

ISLAMIC SHARI'A AND RELIGIOUS FREEDOM ON NON- MUSLIM_STUDY ON SPIRITUAL EDUCATION IN PUBLIC SCHOOLS IN BANDACEH, INDONESIA

by Mumtazul Fikri

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**ISLAMIC SHARI'A AND RELIGIOUS FREEDOM ON NON-MUSLIM:
STUDY ON SPIRITUAL EDUCATION IN PUBLIC SCHOOLS IN
BANDA ACEH, INDONESIA**

Mumtazul Fikri

Ar-Raniry State Islamic University, Banda Aceh,
INDONESIA.

mumtazulfikri82@gmail.com

ABSTRACT

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Islamic Shari'a in Aceh began to be run since the enactment of Law No. 44 of 1999 on the privilege of Aceh which was then reinforced by the enactment of Law No. 11 of 2006 on Governing Aceh. Along the way, Islamic Shari'a in Aceh seems not able to accommodate the interests of non-Muslims, especially the regulation of education. Through a qualitative approach, this study seeks to uncover the true discrimination against religious freedom for non-Muslims, especially in the field of education in Banda Aceh? The results showed that, first, the implementation of religious education in public schools in Banda Aceh run properly without discrimination towards non-Muslims, but precisely there was alleged intervention of confidence between the members of non-Muslims in Banda Aceh. Secondly, some of the obstacles in the public school of religious education, there are the lack of teacher educators and the alleged intervention of cross-religious beliefs. Third, the researcher proposes two models of education as a solution to these obstacles that the model of inter-school cross religious characterized, and a model of cross-school enrichment groups.

Keywords: Islamic shari'a, religious freedom, religious education

INTRODUCTION

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Post a Memorandum of Understanding (MoU), juridical basis for the implementation of Islamic shari'a in Aceh has been strengthened and have the full support of the government particularly after the enactment of Law No. 11 of 2006 on Governing Aceh (UUPA: 2006). This law gives authority for Aceh to prepare and formulate different policies with policy of legislation (Qanun) that apply in Indonesia, including the formulation of Qanun Jinayah and establishment qanun of education in Aceh. This authority shows that Islamic Shari'a is part of a state policy that is applied in Aceh (Abbas: 2011, p.8). The application of Islamic law in Aceh is expected to create a sense of security, peace and order of life (Ismail: 2007, p.66), and be able to realize the benefit, justice and equality among people in Aceh (Ibn 'Ashur: 2006, p.3).

Application of Islamic Shari'a in Aceh include into nine aspects of life such as (1) worship, (2) *ahwal syakhshiyah* (family law), (3) *muamalah* (civil law), (4) *Jinayah* (criminal law), (5) *qadha'* (justice), (6) *tarbiyah* (education) (7) *dakwah*, (8) *syiar*, and (9) defense of Islam (UUPA 2006). Education is one aspect in the implementation of Islamic Shari'a in Aceh. Then all educational components designed, developed, and formulated are based on Islam, starting from educational goals, learning model, up to the educational curriculum is aligned with the purpose of the application of Islamic shari'a in Aceh. National education system organized in Aceh is based on Islamic values (Qanun Aceh: 2008). Nevertheless, the government of Aceh still guarantees religious freedom of non-Muslim citizens of Aceh and to respect their right to run religious values for their appropriate faith (UUPA: 2006).

In fact, education policies based on Islamic law in Aceh seem not able to accommodate the interests of non-Muslims. First, the implementation of the education curriculum at the elementary and secondary schools, religious subjects elaborated in four subjects, such as Aqidah, Fiqh, Qur'an / Al-Hadith, and Akhlaq / Attitude Character (Qanun Aceh, 2008). Second, in the Aceh Qanun No. 5 of 2008 on the Implementation of Education is not listed a single verse that describes the organization of education on schools non-Muslims.

The question is true that the educational discrimination towards non-Muslims as long as the implementation of Islamic Shari'a in Aceh whereas Islam adheres to the principles of *rahmatan lil'aalamiin* were friendly towards all mankind, including non-Muslims. This study attempt to reveal how religious education in public schools in Banda Aceh, the obstacles encountered, and model of religious education that is appropriate to resolve these obstacles.

