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OBEDIENCE TO ULIL AMRI AND THE REJECTION OF LAW NO. 52 OF 2009: SALAFI GROUPS, CITIZENSHIP, AND FAMILY PLANNING IN LEGALIST AND CONSTITUTIONAL PERSPECTIVE

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Abstract. This article examines the tension between the professed obedience of Salafi Islamic groups in Indonesia (often labelled "conservative" or "Wahabi") to the legitimate ruler (Ulil Amri) and their rejection of Law No. 52 of 2009 on Population Development and Family Development, together with its family-planning (Keluarga Berencana/KB) programme. Using doctrinal-normative legal research complemented by conceptual analysis, the study reads this tension through two lenses: the legalist theory of law associated with Han Feizi, which treats enforceable law backed by a capable ruler as the basis of social order, and the constitutional framework of the 1945 Constitution and Pancasila. The article presents the groups' own position in their terms their distinction between birth limitation (tahdid al-nasl), which they reject, and birth spacing (tanzim al-nasl), and their reliance on a pronatalist reading and the Lajnah Daimah fatwa alongside the competing view that family planning is permissible, as affirmed by the MUI, Nahdlatul Ulama, and Muhammadiyah. It argues that the rejection sits in tension with the constitutional duty of equal submission to law (Article 27) and with the groups' own doctrine of obedience, but that the category is internally diverse and that any state response is bounded by the constitutional freedoms of religion, expression, and association. The study concludes that, rather than the coercive control a strict legalist logic would imply, a constitutionally constrained approach combining law enforcement with dialogue and civic education is more defensible. The contribution of these groups to demographic trends is treated as a hypothesis requiring further empirical study.

Keyword: citizenship; family planning; law no. 52 of 2009; legalism; pancasila; salafi groups

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A. Introduction

Unregulated population growth can place significant pressure on social and economic life, and has been associated in the literature with rising unemployment and poverty (Adhitya et al., 2022; Fathurohman et al., 2022), with maternal and child mortality during childbirth (Karyati & Julia, 2021; Rahma et al., 2020; Udi et al., 2024), and with stunting (Prasetya, 2024; Udi et al., 2024). In response, the Indonesian government enacted Law No. 52 of 2009 on Population Development and Family Development (Anis Salsabila et al.,

2024; Ninawati et al., 2024) and tasked the National Population and Family Planning Board (BKKBN) with implementing the family-planning programme (Keluarga Berencana, KB) (Salman et al., 2024), which seeks to space pregnancies and births in order to support family welfare (Fatchiya et al., 2021).

As a follow-up policy to Law No. 52 of 2009, family planning has met resistance from a segment of Indonesian Muslims often described in the literature as "conservative" (Harsyi & Tengah, 2021; Widiatmaka & Hakim, 2021). In this article the term refers specifically to Salafi and the Wahabi current within Salafism groups, the referent that the cited studies consistently identify (Krismono, 2017; Wilonoyudho et al., 2020; Unggul Purnomo Aji & Kerwanto, 2023). "Salafi" is used here as a self-description of movements that seek to follow what they regard as the practice of the pious predecessors (al-salaf al-salih); it is not a homogeneous bloc. The cited research itself records internal diversity: some currents reject birth control outright as lacking a basis in the Qur'an and Sunnah, while a more moderate position permits it under conditions of necessity (darurat) (Syafi'i, 2017; MUHTARAM, 2023). Accordingly, this article avoids attributing a single uniform stance to the whole population it discusses and, where a claim concerns only one current, says so.

Previous research records two broad positions within these groups. According to Syafi'i, one current rejects KB as an instrument for limiting births because, in their reading, the policy lacks support in the Qur'an and hadith, while a more moderate current permits birth control to limit the number of children only under emergency conditions (Syafi'i, 2017). Although these positions differ, both tend to resist treating family planning as a standard measure of family welfare. Comparable debates over contraception occur in other religious traditions; in Catholic teaching, for instance, some theologians regard contraception as interfering with divine providence while others permit it under defined conditions (Bima Satrio Wicaksono & Alena Dita Kusuadi, 2024).

