

## SOCIAL PROBLEMS OF MODERN SOCIETY IN APPLYING ISLAMIC LAW IN ACEH (TRACING THE PAST CULTURE SOCIETY ACEH IN THE MANUSCRIPT)

*Aida Hayani*<sup>1</sup>

**Abstrak:** Penerapan hukum Islam di zaman modern ini tampaknya aneh di kalangan umat Islam. Ini adalah cara yang sangat umum untuk ditentang dan jika diimplementasikan ketakutan di antara sosial masyarakat. Selain itu, mereka masih belum terintegrasi ke dalam menerapkan hukum Islam, sebagian besar dari mereka masih belum mengambil Islam sebagai jalan hidup. Jadi, karena itu bukan tanggung jawab mereka untuk terus berjalan, hidup mereka, dan juga tidak mengambil kendali dan menerapkannya dengan sempurna dan benar-benar dalam kehidupan sehari-hari mereka. Penelitian ini merupakan pembaruan pada pengetahuan dan pemahaman hukum publik yang menerapkan hukum Islam. Sangat perlu untuk mengeksplorasi masalah di zaman modern ini. Kebijakan lokal semakin berkurang dengan datangnya budaya modern. Sebagai sampel, orang Aceh adalah salah satu orang muda paling sukses di dunia. Ada banyak manuskrip tentang budaya Aceh di meseum dan dayah (Pesantren Tradisional Islam) Dijelaskan ruang Aceh, budaya yang berbatasan dengan nilai-nilai Islam. Berdasarkan pernyataan sebelumnya, Pemerintah Aceh diharapkan untuk menerapkan dengan sempurna di antara semua hukum Islam di Aceh.

**Kata Kunci:** Masalah sosial, masyarakat zaman modern, hukum Islam, budaya.

**Abstract:** The implementation of Islamic law in this modern age seems to be strange among moslems. It is the caused by most of them are opposed and if it is implemented a scare among the social society perfectly. Besides, they are still not integrated to implement the Islamic law, most of them still have not taken Islam as the path of life yet. So, as if it is not their responsibility to keep it goes along Reviews their life, and Neither to take control and implement it perfectly and truely in their daily life. This research is Aimed to upgrade the knowledge and understanding of public society that implementation of Islamic law. Perfectly is Necessary to Anticipate the problems in this modern age. The local policy is getting reduce by coming the modern culture. As a sample, Achehnese most of the teenagers who live in urban can not understand to communicate by using Achehnese language well and most of the attitude of Achehnese is getting dissappear from their ancestor inheritance. There are many manuscripts about Achehnese culture in meseum and dayah (Traditional Islamic boarding school) Described roomates Achehnese the culture of the which is bordered by Islamic values. Base on the previous statements, the government of Aceh is expected to apply the Islamic law in Aceh perfectly among all society.

**Keywords:** Social problems, socity of the modern age, Islamic law, culture.

---

<sup>1</sup> Tarbiyah Student Department of Islamic Religious Education Program UIN Sunan Kalijaga  
E-mail: aidaalmahira@yahoo.com

## INTRODUCTION

Modern society is a set of people who live together in a place with ties to certain rules that are cutting edge<sup>2</sup>. This means that the modern age is an age of rampant various technologies that are rapidly expanding throughout the world, and give a huge impact to all sections of society without exception, ranging from children to the elderly, are very interested in using the technology. Although not all people know the positive and negative sides in the use of increasingly sophisticated technology media. For example, the use of internet media to inspire a wide range of applications and a variety of social networks like Google, Youtube, FB, Twitter, and others. In fact, when examined in depth, if an application can use the technology properly then many benefits and positive impacts that can assist their needs, especially in education. Ironically, these days a lot wrong in the use of development and technology, so many irregularities that occurred. In general it looks today so many of us who are willing to nudge a friend along, plumb in the crease even chew bones of the same people, eat the flesh of friends along and swallowed blood of the same religionfriends without mercy. And should the increasingly sophisticated technology. Similarly the more sophisticated human thought. But the reality is seen today, many Muslims commit irregularities. This raises a question. What is the cause? If people do not know what it was Iman and Ihsan, or did they just know but do not know how to applicate.

