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National Research and Innovation Agency, Indonesia

Indonesia

Indonesia

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Title and Abstract

Title

The Position of Non-Muslims in the Implementation of Islamic Law in Aceh, Indonesia

Abstract

The position of non-Muslims living alongside Muslims is evident in the history of Islamic law. Since the time of the Prophet, Companions and governments after non-Muslims lived peacefully and were protected. However, when Muslim countries formed nation-states, several problems arose, including their position as citizens, including in Indonesia, especially in Aceh, which formally applied Islamic law. This study is an empirical legal

study that examines the implementation of Islamic law in society by using legal and political theory. The data used is a literature study examining several Sharia courts' decisions in Aceh; Banda Aceh, Sabang, Meulaboh, Kutacane, Takengon, and Singkil. This study concludes that non-Muslims chose to concentrate after implementing the Islamic shari'a qanun. According to them, Qanun Jinayat is more efficient, affordable, effective, and quick in resolving problems. It has been proven in several cases, such as maysir, khalwat (ikhtilāṭ), khamr, and sexual harassment. Therefore, in legal politics, Islamic sharia and Qanun Jinayat, born from a democratic legal configuration, give birth to laws that are fair and equal and do not discriminate against non-Muslims. In several cases above, non-Muslims voluntarily chose to devote themselves to Islamic law.

Abstrak: Kedudukan non-Muslim yang hidup berdampingan dengan umat Islam sejatinya sudah jelas dalam sejarah hukum Islam. Sejak masa Nabi, Sahabat dan pemerintahan sesudah non muslim hidup secara damai dan dilindungi. Namun demikian ketika negera-negara Muslim membentuk sebagai negara bangsa timbul beberapa persoalan, diantaranya kedudukannya sebagai warga negara, termasuk di Indonesia, apalagi di Aceh yang menerapkan hukum Islam secara formal. Kajian ini merupakan studi hukum empiris yakni menelaah implementasi hukum Islam dalam masyarakat dengan menggunakan teori politik hukum. Data yang digunakan adalah studi literature dan menelaah beberapa putusan mahkamah syariat di Aceh; