

## *Original Paper*

# Waria, Islam and Regional Autonomy

Khanis Suvianita<sup>1</sup>, Prof. Dr. Wening Udasmoro<sup>2</sup> & Robert Setio Ph.D<sup>3</sup>

<sup>1</sup> Indonesia Consortium for Religious Studies (ICRS), Gadjah Mada University, Yogyakarta, Indonesia

<sup>2</sup> Culture Studies Faculty, Gadjah Mada University, Yogyakarta, Indonesia

<sup>3</sup> Theology Faculty, Universitas Kristen Duta Wacana, Yogyakarta, Indonesia

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### **Abstract**

*This paper based on reseach data collection on waria (transwoman) and religion from Gorontalo. Regional authonomy and desentralisation are the momentum for local government to implementation shariah by law. By using the Islamic discources and “Serambi Madinah” narrative, local government and Islamic organizations force the practice of sharia by law into daily life. Starting from controlling women’s bodies and sexuality in public has limit the interaction and relation with waria. Women slowly have a distance to waria. The customer of waria’s salon are gradually decreasing. Moreover, gender waria category is contested among the Muslim groups. Waria seems always in dilemma that make them potentially vulnerable to get violence and marginalization. Waria present starts to be limited in public, they cannot expreassing themselves as “Muslim women” in formal setting because their gender category isn’t exist.*

### **Keywords**

*Regional Authnomy and dezentralization, shariah bylaw, waria and shariahtization*

## **1. Introduction**

*Era reformasi* shows the landscape of Indonesian politics has changed. If during the New Order, Islamic groups were suppressed and eliminated. On the contrary, the fall of the New Order regime has opened the faucet for citizen participation in government governance. Local governments get vast opportunities through regional autonomy and decentralization policies to manage their regions and natural resources. At the same time, religious groups, especially Islam, have sprung up from both militant conservative, moderate tradisional and radical circles to organize themselves and involve in public decisions. Meanwhile, civil society groups are not left behind. They have started organizing and forming civil organizations that are partly based on political identity. These new organizations voice their interests and criticize government’s policies that are considered not in favor to communities or the

poor whom previous and current government policies have marginalized.

The *era reformasi* gives a new hope for the regions to control and to manage their territory through the Regional Autonomy Law no. 22 Year 1999 and Law No. 25 Year 1999 on Financial Balance between Central and Regional Governments. Decentralization and Regional Autonomy provide extensive opportunities for regions to regulate their territories under the local community's aspirations. This opportunity is also a place for local elites to struggle, to maintain their power and allow the emergence of new unexpected rulers appear. The wider area of power, on the one hand, forces elite groups from various elements to negotiate and compromise. On the other hand, conflicts will occur and groups that are unable to enter the space for power struggle will lose and are very likely to be oppressed.

As Islamic identity has strengthened in various parts of Indonesia, the same thing happened in Gorontalo. Change is not instantly; Islamic groups continuously raise Islamic symbols and rituals. Conservative groups bring back a discourse on "pure Islam". Islam should return back to its orthodoxy teaching which shariah is to overcome socio-political problems in Gorontalo. Giving people a sense of justice, especially during the New Order, which Muslims were under various political pressures. However, another voice against the implementation of shariah bylaw also emerge by using Islamic discourses and historical context of Islam Gorontalo. At the end, Gorontalo Political Islam is also present through regional political elites with a shariah bylaw (*Perda Syariah*) agenda to win the people's hearts. Therefore, shariah bylaw - continue to be voiced and become political transactions.

In a short time, the stipulation of regional regulations (bylaw) with shariah nuances appeared in various places, including in South Sulawesi, Banten, Tasikmalaya, Pamengkasan, Riau, Ternate, and Gorontalo. Although the struggle for the implementation of shariah is not something new. It has existed since colonial times, these efforts had consistently failed even when the Jakarta Charter was rejected in 1945 and in New Order (Hooker, 2008; Hosen, 2007). This bylaw that was born from the political space of decentralization and regional autonomy has also received criticism from various groups who reject the existence of shariah regulations. Those who reject this come from different backgrounds, such as women's activists, student activists, democracy activists, and Muslim groups. By using critical Islamic insight and postmodernist philosophy, they see that what is regulated in shariah regulations is not entirely a Muslim obligation, such as the ability to read the Koran and give *zakat* only to those who have exceeded a certain amount of income. While related to women, it is seen as a violation of women's freedom to express themselves, restricts women's movement space, and tends to cause violence for women and violations of human rights (Mujiburrahman, 2014; Putra & Syafriani, 2019; Santi, 2006).