ISLAMIC SHARI'A AND REGULATION OF EDUCATION

Islamic Shari'a in Aceh began to be run since the enactment of Law No. 44 of 1999 on the privilege of Aceh. Furthermore in 2001, the enactment of Law No. 18 of 2001 on Special Autonomy Status for the Province of Nanggroe Aceh Darussalam. Content of the law among the term establishes local regulations in Aceh by qanun, and Syar'iyah Court as part of the court system in Indonesia. The post a Memorandum of Understanding (MoU), juridical basis for the implementation of Islamic law in Aceh has been strengthened after the enactment of Law No. 11 of 2006 on Governance of Aceh (UUPA: 2006). This Act gives authority for Aceh to prepare and formulate different policies with policy of legislation (qanun) which is applicable in the Indonesia. The authority suggests that Islamic shari'a in Aceh is part of state policy (Abbas: 2011, p.8). The application of Islamic shari'a in Aceh is expected to create a sense of security, peace and order of life (Ismail: 2007, p.66), and be able to realize the benefit, justice and equality among people in Aceh (Ibn 'Ashur: 2006, p.3).

In its implementation, Islamic law in Aceh include the nine aspects of life such as (1) worship, (2) *ahwal syakhshiyah* (family law), (3) *muamalah* (civil law), (4) *jinayah* (criminal law), (5) *qadha'* (justice), (6) *tarbiyah* (education), (7) *dakwah*, (8) *syiar*, and (9) defense of Islam (UUPA 2006). It appears that education is one aspect in the implementation of Islamic Shari'a in Aceh. Then all educational components designed, developed, and formulated which is based on the principle of Islam, starting from educational goals, learning model until the educational curriculum are aligned with the purpose of the application of Islamic Shari'a in Aceh, and the national education system organized in Aceh based on Islamic values (Qanun Aceh: 2008). Nevertheless, the government of Aceh still guarantee religious freedom of non-Muslim residents of Aceh and respect their right to run religious values according their faith (UUPA: 2006).

LITERATURE REVIEW

For more deepening the studies in this research, the researchers conducted firstly study of similar researches such as, first, Sukron Kamil study in 2008 entitled "Shari'a Government Area in Indonesia: Implications for Civil Liberties and Non-Muslim Minorities" (Kamil: 2008). Secondly, research of Ahmad Gaus AF in 2008 with the title "Religious Liberty and Minority Rights in Indonesia" (Gaus: 2008). Third, the study of Marzuki in 2010 with the title "Harmony and Religious Freedom in the implementation of Islamic Shari'ah in Aceh" (Marzuki: 2010). Fourth, research of Asma T. Uddin in 2011 with the title "Religious Freedom Implications of Shari'a Implementation in Aceh, Indonesia" (T.Uddin: 2011).

RESEARCH FINDING

Religious Education on Public Schools in the City of Banda Aceh

In Aceh Qanun No. 5 of 2008 on the Implementation of Education, Chapter VIII of Article 35, paragraph 3, states that the implementation of the educational curriculum on school level of primary and secondary schools, where subjects of Religion are translated into four (4) subjects such as (1) Aqidah, (2) Fiqh, (3) Al-Quran and Al-Hadith, and (4) morality and manners (Qanun Aceh: 2008).

However, it does not mean the right of non-Muslim learners to be neglected. Students' non-Muslims such as Christians (Protestant), Catholics, Buddhists and Hindus still acquire the right to receive religious education in accordance with their religion. As the students with their Catholic, they receive subject of religious education according religion. Similarly, students who are Christians (Protestants), Buddhist and Hindu they get equal rights in the study of religious subjects. Until today the learning process of religious education on schools in Aceh is not having problems and complaints, in the sense that every student get their right to obtain religious education according religion. This is in accordance with government regulations contained in the Law of the Republic of Indonesia No. 20 in 2003 on National Education System, article 12 states that among the rights of learners are getting religious education in accordance with their religion and taught by educators who same religion with him (UURI: 2003).

It's just technically the learning process for the subjects of religion for non-Muslim students in Aceh are not specifically regulated by the school. This is because during this time the number of non-Muslim students on public schools in Aceh always not reach minimal learning group of students that number of 15 (fifteen) person. According regulation of education in Indonesia as stated in the Regulation of the Minister of Religion of the Republic of Indonesia No. 16 in 2010 Chapter I Article 4 point 1 until 4 (PMA: 2010).