This is a problematic faced by modern society in this age of globalization?. Supposedly with sophisticated technological developments, the stronger the faith and charity toward God, because with the highly advanced technology we can advocate Islam either through social networks via electronic media or the media. So that people can learn about and understand the laws of Islam according to the Islamic Shari'ah. Supposedly with sophisticated technological developments, the stronger the faith and charity toward God, because with the highly advanced technology we can advocate Islam either through social networks via electronic media or the media. So that people can learn about and understand the laws of Islam according to the Islamic Shari'ah. Supposedly with sophisticated technological developments, the stronger the faith and charity toward God, because with the highly advanced technology we can advocate Islam either through social networks via electronic media or the media. So that

---

<sup>2</sup> Abudin Nata. *Akhlak Tasawuf*. (Jakarta: Raja Grafindo, 2010), 279

people can learn about and understand the laws of Islam according to the Islamic Shari'ah.

Islamic Sharia is the Islamic way or the provisions of the Islamic teaching about various aspects of life. So it can be concluded that the Shari'a is the laws or rules that God has set for every Muslim who has been mukhalaf and if denied it will be sinful. Sources of Islamic law are the Qur'an and hadith and ijthad in mujtahid in understanding texts and vice versa. Islamic Shari'a in general is the religion of Islam itself as a whole which contains various teachings are concerned aqidah (religious belief), worship (religious ritual), mu'amalah (interaction between human beings), jinayah (penal law) and many others. In Pronvinsi Aceh Qanun No. 10 of 2000, in article 1, paragraph (1) states:

Islamic Shari'ah is the demands of the teachings of Islam in all aspects of life. What is meant by Shari'ah literally here is a way to source the straight path to be followed by every Muslim. Actual enforcement of Islamic Sharia in Aceh province is a enacted provisions of Law No. 44 of 1999 and Law No. 18 of 2001. The implementation of Shari'ah in Aceh, not a taboo or unseen, because it has long been known to Muslims in Aceh with "Veranda of Mecca", known to be very bigoted against Islam. Acehnese people daily imbued by the values of religion are sacred. This is in line said by a Dutch anthropologist, BJ. Boland is "Being an Acehnese is equipment to being a Muslim (being people of Aceh have been synonymous with being Muslim)<sup>3</sup>. As a religious community and is well known as a community that is very thick with the teachings of Islam, surely the people on the ground *rencong* or Achenese dagger welcomed and implement Shari'ah in all aspects of life even though in this globalization era.

## VIEW OF THE QURAN AGAINST SHARI'A

The Qur'an provides a fairly deep concern to the Islamic Shari'ah. It can be seen according to the word of Allah as follows:

يَا أَيُّهَا الَّذِينَ آمَنُوا ادْخُلُوا فِي السِّلْمِ كَافَّةً وَلَا تَتَّبِعُوا خُطُوَاتِ الشَّيْطَانِ إِنَّهُ لَكُمْ عَدُوٌّ مُبِينٌ (٢٠٨)

*O ye who believe, enter into Islam whole, and do you share the steps of Satan. He is an outright enemy to you.*

In the verse includes the word *كَافَّةً*, Which consists of the three elements contained therein.

---

<sup>3</sup>Azman Ismail. *Syari'at Islam di Nanggroe Aceh Darussalam*, Dinas Syari'at Islam Aceh : Nanggroe Aceh Darussalam. 2011.

1. Taqwa their properties in each individual, with an initial basis of "Iman and Taqwa" in carrying out all the commands that have been ordered by Allah and died everything that is forbidden by Him.
2. Enforcement "ma' ruf Amar nahi unjust"
3. The policy of the government. Here have suau understanding is the government that has always sided with the people. Trust and responsibility. Because we know that the understanding and practice of Islam is not confined to the ritual alone, but It's be grown through approach. Here Islam should get into all dimensions of people's lives. Not only focus on mahdhah worship alone.

Efforts to build, taqhyir in a social transformation is an agenda of Muslims in Aceh. Seems pretty yet to give a meaning to the expectations of all elements of society in "Earth Iskandar Muda". Although in Law No. 44 of 1999<sup>4</sup>, concerning privilege in Aceh implement some components are as follows: first, the implementation managing of Shari'ah in all aspects of religious life. Secondly, the use of the curriculum, which the curriculum must be on sharia law, without prejudice to the general curriculum. Third, the inclusion of indigenou elements in the structure of the village administration, for example, the mention of the village head and Geuchik. Fourth, the recognition of the role of scholars in the determination of regional policy.