In early December 2000, through Law No. 38 Year 2000 Gorontalo became a new province separated from North Sulawesi, Manado. Gorontalo introduced its nickname as the city of "Serambi Medinah" (Note 1) and declare the area has a long Islamic history before the colonial time. It was also a moment where many new Islamic organizations emerged which were once dominated by Nahdatul Ulama (NU) and Muhammadiyah later the Jamaah Islamiyah group, Hizbuh Tahir Indonesia (HTI) (today this organization has prohibited), Tarbiyah, and women's organizations such as Wahda Islamiyah, Salimah,

and Majelis taklim flourished in Gorontalo and many districts. Recitations for women and men began to spread in various places. Recitations are not only for praying and gathering but also to develop skill and knowledge such as economy, parenting, Islamic teaching, and politics. Besides, the organizations support its members and create emotional bonding to dependence on each other. The number of women who take part in the recitation is increasing and slowly their appearance becomes more different, it is easier to find women wearing Muslim clothes. Recitation uniforms are everywhere with various models and colors. Another, professional groups also create their own recitation. Islamic becomes a discourse and material for conversation, both casual and serious.

Islaminization happens to Gorontalo society in 16<sup>th</sup> century through polical married of Sultan Amai and princess Owutango from Gomenjolo (Now Ternate region). To negotiate marriage requirements, politically and religiously the Sultan has created a strong relationship foundation between religion and custom (*adat*) for Gorontalo society that is religion and *adat* cannot defeat to each other, it is what he says, “shari’a relies on *adat*” (“*sara’a topa-topango to adati*”). Shari’a means consist of various aspects of life such as law, belief and morality. As he created Islam as a state religion of Gorontalo (Note 2), it changed the society and he succeeded in inserting Islam into customary law with the principle “*syara’a hulo-hulo to adati*”, both religion and *adat* have to respected and not left behind. So at the beginning, this foundation became the sources of norm, rules and values that apply to the people of Gorontalo until today (Note 3). His son that was Sultan Matolodula Kiki. Later, he developed the basic foundation of people life that was “*adat* based on Shari’a, Shari’a based on *adat*” (*adati hula-hula’a to sara’a, sara’a hula-hula’a to adati*). Meaning he managed the position of religion and *adat* as equal.

Furthermore, Islamic discourse through “Serambi Madinah” narrative are used to help the new government re-introducing the philosophical values that govern the people’s behavior of Gorontalo, namely “*Adat is based on Syara’, Syara’ is based on adat*”. Regional autonomy becomes an arena for local elite’s competitions in Gorontalo, which is generally still in the same circle of kinship (Note 4) so it is difficult to avoid challenging oligarchic power (Note 5). The power is to establish new hegemony of power and to maintain the status quo through Islamic discourse. Various policies are born from different results of a tug-of-war for political interests.

Finally, although there are people against it, shariah bylaw implemented in Gorontalo, three years after the new province was launced. It is not different with other regions, shariah bylaw were implemented in several region after the fall of Soeharto. Such regions are South Kalimantan (Banjarmasin, Banjar and Hulu Sungai districts North), West Nusa Tenggara (Mataram, East Lombok and Dompu) and South Sulawesi (Bulukumba) and other cities (Note 6). These sharia bylaw are not different from other regions. Implementing sharia as regional regulations is to handling, prevention and elimination of immoral acts, obligatory reading Qur’an proficiency for students, ruling women dress up properly according to *sya’ri* from the head to the toe, prohibited prostitution and alcohol, pay zakat by cutting civil officers’ salary (Hara, 2010; Hosen, 2007; Platzdasch, 2009). The target of this bylaw is public moral sexual to be controled based on Islamic shariah teaching. Women’s body and sexuality as the first target of this bylaw.

Women must responsible to their body and keep their purity.

Shariahtization through Shariah bylaw in public life slowly getting stronger. Behavior labelizes with shariah. It is not only women bodies but also “other” bodies that characterized as deviant and against’s God’s will is controlled. Heteronormative body getting attention since media broadcast homosexual and waria cases with the term LGBT. Waria position get it implication. Their body again come into a question. Their sex category and gender category become problematic when it is face the Islamic orthodoxy. Thus not only for women but also for waria, especially those who interact a lot with public life. This is because the position of transgender or waria gender identity is contested in Islam, its definition will depend on the socio-political situation in which they are located (Kholis, 2015; Rowson, 1991). In addition, to conservative groups, their gender identity is associated with “foreign” or “Western”, namely the LGBT rights movements. In suddent, waria are associate with “transgender western Americans” because they are included in transgender category under LGBT abbreviation. In fact, in many time the activists use this abbreviation as one category to identify one identity though the abbreviation represent different types of sexual orientation, gender identity, expression and sexual characteristic. Such as nowadays people tend to call a gay or a waria or a lesbian person with LGBT. Theoretically this calling is wrong because gay or waria are not the same.

Syarif Hidayat sees that the regional autonomy policy, which was carried out haphazardly because it was carried out in a hurry with various political contents, caused various problems, which he called “pragmatism-partialistic” (Hidayat, 2010). This change in the division of power brought a shift in the relationship between the state and citizens. The hope that depends on the decentralization policy, as expressed by Henry Maddick, is that there will be a healthy political understanding in which citizens understand social, political, and economic issues and are critically involved in various regional policies issued that concern the public interest. Citizens are also expected to have the independence to elect the politicians who represent them. However, this hope is not fully realized because the community is not fully capable of being involved in policy-making decisions concerning the lives of citizens. Communities and civil society groups are often neglected. The aspirations of the citizens are not fully accommodated because the political practice of sharing power is on the agenda of the ruling elite (Note 7), Vedi Hadiz calls it a predatory interest that ignores citizens (Note 8). It is clear that, to be included in the practice of regional athonomy, civil society need to be strong and know how to articulate their needs and interests.

