

ISLAMIC LAW IMPLEMENTATION IN ACEH AND CHALLENGES IN THE ERA OF LIBERAL ECONOMICS AND POLITICS

Azahar Kasim¹, Muhammad Yusran Hadi¹

¹Universiti Utara Malaysia, Malaysia

²Universitas Islam Negeri Ar-Raniry Banda Aceh, Indonesia

Email: w_azahar@uum.edu.my

Abstract

Since its declaration on 1 Muharram 1423 H, or coinciding with 15 March 2002, Islamic law in Aceh has been under the spotlight. Islamic Sharia, which was revealed by Allah SWT, should be understood as a perfect rule and become rahmatan lil'alam. Instead, it gets opposition from some Muslims who are secular and anti-Sharia. Some Muslims today, especially leaders and intellectuals in Aceh who claim to be critical but do not have adequate knowledge about Islamic law, dare to reject God's law (sharia). Various negative issues and *sub-issues* are put forward. Among other things, Islamic sharia in Aceh is not in accordance with human nature. In addition, the implementation of sharia in Aceh is said to have been hasty, without careful thought and preparation. This paper attempts to refute these allegations. Whether we realise it or not, negative accusations against the implementation of Islamic sharia in Aceh not only destroy Islamic sharia itself, but also go against the law of God (Allah SWT) and human nature. The accusation that Islamic law in Aceh is incompatible with human nature is a fallacy. Islamic Sharia in Aceh, wherever and whenever, is in accordance with human nature. With Islamic law, human beings discover their nature as servants of Allah and *caliphs* on earth. Therefore, Islamic law was revealed to guide and protect this human nature so that it does not deviate and is not tyrannised. In addition, this paper also refutes the accusation that Islamic sharia in Aceh was implemented in a hurry. In fact, Islamic sharia in Aceh has been implemented since ancient times, when the kingdom of Aceh was first established. However, the implementation of Sharia was carried out in stages at this time. That is why, in the beginning, its scope was limited only to certain areas. For example, in criminal law, it only applies to jarimah khamar, gambling, and khalwat / adultery with ta'zir punishment. The next stage is the application of hudud punishment in the case of jarimah hudud. This is the concept of tadaruj that characterises Islamic law itself.

Keywords: Aceh, Sharia Islam, Liberalism, Opportunities and Challenges

Abstrak

Sejak dideklarasasi pada tanggal 1 Muharram 1423 H atau bertepatan dengan tanggal 15 Maret 2002, syariat Islam di Aceh menjadi sorotan tajam berbagai kalangan. Syariat Islam yang diturunkan Allah Swt seharusnya dipahami sebagai aturan yang sempurna dan menjadi *rahmatan lil'alam*, justru mendapat pertentangan dari sebahagian orang Islam yang notabenenya merupakan orang sekuler dan anti syariat. Sebahagian ummat Islam saat ini, terutama para pemimpin dan kalangan intelektual di Aceh yang mengaku kritis tapi tidak memiliki keilmuan yang memadai tentang syariat Islam, berani menolak hukum Allah (syariat). Berbagai isu negatif dan *syubhat* dikemukakan. Di antaranya, syariat Islam di Aceh tidak sesuai dengan fitrah kekinian manusia. Selain itu, pemberlakuan syariat di Aceh dikatakan tergesa-gesa, tanpa ada pemikiran dan persiapan yang matang. Tulisan ini mencoba membantah syubhat dan tuduhan tersebut. Disadari atau tidak, tuduhan negatif terhadap penerapan syariat Islam di Aceh tidak hanya menghancurkan syariat Islam itu sendiri, tapi juga melawan hukum Tuhan (Allah Swt) dan fitrah manusia. Tuduhan bahwa syariat Islam di Aceh tidak sesuai dengan fitrah manusia adalah sebuah kekeliruan. Syariat Islam di Aceh, dimanapun dan kapanpun sangat sesuai dengan fitrah manusia. Dengan syariat Islam, manusia menemukan fitrahnya sebagai hamba Allah dan *khalifah* di muka bumi. Oleh karena itu, syariat Islam diturunkan untuk membimbing dan melindungi fitrah manusia ini agar tidak menyimpang dan tidak pula dizhalimi. Selain itu, tulisan ini juga membantah tuduhan bahwa syariat Islam di Aceh dilaksanakan dengan tergesa-gesa. Padahal, syariat Islam di Aceh sudah diterapkan sejak zaman dulu, zaman kerajaan Aceh. Walaupun demikian, penerapan syariat saat ini dilakukan secara bertahap. Itu sebabnya, pada awal mulanya, ruang lingkupnya hanya terbatas pada bidang-bidang tertentu. Misalnya, dalam hukum pidana hanya berlaku untuk *jarimah* khamar, judi dan khalwat/zina dengan hukuman ta'zir. Tahapan berikutnya pemberlakuan hukuman hudud dalam kasus jarimah hudud. Inilah konsep tadarruj yang menjadi karakteristik syariat Islam itu sendiri.

Katakunci: Aceh, Syariat Islam, Liberalisme, Peluang dan Tantangan

INTRODUCTION

Like a wave that experiences ups and downs, the struggle of the people of Aceh to obtain legality in the implementation of Islamic law has encountered various obstacles and barriers. The desire of the people of Aceh and its government to enforce Islamic sharia in a *kaffah* (comprehensive) manner has

undergone a long period, namely since Aceh's joining of the framework of the Republic of Indonesia. This desire can be seen from their persistent and tireless struggle. However, before the formation of the Unitary Republic of Indonesia, the Islamic kingdoms of Aceh had made Islamic law the rule of life in the context of state and society. It is this historical reality that has given spirit and strength to the people of Aceh in their struggle to demand the implementation of Islamic sharia in Aceh since joining the Republic of Indonesia.¹

Implementing Islamic Sharia in Aceh through Law No. 44/1999 on the Special Autonomy of Aceh and Law No. 11/2006 on the Government of Aceh is a historical mandate that must be maintained and passed on from one generation to the next. The implementation of Islamic Sharia in Aceh is a blessing from Allah for which we should be grateful.²

Unfortunately, some people who claim to be Muslim are not grateful for this blessing. At a time when Aceh has received the legality to implement Islamic sharia in all aspects of Acehnese life, there are those who are anti-sharia. The implementation of Sharia in Aceh was challenged and attacked by them. Various negative criticisms and subhabats have been addressed regarding the implementation of Islamic Sharia in Aceh.³

Among those who are anti-sharia and attack Islamic law in Aceh is Masrianto, in his opinion piece in *Serambi Indonesia* (29/5/2009) entitled *Sharia vs God*. This title implies that there is an opposition between Islamic law and God. He also said that Islamic sharia is not needed if it is not in accordance with human nature, as he took several opinions about human nature. Furthermore, he says that the implementation of Islamic law in Aceh is too hasty.⁴ Masrianto's article needs to be reviewed so as not to cause misunderstanding in the community.

This paper aims to refute this rumour that has been circulating in the community by explaining that the Islamic Shari'ah is in accordance with human

¹ Muhammad Achyar, Chairul Fahmi, and Riadhus Sholihin, "ISLAMIC LAW REVIEW OF MONOPOLY PRACTICES IN MODERN ECONOMICS," *Al-Mudharabah: Jurnal Ekonomi Dan Keuangan Syariah* 5, no. 2 (2024): 288-308.

² Puja Ansari and Intan Quratul Aini, "Implementation of DSN-MUI Fatwa Number 108/DSN-MUI/X/2016 Concerning Halal Tourism at Tuan Tapa Tourism, South Aceh," *AJIEL - Ar-Raniry Journal of Islamic Economic Law* 1, no. 1 (June 30, 2024): 54-75.

³ Chairul Fahmi, "Revitalisasi Penerapan Hukum Syariat Di Aceh (Kajian Terhadap UU No.11 Tahun 2006)," *Tsaqafah: Jurnal Peradaban Islam* 8, no. 2 (May 3, 2016): 295-309, <https://doi.org/10.21111/tsaqafah.v8i2.27>.

⁴ *Serambi Indonesia*, 29/05/2009

nature and is not rushed. For this reason, it is important to first revisit the meanings of the keywords sharia, fitrah, and worship, so that the subsequent discussion is not based on superficial notions. Moreover, the meaning of sharia mentioned by Masrianto is superficial, namely the way/method of thanking. In fact, if studied further, it is not enough to use this definition to discuss the issue of Sharia.⁵

The word sharia is a masdar form of "syara'a-yasyra'u" - syar'un" etymologically means the way to the place of irrigation or the place where the river flows.⁶ Alternatively, it is derived from "ash-shir'ah" and "ash-shariah", meaning the place where the water source is uninterrupted. Later, the word sharia was used by the Arabs to mean a straight path. In "Mufradat Alfaazh al-Quran", ar-Raghib Al-Ashfahani writes that "ash-shar'u" is the direction of a clear path. Later, it was used as a name for the direction of the path, and it was called "shir'un", "shari'un", and "shari'ah". Then it was used for the path of God.⁷

The change in meaning from the original meaning of "water source" to the meaning commonly used by the Arabs, namely "straight path", according to the author, has a reason, because the two have something in common. The source of water is a means of life. All creatures on Earth need water to live. Likewise, the "straight path" contains the intention and meaning as a guide to goodness and salvation of both body and soul. The straight path is what humans must travel to achieve safety and happiness in life. This includes the words of Allah: "*Then we made you on the shari'ah (straight path) of that affair (religion), so follow that shari'ah, and do not follow the lusts of those who do not know*".

In terminology, the scholars have defined it with several definitions. Among them, Abu Isaac Ash-Syatibi gave the definition of Sharia as follows, "Sharia is giving restrictions to the mukallaf in their actions, words and beliefs."⁸

Meanwhile, according to the definition of Sharia according to Muhammad Salam Madkur, "Sharia is the law that has been determined by Allah for His

⁵ Chairul Fahmi, "The Impact of Regulation on Islamic Financial Institutions Toward the Monopolistic Practices in the Banking Industrial in Aceh, Indonesia," *Jurnal Ilmiah Peuradeun* 11, no. 2 (May 30, 2023): 667-86, <https://doi.org/10.26811/peuradeun.v11i2.923>.

⁶ Ibn Manzhur, *Lisan al-'Arab*, (Beirut: Dar al-Fikr, 1990), vol. VIII, pp. 175.

⁷ Ar-Raghib Al-Ashfahani, *Mufradat Alfaazh al-Quran*, (Damascus: Dar al-Qalam, 1992), pp. 450.

