

# THE TAWDRY TALE OF “SHEIKH” PUJI AND LUFTIANA: Child Marriage and Polygamy in Indonesian Discourse

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## **Abstract**

*This paper concerns the practice of, and discourse concerning child marriage and polygamy in contemporary Indonesia and the religious, social and political contexts in which they are located. It focuses on the tale of Pujiono Cahyo Widayanto, who is more commonly known as Sheikh Puji, and his child bride Umi Hani Lutfiana Ulfa that has reverberated through the Indonesian media for more than a year. Sheikh Puji and Lutfiana have become icons in a high stakes symbolic and legal drama pitting socially and religiously conservative groups against progressive Muslims advocating reform of Islamic Family Law, the empowerment of women and modernity. Sheikh Puji has become an iconic figure in this struggle for three reasons: his flamboyant style, his defiant disregard and contempt for Indonesian civil law, and the fact he combines polygamy and child marriage in a single package.*

**Kata Kunci:** Pernikahan Dini, Poligami

## **I. Introduction**

At the time of their marriage on August 8, 2008, Sheikh Puji, a successful businessman and erstwhile political and religious leader, was 43. Luftiana, who had only recently graduated from primary school, was 11. Sheikh Puji was married at the time to a woman who was then 25. He has since announced plans to marry two even younger girls, ages 7 and 9. This tale has attracted nationwide attention because the Sheikh sought out and courted the media. For many observers it is a lurid, grotesque tale of outra-

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geous, perverted criminal behavior. Others see it as a tale of the valiant defense of Islamic principles against the onslaught of secularism, modernity and liberalism. Progressive Muslims see the “sheikh” as a pedophile and Luftiana as a victim of child abuse. Sheikh Puji’s supporters see her as the victim of overzealous police who have torn a young bride from her husband. Their story has become a *cause célèbre* for women’s groups and other progressive Muslims who support efforts to bring family law matters under uniform national jurisdiction, strictly enforce laws prohibiting child marriage and restrict or outlaw polygamy and for Islamist and other supporters of traditional *Shari’ah* based family law.

Modernist Islamist organizations, especially *Partai Keadilan Sejahtera* (PKS), the country’s largest and most influential Islamist political party, are caught in the middle because they advocate both *Shari’ah* and modernity and appeal to an urban middle class constituency that generally opposes polygamy and child marriage.<sup>1</sup> Religiously conservative but politically progressive Muslim organizations recognize the religious legitimacy of the marriage, but hold that in Indonesia civil law predominates in domains other than ritual performance. They have also challenged Pujiono’s religious credentials and his right to use the religious honorific “Sheikh.”

Much of the rhetoric surrounding the Sheikh Puji case is hyperbolic and emotionally charged. His detractors describe him as a narcissistic pedophile and claim that cases such as this one are among the consequences of increasing Saudi Arabian Wahhabi influence on Indonesian Islam. His defenders claim that his actions are in accordance with Islamic Law and in keeping with the practice of the Prophet Muhammad. In this paper we locate the “Sheikh Puji” case in the contexts of Indonesian, and more specifically Javanese, history and culture and locate the issues it turns on in the larger trans-national Muslim discourse about modernity, women’s empowerment and family law.<sup>2</sup> We begin with a discussion of what is known

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<sup>1</sup> On PKS see, M. Woodward, “Indonesia’s Religious Political Parties: Democratic Consolidation and Security in Post-New Order Indonesia.” *Asian Security* 4, no. 1, 2008, pp. 41-60.

<sup>2</sup> In this interest of transparency and intellectual honesty, it is necessary state that both authors support the progressive agenda and find Sheikh Puji to be morally repugnant.

about Lutfiana and Sheikh Puji. We move from there to a brief account of the place of polygamy and child marriage in Islam and contemporary Muslim discourse and from there to a discussion of the Indonesian, and more specifically Javanese, cultural contexts in which the tale of Sheikh Puji and Luftiana is located. We conclude with an assessment of the significance of the case in contemporary Indonesian cultural politics in which social practices including polygamy and child marriage, and symbolic representations of them, have become significant elements of Islamist ideology and identity.

In contemporary Indonesia, unlike that of either the early republican period (1945-1966) or the New Order (1966-1998) women's organizations and other socially progressive Muslim groups opposing polygamy and child marriage face new challenges. In the past, those supporting these practices were primarily supporters of socially and religiously conservative positions. While these groups continue to oppose efforts to reform Islamic Family Law, contemporary Islamists support polygamy and child marriage as element of a much larger transformative agenda. Their goal is to establish Indonesia as an Islamist state and society in which all aspects of social life are regulated by a narrow, literalist understanding of *Shari'ah*.

We conclude with the observation that child marriage and polygamy are symbolically significant because they are both uncommon and generally unpopular and because adopting them as symbols of "Muslim" identity establishes clear social and symbolic boundaries between culturally, if not politically, radical Islamist groups and the Indonesian Muslim majority, who Islamists define as being, at least, somewhat less than fully Muslim. To oppose polygamy and child marriage is now, almost by definition, to oppose this larger agenda.

