

# NON MUSLIM UNDER THE REGULATION OF ISLAMIC LAW IN ACEH PROVINCE

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## **ABSTRACT**

The purpose of this research is to explore how non-Muslim minorities perception to regulation of Islamic Law in Aceh Province, Indonesia. This is important because since 2001, the province of Aceh, is the only one in the republic of Indonesia to carry out Islamic Law by the local government.

The data of research was collected from 193 respondents (102 males and 91 females) in 7 districts in Aceh Province by using questionnaires and interviews. Data were analyzed by descriptive statistics performed using SPSS/PC Ver.13.00.

Results indicated that 96% of respondents are non-Muslim communities in Aceh Province, who did not know that Islamic Law in force in Aceh. So more of they are anxiety (51% of respondents) and worry to implementation Islamic Law in his town. There are 17% non-Muslims feel disturbed when they cannot justify in eating and drinking during the day the month of Ramadan. But most of them (76%) answered do not miss human rights. Using interviewed, also found more of non-Muslims are trying to adjust to the conditions and culture of local communities. Sometime they try to take advantage of the use of hijab/jilbab. Her hijab has made it look more beautiful, her face and hair more awake from the hot of sun.

From the research, there was a doubtful in the non Muslim in the implementation of the program. They are confusing about their existence. It comes from the negative information about the qanun syariah islam. Based on this condition, the local government need to do more socialization otherwise, it may a bias in the regulation. Especially for non-Muslim, they need a qanun that consist of regulation for non-Muslim who has been staying at Aceh Province. In addition, this qanun will make them understand about what they can do and cannot do.

**Keyword**: Perception, Non-Muslim, Islamic Syariah.

## A. Introduction

From the six religions in Indonesia, Islam has the biggest follower. Especially in Aceh, 98% of population is Muslim. As the biggest religion in Aceh, *syariah* (Islamic law) has important role in the society regulation. From the Acehnese perspective, every

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regulation has to refer to the *syariah*, including law of the country. But, from the perspective of central government, Acehnese has to refer the country's law (Safwan Idris: 2002).

Aceh, priding itself as the 'Verandah of Mecca' (Serambi Mekkah), has always been more devoutly Islamic compared with the rest of Indonesia. From the historical background we know that the culture of Acehnese inspired by Islamic faith, the religion that penetrated Aceh through peaceful means such as mutually beneficial trade since the first Islamic century (7<sup>th</sup> century CE), gradually developing into a community that aspires to peace within the framework of the sole religion of the Acehnese. The Acehnese not only accepted Islam wholeheartedly but also became the propagators of the religion in the archipelago and Southeast Asia (Tim Penyusun LAKA, 2000). This made Islam well-rooted in society so that it created an Acehnese Islamic culture and a governing power applying the *shari'ah* or Islamic law. Consequently, the interdependence between religion and state became ingrained in society, reflected in the popular expression "*Hukom ngen adat, lagee zat ngen sifeut*" — Religious Law and Custom cannot be separated, just like God's Essence and His Attributes (Hasymi, 1991; Denys, 1991, Asna Husin, 2002).

Since it began in 2000, the implementation of syariah in Aceh has prompted lively debate. Aceh's form of syariah is based on a series of regulations known as 'Qanun'. They provide both the substantive aspects of Islamic Syariah in Aceh as well as for the establishment of Islamic legal institutions such as the syariah courts and the Consultative Ulama Council (MPU) (Indra, 2007). Syariah Islam was implicitly recognized in the 2005 Memorandum of Understanding between the Republic of Indonesia and GAM (Nota Kesepahaman antara Pemerintah Republik Indonesia dan Gerakan Aceh Merdeka). Today Aceh remains the only province in Indonesia that has the legal right to apply Islamic law. The religious police – known formally as Wilayatul Hisbah (WH) – was initated in 2004 with a mandate to monitor compliance among Aceh's Muslim communities (Milallos, 2007).

# B. Implementation of syariah in Aceh Province

Following the Helsinky Peace accord, central government made special regulation for Aceh. By the 18/2001 act about the implementation of syariah in daily and formal life, central government gives Acehnese the right to implement the syariah to the daily life (Shaw, 2008; Uddin, 2010). The implication of the rule is the recognition of central government toward the implementation of syariah as one of the formal law in Aceh Province. So, after the rule, there are two kind of law in Aceh, the central government law, and the local government act about implementation of syariah (qanun). Based on the acts, local government implements the local policy based on its authorities. The qanun was stated as basic instrument in the implementation of Islamic rule. In addition, substantially there are two kind of qanun, the qanun that related to the religion-organization structure in Aceh Province and the qanun that was related to the implementation of syariah (Miller, 2006).