⁸ Ash-Syatibi, *al-Muwaafaqat fii Ushul ash-Shari'ah*, tahqiq: Abdullah Diraaz (Egypt: al-Maktabah At-Tijaariyyah al-Kubra, tth), vol. I, pp. 88.

servants, so that they become believers, charitable and pious in their lives, both with regard to actions, beliefs, and morals.⁹

According to Manna' Khalil al-Qathan, "Sharia is what Allah Swt has determined for His servants, both regarding creed, worship, morals, muamalat and other orders of life, with all its various branches in order to realise happiness both in this world and in the hereafter.¹⁰

The definition of sharia put forward by several scholars above is sharia in a broad sense, because it includes aspects of worship, morals and practice. In this sense, sharia is also called *ad-din* or *al-millah* (religion).¹¹

However, sharia is also sometimes devoted only to practical aspects. Mahmud Syaltut, for example, in his book *al-Islam Aqidah wa Shari'ah*, says that *Shari'ah* is the rules set by Allah for His servants to follow in their relationship with Allah, their relationship with their fellow Muslims, their relationship with their fellow human beings, their relationship with the universe and their relationship with life.¹²

The definition of sharia put forward by Mahmud Syaltut above clearly shows only one aspect of the aspects covered in the broad definition of sharia, namely, only the aspect of practice. This is further clarified in his expression elsewhere in the same book. According to Syaltut, the Prophet Muhammad had received the complete religious principles from his Lord, both regarding creed and sharia, as stated in the Qur'an. The application of these components is the key to the realisation of Islamic Shari'ah on the part of every Muslim.¹³

Meanwhile, according to Dr Yusuf Al-Qaradhawi in his book "*Fiqh Maqashid ash-Syariah*," he said, "*Sharia contains two meanings; First, all religious teachings which include creed, worship, morals, law, and muamalah*. In other words, sharia includes *ushul* and *furu'*, creed and deeds, as well as theory and application. It encompasses all aspects of faith (akidah), just as it encompasses other aspects such as worship, muamalah, and morals that Islam brought and

⁹ Muhammad Salam Madkur, *Al-Fiqh Al-Islami*, (ttp: Maktabah Abdullah wahbah, 1955), vol. I, pp. 11.

¹⁰ Manna' al-Qaththan, *At-Tasyri' wa al-Fiqh fi al-Islam*, (Cairo: Maktabah Wahbah, 1976), pp. 10.

¹¹ Chairul Fahmi, "Analysis Of Legal Aspects On Capital Investment Fraud In Indonesia," *Proceeding of International Conference on Sharia Economic Law (ICoShEL)* 1, no. 1 (September 9, 2024): 79-95.

¹² Mahmud Syaltut, *al-Islam Aqidah wa Shari'ah*, (ttp.: Dar al-Qalam, 1966), pp. 12.

¹³ Ibid. p. 77.

summarised in the Quran and As-Sunnah to be explained by scholars of fiqh, akidah, and morals. *Secondly*, the legal side of the religion, such as worship and muamalah, which includes the relationship and worship of Allah, and also includes the affairs of the family, community, ummah, state, law, and foreign relations.¹⁴

Based on the above, it is clear that the word sharia is used both in a broad sense, covering aspects of creed, morals, and practice, and in a narrow sense, covering only aspects of practice.

The use of the term sharia only with regard to the laws of practice is also intended to distinguish it from religion in a general sense, because religion is basically one and applies universally, while sharia applies to each ummah and differs between the current ummah and previous ummahs. Sharia is the law of practice that differs according to the different Messengers who brought it, and every sharia that comes later corrects and abrogates the one that came before it, whereas religion, namely the creed of monotheism, does not differ between the Messengers who were sent.

In later developments, the word sharia is often used to indicate Islamic laws, both those stipulated directly by the Qur'an and Sunnah, and those that have been interpreted by human thought (ijtihad). Although scholars provide an understanding of sharia by reviewing various aspects, the similarity that can unite the understanding of sharia above is that Islamic sharia is part of the totality of teachings sourced from revelation.

RESEARCH METHODS

This research is a qualitative research with a descriptive analysis approach. The main data is obtained from secondary data sources, namely from books, journals and articles related to the topic of this research. The author then analyses the various data using a content analysis approach and systematically describes them in a new conclusion on the topic of this research.¹⁵

¹⁴ Yusuf al-Qardhawi, *Fiqh Maqashid Syariah*, ed. Arif Munandar Riswanto (Jakarta, Pustaka al-Kautsar, 2007).

¹⁵ 2003037702 Muhammad Siddiq Armia, *Penentuan Metode Pendekatan Penelitian Hukum* (Banda Aceh: Lembaga Kajian Konstitusi Indonesia (LKKI), 2022), <https://repository.ar-raniry.ac.id/id/eprint/22862/>.

RESULTS AND DISCUSSION

Islamic Law as a form of Worship

In essence, humans were created by Allah to realise '*ubudiah* (servitude) in totality to Him. This is the purpose of the creation of man (servant), and with that meaning also underlies the application and implementation of Islamic law for the sake of a happy human life itself. Allah says: "*I have not created the jinn and mankind except to worship Me*" (Q.S. Adz-Dzariyat: 56).