The case of Sheikh Puji and Luftiana is one element of a much larger struggle concerning the meaning and ownership of the concepts "Islam" and "Muslim" in contemporary Indonesia. It is also an example of a rearguard defense of pre-modern cultural practices against the onslaught of elements of modernity that are at most tangentially related to religion. Delayed marriage is one element of the demographic transition that has

accompanied modernity, urbanization and industrialization wherever it has occurred.<sup>3</sup> In almost all pre-modern societies, women are typically married in their early to mid teens, shortly after the onset of puberty. Increased participation in the formal sector labor force, the need and desire for formal education seem to lead almost inevitably to increases in the average age of first marriages and falling birth rates. The Indonesian case clearly demonstrates that there can be a significant lag between social practice and cultural norms. Over the past several decades the average age of marriage has risen and birth rates fallen substantially.<sup>4</sup>

There are, however, many who consider early marriage and large families to be desirable. In this respect, Sheikh Puji and his supporters are clearly reactionaries, in the literal sense of the term.

## II. Sheikh Puji and Luftiana

Sheikh Puji is a “self made man” and something of a “rags to riches” story.<sup>5</sup> He comes from a poor village family in Central Java. He showed signs of ambition at an early age, attended a local college and is a certified elementary school teacher. After completing his education he moved to Jakarta, where he initially worked as a bus conductor. This is a poorly paid and little more than menial job. Whatever else he may be Pujiono is clearly intelligent and has great ambition to succeed. In the late 1980’s he began a successful career selling and later publishing Islamic books.

In 1991 he returned to his home village and established PT Sinar Lendoh Terang (Silenter), a publishing firm that specializes in Arabic Calligraphy. Pujiono’s venture was hugely successful and now exports prints and Islamic art works to other Southeast Asian countries and the Middle

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<sup>3</sup> D. Kirk, “Demographic Transition Theory,” in: *Population Studies*, 50, pp. 361-387, 1996, G. Jones, R. Douglas and J. Caldwell, *The Continuing Demographic Transition*, New York: Oxford University Press, 1998.

<sup>4</sup> G. Jones and B. Gubhaju, *Trends in Age at Marriage in the Provinces of Indonesia*, Asia Research Institute Working Paper No. 105 Singapore: National University of Singapore.

<sup>5</sup> Biographical information based on an account appearing in *Tempo*, November 3, 2008. <http://majalah.tempointeraktif.com/id/cetak/2008/11/03/HK/mbm.20081103.HK128658.id.html>

East. He is fabulously wealthy. His net worth is said to be approximately ten million US dollars. Among other possessions boasts a collection of sports cars including BMW, Mercedes-Benz, Jaguar, and Lamborghini models. He stores these icons of conspicuous consumption in full public view in a glass walled garage in front of this house. He has also tried to use his wealth to establish himself as a political and religious leader. In the 1990s he became the head of his native village. In 2005 he ran unsuccessfully for Bupati (District Head) of Semarang, the capital of the province of Central Java as candidate of PAN, the Muslim based political party founded by Muhammadiyah leader Amein Rais.<sup>6</sup> He staged demonstrations when his bid was unsuccessful.<sup>7</sup> He also established a *pesantren* (traditional Islamic boarding school) that he named *Pesantren Miftahul Jannah Pujiono* (Pujiono's Key to Heaven Islamic School).<sup>8</sup> He now claims to have approximately 1,000 students. The school is unusual in that there is no tuition and room and board are provided for all students.<sup>9</sup> He also began to refer to himself as Sheikh Puji, despite the fact that he has only a basic religious education.

Sheikh Puji's positions of polygamy, early marriage and his view that only *Shari'ah* should be applied in family law matters resemble those of most Indonesian Islamists. In other respects his religious views are very different

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<sup>6</sup> *Partai Amanat Nasional* (PAN) is a nominally secular party whose base of support is almost entirely drawn from the modernist Muslim organization Muhammadiyah.

<sup>7</sup> The ability to organize demonstrations is not necessarily a sign of mass support. It is a well-known fact of Indonesian political life that demonstrators can be "purchased" for 10,000 Rupiah (one US Dollar) or less.

<sup>8</sup> The name *Miftahul Jannah Pujiono* is more than somewhat presumptuous. It suggests that attending the school is a way to secure a place in paradise and that Sheikh Puji is the *juru kunci* (keeper of the keys) of Heaven!

<sup>9</sup> Most *pesantren* do not charge fixed tuition. Fees are usually made on a sliding scale determined by the student's financial status. Typically room and board cost approximately 200,000 Indonesian Rupiah (20 US Dollars) per month, per student. The total cost for a *pesantren* the size of Sheikh Puji's would come to approximately USD 250,000 per year. In Indonesia this is an enormous sum. Leaders of other *pesantren* think that it is almost impossible that Sheikh Puji supports the *pesantren* at this level unless he has undisclosed support from other wealthy individuals or organizations. He claims to have distributed 1.3 million USD in charity at the end of Ramadan in 2008. <http://indonesia.faithfreedom.org/forum/bagi-bagi-zakat-di-semarang-syekh-puji-habiskan-rp-1-3-m-t28815>.

from those of neo-Wahhabi Islamists who figure significantly in Indonesian politics. He engages in a variety of devotional practices characteristic of popular Sufism the purpose of which is to secure worldly benefits. He attributes his business success to religious practices that most Indonesian Islamists consider to be *shirk* (associating other beings and powers with God) and *kufarat* (unbelief). He justifies his marriage to Luftiana by reference to this same set of religious beliefs and practices as well as to Islamic law.