This article focus on how regional autonomy and decentralization policy through syariahtization slowly marginalizes waria position in public space, in Gorontalo. With the conservative forces the practice of syariahtization is getting stronger in everyday life of people in Gorontalo. The conservative groups such as MUI Gorontalo and other Islamic organizations start to position waria according to MUI fatwa and define them as a dangerous group to religion particularly Islam and nation. However, in hadist, waria bodies are contested discourses to define their gender identity. Meaning to what extent waria bodies can be practiced and expressed in the public sphere depend on political conditions and who hold the power is.

This paper argues, the position of waria will always be in a dilemmatic position because the scripture text used to define waria varies from the range of rejecting to accepting. Meanwhile, transgender or waria in its history has always been defined by the authorities with a conservative religious lens and it is added with medical psychiatric approach. So dealing with sharia bylaw, waria will always be in a dilemmatic position and tend to be rejected. In this position, they are potentially to be marginalized and become victims of violence by the ruling institutions and religious conservative authorities.

The article based on participant observation and indept interview to 23 waria and several significant others such as religious leaders, family, journalist and activists. The data was collected in Gorontalo from September 2018 to May 2019.

## 2. Shariah Politic

During his leadership, Gorontalo's governor, Fadel Muhammad (Note 9) from the Golkar Party, issued two types of sharia regulations oriented toward citizens' moral discipline, especially women. The two regional regulations are (1) Gorontalo Provincial Regulation No. 10 of 2003 concerning the Prevention of Immorality. This regional regulation regulates women to take care of their bodies, not to cause immorality. The bylaw explains that women are prohibited from walking alone or outside the house without accompanying their mother at 24:00 hours. Therefore, the female body is subject to moral control. This bylaw forces people to be responsible for the care and use their bodies to maintain honor and purity. It is moral judgments to the people. (2) Regional Regulation on Reading and Writing Al-Qur'an No. 22 of 2005. Reading and writing the Qur'an became a selection tool for selecting students to be accepted in schools (Note 10) and for government officers it is a mandatory collective reading Al-Quran every Friday (Note 11). Then in 2014, Governor Rusli Habibie from the Golkar party issued Gorontalo Provincial Regulation No. 7 Year 2014 concerning the Collection of Zakat. Later, this regulation was revised and became Regional Regulation on Zakat Collection No.10 Year 2018.

Formalisation Islam by implementing sharia bylaw in many part of Indonesia become a debate between pro shariah and against shariah is known since the first opinion emerges in public (Hara, 2010; Mujiburrahman, 2014). On the debate the feminist group such as, Siti Musda Mulia and Katjasungkana focus on gender bias by the bylaw and women potentially become the victims. While other groups talking about the function and usefulness for the society such as Ahmad Suedy. These critics come from internal Muslim groups and outsiders Muslims group by contradicting it with Pancasila as the state ideology (Hara, 2010; Muntoha, 2010; Putra & Syafriani, 2019). While inside Gorontalo, Islamic thinkers and researchers, Pomalinggo (Note 12). said that shariah regulations only present religious symbols in the public life of the Gorontalo community, but internally, this does not encourage people's behavior change as what is stated in the bylaw. The community's behavior and local officials are far from what is in the regulation. So it seems that building an Islamic city is like building an illusion. Moreover, from the book, "*Menggagas Masa Depan Gorontalo*", written by Gorontalo divers Muslim profesional background including bureaucrat who react on implementation shariah bylaw argue that

syariah bylaw is not the answer for Gorontalo's problems. For them, Shariah only is not an ideal that Gorontalo dreams of. This has left Gorontalo's local Islamic history and current global developments. Thus, for them locality is important part that must be included and hermeneutic is needed, not only Islam scripturalist. Both pro and cont using the same Islamic discourses but in deferent way. Meanwhile, Elnino (2005) on his article "*Islam and Peradaban Gorontalo*" believes that "Islam Gorontalo" can create well-being for it citizens because the culture of Gorontalo is accommodate in Islam and it is expressed in religious ritual celebrations, orthodoxy Islamic meet local cultures. Islam values as a commander that is a judgment to provide justice to everyone without exception. He says that Gorontalo is known as a traditional (*adat*) religious place, so it should portray itself as a place where *tauhid's* values are implemented. Thus citizens' morality should be driven by *tauhid* values which are love, god, human and nature, equality, justice that balance the society. In this sense, Elnino says that "Islam Gorontalo" is the Islam that can accommodate the diversity of Gorontalo people and its culture. *Tauhid* values are the foundation to judge people in order to give them justice. It is not only *syariat*, so Islam for him can gives comfortable feeling, flexibility, respect, acceptance and kindness. Here it appears that "Islam Gorontalo" is as Islam that can accommodate the diversity of individuals and groups in everyday Muslim lived. When he explains about "Islam Gorontalo" meaning *adat's* Gorontalo and religion are not mutually defeated but both can be manifested in daily life. He is explaining Islam is contextual and cannot be universalized only by syariah.