What is meant by '*ubudiah* (worship) is submission and obedience to Allah Swt, loving, worshiping, and obeying Him. '*Ubudiah* requires two things, according to Ibn Taymiyyah, namely submission and love. And worship itself cannot be realised without total obedience to Allah.¹⁶

According to Ibn Taymiyyah, the definition of worship is everything that Allah loves and is pleased with, whether words or deeds that are outward or inward. Worship in this sense means obedience and submission to the laws (sharia) of Allah in all dimensions of life in total. A person is not entitled to the title of '*abdun* (servant) before his life is governed by the laws of Allah SWT. What is lawful for him is what Allah has made lawful, and what is unlawful is what Allah has made unlawful. He submits and obeys the guidance of Allah, overcomes his lusts, and keeps away from all forms of heart disease.¹⁷

This is the fitrah that Allah bestows upon man from the moment he is born to his mother, as mentioned in the hadith. Allah has created the human heart with this natural inclination, the call to faith (Q.S. Al-A'raf: 172).

As the Creator of humans and other creatures, Allah SWT knows their needs. As with a car maker, of course, he knows everything related to the car. This is also the case with humans. The One who knows everything related to him is the One who created him, namely Allah SWT. So it is natural and logical if Allah

¹⁶ Chairul Fahmi and Wira Afrina, "ANALYSIS OF LEGAL ASPECTS ON DEBT TRANSFER FROM CONVENTIONAL BANK TO SHARIA BANK POST THE APPLICATION OF QANUN ACEH NO. 11 OF 2018," *Al-Mudharabah: Jurnal Ekonomi Dan Keuangan Syariah* 4, no. 1 (July 23, 2023): 28–39.

¹⁷ Nabila Afriola and Cecep Sholeh Kurniawan, "PROVISION OF SAHARA SAVINGS BONUSES AT BANK ACEH SYARIAH BANDA ACEH BRANCH," *JURISTA: Jurnal Hukum Dan Keadilan* 7, no. 1 (June 30, 2023): 64–85, <https://doi.org/10.1234/jurista.v7i1.67>.

SWT gives rules and laws in human life. And it has always been proven that what Allah gives to His creatures is never wrong or mistaken.¹⁸

Islamic Law and Human Nature

By nature, human beings need rules and regulations (*tasyri'*) to regulate their relationships with each other and to clarify their rights and obligations. Otherwise, there would be chaos in society, and the strong would act arbitrarily to fulfill their ambitions, while the weak would feel oppressed by losing their rights. Moreover, the human soul is adorned with the love of materialism, which is subject to lust.¹⁹

In this case, Islamic Sharia is very compatible with human nature. In fact, human nature is basically inclined to Islam (*fitrah bertauhid*),²⁰ As Allah says, "*So set your faces straight to religion (Islam); (according to) the fitrah of Allah for He has created man according to it (fitrah). There is no change in the creation of Allah. (That is the straight religion, but most people do not know*" (QS. Ar-Ruum: 30).

Allah also says: "*(Remember) when your Lord brought forth the sons of Adam from their ribs, and Allah bore witness to their souls, saying: 'Am I not your Lord? They answered: 'Yes (You are our Lord), we bear witness. (We do this) so that on the Day of Resurrection you may not say: 'We (the Children of Adam) were ignorant of this (the Oneness of Allah).'*" (Q.S. Al-A'raf: 172).

From the two verses above, it can be understood that Allah created the human heart with a natural inclination, namely the call of faith. This tendency is called *fitrah*.²¹ The consequence of faith is the form of practice in accordance with the commands and avoiding the prohibitions of Allah, or in other words, the obligation to carry out the laws of Allah. This *fitrah* is created by Allah in humans since in the womb of his mother, then he was born into the world in a state of *fitrah*, based on the words of the Prophet PBUH: "*Every baby is born in a state of fitrah (pure). Then it is his parents who mould him or marry him.*" (H.R. Bukhari & Muslim).

¹⁸ Chairul Fahmi, "PRILAKU POLITIK PADA DEMOKRASI TRANSISI: Studi kasus di Provinsi Aceh pada pemilu 2014," *ARICIS PROCEEDINGS* 1, no. 0 (January 27, 2017), <https://doi.org/10.22373/aricis.v1i0.950>.

¹⁹ Muhammad Salam Madkur, op.cit., p. 13.

²⁰ Manna' al-Qathan, op.cit., p. 11.

²¹ Majdi Al-Hilali, *Ath-Thariq Ila Ar-Rabbaniyyah; Manhajan Wa Suluka*, translation (Jakarta: Maghfirah, 2001), pp. 16.

The history of humanity has recorded that the law of Allah, aka Islamic law, has succeeded in leading human beings to discover their human nature. For example, human love for the opposite sex is human nature. The desire to fulfil one's biological needs is a fitrah that Allah created in man, to maintain man's existence as a caliph on earth. Islam does not curb this biological desire. On the contrary, Islam has regulated how this fitrah is carried out in the right way, namely by getting married. Islam forbids humans to vent their biological desires in a way that is haram or violates fitrah, such as adultery, lesbianism, and homosexuality. Islam strictly forbids adultery because it is dirty and abominable. Allah says: "*And do not approach adultery. Verily, adultery is an abominable deed and a bad way*". (QS. Al-Isra': 32).

Shaykh Abdurrahman ibn Nashir As-Sa'di commented, "Allah swt has categorised zina as an abominable and filthy act. That is, adultery is considered abominable according to sharee'ah, reason, and fitrah because it is a violation of the rights of Allah, the rights of the wife, the rights of her family or husband, destroying the sanctity of marriage, disrupting the lineage, and destroying other arrangements²²

Imam Ibn al-Qayyim explained: "The words of Allah, the Almighty, which read: '*Say: My Lord has only forbidden abominable acts, whether apparent or hidden*' (Al-Maidah: 33), indicate that the essence of adultery is that it is abominable and unacceptable to the mind. And the punishment for adultery is linked to its abhorrent nature." He added: "Hence Allah says: "*And do not approach adultery. Verily, adultery is an abominable deed and an evil way.*" (QS. Al-Isra': 32) ²³

Another proof of the cruelty of adultery is the number of severe punishments imposed in the world on adulterers, both physical and moral punishments, which not only affect the perpetrator himself, but also the surrounding community. Similarly, Islam forbids lesbian and gay sex, because it violates human nature.

