

Supporting or Resisting a Cement-Mining Industry: The Framing and Counter-framing of Religious Leaders (*Kiai*) in the Northern Kendeng, Central Java, Indonesia

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1. Introduction: Setting the Background and Issues

This research would elaborate an agrarian conflict that occurred between the mining industry and local peasants in the mountains of northern *Kendeng* in Central Java, Indonesia. The northern *Kendeng* Mountains are a range of limestone mountains that stretch across the Central and East Java regions. Due to its karst potential, it has invited interest from the mining industry (Widi, 2013). However, the arrival of the mining industry has been rejected by local villagers, the majority of which depended on agriculture for their lives. The surrounding agricultural community believes that the arrival of the mining industry would cause damage to the *Kendeng* mountainous ecosystem. In the context of support to and resistance against the construction of a cement factory, the involvement of religious leaders (*kiai* or *ulama*) and narratives has emerged to the surface.

The supports from religious figures and narratives are dynamic. On the one hand, the *kiais* and their religious narratives are reproduced to enlarge the wave of resistance against the expansion of the mining industry. Yet, on the other hand, the religious figures and narratives have also been exploited to provide a justification for the expansion of the cement-mining industry in the northern *Kendeng*. The production and reproduction of religious narratives by religious leaders looks very manifest. As a result, the framing contest between the two groups occurred, each of which attempted to do framing and counter-framing by reproducing religious narratives and discourses based on Islamic doctrines .

For the above reasons, I would seek to portray the reproduction of framing and its counter as well as their historical-social setting in an agrarian conflict in the northern Kendeng of Central Java, Indonesia. To do that, *first*, I would provide a social-geographical and historical picture of the agrarian conflict that occurred in the northern Kendeng. *Second*, I would briefly describe the structure of religious authority in the context of Indonesian Muslim society, which often become an object of contestation in seeking religious legitimacy. *Third*, specifically, I would elucidate the religious arguments re-produced by the two opposite sides in legitimizing or de-legitimizing the expansion of the cement factory industry in the northern *Kendeng* mountains. Finally, I would draw some conclusions and notes as a reflection on the risks resulted from such religious framing contest at the expense of peasants' access rights to water and land.

1.1. The Spatial Configuration of the Northern *Kendeng*: Between Living Spaces for Peasant Agricultural Activities and Mining Industries

The Kendeng Mountains are a series of interconnected mountains stretched in the Central and East Java provinces. In the Kendeng mountains, there is an area called northern Kendeng. There are regions of northern Kendeng Mountains, which are commonly called the “Sukolilo Karst,” located in the district of Grobogan, Pati and Blora. The northern Kendeng area is determined by the ESDM - *Kementerian Energi dan Sumber Daya Mineral* (the Indonesian Ministry of Energy and Mineral Resources) regulation No. 17 of 2012 as a Karst Landscape Area. Meanwhile, the northern Kendeng located in Rembang Regency is called “*Watu Putih*” and it was also established by the Presidential Decree Number 26 of 2011 as the area of Groundwater Basin (CAT - *Cekungan Air Tanah*) (Wacana, et.al., 2014: 46). Such determination of the northern Kendeng mountainous regions confirm that they are conservation areas, which must be protected from damage, because they are regarded as water catchment areas to meet the water needs of the surrounding population.

The northern Kendeng mountains preserve abundant water and, therefore, many water springs are found. In Pati district, there are 79 springs that flow constantly, regardless of the dry season, around 1,009/liter per second and it is able to meet water needs for 7,882 households (Sobirin, 2010: 121-2). In Sukolilo sub-district of Pati regency, there are found 24 mouths of the cave and at least 14 active water streams from them (Wacana, et.al., 2008). Meanwhile, in the *Watu Putih* Groundwater Basin in Rembang there are 109 springs and 49 mouths of the cave and 4 active water streams from them (Wacana, et.al., 2014: 47-8). In addition to meeting drinking needs, the water flow is utilized by the local population to carry out animal husbandry and agriculture activities (Syam, 2018: 47).

Although the fulfillment of water needs does not come solely from the northern Kendeng mountain, it has become a main source of water. For example, for irrigation needs of agricultural lands, there are actually three sources of irrigation commonly used by local peasants, i.e., *Kendeng* springs, *Kedung Ombo* Reservoir, and Rainfed. Of these three methods, the *Kendeng* springs become the main water source in Pati. The water that flows from the *Kendeng* mountains flows through two techniques; directly through springs that flow from the *Kendeng* caves (for example, Wareh, Lowo, Pawon etc) and the *Juwana* river (*Kali Tus*) which has 16 large tributaries and 67 small tributaries that originate from the mountain of *Kendeng* and *Muria* (Dewi, 2015: 38-9).

Due to the availability of water, the surrounding areas of the northern *Kendeng* are suitable for carrying out agricultural activities and they are carried out across generations. Thus, it is common that the surrounding villagers work as farmers. From their farming activities, for example, peasants in Timbrangan village of Gunem sub-district of Rembang, it is where the cement factory of PT. Semen Indonesia (PT. SI) located, is able to produce 23.1 billion annually (Cahyono & Kusnadi, 2014). In the northern *Kendeng* of Sukolilo sub-district of Pati, the majority of the surrounding people depend on agriculture, such as in seven villages (Sukolilo, Baturejo, Gadudero,

Sumbersoko, Tompegunung, Kedumulyo, Kasiyandi), in which at 2008 were intended to be the location for mining activities and the factory of PT. Semen Gresik (PT. SG), there were 7759 farmers and 5233 peasant workers from 24074 villagers in 2007 and they generally planted rice, corn, cassava, and watermelons (Dewi, 2015: 26 & 32). So, there is approximately 53.75% of the population relies their livelihood on agriculture.

However, since 2007, the sustainability of agricultural lands and peasants' livelihoods have been threatened by the government's plan to develop the mining industry in the northern Kendeng. PT. Semen Gresik (PT. SG) was the first cement factory that planned to obtain a mining permit in the northern Kendeng of Sukolilo region, Pati. However, the plan of PT. SG drew a massive rejection from people of Pati. The arrival of PT. SG raised the concerns of Sukolilo villagers because the mining area of PT. SG is a water catchment area and it is feared to disappear by the mining activities (Virri, 2012).

On April 17, 2008, Pati Regent, namely Tasiman, issued Pati Regent Decree No. 131/1814/2008 which states that the location of cement raw material for PT. SG is in accordance with the Pati District Spatial Planning (RTRW - *Rencana Tata Ruang dan Wilayah*). The letter is considered to have violated the Regional Regulation of Spatial Planning (*Perda RTRW*) of Pati since 2001 which confirms that the *Kendeng* mountain region is a water catchment conservation area. This Regent's Letter intends to annul the Regional Regulation on *Perda RTRW* whose position is higher. Even worse, the Regional Mining Permit (SIPD - *Surat Izin Pertambangan Daerah*) No. 540/052/2008 had been published before the AMDAL (Environmental Impact Assessment - EIA) was accomplished (Idhom, 2009: 140-1, Virri, 2012, & Dewi, 2015: 42).

In the lawsuit process at PTUN (State Administrative Court) of Semarang on August 6, 2009 it was decided that the mining permit of PT. SG in Sukolilo Pati is illegal and, therefore, must be revoked. At the next level on December 24, 2009,

PTTUN (State High Administrative Court) of Surabaya decided otherwise by canceling the previous decision because the Pati Regent's exploration permit did not need to wait for an EIA. Then, on May 27, 2010, the Supreme Court (MA - *Mahkamah Agung*) decided to cancel the decision of PTTUN Surabaya and ordered the Office of Integrated Licensing Service of Pati (KP2T - *Kantor Pelayanan Perijinan Terpadu*) to revoke the mining permit of PT. SG. Although PT. SG submitted a Legal Review (PK - *Peninjauan Kembali*) to the Supreme Court in 2011 but was rejected on 4 January 2013 (Dewi, 2015: 61-2). However, the peasant victory over PT. SG is not the end of the threat to the Northern Kendeng mountains. In 2013, the Pati regency government issued a new mining permit to PT. Indocement through its subsidiary PT. SMS (*Sahabat Mulia Sejati*) (Oktaviana, 2015 & Suharko, 2016). And, PT. SG, which later changed its name to PT. Semen Indonesia (PT. SI), shifted its mining area to Rembang regency (Arofat, 2016).

The previous mining site of PT. SG was located in Sukolilo sub-district, but now the new mining permit for PT. SMS is located in Tambakromo and Kayen sub-district of Pati. Since 2008, PT. SMS had begun to conduct research in Tambakromo and Kayen sub-district regarding their potential and feasibility of establishing a cement factory (Oktaviana, 2015: 27). And, PT. SMS began to realize its plan since 2010. As a matter of fact, in a survey conducted by the AMDAL (EIA) makers, it was found that, regarding their willingness to accept or reject PT. SMS, 67% of population refused, 20% accepted, and 13% did not answer (Syam, 2016: 73). However, the making of EIA was continued by PT. SMS and it was completed in 2014 so that it was entitled to obtain the Regent Environmental Permit of Pati No. 66.1/4767/2014 for the construction of a cement factory and mining activities (Suharko, 2016: 102 & Syam, 2016: 87).

