

QANUN BASED LOCAL WISDOM IN ACEH

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Abstract

Local wisdom becomes the entrenched identity of the local community, so it is passed down from generation to generation. Local wisdom in Aceh is included in Sharia Regional Regulations, which are used as rules in people's daily lives. This research aims to analyze how important local wisdom is in Sharia Regional Regulations in Indonesia and its contribution to society in Indonesia. The sample for this research is the people of Aceh. Determination of the sample using purposive sampling. The research method uses qualitative with a case study approach. Data was collected through observation, interviews, and document study. The NVIVO application assists in data analysis. The research results prove that local wisdom in Aceh, such as the Peusijek, Meugang, Kenduri Beureuat Ceremonies, Kluet Tribe Rice Rituals, Reuhab Ceremonies, Uroe Tulak Bala Ceremonies, and Pang Ulee Kenduri. Local wisdom such as Meugang, Baitul Mal, and clothing. This local wisdom plays a significant role in regulating the daily life of the people of Aceh and tourists and contributing to society in creating a prosperous, just, and peaceful life. For the people of Aceh, local wisdom and Islamic law are an inseparable unit because the culture of their ancestors must be preserved, and Islamic law is fundamental to practice.

Keywords: Aceh Community, Local Wisdom, Qanun.

INTRODUCTION

Indonesia is a very special country in the world, one of which is because it has many tribes.¹ Each tribe has a culture that serves as the identity of a group. The Central Statistics Agency published that Indonesia has 1,340 tribes and ethnicities.² The diversity of tribes and ethnicities in Indonesia is proof that there is unity and the unity of the nation is orderly, so that the Indonesian state can be called a legal state.

Indonesia is a rule-of-law country. As a legal state, Indonesia carries out constitutional orders based on statutory regulations. These laws and regulations were formed to protect all Indonesian citizens, namely with the preamble to the 1945 Constitution. In the formation of legal products in Indonesia, both in national and regional regulations, the legal products that are formed must not deviate from the state's objectives as stated in the preamble to the 1945 Constitution. The legal product in Aceh Province is in the form of regional regulations called Qanun. Law Number 11 of 2006 concerning the Aceh Government states that Qanun is a statutory regulation similar to a provincial, regional regulation that regulates government administration and the lives of the people of Aceh.

Qanun Number 5 of 2011 concerning Procedures for Forming Qanuns states in Article 1, paragraph 21 which contains that Qanuns are Legislative Regulations formed by the DPRA (Aceh People's Representative Council) with the joint approval of the Governor or Legislative Regulations formed by the DPRK (Council Regency People's Representatives) with the joint approval of the Regent/Mayor. Paragraph 22 states that the Aceh Qanun is a legal regulation formed by the DPRA with the joint approval

of the Governor, which regulates the administration of government and the lives of the people of Aceh, while Paragraph 23 contains that the Regency/City Qanun is a legal regulation formed by the DPRK with the joint approval of the Regent. /Mayor who regulates the administration of government and community life in the Regency/City in Aceh.³

Aceh is one of the provinces in Indonesia that uses Islamic law as a basis for determining policy. ⁴Qanun is an Aceh Sharia Regional Regulation (Regional Regulation), so it is appropriate for the formation system to follow the principles regulated in Law Number 12 of 2011 concerning the Formation of Legislative Regulations.⁵

The 1945 Constitution is obvious in Article 18 concerning regional government, which is one of the indicators driving the implementation of regional autonomy in Indonesia. Regional autonomy allows regional governments to form regional regulations that aim to regulate regions according to regional characteristics. The regional regulations that were formed were legislative products at the regional level, so the limits of their application were very narrow.⁶

To realize the prosperity of a pluralistic Indonesian society, the Indonesian state implements a decentralization system for regions to utilize their regional potential. According to Ni'matul Huda, in a unitary state, the central government is responsible for implementing government duties. However, because the Indonesian nation adheres to the principle of a decentralized unitary state, specific tasks are taken care of by regional, state, or good governance due to the dynamics of society. This condition tends towards autonomy.⁷