Another example of fitrah is that humans tend to love wealth. Therefore, Islam encourages its ummah to work hard and seek halal sustenance. Islam does not prohibit its followers from becoming rich. Even in the Hadith, the Prophet taught us to ask Allah to become rich. Of course, rich who are generous. So that

²² Abdurrahman As-Sa'di, *Tafsir Kalaam al-Mannaan*, (Kuwait: Jam'iyyat Ihya' at-Turats al-Islami, 2003), p. 629. 629.

²³ Ibn al-Qayyim, *At-Tafsir Al-Qayyim* (Beirut: Dar al-Kutub al-Ilmiyah, t.t), pp. 239.

other people get the blessing of his wealth with zakat, infaq and shadaqah from him.

Islam prohibits its followers from earning a living through unlawful means. Allah, "*And do not eat wealth among yourselves by unlawful means, and (do not) bribe with it the judges, so that you may eat some of the wealth of others by way of sin, while you know*" (Al-Baqarah: 188). Not only that, even Islam is very protective of this human nature (read: love of wealth) by providing strict sanctions against theft and corruption crimes that have violated people's rights by taking property unlawfully. Allah says, "*As for men and women who steal, cut off their hands (as) a recompense for what they have done and as a punishment from Allah.*" (Al-Maidah: 38).

This is the meaning of fitrah that is driven in Allah's words, "*Making beautiful in the sight of man the love of what is desirable in the form of women, children, wealth in the form of gold and silver, choice horses, cattle and fields of land. These are the pleasures of the world, and with Allah is a good return*" (Ali Imran: 14). At the end of this verse, Allah Swt reminds us with a very valuable reminder that only to Allah is the best place to return. This means that even though we have been created with such a nature, having taqwa to Allah by guiding and maintaining according to Allah's provisions is the way to salvation in this world and the hereafter.

As for man-made laws that are "imposed", they have proven to always fail to bring humanity to its authenticity and identity. Why? Because human law 'goes against' *sunnatullah* (God's law) which applies axiomatically and universally in this nature. Going against the law of Allah swt in the form of His sharia (read: Islamic sharia) is exactly the same as going against other laws of Allah in this nature, such as fire is hot, ice is cold, the young must be old, the living must die and so on.

From the above explanations, we can understand that Islamic law is in accordance with human nature. It does not contradict it in the slightest. The verses and hadiths above confirm that by fitrah humans are born to follow Islamic law. Hence, Islam is called the religion of fitrah (read: in accordance with fitrah). It becomes *rahmatan lill' alamin*. Therefore, it is irrelevant and even wrong if anyone claims that Islamic law is not in accordance with *futurah*.

In his book "*Bayyinat Al-Hal Al-Islami Wa Syubhat Al-'Ilmaaniyyin Wa Al-Mutagharribiin*", Yusuf Al-Qardhawi asserts that "Islam is a creed that is in accordance with fitrah, worship that nourishes the spirit, morals with which the soul becomes noble, manners with which life becomes beautiful, charity that

benefits humans, da'wah to give guidance to the universe, jihad in truth and goodness and advise each other in patience and compassion.²⁴

Islamic Sharia and the principle of *At-Tadarruj*

It is sunnatullah that everything is not immediately perfect without going through a process known as *at-tadarruj* (stages). *At-Tadarruj*, or *gradualisation*, is a necessity and reality in life. The process of a human's life from birth to the end of his life illustrates concretely how the process of gradualisation or *at-tadarruj* takes place. This also applies to the implementation of Islamic law in Aceh; the process of *tadarruj* is still necessary. Moreover, in its young age towards maturity, of course, in its implementation so far, there are still many imbalances and shortcomings that must be corrected.²⁵

However, we do not need to wait or delay the implementation of Sharia, which has been declared since 2002. This is not to say that the implementation of Islamic law in Aceh is "hasty". We need to be optimistic, not pessimistic, while improving all the shortcomings so far. Moreover, Aceh has a long historical background in the implementation of Islamic Sharia since the golden age of the Islamic kingdom in Aceh. So, the implementation of Sharia in Aceh today is not done in a hurry. Currently, the implementation of Islamic Sharia in Aceh has been going on for more than nine years, slowly and gradually.²⁶

As in *Sirah Nabawiyah*, the process and stages of the mission of da'wah of Islamic Sharia brought by the Prophet took place in stages, known as the first phase (in Mecca) and the second phase (in Medina). Presumably, this is what is not understood by Masrianto's brother in his writing entitled *Sharia vs God*, thus concluding that the implementation of Islamic sharia in Aceh is hasty and not in accordance with human nature, and must be totally corrected.²⁷

More clearly, the concept of *tadaruj* is clearly visible in the *prophetic sirah*. In Mecca, the Prophet emphasised da'wah on the issue of *tawhid* (faith). Given the

²⁴ Shaykh Yusuf Al-Qardhawi, *Bayyinat al-Hal al-Islami wa Syubhatu al-'Ilmaaniyyin wa al-Mutagharribin*, (Cairo: Maktabah Wahbah, 1993) p.180.