As one of the basic regulations, every citizen who have been lived at Aceh Province has to implement the rule in the daily live. It was not only for Islamic follower



(Muslim) but also non Islamic follower (non-Muslim). The problem arose in the qanun implementation process since not every person in Aceh Province in Muslim (see table 1 for the religion of Aceh Province people).

# C. Minority in Aceh Province

In the anthropology literature, the discussion about group tends to discuss about society problem (Barth, 1988). Based on this perspective, the problem in the society is around the process of population in the society to make them survive. The survival of society is not short term process; it can be the long term. Others characteristic in this perspective are about the same culture among the population in the society, the rule of communication and interaction, and the particular characteristics that make them different with other communities; there are some different characteristic in which we can differentiate with other population.

The context of minority in this paper is non-Muslim population who lived together with Muslim at Aceh Province. This research will discuss neither from socio cultural or area where they stayed, but will focus on the implementation the religion aspect only. In addition, this research will not discuss about Islam even though it will be complement in this research.

Statistically, non-Muslim in Aceh Province is minority, but the number of population increases significantly in each regency in Aceh Province, mostly after tsunami. Based on Aceh Province statistical bureau (2005), the number of non-Muslim is about 1.308% from the total of population in Aceh Province.

Table 1 Demographic data of Aceh Province by the religion

Religion	The Number of	% of Population
	Follower	
Islam	3 918 904	98.692
Christian	44007	1.108
Hindu	311	0.009
Buddha	6683	0.168
Kong Hue Chu	51	0,001
Other	897	0,022
Total	3 970 853	100

(Source: Aceh Province Statistical Bureau, 2005)

Actually, non-Muslim population who has been stayed at the authorities who implemented the Islamic rule is not a new issue since it was happened in Muhammad



era. Muhammad succeeds in the term of implementation Islamic rule to not only Muslin, but also non Muslim by using Medina charter. At that time there was a good tolerance between Muslim and non-Muslim. Medina charter consists of the basic regulation for society that it must be followed by every person who has been stay in Medina, Muslim or non-Muslim. The Medina Charter has been guarantee existence right, lived right, possessiveness and other social right. Furthermore, Abul a'la Al-Maududi (Ramadhan, 1993) said that if any non-Muslim has been stay in the area where the authorities has been implemented Islamic rule, the government have to guarantee their right (i.e. education right, occupancy right, speech right, socio-cultural right, and more important is right for following their religion).

In the Aceh Province case, there are some issues when local government wants to implement the Islamic Law. The majority critique is around the non-Muslim existence at Aceh Province area. They have been worried about the implementation of Islamic Syariahthat will influence their life. We can see this condition in the cases bellow.

First, the case that it come from the letter of MPG (Majelis Permusyawaratan Gereja, Church Representative) to Aceh Province Governor (the leader of Aceh Province) at 16<sup>th</sup> January 2002. The letter recommends the Governor to re-thinking about the implementation of *syariah* in Aceh Province considering the non-Muslim existence in Aceh Province. They worried about the implementation of the *syariah*, especially in the implementation the rule to non-Muslim. Other recommendation of the letter are: (1) government need to keep attention to the minority group (non-Muslim); (2) government need to guarantee the minority right; (3) in the name of neutrality, government do not involve police in the context of Islamic Syariah implementation.

Second, the news that came from the Dutch newspaper, DEUTSCHE WELLE (2007). The serious voice is about the critique to the Leader of Islamic Syariahin the Aceh Province when he was speaking about the Islamic Syariah that will be implemented to non-Muslim, it will tend to two aspect, non Muslim will be worried about the implementation and omissions from the previous campaign that syariah will implement in Muslim only.

The third critique comes from the Women NGOs when they comment about the regulation that regulates the women to use scarf. Based on the recent unannounced activity, they argued that for some times, the scarf unannounced activity is followed by negative actions (i.e. intimidation, hair-cutting, and clothes-scissoring). It was happened at Aceh Pidie, Aceh Tengah, Aceh Selatan, Aceh Utara, and in Banda Aceh city. The object of these actions is not only Muslim, but also non-Muslim (Aceh.Net, 2007).