In a broader context, Islam does not only regulate aspects relating to "Ubudiyah" but also any form or the ins and outs mu'amalah. Because Islam as a religion as true, according to Ibn Kathir (Tafsir Ibn Kathir, 140) states that sebgai follows:

1. Made all the Shari'ah as a guide to life
2. Practice all the commands of Allah
3. Leaving all prohibitions of Allah SWT

This is in accordance with the word of Allah in (QS. Taha ayat2-3)

مَا أَنْزَلْنَا عَلَيْكَ الْقُرْآنَ لِتَشْقَى (٢) إِلَّا تَذَكُّرًا لِمَنْ يَخْشَى (٣)

*Meaning: We did not bring down this Qur'an to you that you may be difficult, but as a warning to those who fear (Allah),*

At least some of the stages or strategies can we do to prevent the occurrence of an infringement action Shari'ah.

1. Prevention of a fundamental aspect of aqidah (faith), because faith makes a person feel supervised by Allah, so that it is capable of

---

<sup>4</sup> Law No. 44 of 1999

self-control over what he did. Sebagaiman words of Allah in (Qs. Ibrahim verse 28)

أَلَمْ تَرَ إِلَى الَّذِينَ بَدَّلُوا نِعْمَةَ اللَّهِ كُفْرًا وَأَحَلُّوا قَوْمَهُمْ دَارَ الْبَوَارِ (٢٨)

*Meaning: Do you not see those who have exchanged the favor of Allah with disbelief and dropped his people to the valley of destruction ?.*

2. Prevention of aspects of worship. When a bundle of worship performed by khusyu and correctly, it will bring to good effect Which word of Allah in (Qs. Al-Ankabut verse 45)

اِذْ لَوْ أَنَّهُمْ آتَوْا بِكُفْرَانِكُمْ أَقْبِلْهُمُ مِنَ الْبَيْتِ وَأَخْرِجْهُم مِّنَ الْبَيْتِ وَمَتَّعْهُمْ فِيهِ جَاهِلِيَّيْنِمْ ۚ إِنَّهُمْ كَفُورٌ غَافِلُونَ (٤٥)

*Meaning: Recite what has been revealed unto you, That Al Book (the Qur'an) and establish salat. Indeed prayer restrains from (deeds) cruel and unjust. and Lo remember God (prayer) is greater (primacy of the other cults). and Allah knows what you do.*

3. Prevention in terms of social justice. It is a portrait that meet its needs in a way that is lawful and unlawful shut opportunities that can be detrimental to the community.
4. Prevention in terms of commanding the good and forbidding unjust, that should be a culture among Muslims, because it is the central point of all religions.
5. Prevention and control by WH (the WH). WH appointed by the government have a role to supervise, admonish and advise any people who are Muslims who commit violations of Shari'ah Qanuns 12 (wine), 13 (gambling), 14 (khalwat).

During this time a number of obstacles and problems in the enforcement of sharia law are as follows:

1. In terms of nature  
Still many Muslims are anti, reluctant or afraid to apply sharia law kaffah, but it has not integrated Muslims to enforce sharia law
2. In terms of sociological  
Still many Muslims belum feel has and is obliged to maintain, supervise and implement the Shari'ah values in true and devout.

The application of shari'ah law in Aceh should be implemented gradually, and overall, at the start of a family, school and community environments universally. So the role of the clergy, religious institutions and keagaman very important in helping the application of Shari'ah law. Such as mosques, Islamic boarding school, study hall

and many others. Besides, the role of WH (the Wilayutul Hisbah) is also very important in surveillance, admonish and advise anyone who is Muslim who commits an offense against the Shari'ah, so that they knowingly and will be fully do to our God (Allah's command). While the role of local governments is tested can be seen from various aspects, especially the people, if the local government and *besungguh istiqamah* really give attention and apply the Islamic Shari'ah, especially in Aceh. Because according to historical records of Islam, Aceh is a first sign to grow of Islam in this archipelago. At the time of the kingdom of Aceh Darussalam, the applicable law is the law derived from Islamic Shari'ah. In addition, customs upheld by Customs indigenous people of Aceh are also sourced and in line with Islamic law. As stated in a phrase "*Hukum ngon adat, lage zat ngoen sifat*".

This is evidenced from the Institute of Islamic Courts in the heyday of Aceh held by Qadhi Malikul Fair, which is located in the capital of the kingdom. This institution can be likened to the Supreme Court as the highest court, while in each of these areas there are Qadi commander. When the Dutch colonial period, the judicial system that has existed in Aceh helped changed with the interests of the invaders, the local religious court at that time, when it was part of the customary court. When the Japanese ruling in Aceh the status of a religious court scaled back due to the struggle PUSA (*Persatuan Ulama Seluruh Aceh* or the association of moslem theologian Aceh) that is, by being born Rei Syu Atjeh (Aceh local laws) on Syukyo Hooiin (Religious Court). Based on the article of the law of the Aceh region,

But the authority of the Court Syar'iyah in Aceh is limited to case-specific civil cases, namely on matters related to the elements marriage (Munakahad) and Faraidh (UNESCO). But unlike today Syar'iyah Court's authority is not limited anymore, but even though the Court Syar'iyah thus also have a binding regulation, this is done to avoid occurrence of irregularities, perverts, so that the authority of the Court Syar'iyah be directed well and not make a deviation that brings kemudharat for others. Then the application of Islamic Shari'ah law then takes the name of the shari'ah court, here are some basic law of the court Syar'iyah as follows:

1. Presidential Decree Number 11 Year 2003 regarding the Supreme Court and Syar'iyah Syar'iyah Aceh Province
2. Law No. 4 of 2004 on the power of judges
3. Qanun No. 10 of 2002 on the implementation of the Shari'ah

4. Qanun No. 11 of 2002 on the implementation of Islamic Shari'a field of Aqeedah, worship and symbols of Islam.

## **THE ROLE AND FUNCTION OF THE COURT SYAR'IAH**

Court is a development institute of religious courts in accordance with Act No. 18 of 2001. Through this Act is also on regional autonomy in Aceh. In Article 1, paragraph (7) of the Act describes the "Syar'iah Court is an institution free from any side effect that applies only to the followers of Islam".

When viewed more away duties and functions Syar'iyah Court is as follows:

### **1. When viewed in the Field of Judicial**

The Supreme Court's authority Syar'iyah and provincial Syar'iyah is the power of religious courts coupled with the power and authority of others relating to the life of the community in the areas of worship and symbols of Islam which is stipulated in Qanun. This can be seen in Article 49 paragraph (1) of Law No. 7 of 1989 which talks about power and authority of religious courts which hear and determine and resolve the Muslim judge actions in several areas, namely as follows:

- a. Marriage

What is meant here is the power and the authority concerned with matters pertaining about the law on marriage.

- b. Inheritance

What is meant here is the power and authority of anybody is entitled to receive the inheritance, the determination of the inheritance, the determination of the distribution of each heir, and carry out the division of the inheritance.

- c. Waqf and Alms

What is meant here is the power and the authority concerned with matters pertaining about waqf and charity.

In carrying out the mandate of Article 25 of Law No. 18 of 2001 and Aceh Qanun No. 10 of 2002 telang give authority over Syar'iyah court to examine, decide and finalize some aspects of which are as follows:

1. Al-Ahwal al-Syakhshiyah

Mecakup laws relating to the family, marriage, divorce, reconciliation, wills, inheritance and hadhanah.

2. Muamalah

It means laws relating to the sale and purchase transactions, pledge, grant, debts, 'ariyah, wakilah, syirkah, Ijara, tafakul, labor, plunder, waqf, grants and charity.

3. Jinayah

It means laws relating to the PADANA law is as follows:

- a. Hudud, which includes: adultery, qadzaf, stealing, robbing, liquor, nazba, apostasy, rebellion
- b. Qisash which include: murder, persecution
- c. Ta'zir that penalties for violations of Shari'ah besides hudud and qisash such as: gambling, khalawat, leaving the obligatory prayer and fasting Ramadan, fraud, forgery and other-other.

All of these things will take place gradually. This is similar expressed by Prof. Bagin Manan, SH in 2004 likened the new court Syar'iyah like fungus that grows gradually. This gives an understanding that the burden of court Syar'iyah also be adjusted to the level of ability of a society, and must not exceed the capacity of the community, because they it will make the society burdened. this as the prophet hadith which reads:

لا ضرر ولا ضرار

*Meaning: Do not you trouble yourself and do well are you bothering others.*

From the hadith gives a very clear understanding that when we want to set up a law, should think carefully. Whether this will provide a great benefit to others or vice versa?

