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**Settlement of Islamic Sharia Violations in the Perspective of Teungku Dayah  
and Local Wisdom Values on the West Coast of Aceh**

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## SETTLEMENT OF ISLAMIC SHARIA VIOLATIONS IN THE PERSPECTIVE OF TEUNGKU DAYAH AND LOCAL WISDOM VALUES ON THE WEST COAST OF ACEH

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### Abstract

*The implementation of Islamic Sharia in Aceh has experienced dynamics since it was first implemented in early 2000 – the presence of pro and contra attitudes from the community towards the interpretation and existence of Islamic Sharia. As a result, a model for resolving sharia violations based on local values often emerges. This study departs from the central question of why the people of Aceh often choose local deals in determining several breaches of Islamic law in society. This study seeks to analyze the resolution of violations of Islamic law in the border areas of Aceh with local consensus values. The phrase border Aceh refers to a multi-identity place (ethnicity and religion). This study combines two concepts between local wisdom and Islamic law. The research method uses a qualitative approach with grounded research. The study results show that people who live on the border of Aceh, especially several districts on the West Coast of Aceh, often choose a local (non-Sharia) approach in cases of violations of Islamic Sharia. Settlements with local values are considered more readily accepted by the community. Interestingly, this study found that the role of local wisdom can also reduce the number of violations of Islamic law in the border communities of Aceh.*

**Keywords:** Settlement of Islamic Sharia Violations; Teungku Dayah; Local Wisdom.



## A. Introduction

The study of Islamic Sharia in Aceh has witnessed significant attention, particularly since its enactment in the early 2000s (Nurdin et al., 2011; Jamal, 2021; Ibrahim, 2002). Despite this, the presence of Islamic Sharia continues to undergo dynamic changes within Acehnese society. Sharia violations persist, evoking various responses from the community, particularly concerning resolution methods.

Practical considerations are the driving force behind this situation because strictly Sharia-based sanctions frequently strain financial resources (Zada, 2023). Consequently, revitalization of punishment based on local wisdom in resolving violations of Islamic Sharia is often used by the community, including the Acehnese border communities. Furthermore, traditional Acehnese customs and local laws have maintained their relevance over time and survived.

On the flip side, enduring societal issues persist within Aceh's progression. Elements such as corruption, a seemingly discriminatory application of law enforcement, intolerance, and the conduct of the political elite, who frequently exhibit an overbearing sense of power, continue to be interwoven components of Aceh's developmental landscape. Astonishingly, despite the infusion of considerable special autonomy funds (commonly referred to as "Otsus" into the region, as evidenced by data unveiled by the Central Bureau of Statistics, Aceh has regrettably descended to become the most economically disadvantaged province in Sumatra (Badan Pusat Statistik Provinsi Aceh, n.d.).

Scholars in Aceh have conducted various studies, asserting that Islamic Sharia is no longer a subject for debate; it is considered a historical, legal, social, and cultural imperative for Aceh (Manan & Salasiyah, 2021). Failure to implement Islamic Sharia could be interpreted as a negation of history, as explored in scholarly works on Sharia and contemporary issues (Nurdin et al., 2011).

This perspective aligns with the views of Alyasa' Abubakar, a prominent academic instrumental in implementing Islamic Sharia in Aceh. According to Abubakar, the people of Aceh have persistently advocated for the full enforcement of Islamic Sharia since the nation's inception. Despite this

longstanding demand, it took over six decades of independence to achieve formal recognition and legal standing for this aspiration. However, Abubakar suggests that the foundation supporting this recognition remains somewhat fragile, which poses challenges to fully implementing comprehensive Islamic Sharia (Alyasa' Abubakar & Halim, 2011).

At the same time, several Sharia violations were addressed with solutions based on the local wisdom of the community, which were supported by local religious actors such as *Teungku Dayah*. However, *Teungku* in Aceh is a religious actor who strongly influences society. Not all sharia violations are resolved based on regulation and society's formalization of Islamic sharia. Moreover, Aceh also applies customary law, which allows 18 cases to be determined at the village level (Ridha, 2017; Abbas & Murziqin, 2021). Resolving disputes against violations of Islamic Sharia with local wisdom appears to be heavily influenced by the legacy of community traditions long before the enactment of Islamic Sharia (Jarudin et al., 2023).

Given the above observations and insights, this study delves into the ongoing prevalence of settling Islamic Sharia violations through local wisdom approaches within Acehnese society. The focus will be on the South West region, which is deeply imbued with Islamic Sufism, aiming to understand why these practices persist and how local religious figures, particularly *Teungku Dayah*, perceive the dynamics of resolving Islamic law transgressions based on customs and local wisdom. Through this exploration, a comprehensive picture of the sociocultural nuances surrounding the implementation of Islamic Sharia and its interaction with local understanding emerges.