Meanwhile, on November 17, 2015, PTUN Semarang granted a lawsuit against PT. SMS to revoke its Environmental Permit for the construction of a cement factory. Later on, PT. SMS appealed to PTTUN Surabaya and won on 1 July 2016

because the Environmental Permit issued by the Regent was in accordance with Pati, Central Java and National Spatial Planning (Tempo, 25 August 2016). And, on the next appeal at the Supreme Court (MA - *Mahkamah Agung*) level, PT SMS again won the lawsuit on March 6, 2017, henceforth it would apply for the operational license for a cement factory within a period of the next three years.

Furthermore, after being driven out of Sukolilo of Pati Regency, PT. SG which later changed its name to PT. Semen Indonesia (PT. SI) transferred its factory area and mining location to Rembang Regency. PT. SI obtained a mining permit from the Rembang Regent, Moch Salim, on 18 November 2011 and an environmental permit from the Governor of Central Java, Bibit Waluyo, on 7 June 2012. In Rembang, there are five villages affected by the factory construction and exploration of PT. SI, which covers four villages in Gunem Subdistrict (i.e., village of Kajar, Timbrangan, Tegaldowo and Pasucen) and one village in Bulu District (Kadiwono) (Arofat, 2016: 36).

The agrarian conflict between PT. Semen Indonesia (PT. SI) with local peasants has begun since the Central Java Governor Decree No. 668.1/17/2012 concerning the environmental permit for cement mining activities of PT. SI was issued. PT. SI started the construction of a cement factory and mining activities in the district of Rembang since 2014. The cement factory was targeted to operate in April, 2017 (Antaraneews, 15 Maret, 2017). As broadcasted by the Indonesian Trade Ministry's portal, the investment value of Rembang cement factory reached Rp 4.9 trillion (kemenperin.go.id, no date). As reported by PT. SI (2015) that, on 31 December 2015, the majority of shares of PT. SI (51.01 %) is owned by the Indonesian Government and the rest of the shares are owned by the public and privates from various countries, such as Singapore, Norway, United States, Germany etc (p. 106-108).

As a matter of fact, the mining areas of PT. SI in Rembang had previously been designated as a conservation area due to they are included in the Groundwater

Basin (CAT – *Cekungan Air Tanah*) of *Watu Putih*. The mining site is actually a water conservation area designated for agricultural activities. The establishment of the conservation area as the mining area means that it will threaten the sustainability of water for agricultural activities of the surrounding region. On the basis of this awareness, the massive rejection of local villagers was inevitable. The villagers (mostly peasants) then perform a variety of resistances ranging from occupying the tread mill to set up a tent and little mosque,¹ filed a lawsuit to cancel the license to the Administrative Court (PTUN – *Pengadilan Tata Usaha Negara*) Semarang and then to Surabaya until eventually to the Supreme Court (MA – *Mahkamah Agung*),² *istighosah* (a joint religious praying),³ long march and mass actions to the Central

¹ The establishment of a small mosque beside the tent was inaugurated by the *kiai* of Pondok Pesantren Kauman Lasem Rembang, namely, Zaim Ahmad Ma'shoem (Gus Zaim) and filled with *Shalawat* by Ustadz Gufron (see *Timesindonesia.co.id*, february 15, 2016. Tolak Pabrik Semen, Warga Rembang Dirikan Musholla Tenda. Retrived february 23, 2017 from <http://www.timesindonesia.co.id/baca/118049/20160215/174951/tolak-pabrik-semen-warga-rembang-dirikan-musholla-tenda/> dan *simpulsemarang.org*, February 15, 2016, Mushola Perjuangan, Media Spiritual Tolak Pabrik Semen. Retrieved February 23, 2017 from <http://www.simpulsemarang.org/2016/02/mushola-perjuangan-media-spiritual-tolak-pabrik-semen.html>).

² The Semarang administrative court rejected the demands of villagers and allowed the cement plant to still run in Kendeng Mountain area since the lawsuit of villagers was deemed to have expired with the judge's ruling of PTUN Semarang No. 64/G/2014/PTUN.SMG dated 16 April 2015. The lawsuit had exceeded the time limit of 90 days, as Article 55 of Law Number 51 Year 2009 concerning the Second Amendment to Law No. 5 of 1986 on State Administrative Court (*mongabay.co.id*, April 17, 2015. Hakim Menolak Gugatan Warga Rembang Terkait Pabrik Semen. Apa Alasannya?. Retrieved February 23, 2017 from <http://www.mongabay.co.id/2015/04/17/hakim-menolak-gugatan-warga-rembang-terkait-pabrik-semen-apa-alasannya/>). Then, the villagers made an appeal to administrative court (PTUN) of Surabaya, but the villagers also met a similar fate due to the administrative court (PTUN) of Surabaya just upheld the verdict of PTUN Semarang. Finally, after the appeal was rejected, the villagers continued their appeal to the Supreme Court (MA) which finally won the demands of the villagers (see *tempo.co*, October 11, 2016. Kalah, PT Semen Indonesia Ogah Komentari Putusan MA. Retrieved February 23, 2017 from <https://m.tempco.co/read/news/2016/10/11/058811313/kalah-pt-semen-indonesia-ogah-komentari-putusan-ma>)

³ On May 25, 2014, the villagers held an *istighosah* at *pesantren* nurtured by *Rais Aam* of NU K.H. Mustafa Bisri, namely *Roudlatut Thalibin*, Rembang (see *nu.or.id*, May 27, 2014, Warga NU Tolak Tambang Pabrik Semen di Rembang. Retrieved February 23, 2017, from <http://www.nu.or.id/post/read/52272/warga-nu-tolak-tambang-pabrik-semen-di-rembang>).

Java and the National government,⁴ setting feet into cement outside the presidential palace in Jakarta and in front of City Hall Heidelberg Germany,⁵ and the quest for supports from religious leaders (*kiai*).⁶

1.2. The Fragmentation and Contestation for (Religious) Discursive Power

In the case of the construction of a cement factory in the Northern Kendeng, the involvement of *kiais* with their Islamic narratives was very manifest. Although the support or rejection by *kiais* for extractive industries is not new, it is often expressed in silent. Since a plan to build a cement factory by PT. SG in Sukolilo was

⁴ For example, on December 6, 2016, the villagers who resisted the cement conducted a long march towards the office of Central Java Governor of from Rembang by their feet (see video.tempo.co.id, December 13, 2016, Longmarch 4 Hari, Warga Tolak Semen Tuntut Gubernur Patuhi Putusan MA. Retrieved February 23, 2017 from <https://video.tempo.co/read/2016/12/13/5440/longmarch-4-hari-warga-tolak-semen-tuntut-gubernur-patuhi-putusan-ma>). Previously, the villagers also set up a tent and took action to cement their feet in front of the president's palace at Jakarta (see tempo.co, July 26, 2016, Menolak Pabrik Semen, Petani Rembang Dirikan Tenda di Istana. Retrieved February 23, 2017 from <https://m.tempo.co/read/news/2016/07/26/078790616/menolak-pabrik-semen-petani-rembang-dirikan-tenda-di-istana> and bbc.com, April 13, 2016, Tolak pembangunan pabrik semen, sembilan perempuan cor kaki. Retrieved February 23, 2017, from http://www.bbc.com/indonesia/berita_indonesia/2016/04/160413_indonesia_protes_semen_istana).

⁵ See [DW.com](http://dw.com), May 1, 2017, Indonesian farmer joins May 1 rally to protest German cement. Retrieved June 7, 2017, from <http://www.dw.com/en/indonesian-farmer-joins-may-1-rally-to-protest-german-cement/a-38653827>

⁶ For example, on June 25, 2016 nine mothers, the representatives of the repellents of cement met *kiai* Maemun Zubair, the caretaker of Pondok Pesantren Al-Anwar Rembang, to ask for blessing and support for their struggle to resist the establishment of a cement factory (see membunuhindonesia.net, June 25, 2016, Sembilan Kartini Kendeng Sowan Mbah Maemun. Retrieved February 23, 2017, from <http://membunuhindonesia.net/2016/06/sembilan-kartini-kendeng-sowan-mbah-maemun/>) and met ke Gus Mus, the caretaker of pesantren *Roudlatut Thalibin* Leteh Rembang to ask for support (see tribunnews.com, November 27, 2015, Ibu-ibu Penolak Pabrik Semen di Rembang Sowan ke Gus Mus. Retrieved February 23, 2017, from <http://jateng.tribunnews.com/2015/11/27/ibu-ibu-penolak-pabrik-semen-di-rembang-sowan-ke-gus-mus>). Both *kiais* are charismatic islamic leaders who became national figures in Indonesia.

dispersed, support from Muslim leaders could already be easily found. To support the construction of a cement factory, several religious leaders (*kiais*) produced Islamic arguments and narratives. Then, they were propagated through religious spaces. For example, because one of resistance movement actors was from a minority group, i.e., *Samin* or *Sedulur Sikep*, a negative stereotype and stigma were re-produced based on Islamic dogma to marginalize them so that a horizontal conflict was expected to exist among the protesters of PT. SG (Idhom, 2009: 146-7).