The decentralization policy provides autonomy for regions in Indonesia to make their regulations following community habits,⁸ one of which is Regional Regulations (Perda Syariah). Almost all provinces in Indonesia have issued Sharia Regional Regulations, both at the Provincial and Regency/City levels, which are, of course, supported by regional heads and the People's Representative Council,⁹ including the Aceh Sharia Regional Regulation, which is called Qanun Number 6 of 2014, a Regional Regulation which regulates dress code for women contained in the West Sumatra Governor's Appeal Letter No. 260/421/X/PPr-05. This regional regulation contains an appeal regarding Muslim women's behavior and dress code to leadership elements, including Heads of Departments, Heads of Agencies, Offices, Bureaus, Agencies, and other government elements in West Sumatra Province. South Sumatra Province also formalized a Sharia Regional Regulation, which regulates the eradication of immoral acts in Regional Regulation Number 13/2022 concerning the Eradication of Immorality in South Sumatra. Bengkulu City Regional Regulation No. 24 of 2000 concerning the Prohibition of Prostitution in the City of Bengkulu, Tangerang City Government Regional Regulation concerning the Prohibition of Prostitution number 8 of 2005, and the Regional Regulation concerning the Prohibition of Distribution and Sale of Alcoholic Drinks in Regional Regulation No. 7/2005, and other Regional Regulations issued by various provinces such as West Java Province, South Kalimantan, East Java, South Sulawesi, Bangka Belitung, and various other regional regulations.

The presence of Sharia Regional Regulations indeed cannot be separated from Indonesia's unique characteristics, namely multiculturalism. Habits and customs in society give rise to a need for written rules recognized by the government, such as sharia regulations.¹⁰ Religious values that have been embedded in the hearts of the

people and have become daily habits have increasingly encouraged the birth of regional regulations with Islamic nuances, such as the routine of reading the Koran during society, such as Polewali Mandar Regency with the birth of Polewali Mandar Regency Regional Regulation No. . 14/2006 concerning the Islamic Community Movement to Read the Koran, Gorontalo Province with the ratification of Gorontalo Province Regional Regulation No. 22/2005 concerning Compulsory Reading and Writing of the Koran for Muslim students, Maros Regency also ratified Maros Regency Sharia Regulation No. 15/2005 concerning the Al-Quran Illiteracy Movement. The habit of paying Zakat in Bangka Regency also gave birth to Bangka Regency Regional Regulation No. 4/2006 concerning the Management of Zakat, Infaq, and Alms. There is also a Regional Regulation passed by the South Lampung Regency Government, namely Sharia Regional Regulation No. 4 of 2004, concerning the Prohibition of Prostitution, Immorality, Gambling, and Prevention and Anticipation of Immoral Acts.¹¹ The Sharia Regional Regulation is considered capable of being a solution to improving the community's economy by seeing the growing confidence in the Sharia financial industry and business, which is developing quite well, as is happening in East Java.¹²

Rizkika Lhena Darwin said that the laws relating to the specifics of Aceh from the past until now are Law Number 44 of 1999 concerning the Special Region of Aceh, Law Number 18 of 2001 concerning Special Autonomy for Aceh Province as Nanggroe Aceh Darussalam Province, and Law no. 11 of 2006 concerning the Government of Aceh. One of the implementations of special autonomy in Aceh is the recognition of Islamic values and the application of Islamic law, which is the philosophical basis for recognizing the existence of special autonomy. This is one of the reasons for implementing special autonomy in Aceh.¹³

One of the essential elements underlying the implementation of Islamic law from a sociological perspective is meunasah. Meunasah is part of the Acehnese people's local wisdom, which currently has a vital role in the socio-religious context. Meunasah is located at the lowest social and government structure. Namely, the gampong (village or sub-district in the countryside) has a strategic role in religious, educational, and social activities and even the preservation of traditional values so that it can be used as social capital. The function of the meunasah is to be used as a place for deliberation drafting reusam (village regulations) involving community leaders, women, and even children, especially regarding law violations. Meunasah has several roles: first, as a center for learning and teaching religious and Islamic knowledge; second, as a center of resistance against colonialism; third, meunasah is the oldest Islamic educational institution in the archipelago and has significantly contributed to educating the nation and has great potential for the revival of Islam.¹⁴

The authority to implement Islamic law was first granted through Law No. 44 of 1999 concerning the Implementation of the Special Provinces of the Special Region of Aceh and Law No. 18 of 2001 concerning Special Autonomy for the Special Region of Aceh Province as Nanggroe Aceh Darussalam Province (later this Law was replaced by Law No. 11 of 2006 concerning the Government of Aceh. Starting from the birth of this law, opportunities were opened for Aceh to be able to implement Islamic law in a kaffah manner, in the sense that Islamic teachings can be implemented perfectly in all aspects of community life, including aspects of jinayat which are often disputed by some groups and circles of society. The follow-up to the birth of this law has given birth to several Qanuns in Aceh, specifically regarding regulation. The jinayat issue has given rise to three Qanuns since 2003, namely, Nanggroe Aceh Darussalam