## B. Method

This study began with reading literature related to Islamic Sharia, customary law, local wisdom, and the culture of Aceh. Next, the involved observation step was carried out, in which the researcher collected data first by seeing and understanding the discourse on Islamic Sharia, sanctions, and disputes that arose. However, some cases are handled with a customary approach. Next, the researcher compiled several questions to collect field data



later. A study to collect data regarding the resolution of violations of Islamic Sharia in the local and community perspectives in Aceh.

The methodology used was a qualitative research method to understand the existence of local values in the districts that are the research subject: South Aceh, Subulussalam, and Aceh Singkil. Data collection techniques in a qualitative context include observation and in-depth interviews. Researchers also recorded visual data by shooting using a photo camera; later, the optical data would be displayed in this paper report. Before conducting field research, the researcher reviewed the literature on the concept of local community wisdom and the history of the disaster to be studied.

In the context of qualitative research methods, as described by Strauss & Corbin, grounded data is data obtained inductively from research on the phenomenon it describes (Corbin & Strauss, 2008). Furthermore, the data is compiled and proven temporarily through systematic data collection and analysis relating to the phenomenon. Because of this, data collection, research, and theory are interrelated in a reciprocal relationship. The researcher does not start the investigation with a particular view and then proves it but with a field of study and matters related to that field.

This research will focus on the quality and depth of the data. On the qualitative side, descriptions and descriptions are essential points in qualitative research methods (Spradley, 1997). Because of this, the researcher took advantage of interview guidance as a research instrument, which is flexible and adapts to conditions in the field when conducting in-depth interviews with informants, especially the community, social actors, and religious and traditional leaders who are seen as knowing explaining the reasons why the resolution of violations of Islamic Sharia with a local approach is preferred.

Resource persons for extracting data are key persons and informants. Data mining focused on the meaning in the mind of the informants regarding local wisdom in the form of values and attitudes in dealing with cases of violations of Islamic Sharia. To reach the research location, which is scattered at several points, Aceh Selatan, Subulussalam, and Aceh Singkil, from West Aceh, researchers traveled overland to each research location. Because of this, data collection was carried out in three districts in Aceh.



### C. Result and Discussion

As one of the areas in Aceh Province, the West and South Coast of Aceh are affected by the policy of implementing Islamic Sharia. Aceh Barat is one of the districts that often use Islamic Sharia discourse in several cases that violate Islamic Sharia, such as the discipline of women's clothing and having to wear skirts, which shocked the national public. Apart from Aceh Barat, Aceh Singkil, with the dynamics of identity contestation, also often uses Islamic Sharia discourse to dominate the address on the prohibition of non-Muslim places of worship, which are suspected to be increasingly massive and without permits.

The *Barsela* (*Barat Selatan*, West and South) area is also thick with local culture and wisdom. Some local traditions rarely found in other districts in Aceh exist in *Barsela*, such as the ritual of warding off the Covid-19 that was endemic, countered by the *meujalateh* practice. However, this area is one of Aceh's coastal areas, which has experienced a long history and gave birth to cultural acculturation between the people of Aceh and Minangkabau, which is the most dominant. The Minangkabau and Acehese local wisdom values prioritizing the principles of deliberation and consensus can be seen directly from several traditional practices that have developed in the middle of *Barsela* society, especially the circle of life (marriage, birth, and death). Some sacred rituals are still maintained, with local solid customary values.

#### 1. Result

##### a. Implementation of Islamic Sharia in Aceh.

In implementing Islamic Sharia in Aceh, some communities have instead chosen to resolve cases of Sharia violations using a local approach: customary law and local values. They decided this effort for several reasons because customary law has long been rooted in the structure of society, and its implementation is more straightforward. Islamic Sharia has become a separate discourse in some communities, such as Singkil, an organization with a plural identity. Even so, from the testimony of the Aceh Singkil Traditional Council (MAA) and the local Ulema Consultative Council (MPU), they prefer



to resolve cases of violations of Islamic Sharia with a consensus of customary law. For them, the election of customary law is faster and easier. Moreover, perpetrators of violations also often choose the path of customary law.

The existence of Islamic Sharia is interpreted in various ways by traditional and religious actors in Aceh. A *pesantren* (Islamic boarding schools) leader in Subulussalam who was met thought that Islamic Sharia had given strength to a new identity in the border areas of Aceh like Subulussalam. Even so, in the context of violations of Islamic law, some people are punished by caning. In terms of caning, there is a constraint on costs. Therefore, according to him, many of them are resolved using a pattern of customary law consensus or social consensus that prevails in society.