²⁵ Nanda Meilisa, "Kebijakan Restrukturisasi Pembiayaan Pada Pembiayaan Murabahah Bermasalah Di PT Bank Aceh Syari'ah Cabang Kuala Simpang" (PhD Thesis, Universitas Islam Negeri Ar-Raniry Banda Aceh, 2025), <https://repository.ar-raniry.ac.id/id/eprint/41921/>.

²⁶ Chairul Fahmi and Peter-Tobias Stoll, "Measuring WTO Approaches in Resolving Palm Oil and Biofuel Trade Disputes from Indonesia," *BESTUUR* 12, no. 2 (December 31, 2024), <https://doi.org/10.20961/bestuur.v12i2.94203>.

²⁷ *Serambi Indonesia*, 29/05/2009

position of faith in Islamic law, it is very *urgent* and strategic. Faith is like a foundation, while Sharia is like a building on it. If the foundation is not strong, the building will collapse. In this phase, the success of the Prophet in purifying and instilling Islamic aqidah is the main capital for the success of the mission to enforce Islamic sharia in Medina. The Makkah phase lasted approximately 13 years.²⁸

Furthermore, in the Medina period, the Prophet explained various aspects of law and morals. At this time, the Prophet focused on da'wah in the context of practice as a form of realisation of tawhid that had been fostered. Gradually, the Prophet established the laws (sharia) both in the form of *mahdhah worship* laws, such as prayer, fasting, zakat, hajj, and *muamalah* (social) laws, such as *Al-Ahkam as-Siyaasiyah* (political law), *al-Ahkam al-Iqtishaadiyyah* (economic law), *al-Ahkam al-Jina'iyyah* (criminal law), *Ahkam al-Ahwal ash-Syakhshiyyah* (civil law), *al-Ahkam ad-Duwaliyyah* (international law), and so on. This process and stage of *tashri* took 10 years. From this, it can be taken that it is not easy to change the traditions and paradigms of a society that used to be ignorant into an Islamic society. It needs a process of time and stages.

Sirah Nabawiyah, it is undeniable that the Prophet has successfully laid the foundation of the Islamic State since the beginning of the revelation of Islam. He had laid down a very neat government that fulfilled the needs of the people as an application of the revelation that was revealed to him. With his foresight, he was very aware that this society needed a system that regulated their lives. So he issued the Charter of Medina, which regulated rights and duties, responsibilities, general principles, and matters of immediate concern. With this charter, all communities can be nurtured.²⁹

This is where the urgency of studying the *Prophetic Sirah* appears. In his book "*Fiqh as-Sirah an-Nabawiyah*", Dr Ramadhan al-Buthi emphasises the importance of studying the Prophetic Sirah. According to him, the purpose of studying the Prophetic Sirah is not just to know an event and a story in history, but the most important thing is how a Muslim can describe the true nature of

²⁸ Chairul Fahmi et al., "The State's Business Upon Indigenous Land in Indonesia: A Legacy from Dutch Colonial Regime to Modern Indonesian State," *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 8, no. 3 (August 24, 2024): 1566-96, <https://doi.org/10.22373/sjhk.v8i3.19992>.

²⁹ Dr Muslih Abddul Karim, MA, *The Implementation of Islamic Sharia in Indonesia; Between Opportunities and Challenges*, pp. 26-28.

Islam as applied in the life of the Prophet, after first knowing the principles of Islam and its laws. In more detail, he explained the purpose of studying sirah nabawiyah, among others. The first was *to* understand the personality of the Prophet through his life activities and conditions at that time. *Secondly*, a person will find the Messenger of Allah as the best example in all aspects of life, so that it becomes a reference and guide for him. *Third*, studying the Sirah of the Prophet PBUH will help in understanding the Koran, because many verses are interpreted and explained by various events experienced by Rasullullah and his attitude towards these events. *Fourth*, by studying the Sirah, various tsaqafah and knowledge of the correct Islamic law will be collected, whether it concerns creed, law, and morals. *Fifth*, so that a muallim and da'i of Islam has a living sample in the methods of *tarbiah* and *ta'lim*.³⁰

Shaykh Musthafa Masyhur said, "Sirah is a golden age filled with every good value. It was a time of bounty, mercy, and light for mankind through the revelation to the Prophet. The Sirah is a concrete and true example of the realisation of Islamic teachings in human life. It is a time of revelation to the Prophet and his Companions, and it is a time of revelation to the Prophet and his Companions, and it is a time of revelation to the Prophet and his Companions, and it is a time of revelation to the Prophet and his Companions, and it is a time of revelation to the Prophet and his Companions, and it is a time of revelation to the Prophet and his Companions³¹

In the context of implementing Islamic law in Aceh, we must be able to reflect on the *sirah nabawiyah*. The Prophet's da'wah strategy - whether we want it or not - must be the main reference that must be referred to. The success of the Prophet's da'wah in upholding Islamic law in Medina is a reality that needs to be emulated. The key is patience and optimism in fighting for and implementing this noble sharia of Allah.

In his book "*Tarikh at-Tasyri' al-Islami*", Muhammad al-Khudhari Bik states that the stages of the application of sharia (*at-tadarruj fi at-tasyri'*) are one of the principles or basic principles of the establishment of Islamic law in the Qur'an. The wisdom is to explain the Sharia law and perfect it. For example, the chronology of the revelation of the Shari'ah regarding the prohibition of alcohol

³⁰ Ramadhan al-Buthi, *Fiqh as-Sirah an-Nabawiyah*, (Damascus: Dar al-fkr, 2008), pp.15-16.

