Economy of Sunni-Shi'ah Conflict in Sampang Madura", *Al-Jami'ah: Journal of Islamic Studies*, vol. 53, no. 1 (2015), 32-4.

⁴⁹ Fitri Mohan, *Harian Indo Progress* under the title "Hertasing Ichlas: Kasus Syiah Sampang Adalah Bagian Dari Transaksi Politik", 16 August 2013. Hertasing Ichlas, executive director of the Universal Legal Aid Foundation (YLBHU), who has also been a Shia Sampang refugee advocate and lawyer since 2011.

optimistic that he could repatriate the refugees., while the Ahlul Bait Indonesia Shura Council (ABI) says “That there was a great opportunity to repatriate refugees, since in reality there were no experiences of significant clashes between Shi’ite Muslims and the majority of Madurese, NU followers, because ideologically and culturally, the Shi’a community and NU citizens are basically the same.”

The relocation of Shja to Sidoarjo is a result of the discourse of anti Shja through the process of “*othering*”⁵⁰ from the majority Islam in Sampang. According to, Chiara Formichi, the discourse of anti-Shia and the violence is a combination of international, national and local dynamics.⁵¹ The international level due to the increasing Shja movement after the Iranian Revolution and the government’s response through the singular ideology, “Pancasila,” to all organizations. Furthermore, the phenomena of *mut’ah* marriage has also worried the government, causing the issuing of the fatwa from MUI of national level, the increasing influence of religious orthodoxy and the issuing of the fatwa on religious heresy in 2005.⁵²

The mainstream of anti Shja in the local districts occurred after the fatwa against Shja in Sampang, Bangkalan, Gresik, Surabaya, and those representing Sunni, such as *Jam’iyah Ahlussunnah wal Jama’ah* Bangil Pasuruan, and GUIB (*Gerakan Umat Islam Bersatu*/Muslims United Movement).⁵³ The fatwa from MUI Sampang against Tajul Muluk’s teachings was issued on January 1, 2012 after the violence

⁵⁰ “Othering” is a process of identification of individuals—a visitor or passerby, as well as your neighbor or relative—through characteristics that mark them as intrinsically different from you, and thus potentially dangerous or likely to upset the status quo. I use the term from Chiara Formichi. The distinction here, by differentiating “a long process of othering” from “mere” sectarianism, points to the fact that anti-Shi’a tensions did not emerge out of nowhere as due only to “sectarian” differences, but were more deeply rooted in each particular context, as “othering” had been taking place on a variety of levels. For further explanation read the article of Chiara Formichi, Violence, Sectarianism, And The Politics Of Religion: Articulations Of Anti-Shi’A Discourses In Indonesia, in the Journal of Indonesia, No. 98 (October 2014), 1-27. Published by: Southeast Asia Program Publications at Cornell University.

⁵¹ *Ibid.*, 2-3.

⁵² *Ibid.*, 3.

⁵³ Hary Widyantoro, Undemocratic Response Towards Deviant Judgment And Fatwa: Sunni-Shiite Conflict in Sampang, Madura, East Java, in the *Journal Mazahib*, Vol XVI, No. 1 (Juni 2017), 22-23.

against Tajul Muluk's teachings. Following this was MUI's fatwa of East Java issued on January 14, 2012, after investigating several teachings and books regarding Shiite, deciding that Shiite Imamiyah Itsna Asyaariyah and other sects of Shiite have the same teaching, are deviant, and may deviate others.⁵⁴ The anti-Shja discourse through MUI's fatwa, on a local region and other religious statements such as NU, Muhammadiyah, was actually produced by clerics in Sampang themselves. The fatwas are accommodated by the religious institutional authorities.⁵⁵ Fatwa's have also been formed due to the anger of a society, including the political leaders of the village, such as in Sampang.