As is known from the description of Islamic Sharia in Aceh. During the transitional era of the New Order towards Reform, when President B.J. Habibie chaired Indonesia, he enacted RI Law Number 44 of 1999 concerning the Privileges of the Province of the Special Region of Aceh, specifically in the article on Organizing Religious Life, which contains elements of implementing Islamic Sharia for its adherents. Aceh officially implements Islamic Sharia as an effort by the center (Jakarta) to reduce the increasingly heated conflict in Aceh (Ali, 2007; Ibrahim, 2002; Nurdin et al., 2011; Pahlawi, 2004). In fact, since the issuance of the Republic of Indonesia, Law Number 18 of 2001 concerning Special Autonomy for Aceh, which was marked by the change in the terminology of the name of the Province of the Special Region of Aceh to the Province of Nanggroe Aceh Darussalam, and which was signed directly by President Megawati Soekarno Putri, the position of Islamic Sharia in Aceh has become increasingly systemic and formal. Furthermore, since 2006, through Law Number 11 of 2006 concerning the Government of Aceh, the position of Islamic Sharia has become more assertive in Aceh.

Then, why do people often choose the local customary law approach to settle Islamic Sharia? This condition can be understood from the meaning of local wisdom itself. Local wisdom also invariably leads to social cohesion and integration that longs for social order. Durkheim (1951)

mentions that social order and the existence of a society (even in building social cohesion) are very dependent on (moral) consensus. Therefore, consensus, the social agreement, is seen as a phrase that produces or makes an agreement agreed upon jointly between groups (including across religions) or individuals after the debate to cultivate decision-making. Even so, local wisdom-based consensus in resolving social deviations such as Islamic Sharia is an integral part of the social cohesion of a society, always emphasizing the opinion that parts of social organization, values, norms, roles, and institutions (institution) are a tight unit as a whole. So, people with the same goals agree about what is right and what is not and are used to help each other with activities (Ritzer & Goodman, 2003).

Among the functions of local wisdom and customary justice in Aceh is reaching a consensus or agreement. A study on the role of local wisdom in Aceh in resolving cases was carried out by the ICAIOS Aceh Institute and Arskal Salim with the theme of the Natural Resource-Based Conflict Consensus Model in Aceh, which was then disseminated to become an example of resolution (lesson learn) for other conflict cases. The results of this study indicate that the people of Aceh have a consensus-based concept of local wisdom in resolving every issue, including criminal cases in terms of violations of Islamic Sharia in Aceh (ICAIOS Research Results Dissemination Seminar Results, 2014) (Ichwan et al., 2020).

Local wisdom in Aceh is intertwined with *adat*. Traditional instruments have long been essential to maintaining and caring for local values and knowledge among the people of Aceh. Now, the position of this customary apparatus is almost the same as that of the *camat* (sub-district head), which oversees several villages. As for *Mukim*, it used to be a forum and umbrella for several towns in Aceh. In the historical context, *mukim* has the connotation of a mosque because several villages that only have *meunasah* (places of worship) agreed to form one mosque per settlement beforehand as the center of the gathering point for all towns, especially every Friday. Many traditional institutions in Aceh play a vital role in protecting the sovereignty of natural resources, from water to land (*Panglima Laot*, *Pawang Glee*, and *Pawang Krueng-red*). In addition, there is



also a traditional institution within the local government structure that has the power to maintain norms, customary values, and social functions in the community, namely the *Imeum* (Ismail, 2017; Ismail et al., 2018).

However, Aceh's local wisdom often goes hand in hand with Islam. Abidin Nurdin's study states that legal values and customary norms (local knowledge) for the people of Aceh are integrated with Islam and become a way of life for the people of Aceh. Acehnese culture and customs are Islamic norms themselves. Some terms of adat and local wisdom in Aceh in resolving cases come from Islam, such as *di'iet* and *suloh*, which come from the word *islah*. Thus, the totality of the people of Aceh comes from the teachings of Islam itself (Nurdin, 2013).

b. Settlement of Cases of Violation of Islamic Sharia Based on Local Wisdom.

If the application of Islamic Sharia has not optimally functioned as ideally as imagined, how can the people of Aceh apply sanctions to perpetrators of sharia violations? Moreover, as stated by the informant, Islamic law is included in the power structure and depends on the regional budget. This means that the fate of Islamic Sharia in Aceh, including the implementation of punishments for violators, is heavily influenced by budgetary policies. On the other hand, in several cases, injustice in the imposition of sanctions encourages people to take actions considered to represent *adat*.