Province Qanun No. 12 of 2003 concerning Khamar Drinks and the like, Nanggroe Aceh Darussalam Province Qanun No. 13 of 2003 concerning Maisir and the like, Nanggroe Aceh Darussalam Province Qanun No. 14 2003 regarding Khalwat. Because of many shortcomings, this Qanun was subsequently replaced with Qanun No. 6 of 2014 concerning Jinayat Law, where the three Qanuns were.¹⁵

The results of Yusuf's¹⁶ research found that the socialization of jinayat law to the community was still not perfect; it was only carried out with one method, namely lectures, and the media used were also limited, so it did not reach the entire community. Likewise, the socialization of material only conveyed the prohibited points and the threat of punishment.

Many people also think that this sharia-based regional regulation is unnecessary and even tends to be politicized by some individuals.¹⁷ Viewed from the other side, the *lex superior derogate legi inferior* principle means that higher laws and regulations will override lower laws and regulations, which will boomerang on the Regional Regulations created in a region.¹⁸ Apart from that, Sharia Regional Regulations sometimes cause much discrimination against the community, for example, the arrest of women who work at night in Tangerang City because they were accused of having habits like prostitutes.¹⁹ Some people misinterpret the Sharia Regional Regulations, for example, anyone whose attitude or behavior is suspicious, giving rise to the opinion that they/they are prostitutes who are prohibited from being on public roads, in fields, in lodging houses, inns, hotels, and dormitories. - residential or rented houses, coffee shops, entertainment venues, spectacle buildings, street corners, alleys, or other places in the area. Din and Abubakar²⁰ think that the implementation of sharia law in Aceh through the Qanun Jinayah (KUHP) in several cases is considered discriminatory against non-Muslim women and violates higher laws and regulations, in this case, criminal law and the Criminal Code. Provisions regarding the position of non-Muslims, which are different from Muslims, and several prohibited acts, such as *liwat* (gay) and *musahaqah* (lesbian), as well as the punishment of caning in Qanun Jinayah, which is considered a violation of human rights. However, throughout the implementation of Islamic law in Aceh, there have been seven cases of caning that the Supreme Court of the Republic of Indonesia has approved. These cases show that criminal regulations that differ or contradict the law are part of implementing special autonomy in Aceh.²¹

The research results of Fuad²² et al. show that the existence of Qanun Jinayat in Aceh, even though it has been accepted in Aceh, is still an issue that continues to be discussed. From tracing the development of the implementation of Qanun Jinayat and the dynamics of thinking described above, it is necessary to rethink the Sharia norms behind the Qanun, which can be contextualized in people's lives. Without ignoring the important role of sharia in the lives of the majority of Muslims in Aceh Province, sharia must be implemented with a humanist and non-discriminatory character and in accordance with the demands of modern society. Aceh, which remains an important part of Indonesia, must be able to create an inclusive life and culture within the legal entity of the Unitary State of the Republic of Indonesia. Based on the problems that have been revealed, it is important to investigate the local wisdom that plays a role in regional sharia regulations for the benefit of local residents through preserving ancestral cultural heritage that integrates Islamic values. This research aims to analyze how important the role of local wisdom is in the Sharia Regional Regulations

in Aceh and to analyze the contributions of local wisdom in the Sharia Regional Regulations for the people in Aceh.

DISCUSSION

The research results have outlined the role of local wisdom in Sharia Regional Regulations in Aceh and its contribution to the surrounding community. The birth of the Qanun made the people of Aceh organized in carrying out activities with Islamic values. This is used as local wisdom that has been passed down from generation to generation. Halim once stated that the Qanun applies to everyone in Aceh province, both Muslims and non-Muslims²³

Religion is used as local wisdom which aims to ensure that people always implement Islamic law, as stated in the Regional Sharia Regulations or Qanun, so that this will shape the character of citizens who have morals. The results of Nurdin and Ridwansyah's²⁴ research found that the character of the Aceh Qanun as a legal umbrella for the implementation of post-autonomy Aceh and post-peace Aceh is a hope for developing a better Aceh, because the presence of Law Number 18 of 2001 and Law Number 11 of 2006 is a hope. new for the people of Aceh itself, especially in aspects of Islamic law.