³¹ Musthafa Masyhur, *Fiqh Dakwah*, transl. Abu Ridho et al (Jakarta: al-I'tishom, 2000), p.

and usury, which were previously the dominant traditions in the Jahiliyah society. The prohibition was carried out in stages and required a sufficient time process to be implemented by the companions of the Prophet.³² Therefore, it is natural that sharia in Aceh also goes step by step, so that it is finally kaffah. That is why, at the beginning of its implementation, in the case of certain criminal offences (such as khamar, gambling, and khalwat/mesum), the *ta'zir* law was applied, not the *hudud* law. This is the concept of *tadarruj*, which is the characteristic of Islamic Sharia itself.

So, it is very wrong if anti-Sharia people say that the implementation of Islamic law in Aceh is very hasty. In fact, the implementation of Islamic law does not need to wait for time. Because whenever we delay, the community will never be ready, especially if there are pessimistic people like those who are anti-sharia. According to the author, Islamic sharia should be implemented while continuing to be refined in its journey. What is clear is that nothing is perfect when in the early years of the implementation of Islamic law. The shortcomings can be corrected over time. In fact, the most difficult thing is to start something. We do not need to doubt and worry about the shubhat of the critics of sharia, both from Orientalists and Muslims themselves who are anti-sharia (liberals and secularists).

Prof. Dr. Wahbah Az-Zuhaili, in his book "Thatbiq Ash-Syariah al-Islamiyyah," asserts that Allah Swt did not send down His Shari'ah but to be practised and applied. In the same way, Allah has not limited His Shari'ah to a particular time or space; rather, it applies to all places and all times. Therefore, it is inappropriate for a Muslim to say that Sharia and the reality of life cannot be reconciled and integrated. Some people even think that some Islamic laws are not appropriate or suitable for modern life, and that if we implement Islamic law, we will face strong and harsh criticism from Western countries or people who have been contaminated by non-Islamic ideas.

The same thing happened, for example, when the Government of Sudan proclaimed the implementation of Islamic Sharia in the early 80s. At that time, newspapers, radio, television, and other media were so incessant in exposing such doubts and concerns, and it is still going on until now. According to Prof. Dr. Wahbah Az-Zuhaili, the concern about the emergence of criticism if Islamic

³² Muhammad al-Khudhari bik, *Tarikh At- Tasyri' Al-Islami*, (Beirut: Dar Fikr al-'Arabi, 1992), pp. 23.

Sharia is implemented is actually the words of orientalist who are non-Muslims, who do not want Islamic Sharia to be implemented in the Islamic world. Such concerns and doubts are excesses and expressions of weakness and helplessness of the Muslim ummah. The goal is that the giant power of Islam will rise again.

As for those who are optimistic about the religion of Allah with true faith, it is impossible to tolerate such pessimistic expressions. The true Muslim fears only Allah. He will say and proclaim the obligation to implement the law of Allah Swt (Islamic Sharia), even though other ummah and nations sneer and criticise (read: dislike).

CONCLUSION

Islamic Sharia is needed by Muslims in Aceh and wherever Muslims live, because Islamic Sharia is in accordance with human nature. It is a fitrah and sunnatullah that humans must submit totally to Islamic law (the law of Allah Swt). This means that human life is in line with the existence of the universe, which is also in total submission to the rules and laws of Allah SWT (see: Ali Imran: 83). Life without Sharia is like life without rules and guidance. So you can imagine how chaotic the lives of individuals, communities, and countries that do not implement Islamic law are. Sins and crimes are rampant at all times, calamities and punishments continue to befall, Aids, swine flu, and various other dangerous diseases are endemic. That is the reality that we experience today. Therefore, the implementation of Sharia should not be delayed, but must be carried out slowly and gradually according to the conditions and situation of the community. Hopefully, with the implementation of Islamic Sharia in Aceh, it will be a solution to various crimes and social diseases that are troubling the people of Aceh and make Aceh a country that is blessed by Allah SWT. In addition, Aceh is expected to be a model example in enforcing Islamic law throughout Indonesia.

REFERENCES

- Achyar, Muhammad, Chairul Fahmi, and Riadhus Sholihin. "ISLAMIC LAW REVIEW OF MONOPOLY PRACTICES IN MODERN ECONOMICS." *Al-Mudharabah: Jurnal Ekonomi Dan Keuangan Syariah* 5, no. 2 (2024): 288–308.
- Afriola, Nabila, and Cecep Sholeh Kurniawan. "PROVISION OF SAHARA SAVINGS BONUSES AT BANK ACEH SYARIAH BANDA ACEH