It is worth noting that *Sedulur Sikep* is a minority group that makes agricultural activities an integral part of their belief system. Agricultural activity is the only job which is considered to have a clear origin in their beliefs (Idhom, 2009: 145). So, when the planned mining activities and the construction of a cement factory in the northern Kendeng of Pati were announced, *Sedulur Sikep* was the first community to resist and fight in a militant way because they were worried that the mining activities would threaten the sustainability of water and their access to lands (Dewi, 2015: 40). However, in the development of the following resistance movements in Pati, other groups, including Muslim, also joined the resistance movement (Idhom, 2009). For example, a support from Muslim groups to the resistance against PT. SG came from the youth group of *Nahdliyyin* (the followers of NU - *Nahdlatul Ulama*). That is, along with other groups, the youth group of *Nahdliyyin* formed "*Laskar Kendeng*" in 2014 to support the protest movement against the cement mining industry in Sukolilo Pati (Suharko, 2016: 103).

Meanwhile, to provide support for mining activities and the construction of a cement factory of PT. SG, a figure of MUI (*Majelis Ulama Indonesia* - the Indonesian Ulama Council) of Sukolilo, Mukhairi, issued a fatwa of *haram* (forbidden) for Muslims to follow *Sedulur Sikep's* invitation to reject the cement mining industry because they are simply not from Muslim groups, or, in other words, they are infidels (*kafir*). In the same way, the leader of Muhammadiyah of Sukolilo, Ali Hadi Broto, also issued a similar fatwa. Meanwhile, the chairman of the MWC

(*Majelis Wakil Cabang* - Assembly of Branch Representatives) of NU in Sukolilo, namely Bambang Susilo, appealed to *Nahdliyyin* (the members of NU) not to take part in the resistances against PT. SG because the invitation was influenced by NGOs, suggesting that the rejection movement was not pure. Therefore, Muslims should support the planned mining activities and the establishment of a cement factory because it would provide significant assistance to the construction of madrassas and places of worship (mosques). In other words, the development plan of cement mining industry is not contrary to Islamic teachings (Idhom, 2009: 150-1).

Furthermore, in Rembang, for action to gain support of *kiai*, PT. SI (*Semen Indonesia*) also did the similar thing. PT. SI sought to solicit support from influential *kiai*.⁷ There was a renowned *kyai* who became the target for raising public support of both PT SI and the protesters. *Kiai* has been an important element to raise public support in Rembang due to generally it is consisted of religious community which is reflected by the presence of many *pesantrens* and their *kiais* who became national figures. Not only *kiais*, two major Islamic organizations (NU - *Nahdhatul Ulama*⁸ dan *Muhammadiyah*⁹) in Indonesia eventually also issued a statement, especially in the form of support for the establishment of a cement factory in Rembang. NU, as a

⁷ A *kiai* who is claimed from the beginning to support the establishment of a cement plant in Rembang is *kiai* Maemun Zubair (Mbah Mun). Even, a day to perform first ground breaking determined by Mbah Mun. Besides Mbah Mun, PT SI approached Gus Mus (see *nu.or.id*, December 2, 2014, Ditolak Warga, PT Semen Indonesia Dekati Mbah Mun dan Gus Mus. Retrieved February 23, 2017 from <http://www.nu.or.id/post/read/56089/ditolak-warga-pt-semen-indonesia-dekati-mbah-mun-dan-gus-mus>).

⁸ See *liputan6.com*, January 19, 2017, PBNU Tentukan Sikap Dukung Operasional Pabrik Semen Rembang. Retrieved February 23, 2017 from <http://news.liputan6.com/read/2831301/pbnu-tentukan-sikap-dukung-operasional-pabrik-semen-rembang>.

⁹ See *republika.co.id*, January 8, 2017, Muhammadiyah Nilai Keberadaan Semen Rembang Sesuai UUD 1945. Retrieved February 23, 2017 from <http://nasional.republika.co.id/berita/nasional/umum/17/01/08/ojf98q365-muhammadiyah-nilai-keberadaan-semen-rembang-sesuai-uud-1945>.

mass organization that became the affiliate organization of *kiai*, issued a statement through its chairperson.

The contestation of *kiai*'s authority looks very manifest in the news-media coverage of Indonesia. After the Supreme Court ruling that ultimately won the demands of local villagers who resists the cement factory,¹⁰ several *kiais* still expressed their support for the cement factory to run.¹¹ The making of public discourse about the establishment of a cement factory of whether it would bring about prosperity or damage to the lives of local villagers remains to be something contested religiously. The strength of religious authority attached to the figure of *kiais* appeals to PT. SI and the protesters to garner public support on whether the establishment of a cement factory should be continued or terminated. Each *kiai* has specific arguments to support or reject the establishment of a cement mining industry in the north Kendeng. Based on the arguments propagated by *kiais*, it is expected to solicit support from Muslim community.

For example, although the local peasants have won their demands to cancel a license for the cement factory operations in Rembang, PT. SI is still continuing its cement processing activities with raw materials from outside while waiting for the issuance of new permits by the governor of Central Java. And, finally, when the new permit was issued (Governor Decree Number 660.1/6/2017), the peasants' resistance is also continuing. The new permit has drawn a lot of criticism because the governor

¹⁰ Based on the Supreme Court's decision No. 99/PK/TUN/2016 issued on January 17, 2017, the Supreme Court declared null and void on the Decree of the Governor of Central Java No. 660.1/17/2012 on cement exploration permits in Rembang and, therefore, it should be repealed.

¹¹ *Forum Silaturahmi Kyai Muda* (FSKM – A Friendship Forum of Young *Kyais*) of Central Java insisted that the cement plant can continue to operate despite the decision of the Supreme Court has ordered that the cement factory must be closed. See *Suaramerdeka.com* October 29, 2016, Untuk Maslahat, Forum *Kyai* Muda Jateng Dukung Pabrik Semen. Retrieved February 1, 2017, from <http://berita.suaramerdeka.com/untuk-maslahat-forum-kyai-muda-jateng-dukung-pabrik-semen/>.

simply issues new permits to a case that have just been decided to violate the rules at the Supreme Court level (see *Mongabay.co.id*, February 24, 2017).

2. Contesting for Religious Authority: *Kiai*, Authority and Legitimation in Indonesian Muslim Community

The majority of Indonesia's population is Muslim. This fact becomes an important consideration to involving the Islamic leaders in mobilizing support for an interest of individuals, groups or, even, big companies. Support of Islamic figures could be a symbol for their followers to also provide support. Based on that logic, *kiai* is often targeted for raising support for the interests of certain parties. In this case, despite holding an important position in the field of religion, religious scholars (*ulama*) have an important position in social and political arenas.

Kiai is a local term for *ulama* (Islamic scholars) in Indonesian context. The term *kiai* is particularly used in East and Central Java (Burhanuddin, 2009: 22). Similar to *ulama*, *kiai* is understood as a knowledgeable religious leader whose function is to guide the religious life of Muslim societies. Based on their mastery on religious knowledge, *kiai* gains authority from religious community, “authority was now dispersed among those people who, owing their authority entirely to their learning, came to be known as simply the '*ulama*', the scholars” (Crone, 1986: 2).

Kiai usually runs a *pesantren*. It is an educational institution, like *madrassa*, uses traditional system of learning (Dhofier, 1982). In *pesantren*, there are three important elements, i.e., the *kiai*, *pondok*, and *santri*. *Kiai* is usually assisted by several senior students (*santri*) and his family members. *Pondok* is a complex of housing for running the *pesantren* system. And, *santri* is student who is learning

Islamic knowledge from *kiai* and, also, “support the existence of the *pesantren* but also sustain *kiai* influence in society” (Burhanuddin, 2009: 25-26).

Due to *santri* is graduated from *pesantren*, they are usually regarded as knowledgeable in religious matters, suggesting that they are a pious group of society. It is therefore, Geertz referred to those group of Indonesian local community who shows more arabized in performance and normative Islam in orientation as *santri*. Elefson (2009) describes that, in the *santri* community, the search for religious legitimacy lies in its symbolic figure of *kiai* as the center. “Among Islamic variants with differing views of Islam, the dominant *Santri* defend their Islamic legitimacy, looking to *kiais* at the symbolic center” (p. ii). Based on the valuation of the network owned by *kiai*, getting support of *kiai* would mean obtaining support from the *kiai*'s network, ex., the network of *santri* community. “Pesantrens have also been instrumental in the development of fraternities among the *santri* students, which could become the basis of an ulamas' valuable alliance and exchange network” (Horikoshi, 1978: 329).

Furthermore, *kiai* is translated by Elefson (2009) as "charismatic Islamic leader." And, one of the things is sought from the *kiai* by his followers is *berkah*. Therefore, many people are hoping for *berkah* (blessing) of *kiai* and, therefore, *kiai* has control over the people who want it (p. 4). With his charisma, *kiai* has a religio-political-social power (p. 5). Geertz (1983) stated that charisma is something that is owned by someone and can be used naturally and for pragmatic interests as desired by the user (p. 136).

Authorities of *kiai* in Indonesia's Islamic tradition can be categorized into charismatic authority, rather than the traditional and rational-legal (Weber, 1993). By this category, *kiai* is regarded as having ‘Islamic mystical potency’ which sparks social-political power among those connected to this social network and this relation existed due to, for example, “common people’s aspirations for *berkah*” (see Elefson,

2009: 5). Such kind of charismatic authority is believed and recognized in a hierarchical community (Arendt, 1961: 94).