It is clear that fatwa and public policies in Sampang and East Java had become a justification for violence against Shja,⁵⁶ even though the government's intention was to protect them from the spread of violence to other regions. This opinion was stated by Tajul Muluk while in the refugee camp.⁵⁷ The other public policy from government for the refugees was the guarantee of a living allowance (*Jatah Hidup*), given by the government resource of finance (APBD) each month. Tajul Muluk stated, "*Bisa saja ada PERGUB tersebut agar kekerasan tersebut tidak merebak di daerah yang lain meskipun aturan itu juga bermasalah, karena adanya PERGUB tersebut orang-orang yang menyesatkan Shja merasa ada payung hukumnya.*"⁵⁸ (It was possible for a government regulation to prevent the violence from spreading to other regions although the regulation still had a problem, because of the Governor's regulation for people who deviate from mainstream such as the Shja). Based on the previous statement with the issuing of the PERGUB in East Java, for heretical sects, there was being a justification for people to intimidate, discriminate and perform other acts of violence.

⁵⁴ *Ibid.*, 22.

⁵⁵ Interview With Tajul Muluk at The Camp of Refugee Sido Arjo., 21 March 2018 at 11.00.

⁵⁶ *Ibid.*

⁵⁷ *Ibid.*

⁵⁸ *Ibid.*

In reality the allowance, each person received about 335 thousands rupiahs from the East Java government each month,⁵⁹ was not enough to live in the camp. Therefore, they tried to live very simple life, and find jobs such as, coconut peelers and construction building assistants. According to Tajul Muluk, the quantity of people at “Puspo Agro” was 339 people. Nevertheless, they wanted to go back to their hometown, however the security conditions made it not possible. Government assistance (living cost allowance) in the past year has been consistent, but this year (2018) does not yet know whether it continues.

The accusation towards Shi’ites was never proven, according to Tajul. Even the envoys from the ministry of religion once carried out checks here relating to their religious practices, those which were deemed different and heretical were never proven. In his opinion the majority of Sunni tend to have looked for justification for relocating Shja to Sidoarjo. The government of the Sampang region support the security fee about 1, 3 billion Rupiah per year.

The current situation at the refugee camp of Sidoarjo in 2017 has still not changed, although there is some evidence of slowly positive change. Evidence of this is the implementation of “Halal bihalal” (the forum for forgiving each other) in the refugee camp in Jemundo. Interestingly, 165 Sampang citizens attended the Halal bihalal. The other example for potential reconciliation, is a citizen of the refugee camp doing the *haji* (pilgrimage) accompanied by 40 Sampang citizens to Mecca. Many of the refugees have also returned to Sampang and secretly visited their homeland, not experiencing tension in the community. This condition is the social capital for reconciliation.

F. Conclusion

The conflict Sunni-Shiite among Madurese society was started from family and it increases to province level. Starting from the

⁵⁹ The Coordination meeting for handling Sampang case at Monday, 11 September 2017 from The Office of President staff- The Supreme Court- Ministry of Internal Country- Ministry of Religion- Ministry of Land and the ministry of Social. This Information was accessed from The Office of Presidential Staff.

“personal problem” between Rois and Tajul, the conflict increases on the higher level in community of Sampang level with the role of both religious authority and state authority in Sampang. The conflict escalates among them after the relationship was dominated by the contravention, competition/ contestation and conflict itself.

The conflict was also influenced by the hegemony of the orthodoxy works through the fatwa and public policy of the government. Tajul is the representation of heterodoxy *vis a vis* the permanent ideology of orthodoxy of Madurese society. From family conflict becomes the ideology conflict after Roisul Hukama uses the ideology of Shja to attack Tajul Muluk. The conflict develops from family to province after religious and state authority collaboration emerges to expel Tajul and his pupils from Madurese society. The emerging of public policy through Governor regulation and the fatwa of MUI in Province level are the evidence-based of the higher level.

Fatwa and Public policy are religious and state instrument to maintains the ideology of orthodoxy. Fatwa which is actually just morally binding transforms to legally binding after it becomes the main consideration of public policy issuance of the government. The positivisation of fatwa on legal system occurs after the state represents and accommodates the power of orthodoxy. The impact is that Madurese Shiites become displaced community after being relocated from Sampang to Sidoarjo. Discriminations and violence against Shja community occurs on many aspects of life such as social, economic, freedom of religious expression, psychology and other aspect of life.

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