Based on the findings of researchers in the field, the implementation of the learning process for religious subjects for students of non-Muslims on public schools in Aceh are not having problems and complaints, in which the religious instruction was implemented in collaboration of religious institutions in their area under the supervision and guidance of the Supervisor Society (Pembimmas) Regional Office of the Ministry of Religious Aceh Province (Juniazi: 2014). For students Hindu, Buddhist and Christian (Protestant), they are individually and personally went to the pastor in houses of worship to obtain further guidance and learning which is given a value to be included in the report cards next. While specific to the students of the Catholic religion until 2011, they are still doing the same thing that came to pastor in a church without a well-coordinated. But since 2011, the process of mentoring and coaching of subjects for students of the Catholic religion has done collectively and structured under the guidance of the supervisor Catholic community Kemenag Aceh Regional Office (Pandiangan: 2014).

In addition, there are two non-Muslim educational institutions in Banda Aceh such as the Catholic University Budi Darma and Christian Methodist University. Both of these institutions are foundation of private educational institutions are autonomous and independent ranging from education funding, school facilities and infrastructure until the salaries of teachers and employees purely paid by the foundation. In the Catholic University Budi Dharma, teaching of religious education which given are Catholic religious education for all students, including non-Catholic students even they achieve until 50% compared to the percentage of Catholic students. According to policy of the Supervisor Catholic Community, this is common for Catholic Education Budi Darma that the foundations of religious

education are autonomous and independent (Pandiangan: 2014). As well as the Catholic Budi Darma college, Christian Methodist College also apply a similar policy, that all students Methodist without exception are required to follow the learning process of education Christianity (Protestant) (Telaumbanua: 2014).

Policies on both colleges Christian (Budi Darma and Methodist) has actually been getting criticism from parents of non-Christian students, especially from parents of students Buddhism dominant studying in both the foundation. According to the parents after attending Christian subjects, their children begin to criticize their religion (Buddhism). According to Supervisor Buddhist community, most widely cases occur in the Christian Methodist College where a policy other than the Christian teaching of subjects, students are also given guidance the Christian character on certain days. And the policy may lead to conflict within the family, especially among students and parents related to Buddhism (Wiswadas: 2014).

Obstacles of Religious Education in Public Schools in Banda Aceh

First, Teacher Teach

The first obstacle that researchers have found the complaint against the professional educators to subjects of religious education for non-Muslims. As long as the process of learning and teaching of religious subjects to non-Muslims carried out on houses of worship such as churches, temples and monasteries. Whereas in the house of worship is not available personnel professional education in teaching, and this greatly affect the final results of student learning. Examples of cases teaching and learning process in a Buddhist monastery. Until now, it was done on the guidance of pastors who do not have a stock of science education (paedagogik) mature. Therefore the four supervising non-Muslim communities (the Christian, Catholic, Buddhist and Hindu) feel the same constraints that lack of reliable educators (Telaumbanua, Pandiangan, Wiswadas, Ginting: 2014).

Meanwhile, proposals for educators religious subjects in schools cannot be done because the policy proposes educators is the authority and responsibility of the City or District, and not the responsibility of the Regional Office of the Ministry of Religious Aceh province nor the responsibility of Supervisor Community non-Muslims within it. The head of the Law and Religious Harmony Office of Kemenag Aceh says that, true reports of complaints and constraints educators non-Muslims in Aceh, but the school is not entitled to proposes educators non-Muslims because the regulation of the number of non-Muslims students for every level is not never reached the minimum number of study groups (15 persons). And the regulation applies not only in Aceh but across Indonesia. For example, Bali with the majority of people Hinduism, so Islam there actually is a minority (Juniazi: 2014).

Second, the Interfaith Spiritual Education Intervention

The second Obstacle is the indication intervention of religious beliefs on learners at school interfaith religious foundation. Case occurred in the Christian Methodist College, where students are required to follow the Buddhist Christian subjects in school. In addition on certain days, the students are required to follow the guidance of the characters are done in school. According to the analysis of the Buddhist community Counselor's Office Ministry of religion Aceh region, it could be the seeds of conflict not only in schools but also in the family and society. For example, reports from the parents that the debate is happened between them (parents) and children at home about the procession of Buddhist worship is considered heretical. Example of other cases, the reports of parents about children who are smart and smart in the subject matter in school but they did not rank in class, when parents consult with the school, the school authorities said that caused by the child does not follow

the process of guidance of character in schools so that no right is given first rank (Wiswadas: 2014).