Based on the authority owned by *kiai*, the support of *kiai* in an agrarian conflicts between PT SI with local peasants who resisted the extractive activities of the cement factory is contested. Support of *kiai* is a symbolic power for garnering support from the Muslim community. Particularly, through the alumni (*santri*) network or *pesantren* (Islamic boarding schools), it would be able to frame the perception of the Muslim community about, for example, whether the cement factory would bring prosperity to the public or damage to the surrounding nature. For that reason, it is seen as important to see the argumentations and networks of *kiai* who supports and resists the construction of a cement factory in the North Kendeng.

Specifically, Geertz (1960) asserts that there has been a changing role of *kiai*. Undeniably, *kiai* used to have a central role in the development of Indonesia, especially in rural areas, as a cultural broker. Initially, *kiai* as cultural broker was "the main connecting link, who has joined the local system to the larger whole" in the village-dwelling peasants, especially during the pre-independence era. *Kiai* used to play as "a cultural middleman role between peasant and metropolitan life, and so create an effective juncture between traditional cultural patterns and modern ones" (p. 229-230). However, in post-revolutionary era, the role of *kiai* is changing due to the demands of nationalism, Islamic modernism and complex social transformation. Especially because of the pressure of practical politics, *kiais* are now faced with a difficult choice to save or, indeed, destroy the important foundations that previous generations have built. *Kiai* is often used as "mere charismatic magnet for votes" by professional politicians. In fact, when the *kiai* enters into politics, he is only seen as an "amateur politician" (p 247).

Kiai is generally incorporated in one of the largest Muslim organizations in Indonesia, namely, the *Nahdlatul Ulama* (NU). NU as the largest traditionalist

organization of Indonesia, NU's support could imply an endorsement of its members. Therefore, it is common that NU's support becomes a bone of contention in the political arena of Indonesia. Several initial studies on the interaction of NU with politics in Indonesia concluded a picture of a hypocritical, accommodative and opportunistic nature displayed by its figures, including *kiai* (see Utrecht, 1959; Lev, 1959; Palmer, 1973; & Hindley, 1966). For example, Palmer (1973) and Brackman (1969) called NU as a group of shortsighted political and religious leaders, which were ready to be manipulated, and accepting bribes (p. 160 and p. 45). Meanwhile, subsequent studies described a defense for the political attitude of NU which was generally accomodative as a reflection of religious norms embraced by its members (Fealy, 2003). Especially, since 1990, NU positioned itself as opposition to the New Order regime was a proof that NU was not always opportunistic and accomodative for NU autonomy emerged in those years (Kadir, 1999, p. 391-4).

Furthermore, the appearance of resistance or support of the cement factory (involving *kiai*) in the north Kendeng was a part of the social movement phenomenon. The emergence of resistance movement is triggered by the grievance/discontent of a peasant community who felt that the construction of the cement factory would threaten the sustainability of water for irrigating their agricultural fields. Thus, within the framework of Tilly's theory (1978), the existence of the cement factory is seen by the local peasants as "threat" so that it evokes grievance/discontent and then they organize themselves to make a resistance movement. In line with Tilly, Wolf (1969), Migdal (1974), and Scott (1976) also discover peasant activism as a response to penetration of market forces in agricultural areas that would threaten the survival of their subsistence livelihoods. The reason is that, as Scott discloses, the penetration of market forces will lead to "hardship" for the peasants in the future.

Each social movement has a different organizational capacity in launching their protests. On this side, the peasants take advantage of their prior traditional institutions and social networks. Whether formal or informal, the existence of prior

organizational structures is an incentive that can be a powerful impetus to movement participation. For example, McAdam (1982) refers to experienced leadership, a member base, and a communications network as an important social capital that determines the success of a social movement to attract mass participation. In this case, drawing the support of *kiai* who is incorporated in the biggest Muslim organization in Indonesia, namely NU, can be seen as an influential strategy to attract NU members and their networks to also support the movement.

With regard to the choice of tactics and strategies of a social movement, rhetorical-symbolic "framing" strategies are considered a strategy that determines the success of a social movement (Snow, 1986; Snow & Benson, 1988). Rethoric or symbolic appeal is the ability of a social movement to pack its collective action frames to potential supporters and external actors (the public, the media, and the state). However, this framing action is a political space that opens also for the opponents. Therefore, the competitive "framing contest" happens. The opposite party will surely challenge and dispute the discourse made by the peasant movement in opposite ways. Therefore, the ongoing process of frame innovation would determine the existence of movement (Mc Adam, Tarrow, & Tilly, 1997). On this basis, the (islamic-based) framing efforts shown by two groups, reproduced through the authority of *kiai*, who rejects or supports the establishment of a cement factory in the north Kendeng, would be elaborated next.

3. The (Re)production of Religious Discourses and Legitimation in *Kendeng*

3.1. Framing Support for the Cement Factory: The Reproduction of the Islamic Doctrine on Nationalism

Nahdhatul Ulama (NU) is the biggest traditionalist Muslim Organization in Indonesia which was established in 1926 by *kiai* Hasyim Asyari. NU was founded in 1926 to accommodate the traditionalist Muslim groups who had not been

accommodated in the *Muhammadiyah* (the second largest Indonesian Muslim organization after NU) which was previously established in 1911. During the colonial era, both NU and *Muhammadiyah* opposed colonialism, but they took different approach. On the one hand, NU took more oppositional (radical) way. On the other hand, *Muhammadiyah* preferred a moderate way in the face of the Dutch colonialism due to *Muhammadiyah* received subsidy from the Dutch for its various non-political activities (Alfian, 1989: 348).

Kiai is a term to call the Islamic leaders (ulama) who belongs to NU. In NU tradition, *kiai* usually has a *pesantren*. *Pesantren* is an Islamic boarding school which has become an educational center for NU's generations. The students of *pesantren* is called *santri*. In contemporary Indonesia, *santri* has now become a general term used to call Muslim groups who “seek to adhere strictly to the ritual and legal requirements of Islam. They are likely to pray five times a day, fast during the holy month of Ramadan, pay the wealth tax (*zakat*), and, if able, undertake the pilgrimage to Mecca” (Fealy et. al., 2006: 39). Therefore, Fealy divided *santri* into traditionalist and modernist. The traditionalist refers to those *santri* who belongs to *Nahdhatul Ulama* and the modernist refers to *Muhammadiyah*. Compared to the modernist, the traditionalist *santri* is those who “seek to preserve the authority of medieval Islamic scholarship, and they tend to be more tolerant of local customs” and they are willing “to combine local mystical and spiritual practices with the more orthodox elements of Islam” (p. 40).

As a matter of fact, in the era of colonialism, *kiai* and *santri* have undoubtedly become a major force in resisting imperialism in Indonesia. Amidst Indonesian Muslim groups, the *santri* is a group which is often regarded as having a great role in the revolutionary struggles against colonialism (Benda, 1980; Kahin, 2003; Anderson, 2006; and Laffan, 2007). Therefore, due to the increasing number of agrarian

conflict¹² in which many Muslims are affected, the re-engagement of *santri* may now grow. In this respect, it is interesting to note the thesis of Ben Anderson in his book “Java in a Time of Revolution” which acknowledges that *santri* will appear to public to take a leadership role when the society is in crisis as follows:

“In a time of crisis....the *santri* and their like flowed out into society in many guises...It is scarcely surprising, therefore, to find that such groups were a traditional source of leadership for the countless localized peasant uprisings in the last century of Dutch colonial rule. But the significant of the *pesantren* in times of crisis was not simply that they often provided leadership for rural rebellions, for the pools of *santri* themselves naturally swelled in periods of stress, when the normal rhythms of the community were *gontjang*, or out of kilter.” (Anderson, 2006, p.9-10)

Based on the historical involvement of *santri* groups in Indonesian revolution, in 2015, Jokowi (the recent President of Indonesia) stipulated that the 22nd of October as the “*Santri Day*” and, therefore, the heroism of *santri* is always proclaimed now in Indonesia. October 22nd has been designated as *Santri Day* because on that day “*Jihad Resolution*” was declared by NU founder namely KH. Hasyim Asyari. The *Jihad Resolution* is a call for *Jihad* (holy war) to defend the homeland voiced by NU in October 22, 1945. In this *Jihad Resolution*, NU requires that every Indonesian Muslim to go to war for defending their homeland from any form of colonialism. This *Jihad* resolution is often regarded as central to Indonesian victory in confronting the Dutch second aggression with his ally “British” in the November 10, 1946 (the Battle of Surabaya). The *Jihad Resolution* succeeded in mobilizing thousands of people to Surabaya to fight against the Dutch-British army. In this case, *kiai* was regarded as a central figure in mobilizing *santri* groups to go for *Jihad* to Surabaya.

¹² Nowadays, the number of agrarian conflicts in Indonesia is increasing. According to the annual report of *Konsorsium Pembaruan Agraria* (KPA), throughout the two periods of Susilo Bambang Yudhoyono as the president in 2004 to 2014, 1.391 agrarian conflicts had occurred with increasing trend. Next, during the Jokowi era, in 2015 there was 252 agrarian conflicts and in 2016 the number of conflicts increases almost doubled to 450 conflicts (see KPA, 2014, 2015, and 2016).