From the previous examples we can make conclusions: there was a negative common perception in non-Muslim about the implementation of Islamic Syariahas a formal rule in Aceh Province. The perceptions come not only from individual's perception but also group perception. This is important because perceptions, especially individual's perceptions about some condition in the certain context can influence their behavior as a respond to the condition around them. It can be related with social psychology. In the context of social psychology, perception is individual response to object. After a certain process it will be followed by behavior. Bell said that individual



responses to object in the certain condition can influence their behavior in responding the condition. The negative perception can make uncomfortable, stress toward the environmental condition around them. Normally, human will do copying, adaptation to the environmental condition. If succeed, they will get easily adaptation, otherwise they will get continuity stressed. It can tend to the any anarchism action and any rejection from their society (Sarlito, 1999).

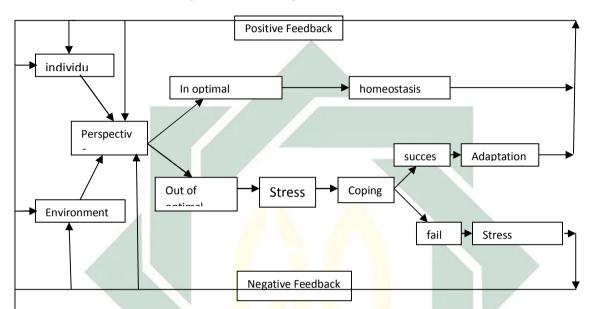


Figure: Bell's Diagram (Sarlito;1999).

According to Bell theorems and relating with the Aceh Province condition in perception, if any society is not comfortable and has negative perception to the implementation of Islamic Syariah(that was not good in socialization process), they will uncomfortable, depressed and under stress as a consequences of new condition. Normally, they will do *coping*. If succeed they can adopt and implement the rule and every thing will run well, otherwise they will get stress in the condition (implementation of Islamic Law). In the stress and under pressure conditions they possibly take the negative action as compensation to the negative perception. It can be rejection or disagreement action in the implementation of law.

# D. Non Muslim perception toward the syariah implementation process

There were some researches finding in the non-Muslim perceptions to implementation of Islamic Law. For example, the research was done by Safrilsyah (2004) on 30 non-Muslim in Kota Madya Banda Aceh and seven regencies at Aceh Province.

From the research, Safrilsyah found that 40% of the respondent have a perception that implementation of Islamic rule is worried. Majority of them will wait and see in the implementation of law. They are not comfortable with the unannounced examination of Muslim clothes and the scarf. Most of their kids (girl) have been bordering because they do not use scarf. Other problem is they can not interact with



their Muslim-neighbor. Finally they have perception that Muslim society around them do not ready in the application of law. They need to open-partnership and to see differences in a wise perspective. Then, 18% of respondents does not agree with the implementation of rule. It refers to their habit in wine drinking on the Batak Christian. From their childhood they usually do it. It seems like a culture in the society. They are not comfortable with the implementation.

Even though any uncomfortable, there is 60% of respondent stated that there is no problem in the implementation of Islamic Syariah in Aceh Province. Most of them have a slogan "dimana bumi dipijak, disitu langit dijunjung, (where we are, we use local culture clothing)". They understand about the consequences to stay at the Muslim area and also understand that the law is still in the socialization process even though they hope any holistic socialization, not only for Muslim but also non-Muslim. In addition, they hope government can use school, mosque, church and other public facility in order to socialite the law.

The objective of the second research is to analyze the non-Muslim perception to the implementation of Islamic Law. The research was done by Safrilsyah at.all, The research involved 193 respondents in 7 regencies in Aceh Province. The survey method was used in this research. It consist of five main question: (1) their understanding (knowing) about the law and qanun regulated the Islamic Syariah in ACEH PROVINCE; (2) the anxieties in the implementation of Islamic Law; (3) the non-Muslim tolerance about the implementation of rule; (4) the economic impact of the implementation of the law; and (5) the impact on the human right of non-Muslim. The result of survey can be seen in the table bellow.

Objectives			Not answer	
Understanding about the law	4% (did not know)	9 % (know)	0	Understand
Degree of anxieties	51% (strong and weak anxiety)	49% (not anxiety)	0	Anxiety
Non-Muslim tolerance's level	67% (high)	26% (low)	7%	Tolerance
The economic impact of regulation	47% (did not have economic impact)	41% (have economic impact)	12%	Disturbing
Human right perspective	76% (did not disturb human right)	17% (disturbing human right)	7%	Disturbing

From the both of research, we can assume understand that implementation of Islamic Syariah in Aceh Province can take a long time. The program needs socialization, holistic, re-explanation, easily way in socialization in order not to make



misunderstanding around the population, especially disintegrates between Muslim and non-Muslim. We can also need to manage information in order to handle negative impact of pro and contra in the implementation of the program.