In a 2008 interview Sheikh Puji stated that before opening his business in 1991 he performed austerities ritual devotions for eighteen months.<sup>10</sup>

He explained:

Because I wanted to be successful in my business if performed *wirid* and recited *Salawat Nariyah* starting at midnight and continuing without sleeping until dawn for eighteen months.<sup>11</sup> I did this following the advice of Mbah Mad of Pesantren Watucongol in Mutilan.<sup>12</sup>

Sheikh Puji explained that he balanced this devotional program with hard work and by making substantial charitable donations. While he was building his business he periodically conducted a type of voluntary fast called *nglemprus*. This is to refrain from eating, drinking and sleeping for a period of days, with the intent of attaining a particular goal. Sheikh Puji stated that he periodically conducted this fast for periods ranging from

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<sup>10</sup> <http://www.sciforums.com/showthread.php?t=87315>

<sup>11</sup> *Wirid* is the practice of reciting verses from the *Qur'an* in hopes that God will grant a request. *Salawat Nariyah* is a prayer of intercession that refers to the ways in which God blessed the Prophet Muhammad and removed difficulties from his path. It request similar types of blessing for those performing it. It is widely believed that those who recite this text 4444 times will realize their desires. Wahhabi Islamists consider both practices to be *shirk*.

<sup>12</sup> Founded in 1879 *Pesantren Watucongol* is among the oldest in Java. It is known as center for the teaching and practice of Sufism (Islamic mysticism). It is clear from Sheikh Puji's reference to this school that he has strong ties to the mystical variant of Islam, which Islamists reject almost entirely.

three to eleven days.<sup>13</sup> He claims to have performed even more strenuous austerities that he would not discuss.

Prior to her marriage to Sheikh Puji, Lutfiana was an entirely anonymous primary school student. She is said to be very intelligent and to have been the best student in her class. Judging from photographs she is physiologically mature for her age. Before her marriage to Sheikh Puji she is said to have mentioned attaining a "higher education" and making enough money to send her parents of the *Haji* (Pilgrimage to Mecca). After marrying Sheikh Puji she stopped attending school. One of her teachers said that she was "mentally and spiritually broken."<sup>14</sup>

### III. Polygamy and Child Marriage—Global Islamic Contexts

Questions concerning family law are central issues in religious, social and political discourse in most contemporary Muslim societies.<sup>15</sup>

Family law was one of the few aspects of *Shari'ah* that were not abrogated by colonial states and also the one that touches the lives of Muslims most directly. For both of these reasons it has become a potent source of Muslim identity, and consequently, an often bitterly contested issue in post-colonial Muslim societies. An-Na'im puts it this way:

IFL (Islamic Family Law) has become for most Muslims the symbol of their Muslim identity, the hard irreducible core of what it means to be a Muslim today. This is precisely because IFL is the main aspect of *Shari'ah* that is believed to have successfully resisted displacement by European codes during the colonial period and survived various degrees or forms of secularization of the state and its institutions in many Islamic countries.<sup>16</sup>

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<sup>13</sup> This practice is common at all levels of Javanese society. Villagers, university students, politicians and business people all engage in it.

<sup>14</sup> <http://misterionline.com/25/10/2008/nikah-dini-hari-disaksikan-para-kyai.misterionline.com/>

<sup>15</sup> K. Abou el Fadl, *Speaking in God's Name: Islamic Law, Authority and Women*, Oxford: One World, 2002, A. An-Na'im, *Islamic Family Law in A Changing World: A Global Resource Book*, New York: Zen Books, 2002, J. Esposito, *Women in Muslim Family Law*, Syracuse: Syracuse University Press, 2002, B. Lawrence, *Shattering the Myth*, Princeton: Princeton University Press, 2000.

<sup>16</sup> *Op. cit.* pp. xi-xii.

Debates concerning family law are rooted in more general controversies about how the *Qur'an* and Hadith (traditions concerning the speech and behavior of the Prophet Muhammad) are to be interpreted. Abdou el Fadll suggests that two general hermeneutic strategies inform a wide range of theological and political debates, including those concerning family law, in the contemporary Muslim world. One views the scriptural corpus of Islam as an “open text” that encourages, and indeed requires, creative exegesis. The other understands this same body of materials as a “closed text” that limits the creativity and agency of the reader.<sup>17</sup> Those who think of Islam as a body of closed texts also tend to have revivalist worldviews and to think in terms of what Eliade terms the “myth of eternal return.”<sup>18</sup> They see the texts as being a historically accurate representation of the life in the “golden age” of the Islam and as archetypes that contemporary Muslims are obligated to replicate. Their arguments rely heavily on *dalil* or “proof texts” that are often quoted with out reference to the scriptural and historical contexts within which they are located. For these people to be a Muslim is to use specific textual precedents as models for individual and social life. Those who understand Islam as an “open text” are more inclined to seek out what Rahman called “major themes” in the scriptural corpus and to use them as guides for constructing forward looking visions of personal and collective identity.<sup>19</sup> To put things very simply those who choose revivalist hermeneutics maintain that because the Prophet Muhammad had many wives, some of whom were quite young when he married them, that “proper” Muslims should do the same. Those who choose what

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<sup>17</sup> *Op.cit.* pp.

<sup>18</sup> M. Eliade, *The Myth of Eternal Return or Cosmos and History*, Princeton: Princeton University Press, 1954.