Furthermore, during the era of Soeharto, NU opposed the government, particularly since NU was led by Abdurrahman Wahid (Gus Dur). Gus Dur became the leader of NU for three periods since 1984 to 1999. As stated by Bruinessan (2004), Gus Dur is considered an important actor who inspired many young people in the Suharto era so that they were able to be critical of Suharto's leadership. Although for a short time, Abdurrahman had then become Indonesia's fourth president in 1999-2001.

Meanwhile, Muhammadiyah had a good relation with Suharto. It is therefore, Muhammadiyah gained many advantages during the Suharto's leadership. However, in the Jokowi era now, this position is totally reversed because NU is now closer to the government than Muhammadiyah as can be seen from the number of NU cadres who are now occupying many central positions in the recent government. So, it is important to underline here that NU now has a good relation with Jokowi, suggesting that the tendency of NU to support the government policy is high. The support of NU is always worthy to be contested due to, based on a recent report of Alvara Research Center in 2017, NU members reached 79 million from 250 million of Indonesian population. Therefore, Jokowi's proximity to NU is a common because, as Bruinessan (2004) says, all political parties and all ruling presidential candidates see NU as the biggest warehouse of voters because NU has direct access to the grassroots. It is not surprising that Jokowi regime diligently visited *kiai* in various places and opportunities.

Based on the above context, In Rembang of north Kendeng, seeking support from *kiai* has become a strategy for both PT. SI and the protesters. Interestingly, there was a senior *kiai* of Rembang, namely *kiai* Maimun Zubair (89 years old), who became the target for raising public support of both PT. SI and the protesters. Keep in mind that seniority really matters especially in the NU tradition. And, finally, Semen Indonesia is successful in gaining support from *kiai* Maimun Zubair. He is a *kiai* who became a national figure and has many followers and students. He also now serves as

NU's board member as the advisory board (*mustasyar*). His pesantren is also the largest pesantren in Rembang and has become a destination for Muslim students from various regions in Indonesia to study Islam. This fact illustrates that his followers are spread all over Indonesia. The success of the cement factory in gaining support from *kiai* Maimun Zubair is a success that makes the protesters “uncomfortable.” His statements of support for the existence of the cement factory have really forced the protesters to create an Islamic-based counter framings against the supporting statements of *kiai* Maimun Zubair.

Kiai Maimun's statements were published in one of Indonesian mainstream media, i.e., *Media Indonesia* in January 9, 2017 entitled “Interview with KH Maimoen Zubair: I Demand that Rembang must have a Cement Factory”. The essence of *kiai* Maimun's supporting statements towards the existence of the cement factory I could conclude, more or less, as follow. In the interview with *Media Indonesia*, *kiai* Maimun said that the construction of a cement factory should be supported because it is a state-owned enterprise (BUMN – *Badan Usaha Milik Negara*). Supporting BUMN means supporting the economic growth of the state. Supporting the state is a manifestation of "*hubbul wathan minal iman*" (loving the homeland is part of the faith). What's more, the cement factory will bring goodness, benefit and prosperity (*maslahat*) to the local people. The cement factory does not damage the ecological environment. Then, he also said that the resistance movement against the cement factory is regarded as an impure movement due to it was influenced by many outsiders (i.e., NGOs). Therefore, the protesters of PT. SI must immediately repent to God (*taubat*).

From *kiai* Maimun's statement above, there is one keyword that I think it is important to elaborate here. The key word is related to the slogan "*hubbul wathan minal iman*" (loving the homeland is part of the faith). This slogan has been propagated by the cement supporters because it implies that since the cement factory is largely owned by the Indonesian government so loving (supporting) its existence is

a duty to every Muslim of Indonesia. It is important to note that the slogan "*hubbul wathan minal iman*" is a slogan which is identical to NU as above explained. NU even has a marsh song containing this slogan entitled "*Yalal Wathon*" to propagate Indonesian nationalism. This marsh was written by *kiai* Wahab Hasbullah, one of the founders of NU. Moreover, since the establishment of the *Santri* Day which confirms the heroism of *santri* in the revolutionary struggles against colonialism, the slogan "*hubbul wathan minal iman*" becomes a kind of holy mantra which is repeatedly acknowledged when the Indonesian nationalism under attacks, such as during the public demand on banning *Hizbut Tahrir Indonesia* (HTI) in 2017 because HTI wished to change Indonesia into an Islamic state. HTI was viewed as deviating from the spirit of this slogan.

Above all, backed up by the religious legitimation of "*hubbul wathan minal iman*" from senior *kiai*, the government and the cement factories are now still operating their plans in the northern Kendeng. The central government seems to be in favor of defending the existence of the cement factory in Rembang. After the Supreme Court's ruling, the central government decided to undertake a Strategic Environmental Assessment - SEA (KLHS – *Kajian Lingkungan Hidup Strategis*) to evaluate the existing spatial planning of Rembang that has determined that the mining areas of PT. SI are a conservation zone and, in particular, to re-evaluate the impacts of the mining activity of PT. SI towards environmental and social sustainability of the northern Kendeng ecosystem. The first SEA has produced a suggestion for the government not to continue permitting the karst zone for mining activities due to it is truly water conservation area. However, the central government is still not satisfied with the first SEA recommendation and has now insisted on making a second SEA in an effort to find the right coordinates of a location that could be mined from the Karst Mountain of northern Kendeng. The worst thing is that, during this SEA process, PT. SI continues to operate its cement factory and mining activities. This fact illustrates that as if PT. SI is difficult to stop despite the continuous resistances of the protesters.

3.2. The Counter-Framing Strategies: Reinterpreting Doctrine, Soliciting Support from Other *Kiai*, and Building Counter Discourse

In respond to *kiai* Maimun statements, the protesters created the Islamic-based counter discourses against *kiai* Maimun Zubair's supporting statements for the cement factory. In general, I summarize that there are three ways of how the counter discourses against *kiai* Maimun Zubair's statements were developed. *Firstly*, the protesters re-interpreted the supporting statements of *kiai* Maimun Zubair toward the cement factory. *Secondly*, they solicited the supports of other *kiais* as counterpoint to the support given by *kiai* Maimun. *Thirdly*, they built a counter discourse based on traditional Islamic Jurisprudence (*fiqh*), which is heavily Islamic than the personal opinion of *kiai*, reproduced to resist PT. SI.

First, the reinterpretation strategy is chosen because it is a moderate way to avoid mortifying the seniority of *kiai* Maimun in the eyes of his followers. This reinterpretation is a smoothing strategy to counter the opinion of a great *kiai*, so that the counter will not infuriate his followers who could then debilitate the resistance movement. Such reinterpretation could be found, for example, in the writing of Gus M. Al-Fayyadl which is uploaded in gusdurian.net. Gus M. Al-Fayyadl is the son of a *kiai* from the pesantren of *Nurul Jadid* in East Java. *Gus* is honorific for the son of *kiai* in NU tradition. He is a NU follower who has become a supporter of the resistance movement against the cement factory. In his writing, there are at least five techniques to deal with the seniority of *kiai* Maimun in his reinterpretation strategy.

- a) Positioning *kiai* Maimun's statement as a matter of personal opinion and, therefore, it cannot abrogate the Supreme Court ruling which has decided that the cement factory must stop.
- b) Seeking a historical legitimacy about the permissibility of an ordinary Muslim to criticize the ulama taken from the tradition of the hadith's transmission especially as it is stated in the book "*Mizan al-I'tidal fi Naqd*

ar-Rijal" (Balance of Objectivity: Criticism towards the Hadith Narrators) by Imam Shams al-Din Muhammad bin Ahmed al-Dhahabi. Also, as stated in a hadith, there are three ways of denial on bad deeds and its weakest form is denial by heart (*inkar bil qalbu*). Therefore, it is implied that a denial by heart against *kiai* Maimun's statement is encouraged due to the open denial against him is not easy in NU tradition.

- c) *Repositioning* the meaning of "*hubbul wathan minal iman*" in the recent scheme of Indonesia's economic development which is under the grip of neo-liberal regime, so that people is asked to question who is actually taking the most benefit from the current development trend of Indonesia. In addition, Indonesia is currently experiencing a surplus of cement production, therefore the addition of cement exploitation sites is not needed. Thus, the public is invited to rethink about where the "*maslahat*" or goodness is located. It is actually stated in *kiai* Maimun's statement that he requested that "its construction procedure does not violate the state's procedures or it is not done in an unauthorized manner."
- d) Confronting *kiai* Maimun's supporting statement with his own statement in various occasions in which he acknowledges the importance of preserving the environment (*fait accompli*). More specifically, these two contradictory statements of *kiai* Maimun are laid down as "*qaul qadim*" (old opinion) and "*qaul jadid*" (new opinion) so that, as the loyal follower of Imam Shafi'i, the NU followers may choose what is the most relevant.
- e) Considering *kiai* Maimun as a common ulama who is under the erroneous influence of people around him who may have been "bought" by PT. SI. Therefore, it is acceptable that *kiai* Maimun does not know that the cement factory will bring harm (*mudharat*) rather than goodness (*maslahat*).

Second, relating to the search for support of *kiai*, the protesters have taken this strategy since the early beginning of the resistance movement. In fact, the protesters have already met *kiai* Maimun to beg his blessing (*berkah*), especially after knowing that PT. SI has just come to *kiai* Maimun. *Kiai* Maimun actually expressed his approval on the resistance movement at that time. However, publicly, *kiai* Maimun showed his support for the construction of the cement factory. In the NU tradition, it is regarded as common that *kiai* would seek to nurture anyone who comes and asks for moral support to him.