Studies associate this skepticism with slower uptake of the KB programme and continued population growth (Fatchiya et al., 2021; Septianingrum et al., 2020). According to figures attributed to Statistics Indonesia (Badan Pusat Statistik/BPS), Indonesia's population reached about 278 million in 2023, up from roughly 275.77 million in 2022, 272.68 million in 2021, and 270.20 million in 2020 an increase of approximately 7.8 million over the 2018–2023 period (Aas Tejasmara, 2023). Some authors suggest that pronatalist groups may contribute to this trend (Wilonoyudho et al., 2020; MUHTARAM, 2023) and note the groups' presence across hundreds of affiliated educational institutions (Yayasan IT Support Dakwah, 2024). It should be stressed, however, that the precise demographic contribution of any single group has not been quantified; this article therefore treats the link between these groups and aggregate population growth as a hypothesis to be tested rather than as an established finding.

This situation raises a question about the relationship between religious commitment and citizenship. On the one hand, Salafi groups characteristically present themselves as loyal to the legitimate ruler (Ulil Amri), a duty their doctrine emphasises (Haris, 2019). On the other hand, the rejection of a duly enacted law sits in tension with the constitutional principle that every citizen holds an equal position before the law and government (Article 27 of the 1945 Constitution). The analytical problem this article addresses is therefore: how can the tension between these groups' doctrine of obedience to Ulil Amri and their rejection of Law No. 52 of 2009 be understood, and what does an analysis combining a legalist reading of law with the constitutional guarantees of the 1945 Constitution and Pancasila suggest about the options legitimately available to the state?

To address this question the article uses legalism the theory of law associated with the Chinese thinker Han Feizi, which holds that social order depends on enforceable law backed by a capable ruler rather than on moral exhortation (Ma et al., 2015; Moon, 2013) as an analytical lens, and reads it against Indonesia's constitutional order. The discussion first sets out the groups' own position and the competing view that family planning is religiously permissible; it then analyses the tension through the legalist lens; and finally it weighs that lens against the constitutional freedoms of religion, expression, and association, which bound any state response.

B. Method

This study is doctrinal-normative legal research complemented by conceptual analysis (Purwati, 2020). The 1945 Constitution, Pancasila, and Law No. 52 of 2009 on Population Development and Family Development serve as the normative framework against which the phenomenon is examined, while legalism functions as the theoretical lens for interpreting the relationship between law, authority, and obedience (Prianto et al., 2024; Utami et al., 2024). The object of analysis is the documented tension between Salafi groups' self-description as citizens obedient to the government and their rejection of Law No. 52 of 2009.

Consistent with a doctrinal design, the material analysed consists of legal texts and of the groups' positions as recorded in published sources fatwas they rely upon (notably that of the Lajnah Daimah), their pronatalist arguments, and prior scholarly studies of these movements rather than newly generated empirical data. The analysis proceeds by (1) reconstructing the groups' position in their own terms; (2) setting it against the competing normative and fiqh positions; and (3) appraising the tension through the legalist lens and the constitutional framework. Because no original interviews or systematic observation are presented here, claims about the groups' attitudes are confined to what the cited sources support, and broader empirical verification including systematic analysis of sermons and interviews with informants is identified as a task for future socio-legal research.

C. Result and Discussion

1. The Salafi Position on Family Planning in Their Own Terms

A balanced analysis must first state the groups' position as they themselves frame it. Salafi rejection of the KB programme rests less on a blanket opposition to all spacing of births than on a distinction the groups draw between two things. They reject what they call birth limitation (tahdid al-nasl) deliberately capping the number of children as contrary to a pronatalist reading of the sources that encourages a large progeny, while their objection to contemporary KB is sharpened by methods they regard as impermissible, such as permanent sterilisation (Ariyeni, 2019; Syafi'i, 2017). Several of these groups ground their stance in the fatwa of the Lajnah Daimah (the Standing Committee for Scholarly Research and Ifta), compiled in al-Lajnah al-Da'imah li al-Buhuth al-'Ilmiyyah wa al-Ifta', which they treat as authoritative (Hamdi et al., 2021). For these groups, moreover, obedience to the ruler is itself a religious value, derived from texts enjoining obedience to those in authority, and is sometimes extended even to rulers regarded as unjust (Luluk Husnawati, 2015; S. Muliono, 2015). On their own logic, then, rejecting KB is not understood as disloyalty to the state but as fidelity to a religious obligation they place above the policy in question.