Table 1. Four places to study

No.	Cases of Violation of Islamic Sharia	Regency	Problem-Solving
1.	<i>Khalwat</i>	Aceh Selatan	Local customary law consensus
2.	<i>Khalwat</i>	Subulussalam	Local customary law consensus
3.	Gambling	Subulussalam	Local customary law consensus
4.	Gambling	Aceh Singkil	Local customary law consensus

Several cases of violations of Islamic law that were handled spontaneously by the community tended to seem inhumane, such as washing dirty perpetrators in sewage water, forced marriages, and imposing fines used to slaughter goats and feasts, often coupled with



customary sanctions and local wisdom. However, the Chairman of the Aceh MAA, Badruzzaman Ismail, denied and rejected such sanctions that appeared spontaneously as part of Acehese customs.

According to Badruzzaman Ismail, the principal value of Acehese businesses is humanism (humanizing humans); even Acehese traditions cover the disgrace of perpetrators and victims who are considered to have the potential to damage their good name. A study by a Dutch anthropologist stated that violence in the name of Islamic Sharia by hijacking traditional phrases, like the case above, often occurs in Aceh (David, 2014).

Even so, customary sanctions have long been in effect in Aceh, long before the existence of Islamic Sharia. One of the verses in the *Hadih Madja's* Aceh.

*“Pantang Peudeung Melinteung Sarong,  
Pantang Rincong Meulinteung Mata,  
Pantang Ureung Geuteuoh Kawon,  
Pantang Hukom geuba u Meja”.*

The above expression can be found in *Hadih Madja* Aceh as a form of local wisdom and the worldview of the Acehese people (Kamaruzzaman Bustamam-Ahmad, 2017). The above statement also provides a firm view of the problem of disputes and social cases among the people of Aceh, which are never resolved in court (judiciary) (Ridha, 2017). Another *Hadih Madja* also reads, “...*Geupageu lampoeh ngon kawat, geupageu nanggroe ngon adat*”. This means that the role of adat (local wisdom) in Aceh as a stronghold for society is very strategic and vital (Ismail, 2018).

A series of descriptions based on the *hadih madja* suggests that customary justice as one of the local wisdom in Aceh in resolving social cases, which is now interpreted as a form of violation of Islamic law by the people of Aceh, has been going on for a long time and is a legacy that must be maintained by all customary actors in Aceh. In Abidin Nurdin's study, at least several terms of ordinary resolution in Acehese society are based on local wisdom, including *di'et, sayam, suloh, peusijuk, and peumat jaroe* (Nurdin, 2013).



Among the principles of customary justice in resolving cases in the community are fast, easy, and cheap (accessibility for all citizens) and a deliberation/ consensus (consensus) process. The main actors administering customary justice are those who are “unofficially” appointed and appointed: *geuchik*, *imeum meunasah*, *tuha peut*, and *ulee jurong*. In addition, the awareness to place trust in traditional leaders to resolve cases fairly and peacefully has been going on for a long time (Ismail, 2018).

In the Aceh Qanun, Number 9 of 2008, concerning customary life and customs, article 1 states the definition of *adat* is the rules of conduct and habits that have been in force in society and are used as guidelines in social life in Aceh. In Article 13, paragraph (1), several customary disputes and disputes can be resolved at the village level (Ismail, 2018; Ridha, 2017).

On the other hand, the people of Aceh, who overdo it, applied customary justice before the Islamic Sharia regulations were enacted. They still tend to resolve several cases using this local wisdom approach. In the West-South, many settlements of social violations, which are also interpreted as violations of the Sharia, are often resolved through customary courts. In Aceh Jaya, for example, breaches of livestock customs, where livestock tend to be allowed to roam freely on the main roads (national roads) often used by vehicles crossing Banda Aceh-West Aceh. Several accidents have occurred, hitting cows and buffaloes walking along the route. Precisely for this *Barsela* causeway, the traffic police have deliberately put up a warning sign for cattle roaming around. In this context, customary law applies, whereby livestock owners never have to deal with motorists hitting their cattle. Local consensus is that any damage to the driver is borne by the livestock that was hit. That is, drivers may slaughter livestock and then sell it—profits obtained from the sale of animals as compensation for vehicle damage experienced by motorists.

It includes, in some instances, which are considered violations of Islamic law. According to one of the administrators of the Aceh Traditional Council of West Aceh District, there has never been a problem between *adat* and Islamic Sharia. He was guided by *hadih madja* from a

long time ago, Acehese customs with *hukom* (Sharia) like substance and nature, two united elements that cannot be separated. Several cases in West Aceh tend to be resolved using a customary approach, including issues considered violations of Islamic law and sometimes resolved using Acehese everyday principles. He did not mention in detail the case and the settlement process.