<sup>19</sup> F. Rahman, *Major Themes of the Qur'an*, Chicago: University of Chicago Press, 2009. Rahman was a Pakistani Muslim scholar whose progressive views made it impossible for him to remain in his native country. He spent much of his career teaching in the Department of Middle Eastern Languages and Cultures at the University of Chicago. Nurcholish Madjid was among the many Indonesian Muslim intellectuals he influenced there. Rahman considered Indonesian Islamic theologies to be among the most progressive. He has been a source of inspiration for generations of Indonesian Muslim intellectuals.



may be termed "thematic hermeneutics" maintain that because the guiding principle in the Prophet's domestic life was justice, that this is the principle that should guide contemporary Muslims.

The issue is further complicated by the fact that this is not a binary distinction. The "open" and "closed" text hermeneutical positions are rather the two terminal points on a continuum of interpretative strategy. There are a virtually infinite number of intermediary points. One of the consequences of this is that participants in these debates cannot be divided into neat, mutually exclusive camps. Shifting coalitions rather than fixed alliances are the natural feature of these debates. As is become clear from the preceding discussion of Sheikh Puji's religious views and behavior, agreement on one contested issue, does not necessarily imply a convergence of opinion on others of equal significance. Islamists find themselves in agreement with Sheikh Puji on family law matters and at the same time could not disagree more strongly with his choice of devotional practices. Similarly there are many who find his devotional practice to be normative who are repulsed by his personal and social behavior.

The differences between the two basic modes of understanding Islam are fundamental, and not likely to change. Partisans of either position are not likely to be swayed by arguments rooted in the other. The question of which general understandings of Islam, and derivative questions such as those of the status of polygamy and child marriage in Muslim societies, will turn not so much on ascertaining "God's Truth," but again, as An-Na'im observes, on human agency and the political inclinations and will of the nation states in which Muslim life is located.<sup>20</sup>

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<sup>20</sup> In the Muslim world Family Law codes and practices vary enormously. The extremes are Tunisia and Turkey, which have adopted codes of civil status based on European models, and Saudi Arabia where there are no "modern" infringements on the application of *Shari'ah* and no legal minimum age of marriage. Indonesia is near the mid point of this continuum. The legal minimum age of marriage for females in Indonesia is 16 and 19 for males. Polygamy is allowed, but only the permission of current wife or wives and is subject to judicial approval. See Emory University Islamic Family Law Project <http://www.law.emory.edu/ifl/> It should be noted, however, that in many countries, including Indonesia, restrictions on *Shari'ah* regulations are often ignored in actual practice.

What is certain is that questions concerning polygamy and child marriage, and other family law issues, are unlikely to be definitively resolved, because they are significant elements of Quranic discourse and are also the subject of a substantial body of Hadith. On this, if little else, all parties to these debates can agree.

Among the most important, and probably most frequently cited passages from the *Qur'an* concerning polygamy is:

And if you fear that you cannot act equitably towards orphans, marry such women as seem good to you, two and three and four; but if you fear that you will not do justice between them, then marry only one or what your right hands possess: this is more proper that you may not deviate from the right course. (4:3)

The *Qur'an* does not deal directly with the issue of child marriage, though it was a common practice in Muslim and most other human societies prior to the advent of modernity. There are Hadith that refer to the Prophet Muhammad's marriage with A'isha when she was still a young child. Among them is:

A'isha (Allah be pleased with her) reported that Allah's Apostle (may peace be upon him) married her when she was seven years old, and he was taken to his house as a bride when she was nine, and her dolls were with her; and when he (the Holy Prophet) died she was eighteen years old. (Sahih Muslim Book 8, Number 3311)

Both of these texts are authoritative and both have been subject to numerous and divergent interpretations. In the case of the Quranic passage authorizing polygamy, the critical concept is justice. The Hadith concerning A'isha's marriage to the Prophet Muhammad is often cited in defense of child marriage. Muslims who oppose the practice also cite an extensive body of Hadith scholarship according to which A'isha must have been seventeen or eighteen when her marriage with the Prophet was consummated.<sup>21</sup> Throughout the Muslim world proponents of and apologists for

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<sup>21</sup> See for example, A. Engineer, *The Rights of Women in Islam*, New Dehli: 1992, pg. 110.

child marriage mention this Hadith as a proof text for their views, but generally do not mention the controversy surrounding it. Sheikh Puji is among them. He has been quoted as stating:

I'm not just doing what I like, it's based in religion. It's in accordance with the Prophet's teaching. You can marry a 7 year old if you like but you can't have relations with her until she starts menstruating.<sup>22</sup>

The ambiguous nature of these texts is such that conflicting interpretations are nearly inevitable. This, together with differences concerning the appropriate exegetical strategies, makes the prospect for definitive solutions to problems concerning polygamy and child marriage in Muslim cultures exceedingly dim. It is likely that controversies such as that surrounding the marriage of Sheikh Puji and Luftiana will continue for the foreseeable future and that states will determine which interpretations are endorsed in specific local contexts.<sup>23</sup>

#### **IV. Polygamy and Child Marriage in Indonesia – Historical and Cultural Backgrounds**

Sheikh Puji's behavior is not as outrageous or as clear-cut as some detractors have made it out to be, or at least it is not a culturally or historically isolated or unique event. Polygamy and child marriage figure significantly in Javanese history and culture. These are the local contexts within which the tale of Sheikh Puji and Luftiana are located. During and before the colonial era questions concerning marriage, divorce, inheritance and

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<sup>22</sup> *Jakarta Globe* July 27, 2009, <http://thejakartaglobe.com/news/clerics-support-police-investigation-into-so-called-sheik-who-married-minor/320997>

<sup>23</sup> There is currently (September 2009) a very similar case in pending in Saudi Arabia. There the courts have refused to nullify the marriage of an eight year old girl, but have stated that she can petition for divorce when she reaches puberty. Human Rights and Women's groups have protested the ruling as part of an ongoing campaign for legal reform. This and similar cases in Saudi Arabia are routinely reported in the global press. Those in most other Muslim countries are not. See *Globalpost.com* August 1, 2009 <http://www.globalpost.com/dispatch/saudi-arabia/090416/child-marriage-case-showcases-deep-splits-saudi-society>.

other “family law” issues were regulated by a combination of Islamic (*Shari’ah*) and customary (*adat*) law. Polygamy was an accepted practice, though limited primarily to political and clerical elites.<sup>24</sup> It was most common and indeed nearly universal in royal and aristocratic families. It was not uncommon for Sultans and other royals to have large numbers of concubines (*selir*) in addition to the four wives allowed by Islamic law and to father fifty or more children. As late as the 1940’s local authorities were required to scour the Javanese countryside for attractive young girls who, in exchange for as little as a few sacks of rice or small coins, were given as *selir* (secondary wives) to much older elite men.<sup>25</sup> This practice was so common that some parents kept their daughters in virtual seclusion to avoid the roving eyes of local officials. Others actively sought out such unions in hopes of securing social, economic and religious rewards.<sup>26</sup> As late as the 1980s the practice of polygamy by political elites did not evoke public criticism. The fact Indonesia’s first president Soekarno and Yogyakarta Sultan Hamengkubuwana IX had four wives was widely known and attracted little public commentary.

Sheikh Puji’s marriage with Luftiana fits this pattern, though with a modern twist. With his first wife’s knowledge and consent he very publically search for a second. His reason was that his first wife was not willing to join him in the strenuous religious practices he believed to be responsible for his financial success. She was also not interested in playing an active role in the family business and indicated that her main interests are memorizing and reciting the *Qur’an*. Sheikh Puji wanted a wife who would

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<sup>24</sup> See G. Jones, “Modernization and Divorce: Contrasting Trends in Islamic Southeast Asia and the West,” *Population and Development Review*, 23, no.1, 1997 and N. Nurmila, “Negotiating Polygamy in Indonesia: Between Islamic Discourse and Women’s Lived Experience,” in: S. Blackburn, B. Smith and S. Syamsiyatun, *Indonesian Islam in a New Era. How Women Negotiate their Muslim Identities*, Victoria Australia: Monash University Press, 2008, pp. 23-46.

<sup>25</sup> *Selir* were legally the property, not wives, of their “husbands.” The number of *selir* nobles could have been limited only by their ability to provide for them.

<sup>26</sup> These observations are based on ethnographic research (Woodward) conducted in Yogyakarta in the late 1970s and early 1980s.

join him in his religious devotions and become general manager of his company. It is quite likely that Luftiana has the physical capacity to join in the sheikh's devotions. It is not at all clear that *any* eleven year-old is capable of managing a multi-million dollar business operation. Actually it is clear that *no* eleven year-old would be up to the task.

Luftiana's parents *were* very poor *prior* to their daughter's marriage. They now have a large new house. He father is reported to have commented that he had known that Luftiana would bring good fortune to the family since before she was born and that he expected that her marriage to a religious leader would bring the family good fortune in this world and the hereafter.<sup>27</sup> His expectations are typical of Javanese parents who find themselves in his situation.

Early marriage was also the norm in pre-modern Java. In all social strata it was not uncommon for girls to marry at, or even before the onset of puberty. Islamic law and Javanese custom allows such unions but prohibits the consummation of marriage before the onset of menstruation. This practice is known as *nikah* or *kawin gantung*. It was, and is, especially common when the union is believed to be economically or politically advantageous for one or both families.

The practice of early marriage is in no way unique to Java or to Islam. It is the norm in many pre-industrial, agrarian societies. "Delayed" marriage is one of the hallmarks of modernity. It is strongly associated with female, formal sector labor force participation and the associated need for formal education. In Indonesia both have been strongly associated with modernization since the early twentieth century.

In Java child marriage and polygamy were, and in some communities still are, justified by religious concerns about fornication and adultery. It is often stated that early marriage discourages such behavior among women and polygamy and marriage with much younger women keeps men away from these sins. These practices are also sometimes understood as ways of emulating the social practice of the Prophet Muhammad. For many Muslims

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<sup>27</sup> <http://misterionline.com/25/10/2008/NIKAH-DINI-HARI-DISAKSIKAN-PARA-KYAI.MISTERIONLINE.COM/>

the Prophet's behavior is seen as a model for all aspects of personal, ritual and social behavior. Living in accord with the Prophetic model is seen as the most certain way to obtain God's blessing in this world and the rewards of paradise in the next. For religiously observant Muslims these are very serious issues. It is for this reason that progressive Muslims have turned increasingly to the language of Islam and away from the secular language of human rights to combat Sheikh Puji and his compatriots.

Fornication and adultery are very serious sins. They are also understood as sins that are difficult to resist. In Indonesian and other Muslim societies social life is structured in ways that are thought to make them less likely. Early marriage is only one of a number of such strategies. In the early twentieth century many conservative religious leaders opposed female education because they feared that girls and young women would be drawn into temptation by "love letters." It is likely that contemporary concerns about the propriety of Facebook and other social networking inter-net sites are motivated by similar concerns. Other restrictions on female behavior were motivated by similar concerns. Prior to the 1930s girls and unmarried women living in the Yogyakarta *kauman* (the area inhabited by *ulama* families) were not allowed to wear shoes or to leave their homes after the evening prayer to discourage romantic liaisons. Today the idea of young women going about barefoot would be absurd, but many conservative families and educational institutions continue to insist that young women remain home after dark.

Early marriage is also a common theme in Indonesian literature and especially in the writings of Indonesia's most famous novelist Pramoedya Ananta Toer. The early marriages of the two heroines frames the tale of the tension between tradition and modernity that is the overarching theme of *Bumi Manusia* (*This Earth of Mankind*) the first volume of his classic *Buru Quartet*. It is the primary theme of his subsequent *Gadis Pantai* (*The Girl from the Coast*) that is the story of his maternal grandmother's early marriage.<sup>28</sup>

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<sup>28</sup> *This Earth of Mankind*, New York: Penguin, 1996. *The Girl from the Coast*, New York: Hypervision, 2003.

The promotion of educational opportunities for girls and delayed marriage were prominent themes in early Indonesian nationalism. Raden Ageng Kartini was a Javanese aristocrat and Indonesia's first feminist heroine. She is known for critiques of polygamy and early marriage and for advocacy of educational opportunities for girls and women. Kyai Ahmad Dahlan, the founder of the Muslim modernist organization Muhammadiyah also advocated education for girls and young women as a necessary component of his strategy for the modernization of both Islam and Indonesian society. Restricting or banning child marriages and polygamy and other family law issues have been core issues for secular and Muslim women's organizations throughout independent Indonesia's history.<sup>29</sup>

In Indonesia today opinion is divided about both early marriage and polygamy. The "modern" educated middle classes overwhelmingly oppose both. Among rural populations, religious and cultural conservatives, both are common and widely accepted. In many villages girls are typically married at, or below, the legal minimum age of sixteen. In some instances the girl's age is overstated on marriage registration documents. What is called "siri" or secret marriage is also common. In such cases a religiously valid marriage is not legally registered. The view that early marriage is both "natural" and desirable is wide spread. Many Indonesian men feel that to marry a woman beyond her early twenties is not acceptable. Marriage often crosses generational lines. It is not uncommon for men to be of approximately the same age as their wife/wives parents.

Early and polygamous marriages are particularly acceptable when they bring financial, social and religious benefit to the bride's family. Poor parents are often willing to give young daughters to wealthy men, even as second, third or fourth wives, for financial gain, and to acquire high status sons-in-law. Giving a daughter to an esteemed religious figure is also thought to

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<sup>29</sup> For analysis of these issues in the early years of modern Indonesian history see, W. Martyn, *The Women's Movement in Postcolonial Indonesia: Gender and Nation in a New Democracy*, London: Routledge-Cruzon, 2005. On the contemporary period see, S. Blackburn, *Women and the State in Modern Indonesia*, Cambridge: Cambridge University Press, 2004.

be a source of God's grace and blessing. Conversely among the traditional religious elite it is common for parents to seek young daughters of esteemed figures as brides for their sons because these girls are believed to be sources of blessing. Early and polygamous marriage is often thought to be desirable because it is in conformity with the *sunnah* or practice of the Prophet Muhammad.

## V. Resurgent Polygamy and Democratic Change

Public advocacy of polygamy and child marriage are more common today than was the case prior to the democratic transition of 1998. This is largely the result of the easing of the hegemonic cultural policies of the "New Order" regime of Indonesia's second president Suharto, who ruled the country with an iron hand for thirty-three years (1965-1998). The New Order regime was culturally as well as politically authoritarian. While it championed Indonesia's cultural diversity it simultaneously sought to define the limits of diversity and stifled dissenting voices. Unlike his predecessor Soekarno and most historical Indonesian leaders, Suharto was a committed monogamist. He not only practiced monogamy, he encouraged it. The monogamist family in which a loyal, subservient wife established harmony and tranquility was the New Order paradigm for both the family and the nation.<sup>30</sup> Polygamy was restricted, and prohibited for Indonesia's millions of civil servants. It could be practiced quietly but could not be openly discussed or advocated.

As Brenner has noted, the era of free speech that accompanied the fall of the New Order and the democratic transition of 1998 removed these restrictions.<sup>31</sup> Many topics, ranging from the idea of an Islamic State, to the anti-communist politicicide and blood bath that accompanied the foun-

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<sup>30</sup> I. Rochmaniyah, "Religion, Culture, the State and Women: Women's Issues and Polygamy in Indonesian Legislation", A. Artha, *Bu Tien, Wangsit Keprabon Soeharto*, Yogyakarta: Galangpress, 2007.

<sup>31</sup> S. Brenner, "Democracy, Polygamy and Women in Past-Reformasi Indonesia," in: T. Day (ed.) *Identifying with Freedom. Indonesia After Suharto*, New York: Berhahn Books, 2007, pp. 28-38.



ding of the New Order that could not be talked about for decades are now openly and enthusiastically debated. Polygamy is no exception. Advocacy of polygamy has become an important part of the political and cultural agendas of Indonesia's resurgent Islamist movement. Islamist political parties including PKS, and militant groups operating outside the electoral system including *Majelis Mujahidin Indonesia* (MMI) (The Indonesian Council of Jihad Fighters) support polygamy as a means of increasing the size of their organizations because polygamous marriages produce more children and hence more party cadres or in the case of MMI — martyrs. It is also supported by apolitical fundamentalist social movements widely referred to as *Salafi* that understand polygamy as an element of the genuinely Islamic way of life. For many people associated with these groups, living in a polygamous family is part of what it means to be Muslim.

Indonesian Islamists are concerned as much with cultural as they are with overtly political issues. The transformation of Indonesian cultures on the basis of what they understand to be Prophetic models is among the most prominent themes in Islamist discourse. Polygamy and to a lesser degree child marriage now figure significantly in public ideological as well as religious debate. They are not only discussed but also advocated as "Islamic" practice. In general people with this orientation look to Islamic scripture for concrete behavioral models, not for more complex abstract conceptual models.

Many of the "new polygamists" are wealthy businessmen. Some claim that polygamy is good for women, because they marry their girlfriends instead of engaging in adulterous relationships with them. Some polygamy advocates go so far as to claim that the practice is obligatory for men who can afford it, and who can treat multiple wives justly in accordance with *Shari'ah* requirements. They rarely reflect on what justice in the concept of a polygamous family might entail. It is not possible to support the position that polygamy is obligatory on the basis of Islamic law.

To denounce these practices, and especially to denounce them in the language of Islam, can be understood as a mode of counter-radical discourse. Muslim feminists and other opponents of polygamy argue that it is impossible

to treat multiple wives and their children equally and that for this reason polygamy constitutes domestic violence. They consider child marriage to be child abuse, no matter what its status in traditional Islamic law may be. Many are convinced that the legal age for marriage is too low and that marriage at less than 21 years of age endangers the physical and emotional health of young women.

Sheikh Puji's marriage to Luftiana is not the first polygamy case to become a media sensation. Puspo Wardoyo, a successful businessman who operates a chain of grilled chicken restaurants, began flaunting and promoting polygamy in 2000.<sup>32</sup> He was awarded a "polygamy prize" in a competition sponsored by the Muslim Journalists Association. He was subsequently featured in numerous magazine and newspaper articles and appeared on popular television talk shows. Wardoyo attributes his business success to his adherence to polygamy and other "Islamic practices." He has also stated that the fact that he has more than one religiously acceptable sexual partner enables him to avoid the sins of fornication and adultery. Feminist and other progressive Muslim groups were outraged by Wardoyo's statements and staged demonstrations in response. He is, however, generally considered to be something of a buffoon and not as a serious political actor.

## **VI. Conclusions: Polygamy and Child Marriage in Indonesian Religious and Political Discourse**

Polygamy and child marriage remain common, and for a small, but significant, segment of the population are culturally and religiously acceptable in contemporary Indonesia. They are, however, generally located in local and private social and cultural space. Even when they are not concealed, they are rarely discussed or displayed publically. Men do not generally advertise the fact that they are marrying a young girl. Rather they treat it as normal and unexceptionable social behavior. It is likely that Sheikh Puji could have privately married Luftiana and even the two other younger girls he plans to marry and not have attracted public, much less national, atten-

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<sup>32</sup> Brenner, *op. cit*

tion. This is an example of what Berger and Luckmann have described as the privatization of religion.<sup>33</sup>

The practice of polygamy and child marriage has not vanished in modern Indonesia, but it has, until recently, rarely been to topic of public discourse.

Sheikh Puji chose make child and polygamous marriage part of his public *persona* and bid for celebrity, in effect “de-privatizing” them. In so doing he set the stage for a social drama and highly contested public discourse with much wider implications. By placing early marriage in the public square he added a new dimension to debates concerning relationships between normative and religious law and drew secular and religious authorities into a public discourse in which appears to be moving in the direction of a zero-sum game.<sup>34</sup> He could have chosen to locate his marriages in the ambiguous space of “*siri*” – religiously valid but legally unrecognized. He chose instead to provoke a public debate in which such *ad hoc* compromises are impossible. Sheikh Puji’s public performance made it impossible for many other Indonesian political and religious leaders to remain silent. It also pulled the issue of child marriage into the larger discourse concerning state-religion relations.

Today, advocacy of child marriage and polygamy is associated with other, more overtly political aspects of an increasingly radical Islamist agenda. It is perhaps for this reason that Indonesian Islamists, including PKS, came to Sheikh Puji’s defense, even though they utterly reject his more general religious orientation. PKS leader Hilman Rosyad Syihab described Sheikh Puji’s marriage to Luftiana as being not only religiously valid, but also “normal practice.” He also stated that the Indonesian law establishing 16 as the legal age of marriage for young women was only a “suggestion” and that it is not “obligatory.”<sup>35</sup>

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<sup>33</sup> P. Berger, *The Sacred Canopy: Elements of a Sociological Theory of Religion*, Garden City, N.Y.: Doubleday, 1967, T. Luckmann, *The Invisible Religion*, New York: Macmillan, 1967.

<sup>34</sup> A zero sum game is one in which one side wins and no compromise out comes are possible.