**2. When viewed Field of Non-Judicial**

a. Supervision

That oversight or precaution on the course of justice so that justice is done fairly, honestly, and other-other. Because it will all be held responsible by Allah SWT. As the hadith of the Prophet which says that:

عبد الله بن عمر قال: كلكم راع فمستول عن رعيته، فالامير الذي على الناس وهو مسئول عنهم والمرأة راعيتها على بيت بعلها وولده وهي مسئولة عنهم والعبد راع مل سيده وهو مسئول عنه، الا فكلكم راع وكلكم مسئول عن رعيته (اخرجه البخار)

*Meaning: Abdullah bun Umar, he said: the prophet, said: "you are all leaders and responsible for its people dipimpinya, a king to lead the*



*people and will be asked about his leadership that, for a man to lead his family, and will be asked to be its lead, a mother led home her husband and her children, and she will be asked about the leadership, a slave master and manage the property will be asked about the management, remember that all of you will be asked to lead and answer on its lead. (HR. Bukhari)*

From the hadith provide an understanding, that mankind, for life in the world, tied with the name of responsibility that we can not remove it. The responsibility should we accounted to Allah in the hereafter. For example, the father is responsible to God about the perfection of their children's education. And the child is also responsible to Allah about his devotion to his parents. So it is with us as teenagers and young Acehnese we are accountable to God for the status and safety of our area. It as the Prophet Muhammad, is as follows:

*"Hubbul Wathan Minal Iman"*

*Meaning: Loving homeland is sebahgian of faith.*

Here also give a sense that someone was not perfect their belief, even though he was filled with ta'zim. It also means we, as sons and daughters of the area, can not relinquish our responsibility for the safety and prosperity of our region. We must take responsibility for our progeny. It is we begin the second that determines their fate in the future.

b. Legal advisor

There are several categories in the category of legal counsel is as follows:

- Receive the registration of legal adviser, advocate and practice lawyers who will carry out their duties at the Court of Shari'ah
- Chief Justice of the authorized members Syar'iah insidenti permit to a person who acts as an adviser.
- Save a list of lawyers who served in the region and to report to the Court Syar'iah.

c. Hisab and Rukyat

In addition to conducting oversight, then the court Syar'iyah function is as follows:

- Doing reckoning and rukyah moon to determine the beginning of Ramadan on the determination, the determination of the direction of Qibla, hijrah calendar and so others.
- Develop and create Imsakiyah

- Intake and inauguration regent / vice regent and mayor and deputy mayor.

### **POSITIVE LAW RELATIONSHIP WITH ISLAMIC LAW**

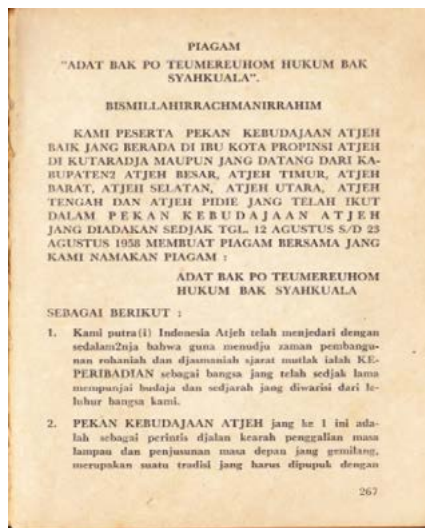
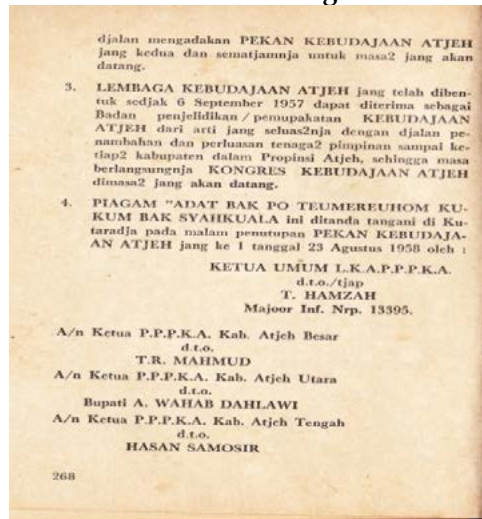
Islamic law is associated with positive law. Positive law is a collection of principles and rules of written and unwritten law that is currently valid and attached either in general or specific categories established by the government. It also gives an understanding that the positive law as well as the rule of law in a moment, time and place. And should be adhered to by all human life. When reviewed in depth the positive law is divided into two kinds, namely as follows:

1. Positive laws that apply to the entire territory of Indonesia
2. Positive law applicable to the area or a particular law or public environment more familiar with a term that is local law.

Legal and social history of the Indonesian nation, the existence and implementation of Islamic law in Indonesia is not simply nostalgia. This is evident from education become part of Indonesian society and communities in Southeast Asia in general than through trade relations as well as through a marital relationship with the first Islamize bride.