In Singkil and Subulussalam (the Aceh border area on the West Coast of Aceh), *Sin Tua* and *Ninik Mamak* are traditional entities living on the Aceh border (Al-Fairusy & Abdullah, 2020). Damhuri (60 years) and Abdul Manaf (56 years) revealed that Singkil and Subulussalam have always prioritized local entities in resolving social cases in the community. Even though Islamic Sharia influences all views (world view) of society, if a violation is deemed contrary to it, it is no longer interpreted as a violation of *adat*. *Adat* only functions in the context of marriage rituals and other life cycle rituals. Islamic law in Aceh has become a separate incubation for constructing Islamic identity for border communities such as Singkil and Subulussalam.

The discussion and findings of this study show that the settlement of cases of violations of Islamic Sharia-based on local wisdom in the West-South region of Aceh is built in a somewhat similar way that leads to the restoration of justice, even though they are in different districts by prioritizing local values that live in the community. There is a principle of *menutup aib* (closing the disgrace). Deliberation is essential in resolving violations of Islamic Sharia-based on customary law and local wisdom. Local values that live amid society and the principle of prioritizing harmony are the basis and process for resolving every case based on local knowledge.

From several previous studies, it is clear that local wisdom in Aceh has become social capital in resolving many societal disputes (Riezal et al., 2019) and is included in the settlement of conflicts against violations of Islamic law. However, several cases are still submitted to sanctions decisions that Islamic Sharia regulations must resolve.



In addition, cases of violations of Islamic Sharia with local law and local value approaches are considered more accessible and culturally related to society, as explained by several informants in the field.

## 2. Discussion

The role of local wisdom in social integration can be seen in Susanto et al. Study. In his research, *Culture of Conflict and Violence Networks, Settlement Approach Based on Minangkabau Local Wisdom* (Susanto et al., 2010), the author sees that the function of local wisdom strengthens social cohesion and can reduce the culture of conflict. On the other hand, most importantly, this paper offers the concept of conflict resolution using a local wisdom approach in the context of Minang culture by prioritizing Nagari aspects and re-functionalizing the role of traditional rulers in building solidarity and social cohesion in society (Susanto et al., 2010).

Studies on local wisdom, which are seen as "*Indigenous Ideas*" considered as explicit knowledge that emerged over a long period that evolved together with the community and its environment in local systems that have been experienced together can also be found in the writings of Ali Ridwan, in *Ibda Journal*, Vol. 5. No. 1. Jan-Jun 2007. Local wisdom is considered to have emerged from a long evolutionary process and is inherent in society. And can make local wisdom a potential energy source from the community's collective knowledge system to live together dynamically and peacefully. This understanding sees local wisdom not only as a reference for one's behavior but further, namely, being able to dynamite civilized society's life (Ridwan, 2007).

Besides that, local wisdom is seen as the values that apply in a society. Values that are believed to be accurate become a reference in everyday behavior. In line with what Geertz said, local wisdom is an entity that determines human dignity in its community and is part of the culture (Geertz, 2019). This value also applies in Aceh society, of course.

Among the instruments for implementing Islamic Sharia in Aceh, in addition to the birth of the Sharia Court, there was also the (unique) Islamic



Sharia Office, followed later by the Aceh Dayah Education Office, which regulated religious education specifically for Islamic boarding schools in Aceh. The application of Islamic Sharia this time is solid because a strong constitution supports it and is very different from the Old Order and the New Order (Indra et al., 2023). The Islamic Sharia Service was formed with the authority to implement Islamic Sharia in Aceh on January 25, 2002, and based on Regional Regulation (Perda) Number 33 of 2001, inaugurated on February 25, 2002. This institution controls and regulates the course of Islamic Sharia in Aceh. Also, this institution only exists in Aceh.

The Islamic Sharia institution in Aceh later also gave birth to a program for strengthening the faith of the Acehnese border community called the *Dai Border*. This program was initiated to convert Islamic identity at several points considered vulnerable, especially the Aceh border area, which has continued to this day. One is the Singkil area and Subulussalam City in *Barsela* (Ichwan et al., 2020). Border preachers are on duty daily to revive Islamic religious education and coach converts. However, from several evaluations carried out by the Islamic Sharia Service, the role of some preachers still needs to be evaluated, and periodic coaching is carried out (Usman et al., 2019).

On the other hand, after twenty years of implementing the Islamic Sharia in Aceh, the people have not fully appreciated it. Several cases of sharia violations were considered unfair in applying sanctions; a handful of unscrupulous officials escaped sharia punishment. In this context, it is essential to see and observe the views of the *Teungku Dayah*, as one of the religious actors in Aceh who are engaged in the realm of Islamic morality and education, how to interpret Islamic Sharia, which has been going on for two decades.

Several Islamic boarding schools in Aceh in the West-South region to the Aceh border (Singkil and Subulussalam) that were visited gave an illustration of the existence of Aceh's Islamic Sharia, which is almost two decades old in various ways, especially the *Tengku* of the *Dayah* leaders. In principle, all the *Dayah* leaders agree that Islamic Sharia must exist in Aceh.