- BRANCH." *JURISTA: Jurnal Hukum Dan Keadilan* 7, no. 1 (June 30, 2023): 64–85. <https://doi.org/10.1234/jurista.v7i1.67>.
- Ansari, Puja, and Intan Quratul Aini. "Implementation of DSN-MUI Fatwa Number 108/DSN-MUI/X/2016 Concerning Halal Tourism at Tuan Tapa Tourism, South Aceh." *AJIEL - Ar-Raniry Journal of Islamic Economic Law* 1, no. 1 (June 30, 2024): 54–75.
- Abdurrahman As-Sa'di, *Tafsir Kalaam al-Mannaan*, (Kuwait: Jam'iyat Ihya' at-Turats al-Islami, 2003).
- Ar-Raghib Al-Ashfahani, *Mufradat Alfaazh al-Quran*, (Damascus: Dar al-Qalam, 1992).
- Ash-Syatibi, *al-Muwaafaqat fii Ushul ash-Shari'ah*, tahqiq: Abdullah Diraaaz (Egypt: al-Maktabah At-Tijaariyyah al-Kubra, tth).
- Fahmi, Chairul. "Analysis Of Legal Aspects On Capital Investment Fraud In Indonesia." *Proceeding of International Conference on Sharia Economic Law (ICoShEL)* 1, no. 1 (September 9, 2024): 79–95.
- — —. "PRILAKU POLITIK PADA DEMOKRASI TRANSISI: Studi kasus di Provinsi Aceh pada pemilu 2014." *ARICIS PROCEEDINGS* 1, no. 0 (January 27, 2017). <https://doi.org/10.22373/aricis.v1i0.950>.
- — —. "Revitalisasi Penerapan Hukum Syariat Di Aceh (Kajian Terhadap UU No.11 Tahun 2006)." *Tsaqafah: Jurnal Peradaban Islam* 8, no. 2 (May 3, 2016): 295–309. <https://doi.org/10.21111/tsaqafah.v8i2.27>.
- — —. "The Impact of Regulation on Islamic Financial Institutions Toward the Monopolistic Practices in the Banking Industrial in Aceh, Indonesia." *Jurnal Ilmiah Peuradeun* 11, no. 2 (May 30, 2023): 667–86. <https://doi.org/10.26811/peuradeun.v11i2.923>.
- Fahmi, Chairul, and Wira Afrina. "ANALYSIS OF LEGAL ASPECTS ON DEBT TRANSFER FROM CONVENTIONAL BANK TO SHARIA BANK POST THE APPLICATION OF QANUN ACEH NO. 11 OF 2018." *Al-Mudharabah: Jurnal Ekonomi Dan Keuangan Syariah* 4, no. 1 (July 23, 2023): 28–39.
- Fahmi, Chairul, and Peter-Tobias Stoll. "Measuring WTO Approaches in Resolving Palm Oil and Biofuel Trade Disputes from Indonesia." *BESTUUR* 12, no. 2 (December 31, 2024). <https://doi.org/10.20961/bestuur.v12i2.94203>.
- Fahmi, Chairul, Peter-Tobias Stoll, Shabarullah Shabarullah, Malahayati Rahman, and Syukri Syukri. "The State's Business Upon Indigenous Land in Indonesia: A Legacy from Dutch Colonial Regime to Modern Indonesian State." *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 8,

no. 3 (August 24, 2024): 1566–96.

<https://doi.org/10.22373/sjkh.v8i3.19992>.

- Meilisa, Nanda. “Kebijakan Restrukturisasi Pembiayaan Pada Pembiayaan Murabahah Bermasalah Di PT Bank Aceh Syari’ah Cabang Kuala Simpang.” PhD Thesis, Universitas Islam Negeri Ar-Raniry Banda Aceh, 2025. <https://repository.ar-raniry.ac.id/id/eprint/41921/>.
- Muhammad Siddiq Armia, 2003037702. *Penentuan Metode Pendekatan Penelitian Hukum*. Banda Aceh: Lembaga Kajian Konstitusi Indonesia (LKKI), 2022. <https://repository.ar-raniry.ac.id/id/eprint/22862/>.
- Muslih Abddul Karim, MA, *The Implementation of Islamic Sharia in Indonesia; Between Opportunities and Challenges*.
- Ibn Manzhur, *Lisan al-'Arab*, (Beirut: Dar al-Fikr, 1990).
- Ibnul Qayyim, *At-Tafsir Al-Qayyim* (Beirut: Dar al-Kutub al-Ilmiah, t.t).
- Koran *Serambi Indonesia*, 29/05/2009
- Mahmud Syaltut, *al-Islam Aqidah wa Shari'ah*, (ttp.: Dar al-Qalam, 1966).
- Majdi Al-Hilali, *Ath-Thariq Ila Ar-Rabbaniyyah; Manhajan Wa Sulukan* (translation) (Jakarta: Maghfirah, 2001).
- Manna' al-Qaththan, *At-Tasyri' wa al-Fiqh fi al-Islam*, (Cairo: Maktabah Wahbah, 1976).
- Muhammad al-Khudhari bik, *Tarikh At- Tasyri' Al-Islami*, (Beirut: Dar Fikr al-'Arabi, 1992).
- Muhammad Salam Madkur, *Al-Fiqh Al-Islami*, (ttp: Maktabah Abdullah wahbah, 1955).
- Musthafa Masyhur, *Fiqh Dakwah*, transl. Abu Ridho et al (Jakarta: al-I'tishom, 2000).
- Ramadhan al-Buthi, *Fiqh as-Sirah an-Nabawiyah*, (Damascus: Dar al-fkr, 2008).
- Shaykh Yusuf Al-Qardhawi, *Bayyinat al-Hal al-Islami wa Syubhatu al-'Ilmaaniyyin wa al-Mutagharribin*, (Cairo: Maktabah Wahbah, 1993).
- Yusuf al-Qardhawi, *Fiqh Maqashid Syariah*, ed. Arif Munandar Riswanto (Jakarta, Pustaka al-Kautsar, 2007).