One of the Islamic strategies used to garner *kiai* support is by establishing a tent and *musholla* (small mosque) at the entrance of the cement factory. The *musholla* and the tent were built by the protesters to occupy the cement factory. Since Februari 2016, the tent and *musholla* were used as a sign of peasants' resistances against the established cement factory. The *musholla* had then used as the center for religious propaganda. This *musholla* also symbolized that their resistance is a form of *jihad* (holy war). By making *jihad* as a symbolic meaning, they hope to get support from other Muslims who have the potential to be willing to be part of their resistance. Due to the strong potential religious power possessed by the *musholla*, it was finally burned down on January 10, 2017 and no one is held responsible. There is actually photographic evidence showing the involvement of the cement's employees, but they were not arrested.

Many *kiais* or religious leaders from Central Java and of other areas have been present in the *musholla* and provided support for the protesters by conducting *istighosah* together with the protesters. Namely, for example, Gus Mus (KH A Musthofa Bisri), Gus Yahya C. Staquf, Gus Zaim Lasem, Gus Yusuf Khudori, *Kiai* Budi, Gus Nuril, Mas Imam Aziz, Ny. Alissa Wahid (the daughter of Gus Dur) etc. Most of the *kiais* are the former and current NU board members, such as Gus Mus (former *Rais A'am* and now *Mustasyar*), Gus Yahya (*Khatib A'am* NU), and Mas Imam Aziz (*Tanfîdziyah*). However, the charisma and seniority of *kiai* Maimun

Zubair, who is also a current NU board member, has strong power that cannot be taken lightly. The support of *kiai* Maimun has been able to divide the *kiais*' support on the existence of the cement factory. For example, Gus Mus, as the most senior among other *kiais* who supported the protesters did not confront *kiai* Maimun Zubair openly. In fact, my impression is that Gus Mus was debilitated by *kiai* Maimun's support of the cement factory. Gus Mus personally never issued an open statement against the statement of *kiai* Maimun.

For example, in support of the protesters in March 6th of 2015, Gus Mus preferred to use subtle languages. In his statement uploaded in youtube and, then, the link was widely spread through social media, he stated that to fight against the cement factory is (Gus Mus said that) "With simplicity. We must fight against it with a simple lifestyle. The hedonic lifestyle is consequently destructive." This statement of Gus Mus was very soft. Yet, to make it more open, again, the protesters attempted to interpret it. For example, as written by Hendra Try Hardianto in literasi.co in his writing entitled "An appeal for Environmental Rescue of Gus Mus: Interpretation on the Interview with KH. A. Musthofa Bisri on Cement Factory in Rembang" (*Seruan Penyelamatan Lingkungan Gus Mus: Tafsir atas Wawancara KH. A. Musthofa Bisri tentang Pabrik Semen di Rembang*), Gus Mus' statement "resisting with simplicity" is interpreted as the most suitable attitude that must be practiced due to the dividing strategy of PT. SI which is claimed as using the power of money. On the other occasion in January 2017, I heard in a meeting after the protest at the Semarang governor's office from Gus Nuril who claimed to have been offered a certain amount of money by PT. SI if he would have supported the existence of the cement factory in Rembang. Similarly, Gus Mus and Gus Yahya were also given money 40 million by PT. SI but they rejected. It is very common that PT. SI seeks to gain supports from religious leaders by providing financial assistances to *kiai* and his *pesantren* in the framework of its corporate social responsibility program (Arofat, 2016: 66 & 76).

Third, the claim about *kiai* Maimun's support for the cement factory has long been circulating since the early rising resistance against PT. SI. There have been separated reports in some news media about the claim, but it was doubted until the statements were published in *Media Indonesia*. Therefore, long before the “official” statements of *kiai* Maimun's support of the cement factory, the protesters had created an Islamic discourse derived from the Islamic legal tradition (*fiqh*) against the permissibility of mining by PT. SI. The protesters tried to problematize the share ownership of PT. SI by referring back to *fiqh*. In this strategy, the perspective of Islamic law (*fiqh*) is used as the basis for framing the counter discourse. The results of the study were presented in the “Public Test of Rembang Case” at Airlangga University Surabaya in June 12, 2015. This *fiqh*-based counter discourse generally explains several points, especially about the prohibition (*haram*) of the mining activities of PT. SI on Karst Mountain of Rembang. I conclude it into two main points as follow.

First, it is stated that, according to *fiqh*, the mines (*al-ma'adin and al-rikaz*) are wholly owned by the state and should only be used if they bring "*maslahat*" (goodness). This opinion mainly refers to the opinions of Maliki and Hanafi School. To know the type of mining conducted by PT. SI, it is therefore the share ownership of PT. SI is revealed, in which the state has only 51.01% and the rest is owned by domestic/foreign institutions and individuals. Due to it is not wholly owned by the state, the mining conducted by PT. SI is a type of mining conducted by the private sector in the state land with the state permission. This type is actually allowed as far as the mining licensing process does not violate the procedures established by the state. As a matter of fact, PT. SI has violated the procedure due to the mining areas has been previously designated as conservation areas.

Second, according to *fiqh*, the type of mining exploration above is referred to as “*al-istila'u 'ala al-ma'adin wa al-kunuz*” (the utilization of natural resources) Therefore, in addition to obtaining the state permits, this type of mining exploration

should not be done in the *hima* area. *Hima* is a *fiqh* concept that regulates the protection of certain areas which are vital for the fulfillment of the needs of many people. For this reason, such area is prohibited by the government (*imam*) to be utilized for the benefit of a certain group of people, such as a water spring area. On this basis, the mining of PT. SI on a water reserve area is seen as something forbidden (*haram*). The mining permit issued by the governor of Central Java is also considered invalid because it will cause *madharat* - harm (i.e., water crisis). In other words, the mining license issued by the governor of Central Java is not based on the principle of *maslahat* as stated in the *fiqh* theorem "*Tasharafu al-Imam 'ala Ra'iyatihi Manuthun bil Maslahat*" (a government policy towards the people must be based on the consideration of the goodness). It is therefore, this *fiqh*-based examination at the end requested that NU should hold a "*bahtsul masail*" in respond to the cement factory of Rembang. *Bahtsul masail* is a NU's procedure for issuing a fatwa in which many NU's *kiais* are invited for doing *fiqh*-based examination by initially "listen(ing) to government ministers, senior officials, scientists, lawyers, sociologists, and activists speak for and against" certain dilemmatic issues (R. Tanter, 2007). To be known, for example, in 2007, the *bahtsul masail* of NU succeeded in stopping the government plan on building a nuclear plant in Jebara, a region next to Pati and Rembang.

4. Final Remarks: A Contestation for *Kiai*'s Support and A Risk of Putting Community Right to Water and Access to Land in Jeopardy

Finally, there are some points and reflections I could draw now. Most importantly, these cases show that, in northern Kendeng context, litigation does not provide legal certainty to the preservation of people's access to water and lands, let alone the normative human right frameworks. The legal process of the conflict in the courts so far ended in vein and, it is worth noting that, the legal process would be exhausting because a new permit can still be easily issued without considering the previous cases in the northern Kendeng. As a matter of fact, the recent development

of the agrarian conflict of Kendeng shows that the legal status established by the Supreme Court has not succeeded in making the mining activities and the cement factory cease. PT. SI (or, PT. SG) and PT. SMS (or, PT. Indocement) continues to find excuses or reasons to continue its operations. For example, after the operational license of PT. SI in Rembang (and, Sukolilo) was cancelled by the Supreme Court (twice), the Governor of Central Java easily issued a new license for the operation of the cement factory. A new permit for the same object. It seems to signal to the protesters that PT. SI has strong political supports for its investment for the cement factory.

On the other hand, the protesters do not easily surrender to such inconclusive conditions. Though they have been thrown here and there, they continue to fight in various ways. Therefore, amid these continuing failures, I think that Islamic discourses and figures would be still chosen as a framing or counter-framing strategies against the mining industry in the North Kendeng. As a matter of fact, in the midst of NU's close relationship with the government, NU's *kiais* are not consequently all agreeing with the government policy. Although there is a great *kiai* of NU who shows his support for government policy, but it is not without any disagreement from other *kiai* and *santri*. On the one hand, it is true that the support of *kiais* is fragmented, but, on the other hand, I think that it shows the dynamic nature of NU. In the previous studies, NU is seen as a collection of religious leaders who are easily "purchased" for political purposes. In other words, amidst the strong support of a great *kiai* for the cement factory, many other *kiai* resist the cement factory. Interestingly, while *kiai* Maimun has a great charisma and seniority among the NU members, they who disagree with his opinion are not necessarily uncritical against *kiai* Maimun's supporting statements. However, the critics were raised in accordance with the NU tradition. The protesters criticize a great *kiai* with subtle and respectful manners and continue to reproduce the NU tradition. And, such a strategy does not

lessen the critical substance of the criticisms of the counter framing discourses of NU followers in resisting the cement factory in the northern Kendeng.