Even so, there are inequalities in applying Islamic Sharia, which the informants cannot deny.

In August 2021, researchers visited an Islamic boarding school in Nagan Raya. The leader of Teungku Dusturin Islamic boarding school (45 years) is an alumnus of one of the largest traditional Islamic boarding schools in Aceh Jaya-BUDI Lamno and has studied in the Middle East. For Teungku Dustur, Islamic Sharia in Aceh must be seen as a mandate and historical legacy, even though, according to him, it has not worked as expected. Moreover, according to him, Teungku Dayah's role has been very limited in drafting *qanuns* and discussing the direction of Islamic Sharia. However, all *pesantren* scholars in Aceh certainly support the implementation of Islamic Sharia. According to him, rather than not having Islamic Sharia in Aceh, it is better to maintain what is currently running even though it is far from ideal expectations.

Another view was conveyed by Teungku Mustawa (33 years), a *pesantren* leader in Subulussalam. He founded a particular *tahfiz* Islamic boarding school with his family in the Aceh border municipality. For Teungku Mustawa, Islamic Sharia is an essential identity for Aceh. Armed with an Islamic Sharia identity, communities on the border of Aceh, such as Subulussalam City, can develop Islamic Education with full support, just as he did. According to him, so far, there have been no problems with the implementation of Islamic Sharia in Aceh; in fact, Sharia is social capital for Islamic religious actors on the Aceh border, in addition to helping the development of Islam in Aceh's multicultural borders ethnically and religiously.

Several informants in Singkil, another Aceh border area, also conveyed similar conditions. Islamic Sharia is seen as social capital and identity for strengthening the existence of the majority there. Several informants in Singkil, such as the chairman of the Ulema Consultative Council and several community leaders, said that Islamic law is an essential instrument for limiting the movement of non-Muslims, especially regarding permits to build houses of worship which are suspected of exceeding the



number of non-Muslim residents. This condition shows that sharia in Aceh has become a capital of intolerance.

On the other hand, several informants in Singkil admitted that they had limitations in understanding Islamic sharia regulations because it was judged that the socialization of sharia regulations was limited to their area. Nonetheless, flogging was carried out in Singkil, especially in gambling cases. Specifically in Singkil, there is a unique case where the existence of Islamic Sharia functions as one of the conditions for a village head to be able to read the Koran. This condition trapped several village head candidates who could not read the Koran, temporarily changing their resident identity to become non-Muslim. Indeed, the rules for non-Muslims in Sharia regulations have not been regulated (Bakri, 2020).

At the time of data collection through Focus Group Discussion (FGD), which was held in West Aceh, involving several participants as research informants. One of the participants representing the Islamic Sharia Office sued imagination and hopes for Islamic Sharia. According to him, Islamic Sharia in Aceh is far from idealistic expectations. As a government official, he sees that budgeting for implementing Islamic Sharia in Aceh is very limited. Some sharia violations cannot be executed due to a lack of budget. So far, the formalization of Islamic law has depended on the budget. Starting from the operation of the Sharia police (red; WH) in the field to the execution of violations of Islamic law, which require a lot of money, such as whipping, which must pay the executors (*algojo*) and other committees involved.

According to the FGD participants, who are also government officials in West Aceh (Aceh Barat) who are now working within the Islamic Sharia Office and previously in a sub-district in West Aceh, the discourse on Islamic Sharia in Aceh is still limited to mere formalization, because, in the field, government officials and the community are far from the ideals of symbols and sharia values. Corruption and other violations still exist.

One of the representatives of the *Teungku Dayah*, who was still a teenager who took part in the FGD when collecting data for this study, gave



a normative statement. According to him, the application of Islamic Sharia in Aceh is still far from the ideal of ritual practices such as congregational prayers and others. In fact, according to him, one of the Sharia orders is prayer, so regulations for prayer rituals must be tightened to measure indicators of the success of Islamic Sharia in Aceh. For the cleric his age, the Sharia is only interpreted in a way and *fiqh* context.

When interviewed, many *Teungku Dayah* often redefine the meaning of sharia in terms of *Fiqh*. They invite researchers to understand sharia epistemologically, which comes from the Arabic *syara'a*, which means the straight path. Indirectly, they agreed on the importance of Islamic Sharia in Aceh as an Islamic path, even though its implementation had not been maximized. As from several previous studies, the word *syara'a* existed before Islam was present in Arab society. This word is also found in the Torah and the Bible (Mujiburrahman, 2016). In his study of Islamic *maqasid*, Anton Jamal stated that one of the obstacles to sharia has not been running optimally because it is not based on the *maqasid* principle, which forms the basis of legal provisions. Moreover, Islamic Sharia, aimed at Muslims, is valid forever and seeks to realize the benefit of humans (Jamal, 2021).