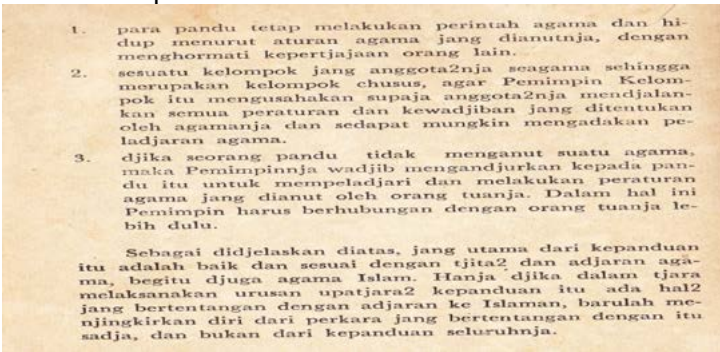
Criminalization of a number of actions that were previously not an offense has been constructed from Islamic law, such as criminal acts of decency, witchcraft, cohabitation and adultery. If the values of Islam has fused with Posit law in Indonesia, more complex issue is the attempt to implement.

Some of the manuscripts that discuss the culture of Aceh during the Past is thick with Islamic religious values



From the above picture a portrait of a character of the people of Aceh in the past, where the people of Aceh in the past have an attitude of mutual acceptance and associate anything with stipulation religion or Islamic law. It seemed to take a look through an expression of "Our son (i) Indonesia Atjeh has menjedari with djasmaniah spiritual and absolute requirement is that personality as a nation that has been a long time since the Budaja and history which have inherited from our ancestors". And there are things that are so attractive in the past

achenese very thick at all to scouting and religion. It seemed we see from the manuscript below



Here's an example of the people of Aceh in the past apparel lights



It is drawing on how to order a highly viscous Islamic law in Aceh in the past in terms of dress, and a portrait of a family attitude that so closely without mutual suspicion on other individuals. Today, with increasingly sophisticated era. Then the Shari'ah was sinking drift of modernization and globalization.

Here's an example of the Arabic script Malay (*Kitab Jawi*) concerning about Islamic law



RELATIONS WITH THE PROBLEMS OF THE PAST ORDER TODAY

Syari'it development of Islam in Aceh is a vision for the future of Aceh. This vision is based on the acceptance of the community in Aceh to Islam as a way of life, as a philosophy of life based on the experience of hundreds of years of history who've reached the pinnacle of achievement. Also based on the methodology of actualization in the form of compromise "Adat ngon hukum lagee zat ngon sipheut ". It is also said to be in line with an expression below:

"Adat meukoh reubong, hukum meukah purieh. Adat jeut beurang hoe ta kieh"

"(Customs like an old bamboo cut, once cut will not grow again. Indigenous should disampingi, but the law is not easily figured granted).

"Hukum meunyoe hana adat tabeue, adat menyoe hana hukum bateue"

(Without the customary law, tasteless, custom lawless void)

Aceh above adage preaching a sense of how the perception of the people of Aceh in position the religion (Islam) and customs.

Indigenous is a set of values, norms of public life. As conduct system, a custom-norm normative recognized and adhered to by the community concerned.

In Acehese society, customs like *'meukoh reubong'* (like cut bamboo shoot), that can be adapted to the circumstances at hand. Unlike the case with *'Hukom'* (covering Islam, beliefs and *Syar'iyah*) that its strict rules and should not be violated arbitrarily. The second word also gives an indication that the ability to adjust or even leave the customary risks *'tabeue'* (bland) but not allowed to leave "Hukom".

In practical terms, customary and religious institutions in Aceh related and go hand in hand which mutually reinforce each other. But still has its own nuances. That's what going to try analyzes by presenting examples of how the marine social institutions working in conflict resolution and customary dispute between local fishermen.

According Soerjono Soekanto institutions function is as follows:

1. Describing the society members about the guidelines on how the behavior or attitudes in an attempt to meet all their needs.
2. Maintaining the integrity of the public from the threat. Social norms will serve to regulate subsistence every citizen equitable and orderly.
3. Providing guidance in organized systems of social control. Penalties for violations of social norms means agars every citizen remains in line with social norms, so that social order can be realized.