2. Family Planning as a Contested Question within Islam

The groups' reading is, however, only one position within a genuinely contested field. Other major Indonesian Islamic organisations Nahdlatul Ulama and Muhammadiyah and the Indonesian Ulema Council (Majelis Ulama Indonesia/MUI) have held family planning, understood as the spacing and responsible planning of births rather than their prohibition, to be permissible (Selfi Wahyu Putri et al., 2022; Sufyan & Herlina Utami, 2023). A frequently cited scriptural basis is Qur'an, al-Nisa' (4):9, which enjoins concern for the welfare of one's descendants and warns against leaving behind weak offspring; this is read as supporting responsible birth spacing where parents fear for their children's economic, physical, or educational well-being (Ariyeni, 2019; Rohim, 2017). The existence of these positions shows that the permissibility of KB is debated among scholars rather than settled against it (Al-Fauzi, 2017), and that the Salafi position, while sincerely held, is not the only defensible reading of the tradition. Presenting both readings is necessary if the analysis is to be fair to the groups and accurate about the state of the debate.

3. Obedience to Ulil Amri and the Constitutional Duties of Citizens

The tension at the centre of this article lies between two claims the groups make: that they are obedient to Ulil Amri, and that they may reject a law they find religiously objectionable. From the standpoint of positive law, Law No. 52 of 2009 and the 1945 Constitution establish citizens' rights and corresponding duties. Article 27(1) of the 1945 Constitution provides that every citizen shall be equal before the law and government and shall uphold the law and government with no exception (BAPPENAS RI, 1945; Muzayanah et al., 2021), and the values of Pancasila particularly a just and civilised humanity and the unity of Indonesia are commonly read as requiring mutual respect and shared adherence to lawful authority (Fitri Lintang & Ulfatun Najicha, 2022; Latif, 2020).

Measured against these provisions, a posture that claims loyalty to the ruler while rejecting the ruler's lawful policy is, at the least, in tension with the constitutional conception of citizenship. It would be uncharitable, however, to reduce this simply to inconsistency: on the groups' own premises, obedience to worldly authority is conditioned on its not requiring what they regard as disobedience to God, so the conflict is better understood as a clash between two authority claims religious and constitutional than as bad faith. Recognising this is part of presenting the groups fairly while still describing the constitutional difficulty their position raises.

The scale on which these groups transmit their views is not negligible. According to the Directory of Sunnah Schools across Indonesia, the number of educational institutions affiliated with the movement may be summarised as follows (Yayasan IT Support Dakwah, 2024).

Table 1: Educational Institutions Affiliated with Salafi Groups in Indonesia

No	Education Level	Number
1	Daycare	12
2	Early Childhood Education (PAUD)	29
3	Kindergarten	107
4	Madrasah Ibtidaiyah	36
5	Primary School	202
6	Madrasah Tsanawiyah	60
7	Junior High School	207
8	Madrasah Aliyah	28
9	High School	95

10	Vocational High School (SMK)	5
11	Islamic Boarding School	130
12	Course Institutions	27
13	College/University	27
Overall		**965**

Data Source: Directory of Sunnah Schools across Indonesia (Yayasan IT Support Dakwah, 2024).

These figures indicate a substantial educational footprint through which the groups' outlook including their position on family planning is transmitted. They should be read with care, however: an institutional presence indicates reach, not a measured demographic or political effect, and the inference from school numbers to social outcomes remains a hypothesis rather than a demonstrated causal claim.

4. A Legalist Reading of the Tension

How might a legal theory approach this tension? Legalism, associated with the Chinese thinker Han Feizi, offers one analytical frame. On the legalist account, human beings tend to pursue self-interest, and morality alone is an insufficient restraint; social order therefore depends on clear, enforceable law backed by a capable ruler and a consistent system of reward and punishment (Ma et al., 2015; Moon, 2013). On this view, three elements are said to be necessary for effective law: an authoritative ruler whose commands are heeded; skill in governance; and law that reliably rewards compliance and penalises violation (Chaidar, 2017). Applied to the present case as the school's own logic, legalism would frame the consistent enforcement of Law No. 52 of 2009 across all groups through incentives for compliance and lawful sanctions for non-compliance as a means of securing the shared aims the law expresses. It must be emphasised that this is an exposition of the legalist position, advanced as the framework under examination, and not a recommendation by the present author; the limits of that position are taken up next.