Meanwhile, the subject of religion for non-Muslim students in public schools (elementary, junior high and high school) to the present, there are no obstacles. Even the concept of Islam as a religion of **13** hmatan lil'amin and appreciate the differences are so subtle feel. There is no compulsion of **Islamic religious education teachers** to intervene and force **the non-Muslim students** to follow the teaching and learning process on religious subjects. If there is any non-Muslim students who follow Islamic studies was a desire and his own conscience without coercion anyone. Even the schools are very enthusiastic and do a good cooperation with the Ministry of religious communities Supervisor Aceh in informing the presence of non-Muslim students in the school. Therefore, we can conclude public schools in Aceh greatly appreciate religious diversity in the school environment (Telaumbanua, Pandiangan, Wiswadas, Ginting: 2014).

DISCUSSION

4 Between the rights of learners is to receive religious education in accordance with their religion and taught by educators with the same religion (Act No. 20 of 2003). Thus, the state guarantees the right to religious education for all students without seeing any religion that was followed. See the above constraints mentioned, it is necessary initiated some religious education in learning model for interfaith learners in Banda Aceh.

Firstly, Model Inter-School Cross that Characterize Religious

A characteristic of this model is the each school characterized by religious crisscrossed exchange students to study religious subjects. However for the case of Banda Aceh, the schools which has religious character only owned by three (3) religion such as Islam, Christianity (Protestant) and Catholic, even Buddhist and Hindu whereas there are nothing. Then this model can only be applied by the Catholic Budi Darma College, Christian Methodist College and Islamic boarding schools in the city of Banda Aceh.

In practice, students with the same religious gathered at a school which certain religious character to receive guidance of religious instruction collectively. Such as the Muslim students who attend Catholic Budi Darma College and Christian Methodist College learn subject's Islamic religion in Islamic boarding schools in Banda Aceh. Catholic students who attend Christian Methodist College study Catholic religious instruction in Catholic Budi Darma College, and students Christian (Protestant) who attend Catholic Budi Darma College learn the lessons of Christianity in Christian Methodist College.

Cooperation among school which has the religious character, it would certainly lighten the schools, especially in terms of time efficiency and funding. In addition, this model can strengthen the school's brotherhood and interfaith traffic. However, this model has a weakness that can be applied only to students of Islam, Christianity (Protestant) and Catholic, while Buddhism and Hinduism cannot be applied because it does not have religious characterization school. Therefore, the second model can be applied to the weakness of this first model later.

Second, a Model of Group Teaching Cross-School

Characteristics of this model are that students with minority religions from different schools gathered to get guidance of religious instruction collectively. For example, the Catholic student who studied at the primary school, they gathered one day to get a Catholic religious instruction. Similarly, students who learned Buddhism in Christian Methodist College, they were collected to obtain the guidance of Buddhist teachings.

Technically, this model is very effective to solve problems of Educators for the students of Christianity, Catholicism, Buddhism and Hinduism as well as previously described. In which financial education costs incurred, it would be more economical and efficient. However, it seems to this model the researchers still have obstacles in its implementation, particularly in the city of Banda Aceh where needed awareness and policies of each institution to be able to translate positively the Act No. 20 of 2003 that all learners are entitled to religious education in accordance religion.

CONCLUSION

Islamic Shari'a in Aceh began to run since the enactment of Law No. 44 in 1999 on the privilege of Aceh which was then reinforced by the enactment of Law No. 11 in 2006 on the Governing of Aceh. Along the way, Islamic Shari'a in Aceh was impressed not able to accommodate the interests of non-Muslims, especially in the field of education.

The results show that, first, the implementation of religious education in public schools in Banda Aceh running properly without discrimination against non-Muslims, but rather the alleged intervention of confidence among fellow non-Muslims in Banda Aceh. Secondly, some of the constraints in religious education happened in public schools such as the lack of teacher educators and the alleged intervention of cross-religious beliefs. Third, the researchers propose two models of education as a solution to the constraints above that the model of among cross school of religion characterization, and models of cross-school enrichment groups.

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