These implementation syariah bylaw have been created confussion and threatened society which is social cohetion and national integration potencially appear. The debate over this syariah bylaw and its implementation to some scholars it is defined as a tactic of Muslim groups that local governments have a significant role in implementing Islamic syariah. It is related to the fail history of Muslim groups to put seven words as one of the Indonesian's foundation principle (Hara, 2010; Hosen, 2007; Mujiburrahman, 2014; Platzdasch, 2009). However, at the end, as Bayo (2018) explains, the family plays its instrumental solidarity function in the midst of the weakness of civil society and progressive ideas. In addition, religious institutions and customary institutions are not able to carry out the function of public control, instead they are politicized for elites' interests. As Biki (2005) said, power system in Gorontalo more compromise where people become "audiences" and waiting to be determined. They cannot negotiate their interests in local development, including waria organizations.

### **3. A Glimpse of Waria in Gorontalo**

Waria visibility was starting in the middle of 1980s. Later around 1990s they began to organize themselves as a group without name, only a waria group. In the same time, waria activism began to appear in various areas, from the district/city level to the sub-district. Their activities form volleyball matches between waria communities, residents in their domicile areas, and community groups. In addition, beauty pageant from the sub-district to the city/district level emerged. This event was often a medium for reconciling waria with their families. To some families, it is not always easy to accept their

waria children.

At the same time, waria were known with their beauty skills and waria salon were growing into large size. This first generation waria salon such as Mince, Tantri and Yenni cultivated young waria, who came from different districts and villages, in a training beauty salon professions associates with global norm feminine beauty. Waria indeed involved in local development through their femininity beauty world skills and knowledge. People use the services to support family, society and individual events. Government includes them in city festivals with their expression. At sub-district level, waria community, government and social organizations can work together to make volleyball competition to entertain people or as a celebration of special day. Furthermore, this activity is a means of showing their *prestasi* and capacities to the public (Boellstorff, 2004; Shiraishi, 2009). At that time, in the middle of 1990s, the local government, and the local media, especially the radio, supported waria activism. There was also a “waria show” carried out in an amusement park. The “waria show” is held every weekend to show their various talents. People were happy watching their performances. They performed dancing, singing, fashion, beauty, and theater. The “Waria show,” can be performed for almost two years. This show helps waria to be more widely known and become a medium for meeting people and waria and appreciated. At the same time, waria salons were also growing and developing into large salons.

In New Order period waria can reach their “comfortable time” (“zaman enak”). This situation similar to the description waria community in Jakarta which they call the momentum as “golden age” (Hegarty, 2017). Discrimination and violence against waria decreased, and Waria are easily create and show *their prestasi* to family and society. They were equally access public arena. Participated in many entertaining competitions such as, singing, dancing and beauty that open to all people. Except beauty peagent waria make it for their community only. Government involve the waria community in various city festival events. They can expression their gender without criticism from religious authorities. People welcome their appearance with joy. Waria also began to be invited to various entertainment stages held by residents and community groups. They experience these situations until early *reformasi* before the shariah bylaw fully practically in daily life and “shariah” not yet becomes Islamic markers.

The form of waria organizations from the New Order to *era reformasi* are charitable. It is supporting each other and maintaining patterns of relationship between waria. The organizations never showed their political stance on various socio-political developments even if it is affected their live and position In Gorontalo. They do not know, do not have access and have no interest in getting involved in a decentralized state structure. Historically, it can be understood that waria organizations were also in a similar pattern that the New Order had developed in an anti-political administrative structure. The state-citizen relationship is far away in the hierarchy, and citizens are more waiting (Antlov & Wetterberg, 2010). Waria organization tend to be passive and wait for the government help for them with cultivation (*pembinaan*) programs. The cultivation programs are known since the New Order where the first waria generation in Jakarta cultivate waria through training in the professions associated with global norm of feminine beauty (Hegarty, 2017). This cultivation become a pattern for waria generations and

government also repeat the same things, develop their feminibe beauty skill but forget to the managerial and business development skills. Besides, it is also a stereotype of waria that they seem only in beauty world while in the field waria professions various.

Different from new order policy, *Bambang Yudoyono (SBY)* government has a program of cultivation for waria through the Ministry of Social Affairs. The program also bias with waria condition in urban area or in Java condition, where waria stigmatize as sex workers and beggers. Therefore, the Minister of Social Affairs Regulation (Permensos) No. 8 Year 2012 are defined as Persons with Social Welfare Problems (PMKS) and in 2020 they were changed to Social Welfare Service Needs (PPKS). In practice, this program is carried out with the charity model, providing assistance in the form of salon equipments that some of them already have. There is no program based on right model. The program never involved waria in empowering them as a civil society to be more empowered and strengthened. Rather in today condition, waria are lectured and reminded by religious morality approach to return to their “fitrah” as happened in Gorontalo district. Before providing salon equipments to waria, they must listen to the teachings from a religious leader about waria position and existence according to Islamic orthodoxy perspective (Note 13) and asked them to repent. In *era reformasi* there is no support and access for civic education, civil society advocacy when they are oppressed, media and law (Antlov & Wetterberg, 2010). It seems the government defines waria universally without thinking about the social local context of waria in each place. The stereotype of waria’s femininity has influenced government’s policy toward waria.

#### **4. Syariahtization, Gender Variant: Is Conservative Turn?**

Islam is various. It shows from the reaction and the political standpoint of Muslim people on Shariah bylaw. Bruinessen describes conservative turn in Indonesia through the influence of liberals and progressives is decreasing and Islamic transnational organizations that support radical forces and lead to the Arabization process are getting stronger. However, in the same time Pancasila also emerges in public as a control toward Islamic radical (Bruinessen, 2014). The conservative groups afraid if muslim become more secular and liberal as it is describe by the present of Muslim liberal and progressive groups in NU and Muhammadiyah (Burhani, 2014; Ichwan, 2014). MUI then, issued its fatwa against secularism, liberalism and Pluralism as this organization try to unite Muslim Indonesia. Keeping the practice of Islam in harmony with orthodoxy and maintains the morals of society (Ichwan, 2014). It is also show Muslim moderate progressive in each region protest toward the implementation shariah bylaw (Hara, 2010; Mujiburrahman, 2014; Muntoha, 2010).

Conservative turn is not the condition of Indonesia currently because conservative is always there within the Islamic organizations such as NU dan Muhammadiyah. Even MUI from its establishment, it has never shown a firm stance against the government except in matters of public sexuality morality. MUI has involved to Waria matters since its establishment. The term waria (a combination wanita pria) was forces by MUI to replace wadam (a combination of wanita Adam) that create by Ali Sadikin to replace bencong

and banci. Soeharto agrees with the term waria (Atmojo, 1986; Boellstorff, 2004; Masaki, 2017) and since then term circulate to around Indonesia. Musyawarah Kekekluargaan Gotong Royong (MKGR), an organization under Golkar party has play a role through creating Himpunan Waria (Hiwaria), a new organization beside Himpunan Wadam Indonesia (Hiwad) Indonesia (Atmojo, 1986). Conservative groups, in the context of gender variant and non-heteronormative, Islamic organisations and elites' muslimism return it position to Islam orthodoxy, based on shariah rather than on hermeneutic to replace the shariah as a mode of dominant discourses. Both progressive and concervative groups use syariah and Pancasila as the reason againt gender variant existence and position within Indonesia Muslim context.

The belief on binary system order and heteronormativity makes the similar statements on anti-gender variant and anti-nonheterosexual persons. This attitude is based on an understanding of gender according to Al-Quran (Kholis, 2015) which is recognized only two sexes are exist. They are *zakar* (penis = man) and *unsa* (vagina = woman) and both contradictory to each other. Another one is *khunsa or al-khunsa* (sex confussion) which is intersex. According to Ali bin Ali Thalib, *khunsa* divide into two category namely *khunsa musykil* which is a person who has two sex or does not have sex at all. Another is *khunsa qhairu musykil* which is a person with unclear his sex (Note 14). In general, ulama in Indonesia define waria in *khunsa* sex/body while in fact waria are not always in *khunsa* sex/body. It is also use by MUI's Fatwa in defining what and who waria are. Al-Suyuthi explains three ways to know the sex of *khunsa*. First, it is depend on where the urine is come out. Second, what are sexual secondary characteristic appear? Third, if the two questions do not have answer then the person is *khunsa musykil*.

In Gorontalo, some ulama and religious activists also put waria in a *khunsa* category while in fact waria are not always intersex. Thus if a waria was born perfectly have a clear *zakar* as her secondary sex characteric then she is a man. According to this, her waria gender emboidentment is illegal because her gender identity is *tasyabbuh* (prohibited impersonation). It is fake. Meaning this waria against Islamic teaching and Islamic Law or syariat bylaw. These persons will call as fake waria. As a higly position religious authority says, "Waria is a man, they are just impersonate women. It is haram. As it is a "Serambi Madinah" city, citizens should respect and obey to Islamic teaching. So waria should not give the stage, if so it only legitime their gender identity is recognized and accepted." However, according QS. Al-Hajj (22 : 5) explains that in His creation, humans have perfectly (*mukhallaqah*) created and there are creation imperfect (*ghairi mukhallaqah*). About *mukhallaq* (Note 15) according to Al-Thabari the interpretation is a person who born in perfect condition, complete all the body. While Marzuki Rasjid says human being is not only physically, but also non-physique meaning there is psychology, cultural, sexuality and etc. According to this interpretation, waria can define as *ghairi mukhallaqah* which is a waria borns imperfect and does not have desire to any women (*ghairi uli al-irbat min al-rijal*). They are called *mukhannat khaliqi*. Therefore in Islam there is a consept that waria is kodrati and they are accepted and recognized. The *mukhannats* who impersonation women because of they cannot control their desire. This type of *mukhannats* are called *mukhannats bi takallufin*. This consept is common in Indonesia. Many religious leaders and Muslim people use this mukhanaats bi takallufin to define waria existence

and position. Thus with this interpretation it become a legitimation to punish waria.