#### E. Discussion

Most of the scholar agreed that religion can be a basis of ethnic identity. From this perceptive we can see the implementation of *syariah* in Aceh Province is one of the efforts to make Aceh Province different with other area. Especially in Aceh, because of the most of population in Aceh Province is Muslim, so they want to raise Islamic rule as one of their identity. The term of "Serambi Mekkah" that it refers to Aceh strengthen Islam as Aceh identity. Furthermore, Mitchell (2006) stated: "A religious identification may have specific religious content and assumptions that may cause it to operate in different ways from other identities. Even if identities do not seem primarily religious per se, they may have latent religious dimensions that can become reactivated. Whilst identity conflicts and other social struggles may stimulate the return of the religious, once reactivated, the religious dimensions of identity may take on logic of their own"

From the political aspect, the implication of *syariah* by qanun that implemented by local government is recognition of central government to the locality of Aceh that make condition in Aceh different with other area in Indonesia. For the Acehnese perspective, this recognition is not only ending the civil war, but also a guarantee from central government to local government. This guarantee is important because with the guarantee, local government has autonomy to manage their area. From these perspectives, we can see that the implementation of ganun is a must.

The next problem arose in the implementation of the qanun, especially in the non Muslim perspective about the implementation. Based on the researches, in general we can imply that there a two perception in the non Muslim toward the implementation of qanun: positive (agree) and negative (disagree). We can say between two parties, the number is quite similar.

Furthermore, it was a confusing between non Muslim about the implementation of qanun. In depth, there was a skepticism and wariness in the respondent when they see implementation in the minority (non-Muslim). For example the anxiety is 51% among the group compare with non-anxiety (49%). So, it shows that non-Muslim assume the implementation of *syariah* as a negative thing.

We can see also from the perspective how non-Muslim see one of the qanun rule stated that they have to stop their economic activity when Muslim do the Jumat praying. From the research, 47% respondent said that they were not disturbed with this qanun and 41% said that it will disturb their economic purposes.

From the children education perspective, negative perceptions also come from non-Muslim. It was related with non-Muslim who study at school which Muslim is majority. They feel borderless because majority of the student was Muslim (who use Muslim cloths). The borderless also was felt in non-Muslim at the neighbor relationship. In the non-Muslim, view, they will get into panic (worried) if the society is not open minded).



The authority need to anticipate the problems in the implementation of policy otherwise, it will lead into negative behavior in the community that will be contra to implementation of Islamic Rule. The unsatisfied and negative perception among non-Muslim community in the implementation of Islamic Rule tends to make them under stress, uncomfortable, and under pressured. Psychologically, they will do coping stress, the adaptation from the negative perception. If succeed they will adapt with new condition easily. They will go on with the rule. But, if not they will get into continuously stress. Negative perception will make them stress, under pressure, and uncomfortable. The negative behavior can be a rejection and disagreement of the implication of Islamic Rule.

#### F. Conclusions

From the research, we can imply that implementation of Islamic Rule in Aceh Province needs more longer process in socialization, unity of the program, reexplanation, and re-orientation so that there is not misunderstanding in the community, especially between non-Muslim and Muslim community.

As a recommendation, it is a time for government and linked institution to evaluate the program, especially by using society-perspective approach in Aceh Province (Muslim and non-Muslim). The objective of evaluation is to revise and to strengthen the options in the *qanun* in Aceh Province. The improvement will be needed in the context of punishment that not only for non-Muslim, but also Muslim. We also need to revise the qanun that it consists of gambling (maisir), khamar, khalwat because it still some weaknesses in the qanun. We need also implement the qanun for military and police member.

Secondly, Existence of Wilayatul Hisbah (*Syariah Police*) to note regarding operational procedures, to be more polite, do swepping orderly, and does not violate human rights, often the main victims are women and sexual harassment on women. In addition, this practice encourages residents to report without verification measures, which led to distrust and reduce social solidarity. Therefore it is necessary to conduct training and workshops concerning on Wilayatul Hisbah (*Syariah Police*) about human rights, local culture and international

Finally we need more socialization to the community, especially for non-Muslim. In the context of qanun, we need a qanun that consist of regulation (role) for non-Muslim who has been staying at Aceh Province. In addition, this qanun will make them understand about what they can do and cannot do.



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