<sup>35</sup> SciForum.com, August 27, 2008, <http://www.sciforums.com/showthread.php?t=87315>

PKS stood nearly alone in its defense of Sheikh Puji.<sup>36</sup> Umar Shihab of the normally conservative *Majelis Ulama Indonesia* (Indonesian Council of Islamic Scholars, MUI) condemned Sheikh Puji and expressed his personal sympathy for Luftiana. He said:

Men should marry adults; there are a lot of other prospective brides around. Why has he married a 12 year old? The poor girl.<sup>37</sup>

A very significant MUI *fatwa* (Islamic legal opinion) stated that marriages under the ages specified by Indonesian civil law are prohibited.<sup>38</sup> MUI stated that as long as Sheikh Puji had not had sexual relations with Luftiana prior to the time she began menstruating, that he had not sinned, but that Indonesian law must be enforced.<sup>39</sup> Prosecutors have filed charges of violating the Marriage Act of 1974, exploiting a child and illegally employing a child. This is a concerted effort not only to bring a suspected pedophile and child abuser to justice, but also the reassert the supremacy of civil law and the sovereignty of the Indonesian state.

Sheikh Puji was jailed in connection with child abuse charges in March of 2009. He was held for thirteen days, and released subject to the proviso that the report regularly to police head quarters. He was arrested again in July for failing to comply with the conditions of his release. The outcome of the case remains uncertain, in part because Luftiana refuses to cooperate with police investigations. Sheikh Puji's lawyer explained:

Ulfa has menstruated, which means she's an adult who can think for herself. She has never filed a complaint to the police. She is happy with

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<sup>36</sup> Not surprisingly Puspo Wardoyo, who now heads *Masyarakat Poligami Indonesia* (The Indonesian Polygamy Society) also pledge to support Sheikh Puji. *Misteri Online*, October 28, 2008. <http://misterionline.com/28/10/2008/puspo-siap-jadi-advokad-syech-puji.misterionline.com/>

<sup>37</sup> *Jakarta Globe*, October 27, 2008, *op. cit.*

<sup>38</sup> B. Platzdasch, "Recent Fatwa Controversies in Indonesia: Much Ado about Little New," Singapore: National University of Singapore, Institute for Southeast Asian Studies, March 17, 2009.

<sup>39</sup> <http://www.detiknews.com/read/2009/02/03/152404/1078859/158/mui-syech-puji-jangan-memalukan-islam>

her husband, but now her husband has been arrested. So tell me, who's the victim here? <sup>40</sup>

This might be true. It is also the case that victims of abuse are often unwilling or unable to name their abusers, much less file police reports, until they are certain of their safety.

A group of *ulama* (Muslim scholars) associated with the *pesantren* tradition and the theologically conservative but socially progressive organization *Nadhlatul Ulama* have lent their support to these efforts, and questioned Pujiono's right to use the Islamic title Sheikh. They expressed concern that he used the title despite having never studied in a *pesantren* or addressed a religious gathering (*pengajian*) Kyai Hajji Suyono explained that while it is not a matter of law, the title Sheikh is customarily reserved for people with deep understanding of Islam *and* exemplary behavior. He also expressed concern about Pujiono's arrogance and fear that his behavior and use of the title Sheikh would tarnish the image of Islam. He very pointedly referred to Pujiono as "*saudara*" (brother) and not "*Bapak*" (father) that would normally be appropriate for a man of his age. This was a very powerful symbolic rebuke. The *ulama* also stated very clearly that despite the fact the "brother" Puji's marriage to Lutfiana is legal in *Shari'ah* terms that he should be prosecuted for violating Indonesian civil and criminal statutes. They promised to cooperate fully with the police investigation.<sup>41</sup> Coming from representatives of the community and tradition in which Pujiono has used to establish his Islamic credentials, a more devastating critique is hard to imagine.

The case of Sheikh Puji and Luftiana is different from other high profile polygamy cases for two reasons. The first is that it involves child marriage. The second is that because it has become embroiled in the legal system it has led to a direct confrontation between political forces with entirely different views of the relationship between civil and religious views of family

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<sup>40</sup> *Jakarta Globe*, July 29, 2009, <http://thejakartaglobe.com/news/clerics-support-police-investigation-into-so-called-sheik-who-married-minor/320997>

<sup>41</sup> *NU Online*, July 22, 2009. <http://www.nu.or.id/page.php>

law. One group advocates the “rule of positive law” the other the “rule of religious law.” This has led to an unlikely alliance between traditional conservative Muslims including “Sheikh” Puji and Islamists including PKS. “Brother” or “Sheikh” Puji and Luftiana are now at the center of a controversy of much greater significance than their own tawdry tale, the resolution of which may prove to be difficult, and which has significant implications for the future of Islam-State relations in Indonesia. This is a zero-sum political, legal and religious game in which compromise on basic issues seems impossible. The game is not just about Sheikh Puji’s guilt or innocence. It is also about Muslim identity and how Islamic teachings should be put into practice. That may be why the legal cases against Pujiono drag on at a snails pace. Nevertheless, comparative demographic studies indicate that time is on the side of the progressives and that as the course of modernization continues, so will the demographic transition. As the practice of child marriage declines and collective memory of it grows dimmer tales like that of Sheikh Puji and Luftiana will seem even more outrageous than they do today. If “delayed” marriage is the social norm, religious arguments in favor of child marriage will all on increasingly deaf ears. In Peter Berger’s terms, it would seem that Progressive Islam is the emerging “sacred canopy” for Indonesia in the twenty-first century.<sup>42</sup>

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<sup>42</sup> P. Berger, *op. cit.*

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