This condition is also described by Marzi Affriko (47 years), a researcher concerned with Islamic Sharia in Aceh. According to him, the failure of Islamic Sharia in Aceh was due to ignoring the *maqasid* indicator, which should have been passed down in every policy from the Aceh Government. Aceh does not yet have a hand in implementing sharia that integrates the values of the sharia itself, which aims to benefit Acehnese people and people who live in Aceh.

#### **D. Conclusion**

Implementing Islamic Sharia in Aceh for twenty years has given rise to various interpretations from local communities and religious actors, especially in resolving Islamic Sharia violations. Many people choose the customary approach and local wisdom in handling violations of Islamic law because they are seen as more efficient and capable of providing a deterrent



effect for perpetrators of violations. For some traditional leaders, the community, and *Teungku Dayah* as a patron who is respected by the community, the selection of local wisdom models in resolving violations of Islamic law can be understood as an effort to maintain a sense of humanity, especially shame and shame. Local wisdom is a model for solving criminal violations of Islamic law in Aceh.

This study finds the function of local wisdom to be an essential part of the context of the discourse on the implementation of Islamic Sharia in Aceh, which has not been recognized as an alternative to enforcing Islamic Sharia in Aceh. In addition, the interpretation of the settlement of cases of violations of Islamic Sharia in Aceh has various meanings by the community. Society is not always guided by *qanuns* and formalized Islamic Sharia regulations.

Customs and local wisdom as attitudes and community actions in responding to violators of Islamic Sharia norms can enrich previous studies on Islamic Sharia in Aceh. In addition, among the significant findings is that implementing Islamic Sharia in Aceh for twenty years has not had the maximum impact and ideal ideals, as expressed by the *Teungku Dayah* in South West Aceh. Even so, having solid and similar principles, implementing Islamic Sharia in Aceh is a historic mandate. However, it is not perfect and far from ideal ideals; its existence must be supported. This condition shows the emotion of the Islamic Sharia from the powerful *dayah*.

On the West-South border or Border Aceh area, Islamic Sharia is often used as social capital for identity, reinforcing the domination of the majority in several aspects, especially regarding the construction of non-Muslim houses of worship, which are suspected of never having had permits. Finally, from the perspective of upholding customary law and local wisdom in resolving Islamic Sharia disputes, everyday officials, *Teungku Dayah*, and the community see normal conditions. The historical reason disclosed was that Aceh's *adat* and law (sharia) had always been integrated. Moreover, implementing Islamic Sharia in Aceh often has to be bogged down by budgetary issues, especially in imposing sanctions on violators who always require a budget from the local government.



## Bibliography

- Abbas, S., & Murziqin, R. (2021). Sharia-Based Regional Regulations in the Indonesian National Law System. *Jurnal Ilmiah Peuradeun*, 9(3), 529-548. <https://doi.org/10.26811/peuradeun.v9i3.673>
- Alyasa' Abubakar, & Halim, M. (2011). *Hukum Pidana Islam di Aceh*. Dinas Syariat Islam.
- Al-Fairusy, M., & Abdullah, I. (2020). "Enda Kalak Singkel" Strengthening Consciousness of Community Identity of Aceh's Border; Ethnic Contestation and Religion in Singkil. *Jurnal Ilmiah Islam Futura*, 20(2), 196-2010. <https://doi.org/10.22373/jiif.v0i0.6862>.
- Ali, H. (2007). *Peranan Wilayatul Hisbah dalam Rangka Pelaksanaan Syariat Islam di Aceh*.
- Badan Pusat Statistik Provinsi Aceh. (n.d.). *Persentase Penduduk Miskin 2021-2023*.
- Bakri, N. (2020). The Territorial Principles in Islamic Criminal Law: Should A Non-Muslim Be Punished? *International Journal of Innovation, Creativity and Change*, 13(8), 486-504. [https://www.ijicc.net/images/vol\\_13/Iss\\_8/13835\\_Bakri\\_2020\\_E\\_R.pdf](https://www.ijicc.net/images/vol_13/Iss_8/13835_Bakri_2020_E_R.pdf).
- Corbin, J., & Strauss, A. (2008). *Basic of Qualitative Research; Techniques and Procedures for Developing Grounded Theory (3rd ed)*. Sage.
- David, K. (2014). In the Name of Syariah? Vigilante Violence, Territoriality, and Moral Authority in Aceh, Indonesia. *JSTOR, Indonesia*, (98), 59-90. <https://doi.org/10.5728/indonesia.98.0059>.
- G., R., & DJ., G. (2003). *Teori Sosiologi Modern. Kencana. Kencana*.
- Geertz, C. (2019). *Tafsir Kebudayaan (Refleksi Budaya)*. Kanisius.
- Ibrahim, F. M. N. (2002). *Syariat di Wilayah Syariat, Pernik-Pernik Islam di Nanggroe Aceh Darussalam*. Dinas Syariat Islam.
- Ichwan, M. N., Salim, A., & Srimulyani, E. (2020). Islam and Dormant Citizenship: Soft Religious Ethno-Nationalism and Minorities in Aceh, Indonesia. *Islam and Christian-Muslim Relations*, 31(2), 215-240. <https://doi.org/10.1080/09596410.2020.1780407>.
- Indra, R., Ritonga, M., & Santosa, F. (2023). Government Control of Islamic Ideology Movement: A Case of Indonesia. *Journal of Al-Tamaddun*, 18(1), 129-144. <https://doi.org/10.22452/JAT.vol18no1.11>