However, according to Rowson (1991), in the early Medina, the position of mukhannats depend on the political situation and and the change of societal attitudes including the jeleously of rulers. It is clear, in relation to *mukhannat* political condition is one of the matters besides religion that create the lives of them within society. As waria position is contested and most of ulame following the views of MUI including other Islamic organisations. The waria position will easily be marginalized because they are not exist according to the dominat texts interpretation.

With the syariahtization and its practice is getting stronger around Gorontalo province and in many district also issued syariah bylaw. In the same time Islamic orthodoxy discourses on gender and sexuality is stronger. The government also force heteronormative into people daily life. Then through syariah bylaw gender binary and heteronormativitas is getting stronger and “other” gender and non-heterosexual tend to face violence (Bennett & Davies, 2015; Davies, 2020; Robinson, 2018; Wieringa, 2006). Today the practice of syariah into daily life, to some waria family in Gorontalo, they start to force their child and family members to change their gender identity and expression. Family that never do violence and “in sudden” do it to their child to back to their fitrah, in order to keep them safe from God’s punishment.

Indeed there are some religious leader can understand well waria position according to Quarn and Hadist through hermeneutic various lens. However because the position of waria are dilemma and today become controversial issues because it lead to LGBT matters. There are only few people bravely open their attitude and political position on waria existence and postion. It is like human right versus religion but all are discounted to gender and sexuality non- conforming.

If Pancasila is a media to meet the pro syariah and the anti-syariah (Bruinessen, 2014; Burhani, 2014; Hara, 2010; Ichwan, 2014). Those groups also using the same symbol with addition Islamic teachings and sharia against waria that they define and categories as LGBT. It is a threat to Islam and society. To this point, conservative is there that define gender and sexuality from the beginning. It not conservative turn but conservative getting stronger and through shariahtization it create possibility to marginalized waria where it is already started.

## **5. Shariahtization: Change and Its Impact on Waria**

### **• Salon, Women And Hijab**

Sharia-based policies and its practices strengthen how women’s bodies represent themselves in the public sphere. Hijab was not evident in the society but slowly through appeal then forced. Hijab is becoming a sign of Muslim women’s “mandatory” attire. It is also changed the way people dress up and choose a self-care salon. The speed of it change depend on the Islamic discourses in public; it is on social media, gossiping around women talks about each other dress up model, and a self-care salon type. Along with the strengthening of spreading shariatization into the pattern of people’s behavior and social interaction. This conditions influence waria’s salon conditions.

When the shariah bylaw issued in 2003, the change began on women dress style. Women start to use hijab especially young women as it is also get influence from other places. Mince, the salon owner felt it in 2006 and reach the peak around in 2014. She described that from one or two people changed to almost all women using the hijab. She saw that people began to behave by using Islamic symbols in that period. The hijab was like a head covering, and when it took it off at the salon, there was no label, but slowly the hijab was interpreted as a measure of religious obedience and piety. In the public sphere, the hijab became a practice of religious identity and an indicator of self-assessment of others to be called “Islamic”.

Previously, her salon was very crowded with women including the one who use hijab. However gradually women expression is changing. Muslim should dress up according to their religious identity. People is getting shame when do not use it. They feel like being different and society will judge them do not Islamic. The discourse developed by living in “Serambi Medinah” people should show the characteristics of this city. Several waria salon lost their women customers. As in many *tauziah* explain waria is a man, than women should be carefull and prohibited to be touched by men.

Then in 2012, the application of shariah regulations became increasingly stringent. By reinforcing the “Serambi Madinah” discourses to the public, Rusli Habibie, the governor of Gorontalo, requires all civil servant Muslim women to use hijab (Note 16) to make the society and the city more Islamic through people’s expression. In combination with local culture, the requirement is that women civil servants have to use hijab karawo (Note 17), and the men use kopiah karanji (Note 18). All civil servants who do not obey to this policy will get punishment such as on Monday upacara bendera (flag ceremony). They will be dried under the sun, as reported (Note 19). Then in daily life, slowly, people are watching each other’s acts which must be Islamic, and it is also a measure of good and rights person.

The embodiment of sharia Islam in daily practice in the public sphere is increasingly hardened by the formation of patterns of self-expression, interaction, and relationships with other people. The public sphere is back with the practice of restricting binary gender system and providing codes to the body based on orthodox. In the formal meeting room, the men and women groups are distinguished not in the same group. Simultaneously, women’s salons began to appear; although this number is still small now but have begun to be marked as “salons for women”. Besides, barbershops for men are growing and spreading around the city. In the past men also went to waria salons, and now the number has decreased.