5. Constitutional Freedoms and the Limits of Coercion

A legalist reading, taken on its own, has serious limits in a constitutional democracy, and these limits must be stated plainly. First, the Indonesian Constitution itself guarantees freedom of religion and worship (Article 29) and the freedoms of belief, expression, and association (Article 28E), so that holding and propagating a religious view including one critical of a particular policy is itself a constitutionally protected exercise of citizenship, not merely a problem to be managed. Second, in a democratic system the contestation of public policy is normal and legitimate; disagreement with a law, voiced lawfully, is part of how a plural society deliberates (Larry Berman et al., 2020). Third, human-rights principles place limits on state coercion: measures that would, in effect, suppress a religious community, dictate the content of its teaching, or penalise individuals for their beliefs would themselves be in tension with the constitutional order the state is meant to uphold.

For these reasons, the strong form of the legalist prescription comprehensive state control of education and family life, the suppression of disfavoured ideologies, and the punishment of their proponents cannot simply be adopted as policy; it would collide with the very constitutional guarantees that define Indonesian citizenship. The defensible reading is narrower: the state may legitimately enforce generally applicable law, including Law No. 52 of 2009, and may use incentives and lawful sanctions tied to specific conduct, but it must do so within constitutional limits and without targeting belief as such.

6. Toward a Constitutionally Constrained Response

Reading the legalist lens against the constitutional framework suggests a measured response rather than repression. Where a group lawfully declines to participate in a voluntary programme on religious grounds, the appropriate instruments are persuasion and civic education rather than coercion: internalising the shared national framework Pancasila, the 1945 Constitution, and the principle of unity in diversity (Bhinneka Tunggal Ika) through dialogue and education builds the voluntary acceptance on which durable order depends (Najamudin, 2023; Latif, 2020). This consensual approach, which works through cultural and educational channels to cultivate shared commitments, is more constitutionally compatible than purely coercive measures (Hutagalung Daniel, 2004; Rehmann, 2007). The state's legitimate interest in implementing Law No. 52 of 2009 and in protecting the welfare of all citizens can thus be pursued while respecting the constitutional freedoms of the groups concerned. Engaging the groups' own sources and representatives directly including the fatwas and scriptural arguments they rely upon would further both the fairness and the effectiveness of such engagement, since it addresses their reasoning on its own terms rather than dismissing it.

7. Reading Law No. 52 of 2009: Birth Limitation versus Birth Spacing

Part of the disagreement turns on a conflation that the law itself does not make. Law No. 52 of 2009, which replaced Law No. 10 of 1992, does not mandate birth limitation in the sense the groups reject; it provides for the responsible planning and spacing of births and pregnancies by mutual agreement of spouses, with the aim of family and societal welfare (Anggraeni et al., 2020; Fatchiya et al., 2021). The term family planning (Keluarga Berencana) is conceptually distinct from birth control understood as the elimination of births through methods such as abortion or sterilisation; it is the latter association that drives much of the groups' objection (Ariyeni, 2019).

The law's stated purposes include enabling couples to plan the number and spacing of children according to their circumstances; improving maternal, infant, and child health and reducing related mortality; expanding access to information, education, counselling, and reproductive-health services; and encouraging shared responsibility between spouses (Fatchiya et al., 2021; Indahwati et al., 2017; P. K. D. Putri et al., 2019). Where contraception aims at the welfare of the child, mother, and society, it aligns with the view of scholars who permit family planning (Al-Fauzi, 2017), and the MUI's reservation is directed specifically at methods causing permanent termination of fertility (Ariyeni, 2019). Read accurately, then, much of what the law requires is not what the groups reject a point that itself narrows the apparent conflict.

D. Conclusion

This article has examined the tension between Salafi groups' professed obedience to Ulil Amri and their rejection of Law No. 52 of 2009 and its family-planning programme. Read against the 1945 Constitution and Pancasila, a posture that claims loyalty to lawful authority while rejecting a lawful policy stands in tension with the constitutional conception of citizenship; yet the groups are internally diverse, their position is sincerely grounded in a contested but to them defensible reading of the tradition, and much of what Law No. 52 of 2009 actually requires (the responsible spacing and planning of births) is not what they reject.

A legalist reading would emphasise consistent enforcement through reward and punishment, but in a constitutional democracy that lens is bounded by the freedoms of

religion, expression, and association; the strong, coercive form of the legalist prescription cannot be adopted without colliding with those guarantees. The more defensible course is for the state to enforce generally applicable law within constitutional limits while addressing disagreement through dialogue and civic education that engages the groups' own reasoning. Finally, the suggestion that these groups materially drive aggregate population growth and its harms remains, on the present evidence, a hypothesis: quantifying any such contribution, and examining the groups' positions through systematic empirical study, are tasks for future socio-legal research.

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