These three functions above adapt found on the system for resolving conflicts among members of the community in Aceh, including customary marine conflicts and disputes. Conflicts between fishermen in Aceh could be mitigated through their own social institutions, despite the strong influence of the Islamic religion in their social institutions, despite the strong influence of Islam in social institutions civilization sea, including the resolution of social conflicts among members of the community who work as fishermen. This is illustrated by the values of Islamic law can not be separated from the application of the principles espoused and objectives of Islamic law. One of the principles in the mean is the use of traditional norms as one of the considerations in determining the law.

As a habit in Acehese society, culture is one of the social needs that are difficult to be left let alone released. Here are some verses that a legal basis, as follows:

In surah Al-Baqarah 233

وَعَلَى الْمَوْلُودِ لَهُ رِزْقُهُنَّ وَكِسْوَتُهُنَّ بِالْمَعْرُوفِ

*This means:..., and liabilities father gave Eating and clothing to mothers with ma'ruf way ....*

It is also in accordance with the word of Allah in Surah Al-Baqarah 241

وَالْمُطَلَّقاتِ مَتاعٌ بِالْمَعْرُوفِ حَقًّا عَلَى الْمُتَّقِينَ (٢٤١)

*This means: the divorced women (let given by her husband) mut'ah according ma'ruf, as an obligation for those who do right.*

The second paragraph mentions the existence of treatment is ma'ruf. But does not explain how the true meaning of the word ma'ruf. Like the kind, type or shape, and limit the extent of livelihood should be given parent to child or by a husband to wife that divorce. To understands that it is necessary to reconstruct the Islamic law in the context of a challenge to Indonesian to Muslim jurists, the whole Muslims, Muslims politically, to make a positive law as a matter of law. To implement the law in Indonesia can be done through several channels, as follows:

1. Paths of faith and taqwa  
Through this path of Muslims in the Indonesian state can implement Islamic law which is part and came from Islam.
2. Trails legislation  
In various legislations have been appointed marriage law, banking, inheritance law, insurance law, law of waqf.
3. Paths field mua'amalah  
Biking is about transactions in Bank Muamalat, RB Syar'iah, Insurance Tafakul
4. Strip Arbitase part of Muamalat Indonesia (BAMUI)  
Founded by MUI, businessmen, traders and industrialists mutual agreement can choose Islamic law to resolve the dispute they peacefully
5. Strip carried out by the Central Research Institute Medicine / Cosmetics and Food (LPPOM)
6. Lane guidance law or national law development.  
Based on Islamic law that emanated from a broad and deep resources, entrusted provides a number of positive law and can be used at any place and time. Because of Islam can enter into all the

ages. Not only traditional age alone but also the modern age and globalization today.

Aceh's history seems to have demonstrated the dynamics of the relationship between social institutions and society by the Islamic shari'ah / No traditiob and positive law became directly binding rules. The relations mutually strengthen or weaken it, depending mainly on how the treatment (treatment) committed by the elite. Changing times accompanied modernization, partially set aside the everyday customs of public life, especially young people. No wonder, if now the question arises about the future existence of indigenous people of Aceh. Little by little seems to have happened to erosion of the traditional understanding among people in Aceh for the moment.

Local wisdom eroded by the entry of modern culture in line with the natural openness everywhere. One example of local wisdom that the Diyat problems. In the context of indigenous communities in Aceh, the concept of diyat be interesting for further discussion. Rusjdi Ali Muhammad and Smith Sumardi<sup>5</sup> said that the interest in at least three cases are as follows:

First, the normative concept of diyat derived from the basic teachings of Islam derived from the Qur'an and Hadith. Diyat concept has been defined by jurists in order to be understood and implemented by the Muslim community in social life. Second, the normative concept of diyat contained in Qur'an Hadith seen from the socio-cultural context of a society. Therefore, the readiness and maturity of social and cultural life will greatly affect the successful implementation of the law. Third, the Aceh government never set a policy of restoration and rehabilitation Acehnese social life. This policy is shown to the victims of the conflict. Pros and cons are actually originated from the some assumptions that says that social restoration of the government of Aceh is diyat, as found in Islamic law.

Diyat generally been implemented by Governor Aceh early advance reform, but relatively contains many flaws. As a result, diyat get some rejection of society. Rejection of it is based on diyat term derived from jurisprudence, but not in line with the understanding that ma'ruf far. For example the retoration and social rehabilitation that does not begin with a legal process first, it is based on the degree of willingness or forgiveness from the families of the victims.