Beside, in doing salon work, waria does not have the skills and knowledge to manage and develop it business. It is also experiences by others waria salon around other regions. Indeed, many do salon work because it is their talents, as some say, “*just know how to do the makeup and create a business.*” However, Competition in the beauty world is very tight, and beauty trends change very quickly. In addition, the use of religious symbols sometimes limits them. Shariah’s policies will hasten their defeat. So they need more salon management skills. Customers who still use the services of waria salons generally know each other well, and some of them have been customers since they were children and are used to coming to their salon because of mothers brought them. In 2013, Mince had to move to a small

salon and laid off almost all of her workers until she was the only one managing his salon. In the past, Mince salon was one of the biggest salons and she had been educated young waria to have beauty skills that relate them with salon. Not only develop the beauty skills but also the waria character and relation with other people and elites political and government.

Conformity to “pure Islam” values has shifted the pattern of relations and interactions between waria and Gorontalo residents. If in the past, going to a waria salon and interacting with them was not marked with religious values or piety. Today, it can become a new label as “un-Islamic” and support “sinners.” Several respondents also said that their customers encouraged them to “repent” and remember Islamic teachings. Although the respondents did not take it seriously, they realized it is a new habit that they face. For example, a group of Islamic congregations came to them and reminded them to follow and obey Islamic law.

Moreover, many tauziah at various events also begin to insinuate, criticize and judge their expressions and gender identity. Even relate them only to sexual desires and deviant behavior. They are reminded to return and living according to Islamic Shariah and their “true” nature as men. Mince and Sasa directly experience it because they were invited to a wedding ceremony as a makeup service and entertainment. They fought directly with the ustad and criticized him as a bad judge and Muslim. The stigma and judgments once “lost” have begun to be voiced even louder by religious groups, religious leaders, politicians, and intellectuals.

Some respondents are more careful with their gender expression. Some even start to compromise by changing their gender expression to be masculine to keep their business afloat and social acceptance. However, the choices of compromise also become debatable among the waria. Some thought it is forcing them to be a dishonest person, and others thought it is a religious teaching they should respect.

Compared to other waria salons, Aleta salon is very busy with customers. Customers do not recognize Aleta as waria because her gender expression is male. These customers defined her as “a feminine male” and “a little effeminate.” Since she opens her own salon she never dresses up as a waria in front of her customers. The workers in his salon are men, women, and waria. He employs women, men, and waria who expert in feminine beauty. Each of them have their expertise, and customers can choose which services they want. In this salon, various beauty treatments from head to toe are available, complete with a wide selection of prices and beauty brand products. She makes her customers have many choices. She developed her salon with the knowledge and business calculations from her education. He understands the changes in the salon market through the trend of sharia growing stronger from time to time. If there are female customers who are more comfortable being served by women, she provides this service. He explained that he hides his waria expression so does not interfere with his salon business. He is also lazy to deal with “religious sermons” that are starting to appear and visit other houses and her solan. Talking about morality and remember God’s command. She will dresses up with woman’s expression at certain times, such as participate in waria events or gathering with her friends and sometime want to rileks and hang out alone with full make up. As she says, “how can you lie to yourself if it is you?”

- **Public Sphere, Waria's Expression and Return to Fitrah?**

Sasa was wearing a hijab when she was on campus. At the graduation event ceremony, her lecturer asked her to take off her hijab because she is not a woman. At the graduation ceremony, she took off her hijab, but she keeps a feminine expression and did full makeup, and she was allowed. At the moment she was shocked, but she understood that Gorontalo has changed. During her study, all lecturers and students knew her as waria and called her by her woman name. Aleta also was known as waria on her campus. However, in the middle of her study, she was forced to change her expression – and return to man expression again. It is not by the campus administration, but she was attacked in front of her campus by people that she did not know. Later, she chooses to express her gender as a male. She says, “I cut my long hair because I want to graduate. In the beginning, it was fine, I can use make-up to campus”. However, after the attacked, a few of her friends start to criticize her gender expression. Some also suggested she to repent of being a “normal man again”. Several waria who feels comfortable with their gender performative think the idea and suggestion to be back to normal is a force. With laughing, Elinda and Tantri mention similar things, “why should we be normal again? We are normal, want anything else? This is our normality.”

Although the attitude of society toward waria is various but people who see them as “a threat” get stronger. It was in a wedding ceremony. The bride's brother expelled Dinda, a teacher and a makeup artist when she wanted to put make up on the bride. The reason is that Dinda is a man and she is not allowed to touch the bride. The bride's brother strongly against her with religious explanation to her. She did not say anything and directly back home. However, due to protests from other family members and no one can replace her position in sudden. Dinda finally was called back to continue her work.