Above all, however, the contestation of Islamic discourse through the *kiai*'s authority could result in the risk of ecological damage to the northern Kendeng and open up opportunities for deprivation of peasants' rights to water and access to lands because the power of capital could appropriate the *kiai*'s authority along with his religious narratives. At first glance, I think the support of the NU *kiai* in mining activities and cement factory has been able to moderate the potential radical resistance of the protesters. The protesters were forced to enter into a channel of the NU's moderate tradition in behaving towards the *kiai* of NU. In addition, the appropriation of religious discourse through the authority of *kiai* would potentially divert the main issue. We have witnessed that, in the contestation for Islamic discourse, in the case of the factory PT. SI in Rembang, the opinion of the most senior *kiai* would be the strongest because the hierarchical culture and feudalism are still fertile in the *pesantren* so that it could jeopardize the people's rights to water and lands. Thus, the main issue now is against the hierarchy and feudalism of the NU *pesantren* tradition which may not be easy and requires a lot of energy, no longer saving people's rights to water and access to lands.

Bibliography

Books, Journals, Theses & Dissertations

- Alatas, I. F. (2016). *Aligning the sunna and the jamā`a : Religious authority and islamic social formation in contemporary central java, indonesia* (Order No. 10153125). Available from ProQuest Dissertations & Theses Global: The Humanities and Social Sciences Collection. (1817426092). Retrieved February 23, 2017 from <https://search.proquest.com/docview/1817426092?accountid=25704>
- Alfian (1989). *Muhammadiyah: the Political Behavior of a Muslim Modernist Organization under Dutch Colonialism*. Yogyakarta, Indonesia: Gadjah Mada University Press.
- Anderson, B. R. (2006). *Java in a Time of Revolution: Occupation and Resistance, 1944 - 1946*. Jakarta: Equinox Publ.
- Arendt, H. What is Authority. In H. Arendt (1961). *Between Past and Future*. New York: The Viking Press
- Arofat, S. (2016). Kontestasi Kuasa: Diskursus Sengketa Pembangunan Pabrik Pt Semen Indonesia (Persero) Tbk di Rembang. *Tesis*. Univeristas Indonesia.
- Arofat, S., and Afif, S.A. (2016). *Kontestasi Kuasa: Diskursus Sengketa Pembangunan Pabrik PT Semen Indonesia Tbk (PT SI) di Rembang*. Retrieved February 23, 2017 from https://www.researchgate.net/publication/306106460_The_Contested_Power_Discursive_Conflicts_of_PT_Semen_Indonesia_Mining_Project_in_Rembang.
- Benda, H. J. (1980). *Bulan Sabit dan Matahari Terbit: Islam Indonesia pada Masa Pendudukan Jepang*. Jakarta: Pustaka Jaya.
- Brackman, A.C. (1963). *Indonesian Communism: A History*. New York: Frederrick A. Praeger.
- Brackman, A.C. (1969). *The Communist Collapse in Indonesia*. New York: Norton & Company.
- Cahyono, Eko dan Kusnadi. 2014. Kondisi Tenurial dan Kesejahteraan Desa-desa di sekitar Pabrik Semen Indonesia Rembang. *Temuan Awal Kajian Tim Peneliti Kementerian Lingkungan Hidup (KLH) untuk mediasi konflik masyarakat dan PT. Semen Indonesia di Rembang*.
- Dasuki, A. H. (1974). *The pondok-pessantren : An account of its development in independent indonesia, 1965-1973* (Order No. MK24302). Available from ProQuest Dissertations & Theses Global: The Humanities and Social Sciences

- Collection. (302754254). Retrieved February 23, 2017 from <https://search.proquest.com/docview/302754254?accountid=25704>
- Dewi, C. (2015). Analisis Gerakan Sosial di Kecamatan Sukolilo, Kabupaten Pati, Jawa Tengah. *Skripsi*. Institut Pertanian Bogor.
- Elefson, T. P. (2008). *Transactions for blessing (baraka): An ethnography of socio-religio-political power among men in the santri islam region of java* (Order No. 3443637). Available from ProQuest Dissertations & Theses Global: The Humanities and Social Sciences Collection. (855819286). Retrieved February 23, 2017 from <https://search.proquest.com/docview/855819286?accountid=25704>
- Fealy, G. (2003). *Ijtihad Politik Ulama: Sejarah NU 1952-1967*. Yogyakarta: LKiS
- Geertz, C. (1960). The Javanese Kijaji: the Changing Role of a Cultural Broker. *Comparative Studies in Society and History*, 2(02), 228. doi:10.1017/s0010417500000670
- Geertz, C. (1960). *The Religion of Java*. Chicago: University of Chicago Press.
- Geertz, C. (1983) *Local Knowledge: Further Essays in Interpretive Anthropology*. New York: Basic Books.
- Greg Fealy, Virginia Hooker and Sally White, "Indonesia", in Greg Fealy and Virginia Hooker (2006), *Voices of Indonesian Islam: A Contemporary Source Book*. Institute of Southeast Asian Studies, pp. 39-40.
- Hindley, D. (1966). *The Communist Party in Indonesia, 1951-1963*. Berkeley & Los Angeles: University of California Press.
- Horikoshi, H. (1976). *A Traditional Leader In A Time Of Change: The 'kijaji' And 'ulama' In West Java* (Order No. 7624105). Available from ProQuest Dissertations & Theses Global: The Humanities and Social Sciences Collection. (302751495). Retrieved February 23, 2017 from <https://search.proquest.com/docview/302751495?accountid=25704>
- Idhom, A. M. (2009). Resistensi Komunitas Sedulur Sikep Terhadap Rencana Pembangunan Tambang Semen di Pegunungan Kendeng, Sukolilo, Pati, Jawa Tengah. *Skripsi*. Universitas Islam Negeri Sunan Kalijaga Yogyakarta.
- Kadir, S. A. (1999). *Traditional islamic society and the state in indonesia: The nahdlatul ulama, political accommodation and the preservation of autonomy* (Order No. 9917122). Available from ProQuest Dissertations & Theses Global: The Humanities and Social Sciences Collection. (304552554). Retrieved February 23, 2017 from <https://search.proquest.com/docview/304552554?accountid=25704>

- Kahin, G. M. (2003). *Nationalism and Revolution in Indonesia*. Ithaca, NY: Southeast Asia Program Publications, Southeast Asia Program, Cornell University.
- Khuluq, L. (1997). *Kyai haji hasyim asy'ari's religious thought and political activities (1871-1947)* (Order No. MQ37211). Available from ProQuest Dissertations & Theses Global: The Humanities and Social Sciences Collection. (304430224). Retrieved February 23, 2017 from <https://search.proquest.com/docview/304430224?accountid=25704>
- Laffan, M. F. (2007). *Islamic Nationhood and Colonial Indonesia: the Umma below the Winds*. Abingdon: Routledge.
- Lev, D.S. (1959). *The Transition to Guided Democracy Indonesia Politics, 1957-1959*. Ithaca; Cornell Modern Indonesia Project
- M. Van Bruinessan, "Pengantar." In Ida, L. (2004). *NU Muda: Kaum Progresif dan Sekularisme Baru*. Ciracas, Jakarta: Erlangga.
- McAdam, D. (1982). *Political Process and the Development of Black Insurgency, 1930-1970*. Chicago: University of Chicago Press.
- McAdam, D., S. Tarrow, and C. Tilly. (1997). "Toward an Integrated Perspective on Social Movements and Revolutions." In *Comparative Politics: Rationality, Culture, and Politics*, edited by Mark Irving Lichbach and Alan S. Zuckerman, 142-73. New York: Cambridge University Press.
- Migdal, J. S. (1974). *Peasants, Politics, and Revolution: Pressures Toward Political and Social Change in the Third World*. Princeton: Princeton University Press.
- Oktaviana, G. (2015). Analisis Konflik Sumber Daya Alam di Pegunungan Kendeng Utara, Kabupaten Pati, Provinsi Jawa Tengah (Studi kasus : Rencana pembangunan pabrik semen oleh PT. SMS di Kecamatan Tambakromo dan Kayen). *Skripsi*. Institut Pertanian Bogor.
- Palmer, L. (1973). *Communism in Indonesia*. London: Weidenfeld and Nicholson.
- Scott, James C. (1976). *The Moral Economy of the Peasant: Rebellion and Subsistence in Southeast Asia*. New Haven: Yale University Press.
- Shiddiqi, N. (1975). *The role of the 'Ulamā' during the japanese occupation of indonesia (1942-1945)* (Order No. MK39796). Available from ProQuest Dissertations & Theses Global: The Humanities and Social Sciences Collection. (302785664). Retrieved February 23, 2017 from <https://search.proquest.com/docview/302785664?accountid=25704>
- Sirry, M. (2010). The public expression of traditional islam: The pesantren and civil society in post-suharto indonesia. *The Muslim World*, 100(1), 60-77. Retrieved

February 23, 2017 from
<https://search.proquest.com/docview/216436471?accountid=25704>