Then the research results of Kadir et al²⁵ found that the Aceh Qanun regarding Muslim Clothing and tauşiyah from the Ulama Consultative Council was a government policy intended to protect and advance society.

Especially to become better and more dignified, because the main goal of Islamic law is to improve humanity. This was responded by students from the Al-Aziziyah Islamic Institute that wearing the niqab also felt the benefits as part of a Muslim woman's identity.

Furthermore, it has also been proven to be effective in preventing seclusion, as research by Muhibbuthabry et al²⁶ shows that Qanun can prevent teenagers from being alone, both in quiet and crowded places, thereby reducing the risk of engaging in sexual activity. The existence of aqanun regarding sexual acts will restrain teenagers from participating in sexual relations, and the imposition of qanun sanctions will make teenagers afraid to engage in sexual acts.

Therefore, religious values and customs that have become a social order continue to be socialized by prominent community figures such as those carried out by the Immu Mukim (district head), keuchik (village head), teungku imum (Islamic religious priests in villages), tuha peut (community leaders in villages) and even elements of village youth.²⁷

Based on the research results of Khalsia et al,²⁸ it is proven that Acehese customs are very closely related to religion, because customary law originates from sharia from the books of Allah SWT. The experience of Islamic law will be smoother if customs and the role of traditional institutions are improved. Society as a unit of human life interacts and behaves in accordance with a certain system of customs that is sustainable.

There are four steps in implementing Islamic law, namely the hermeneutical, socialization, political and law enforcement stages.²⁹

1. Hermeneutical steps are taken to extract and process sharia material. At this stage, several efforts need to be made to classify sharia content and examine sharia material as legal material. norms whose enforcement requires state intervention. This study aims to:
 - 1) Reconstructing the framework and language of Islamic law under the framework of law and language, the Shari'a exists and coexists;
 - 2) Selecting Islamic legal materials and finding basic principles and values of Islamic law that are still relevant to the needs of society and reinterpreting several legal regulations that are no longer relevant;
 - 3) Develop layers of sharia norms;
 - 4) Building, developing and improving the quality of sharia discourse to support academic acceptability.
2. Socialization aims to build public legal awareness, especially Islamic legal awareness. Public legal awareness greatly influences the effectiveness of implementing a law. General public legal awareness can be classified into several types: people who do not know Islamic sharia law; who knows sharia law; understand the contents of sharia; understand its contents, and respect Islamic sharia law; and people who are committed to implementing sharia. An effective way to build awareness is through cultural movements such as educational institutions.
3. The government's willingness or commitment to create and implement Islamic law. Commitment is the basis of energy or strength in upholding Islamic law. The first task is to create and establish various regulations in the form of Qanun (syariah regulations in Aceh) and other policies in an integral, comprehensive and holistic manner. All laws, regulations and policy products must always be based on the above assumptions, values and scope of application of Islamic law. With this argument, the application of Islamic law is not partial and discriminatory. Because it would be counterproductive and actually violate Islamic law itself. The violence, abuse of authority and selective discrimination that has occurred so far is one of the results of the application of Islamic law that does not pay attention to the vision and mission of Islamic law (basic assumptions and Islamic values).
4. Enforcement of Islamic sharia law. The most competent institutions are the Syar'iyah Courts, the Police and the Prosecutor's Office. Important issues that must receive attention are regulatory instruments, especially procedural law, law enforcement resources, synergy between law enforcement agencies, infrastructure and law enforcement mechanisms. On the other hand, it is not enough to just see law enforcement as an independent activity, but it must continuously exchange activities and be influenced by the community it serves. Therefore, changes at the societal level due to globalization, especially in the field of information and communication technology, must be balanced with the sophistication of the law enforcement system and reliable law enforcement resources. Conventional law enforcement methods and systems are no longer able to keep pace with changes in society effectively. One of the things that stands out about the globalization of

society is the acceleration, capability and multiplication of destructive power it causes. All new changes resulting from globalization must be anticipated long before law enforcement officials respond to them in the future. Important things that need serious attention in enforcing Islamic law are the factors that influence the effectiveness of law enforcement which include; the substance of law/sharia, socio-political structure, and legal culture of society.

CONCLUSION

The role of local wisdom in the Sharia Regional Regulations in Aceh is significant, which aims to ensure that people carry out their daily activities in an orderly manner. Meanwhile, the contribution of local wisdom in the Sharia Regional Regulations to the people of Aceh creates a disciplined, prosperous, safe, and peaceful everyday life.

Notes

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