## 6. Summary

Regional autonomy and decentralization indeed give opportunity to people participating. However this opportunity is also used by the elite to build power through political compromises. A long Islamic historical narratives and the symbols “Serambi Madinah” are used to build orthodox Islamic discourses that lead to the implementation of Shariah Bylaw. Meanwhile the voices against the implementation of shariah bylaw do not have great political power. Besides, civil society groups are also weak and do not have access to power, including the waria community.

Shariahtization through the practice of implementation shariah by law will gradually marginalize waria position in public space. They cannot compete their feminine beauty profession in the beauty world equally because their gender identity is starting to be criminalized. “Label shariah” has been develop in various business services such as “special salon for women”. It is getting stronger through different kind of *tauziah* especially to remind women and waria with their gender category. Waria position becomes a dilemma because the interpretation on scripture text about waria is contested. Not different from the past situation, waria position will always decide by the political situations and in which hand the power is.

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## Notes

Note 1. The history of Serambi Madinah is not clear yet, according to several local scholars in Gorontalo it is debatable. One version, it was Buya Hamka who gave the name when he visited Gorontalo in 1980s. Another says because its population.

Note 2. (Elnino, 2005)

Note 3. The statement principle of Sultan Amay about *shari'a and adat* as the basic life principle of Gorontalo people can be found in front of Masjid Hunto Sultan Amay, the oldest mosque in Gorontalo. Inside this mosque, at the back side it can be found the tomb of Sultan Amay and Sheikh Syarif Abdul Aziz, a spiritual teacher who came from Mecca to spread Islam, both were known as persons who spreaded and developed Islam in Gorontalo. A story also said that Hunto mosque was as one of the dowries given by Sultan Amay to the princess Palasa at the time of their marriage. (Susanty, 2011) <https://manado.tribunnews.com/2011/07/24/legenda-hunto-sultan-amay-mesjid-tertua-di-gorontalo>

Note 4. See (Purwanto, 2011) Inevitable, government executive and legislative positions are occupied by strong figures from clans or certain large families. Nama Habibie, Wartabone, Gobel, Bobihoe, Pakaya, Monoarfa, Katili, Boking, dan Botutihe are several clan name have enough influence in

Gorontalo. This article has published at Kompas.com with the title “Lemahnya Demokrasi di Akar Rumput”,

<https://nasional.kompas.com/read/2011/09/30/0254025/Lemahnya.Demokrasi.di.Akar.Rumput?page=all>

Note 5. Sun Biki on his article says political condition in Gorontalo as work through the power of conformity and there is no progresif change in power and minority groups cannot negotiate their needs in all social categories such as economic, social, politict, etc. he critically sees the democracy in Gorontalo as an utopia pasca the new province had built.he says democracy just an image of democracy (demokrasi citra). (Biki, 2005)

Note 6. (Buehler, 2016)

Note 7. lihat (Antlov & Wetterberg, 2010)

Note 8. lihat (Hadiz, 2003)

Note 9. Fadel Muhammad is the first Governor of Gorontalo for two period. During his power, he also promoted Gorontalo as “Serambi Madinah”. In 2019 election, he is elected as one of the DPD members from Gorontalo. Also had ever be a representative members in National level From Gorontalo province. In 2014 election as well, the wife, Hana Hasanah was elected as DPD also the representative candidate from PDIP.

Note 10.

<https://man1kabgorontalo.sch.id/wawancara-dan-tes-baca-al-quran-awali-proses-seleksi-pdb-man-1-kabgor/>

Note 11. <https://www.antaranews.com/berita/158198/pns-gorontalo-wajib-baca-alquran-tiap-jumat>

Note 12. See Samsi Pomalingo’s article, Formalization of Religion in Tanah Kerawang Gorontalo, this article talks about the proliferation of Sharia regulations in various cities in Indonesia at the beginning of the reformation, including the city of Gorontalo which enforced sharia regulations. However, this regional regulation is not able to change or control the behavior of the community, some are still far from Islamic values, including the officials. For him this is the illusion of rulers building Islamic cities with religious symbols.

Note 13. Gorontalo district try to change waria in a second into normal men through religious lecturer by a religious leader. However for respondent it is a joke and stupidity because they only see waria from waria gender expression

<https://www.liputan6.com/regional/read/3188796/jurus-jitu-pemkab-gorontalo-sulap-waria-menjadi-pria>

Note 14. See in (Kholis, 2015)

Note 15. Ibid

Note 16. According to the governor of Gorontalo, Rusli Habibie, by using the hijab, the civil servants have shown their attitude and behavior according to religion. It shows how Syariah is implemented through gender.

<https://makassar.antaranews.com/berita/36300/gubernur-gorontalo--pns-muslimah-wajib-berjilbab>

Note 17. Karawo is the fabric of the women's craft of Gorontalo.

Note 18. the skullcap Karanji is a skullcap made from typical rattan crafts of Gorontalo

Note 19.

<https://www.liputan6.com/regional/read/3261406/tak-pakai-jilbab-karawo-dan-kopiah-karanji-asn-gorontalo-dijemur> (Fachrurrozy, 2018)