- Snow, D. A. 1986. "Frame Alignment Processes, Micromobilization, and Movement Participation." *American Sociological Review* 51 (August): 464–81.
- Snow, D., & R. D. Benford. 1988. "Ideology, Frame Resonance, and Participant Mobilization." *International Social Movement Research* 1:197–217.
- Sobirin, M. (2010) "Menjaga Air Tetap Mengalir: Politik Air dalam Skema Industrialisasi Pati Selatan", dalam Heru Prasetya dan Bosman Batubara (ed.), *Bencana Industri: Relasi Negara, Perusahaan, dan Masyarakat Sipil*. Depok: Desantara.
- Stange, P. D. (1980). *The Sumarah Movement In Javanese Mysticism* (Order No. 8110101). Available from ProQuest Dissertations & Theses Global: The Humanities and Social Sciences Collection. (303090212). Retrieved February 23, 2017 from
<https://search.proquest.com/docview/303090212?accountid=25704>
- Sufyan, A. (2015). *Gerakan Sosial Masyarakat Pegunungan Kendeng Utara Melawan Pembangunan Pabrik Semen di Kabupaten Rembang* (Thesis, Universitas Airlangga Surabaya).
- Suryandaru, Y. S. (2015). *Jurnalisme Isu Eksplorasi Migas di Madura Analisis dengan Pendekatan Ekonomi-Politik Media* (Doctoral dissertation, Universitas Gadjah Mada Yogyakarta).
- Syam, M. (2016). Jaringan Penolakan Terhadap Industri Tambang di Pegunungan Kendeng Utara. Tesis. Universitas Indonesia.
- Tilly, Charles. (1978). *From Mobilization to Revolution*. New York: McGraw-Hill.
- Utrecht, E. (1959). *Pengantar dalam Hukum Indonesia*. Djakarta: Ichtiar
- Virri K. (2012) Gerakan Perempuan Kendeng Menolak Pabrik Semen. *Srinthil Edisi* 23. Retrieved at 6 April 2018 from
<http://srinthil.org/77/gerakan-perempuan-kendeng-menolak-pabrik-semen/>
- Wacana, P., Irfianto, Rodhialfalah, A., Widjanarko, S., Fauzi, I., and Lukiarti, M. "Kajian Potensi Kawasan Karst Kendeng Utara Pegunungan Rembang Madura Kabupaten Tembang, Jawa Tengah" dalam Dwicipta and Ardianto, H.T. (2015). *Rembang Melawan: Membongkar Fantasi Pertambangan Semen di Pegunungan Kendeng*. Yogyakarta: Literapress
- Weber, M. (1993). *The Sociology of Religion*. Boston: Beacon Press.
- Widi, Hendriyo. (2013) Semen Menghantui Kendeng Utara. *Kompas* 02 Maret 2013, h. 24.

Wolf, E. R. (1969). *Peasant Wars of the Twentieth Century*. New York: Harper & Row.

Zaini, A. (1998). *Kyai haji abdul wahid hasyim: His contribution to muslim educational reform and to indonesian nationalism during the twentieth century* (Order No. MQ43975). Available from ProQuest Dissertations & Theses Global: The Humanities and Social Sciences Collection. (304480448). Retrieved February 23, 2017 from <https://search.proquest.com/docview/304480448?accountid=25704>

Online News and Reports

Antaraneews, 15 Maret, 2017. Pabrik semen Rembang sudah diuji, beroperasi April. Retrieved July 30, 2017, from <http://www.antaraneews.com/berita/618195/pabrik-semen-rembang-sudah-diuji-beroperasi-april>

Bbc.com, April 13, 2016, Tolak pembangunan pabrik semen, sembilan perempuan cor kaki. Retrieved February 23, 2017 from http://www.bbc.com/indonesia/berita_indonesia/2016/04/160413_indonesia_pr otes_semen_istana

DW.com, May 1, 2017, Indonesian farmer joins May 1 rally to protest German cement. Retrieved June 7, 2017, from <http://www.dw.com/en/indonesian-farmer-joins-may-1-rally-to-protest-german-cement/a-38653827>

Jurnalperempuan.org, July 15, 2014. Ming Ming Lukiarti: Perjuangan Ibu-ibu Petani Rembang Melawan Korporasi Tambang. Retrieved February 20, 2017, from <http://www.jurnalperempuan.org/blog/ming-ming-lukiarti-perjuangan-ibu-ibu-p etani-rembang-melawan-korporasi-tambang>

Kemenperin.go.id, no date, Kemenperin Jaga Keberlanjutan Investasi Industri Semen. Retrieved July 30, 2017, from <http://www.kemenperin.go.id/artikel/17309/Kemenperin-Jaga-Keberlanjutan-In vestasi-Industri-Semen>

Lliputan6.com, January 19, 2017, PBNU Tentukan Sikap Dukung Operasional Pabrik Semen Rembang. Retrieved February 23, 2017 from <http://news.liputan6.com/read/2831301/pbnu-tentukan-sikap-dukung-operasion al-pabrik-semen-rembang>

Membunuhindonesia.net, June 25, 2016, Sembilan Kartini Kendeng Sowon Mbah Maemun. Retrieved February 23, 2017 from

<http://membunuhindonesia.net/2016/06/sembilan-kartini-kendeng-sowan-mbah-maemun/>

Mongabay.co.id, April 17, 2015. Hakim Menolak Gugatan Warga Rembang Terkait Pabrik Semen. Apa Alasannya?. Retrieved February 23, 2017 from <http://www.mongabay.co.id/2015/04/17/hakim-menolak-gugatan-warga-rembang-terkait-pabrik-semen-apa-alasannya/>

Mongabay.co.id, February 24, 2017, Menyimak Pandangan Para Pakar soal Izin Lingkungan Baru PT Semen Indonesia. Retrieved March 7, 2017, from <http://www.mongabay.co.id/2017/02/24/menyimak-pandangan-para-pakar-soal-izin-lingkungan-baru-pt-semen-indonesia/>

Mongabay.co.id, June 22, 2016 Dua Tahun Perempuan Rembang Menolak Tambang di Tenda ... (n.d.). Retrieved February 20, 2017, from <http://www.mongabay.co.id/2016/06/22/dua-tahun-perempuan-rembang-menolak-tambang-di-tenda-perjuangan/>.

Nu.or.id, December 2, 2014, Ditolak Warga, PT Semen Indonesia Dekati Mbah Mun dan Gus Mus. Retrieved February 23, 2017 from <http://www.nu.or.id/post/read/56089/ditolak-warga-pt-semen-indonesia-dekati-mbah-mun-dan-gus-mus>

Nu.or.id, May 27, 2014, Warga NU Tolak Tambang Pabrik Semen di Rembang. Retrieved February 23, 2017 from <http://www.nu.or.id/post/read/52272/warga-nu-tolak-tambang-pabrik-semen-di-rembang>)

PT. Semen Indonesia (2015). *Laporan Tahunan 2015: Menegaskan Arah di Tengah Gelombang Persaingan*. PT. Semen Indonesia (Persero) Tbk. Retrieved July 30, 2017, from http://www.semenindonesia.com/wp-content/uploads/2017/02/SMGR-AR-2015_adaTT.pdf

Republika.co.id, January 8, 2017, Muhammadiyah Nilai Keberadaan Semen Rembang Sesuai UUD 1945. Retrieved February 23, 2017 from <http://nasional.republika.co.id/berita/nasional/umum/17/01/08/ojf98q365-muhammadiyah-nilai-keberadaan-semen-rembang-sesuai-uud-1945>

Simpulsemarang.org, February 15, 2016, Mushola Perjuangan, Media Spiritual Tolak Pabrik Semen. Retrieved February 23, 2017 from <http://www.simpulsemarang.org/2016/02/mushola-perjuangan-media-spiritual-tolak-pabrik-semen.html>

Tempo.co, July 26, 2016, Menolak Pabrik Semen, Petani Rembang Dirikan Tenda di Istana. Retrieved February 23, 2017 from <https://m.tempo.co/read/news/2016/07/26/078790616/menolak-pabrik-semen-petani-rembang-dirikan-tenda-di-istana>

- Tempo.co*, October 11, 2016. Kalah, PT Semen Indonesia Ogah Komentari Putusan MA. Retrieved February 23, 2017 from <https://m.tempco.co/read/news/2016/10/11/058811313/kalah-pt-semen-indonesia-ogah-komentari-putusan-ma>
- Tempo*, 25 Agustus 2016. Pabrik Semen di Pati Menang Gugatan Banding. Retrieved August 23, 2019 from <https://nasional.tempco.co/read/798832/pabrik-semen-di-pati-menang-gugatan-banding>
- Timesindonesia.co.id*, february 15, 2016. Tolak Pabrik Semen, Warga Rembang Dirikan Musholla Tenda. Retrived february 23, 2017 from <http://www.timesindonesia.co.id/baca/118049/20160215/174951/tolak-pabrik-semen-warga-rembang-dirikan-musholla-tenda/>
- Tribunnews.com*, November 27, 2015, Ibu-ibu Penolak Pabrik Semen di Rembang Sowan ke Gus Mus. Retrieved February 23, 2017 from <http://jateng.tribunnews.com/2015/11/27/ibu-ibu-penolak-pabrik-semen-di-rembang-sowan-ke-gus-mus>
- Video.tempco.co.id*, December 13, 2016, Longmarch 4 Hari, Warga Tolak Semen Tuntut Gubernur Patuhi Putusan MA. Retrieved February 23, 2017 from <https://video.tempco.co/read/2016/12/13/5440/longmarch-4-hari-warga-tolak-semen-tuntut-gubernur-patuhi-putusan-ma>