- Ismail, B. (2017). *Nilai-Nilai Adat Aceh Sebagai Potensi Spirit Pembangunan Kesejahteraan (Refleksi Otobiografi)*. Majelis Adat Aceh.
- Ismail, B., & Dkk. (2018). *Ensklopedia Budaya Adat Aceh*. Majelis Adat Aceh.
- Ismail, B., & (Ed), D. (2018). *Pedoman Peradilan Adat di Aceh untuk Peradilan Adat yang Adil dan Akuntabel*. Majelis Adat Aceh.
- Jamal, A. (2021). *Maqasid Al-Syari'ah dalam Dinamika Pemikiran Hukum Islam* (M. Afriko, Ed.). Lhee Sagoe Press.
- Jarudin, J., Hermawati, H., Yudhiani, W., Rama, A. S., & bin Samsudin, M. A. (2023). The Formalization of Islamic Attire for Students: Differentiation of Discrimination and Intolerance Paradigms in the Case of Perkada Sharia in West Sumatra. *JURIS (Jurnal Ilmiah Syariah)*, 22(1), 81-92. <http://dx.doi.org/10.31958/juris.v22i1.8606>
- Kamaruzzaman Bustamam-Ahmad. (2017). Studi Hukum Islam dengan Pendekatan Antropologi. *Istiqro*, 15(01), 1-26.
- Manan, A., & Salasiyah, C. (2021). Evaluating the Implementation of Sharia in Aceh, Indonesia. *Jurnal Ilmiah Peuradeun*, 9(3), 549-566. <https://doi.org/10.26811/peuradeun.v9i3.593>
- Mujiburrahman. (2016). *Pendidikan Berbasis Syariat Islam*. Zahir Publishing.
- Nurdin, A. (2013). Revitalisasi Kearifan Lokal Di Aceh: Peran Budaya dalam Menyelesaikan Konflik Masyarakat. *Analisis*, 13(1), 135-154.
- Nurdin, A., & Dkk. (2011). *Syari'at Islam dan Isu-isu Kontemporer* (S. Bahri, Ed.). Dinas Syariat Islam.
- Pahlawi, A. (2004). *Implementasi Syariat Islam dalam Program Penyiaran Musik dan Nyanyian Melalui Media Radio Siaran di*.
- Ridha, M., & (Ed), D. (2017). *Peumat Jaroe; Proses Mediasi Menuju Harmoni dalam Masyarakat Aceh*. Lhee Sagoe Press.
- Ridwan, N. A. (2007). Landasan Keilmuan Kearifan Lokal. *Ibda*, 5(1).
- Riezal, C., Joebagio, H., & Susanto, S. (2019). Kontruksi Makna Tradisi Peusijuek dalam Budaya Aceh. *Jurnal Antropologi: Isu-Isu Sosial Budaya*, 20(2), 145-155. <https://doi.org/10.25077/jantro.v20.n2.p145-155.2018>.
- Spradley, J. P. (1997). *Metode Etnografi (terjemahan)*. PT. Gramedia.



- Susanto, E., Zubir, Z., & Harjanti, F. I. (2010). *Budaya Konflik dan Jaringan Kekerasan, Pendekatan Penyelesaian Berdasarkan Kearifan Lokal Minangkabau*. Insist Press.
- Usman, N., AR, M., Syahril, Irani, U., & Tabrani ZA. (2019). The Implementation of Learning Management at the Institution of Modern Dayah in Aceh Besar District. *Journal of Physics: Conference Series*, 1175(1), 012157. <https://doi.org/10.1088/1742-6596/1175/1/012157>
- Zada, K. (2023). Sharia and Islamic state in Indonesia constitutional democracy: an Aceh experience. *Ijtihad: Jurnal Wacana Hukum Islam dan Kemanusiaan*, 23(1), 1-18. <https://doi.org/10.18326/ijtihad.v23i1.1-18>