---

<sup>5</sup> Sumardi, (2011.46)



While other examples are about the Acehese language. More and more children of Aceh, especially in urban areas, who can no longer speak Acehese well. Manuscripts store treasures Aceh which is quite remarkable wasted in the corners of the museum and for those who still have them-dayah. Likewise, Malay Arabic script. Very small relative Aceh students are able to master, and a possibility for other communities. However, today we can see a bright point where discourse about the customs and customary laws began to be discussed again with the new momentum in Aceh from Helsinki MOU.

## **CONCLUSION**

For the people of Aceh, sharia law is not a new thing, nor merely in name and symbol, because they have made Islam as guidance. Enforcement of Islamic Shari'ah in Aceh is a necessity, because the majority of the tribe and the people of Aceh nearly one hundred percent Muslim.

The dynamics of the relationship between social institutions and society by the Islamic shari'ah / No culture and positive law became directly binding rules. Changing times accompanied by modernization, partially set aside the everyday customs of public life, especially young people. No wonder, if now the question arises about the future existence of indigenous people of Aceh. Little by little seems to have happened to erosion of the traditional understanding among people in Aceh for the moment. Local wisdom eroded by the entry of modern culture in line with the natural openness everywhere. One example of the Acehese language. More and more children of Aceh, especially in urban areas, who can no longer speak of Aceh with both, plus morals far away from the people of Aceh in the past.

Supposedly the implementation and enforcement of Islamic Shari'a in Aceh, to be implemented gradually, and thorough. It can be started from the smallest of the family up in a great neighborhood that is society. So that the public also has a very important role, and should contribute to the implementation of Islamic Shari'a not only the scholars, WH (Wilatul WH) and the government alone. But all must participate. Thus, modern society will be able to realize that syar'iah without having passed the provisions syar'i. And the government should also be more assertive in giving sanction to all those, who violate the law. Indiscriminately, this is where the capacity and role of local government is tested when viewed from various sides, especially the people. So that begs the question. Are local governments istiqamah and sincere in giving out the attention in the field of enforcement of

Islamic Shari'ah?. The respective answers are in the conscience of the government itself. Aceh must be brought where are these? Drowning everlasting, or hold out against the tide of modernization and globalization ?.

## REFERENCES

- Abidin Nurdin. *Syari'at Islam dan Isu-Isu Kontemporer*, Dinas Syari'at Islam Aceh : Nanggroe Aceh Darussalam. 2011.
- Abuddin Nata. *Akhlak Tasawuf*. RajaGrafindo. Jakarta. 2010.
- Almanak Umum. Atjeh Press Service : Kutaradhja (ATJEH). 1959.
- Al-Yasa' Abu Bakar.. *Syari'at Islam di Provinsi Nanggroe Aceh Darussalam: Otonomi Khusus di Bidang Hukum*, Makalah yang dipresentasikan dalam konferensi di Hermes Palace, tgl 19-21 Juli 2007 di Banda Aceh. 2007
- Azman Ismail. *Syari'at Islam di Nanggroe Aceh Darussalam*, Dinas Syari'at Islam Aceh : Nanggroe Aceh Darussalam. 2011.
- Jaih Mubarak. *Sejarah Perkembangan Hukum Islam*. Bandung: Remaja Rosdakarya. 2000.
- Mujiburrahman. *Pendidikan Berbasis Syari'at Islam di Aceh*, Dinas Syari'at Islam Aceh : Nanggroe Aceh Darussalam. 2011
- Perukunan. Syaikh Muhammad Arsyad Banjar. *Mathba'al-miriyah al-Kainah* : Mesir.
- Rusjdi Ali Muhammad, Dedi Sumardi. 2011. *Kearifan Tradisional Lokal: Penyerapan Syari'at Islam dalam Hukum Adat Aceh*, Dinas Syari'at Islam Aceh : Nanggroe Aceh Darussalam.
- Rusjdi Ali Muhammad, Khairizzaman. *Konstelasi Syari'at Islam di Era Globalisasi*. Dinas Syari'at Islam Aceh : Nanggroe Aceh Darussalam.
- Syamsul Rijal. *Dinamika dan Problematika Penerapan Syari'at Islam*, Dinas Syari'at Islam Aceh : Nanggroe Aceh Darussalam. 2007.
- Zaki Fuad Chalil. *Melihat Syari'at Islam dari Berbagai Dimensi*, Dinas Syari'at Islam Aceh : Nanggroe Aceh Darussalam. 2011.
- \_\_\_\_\_. *Dinamika Sosial Keagamaan Dalam Pelaksanaan Syari'at Islam*, Dinas Syari'at Islam Aceh : Nanggroe Aceh Darussalam. 2007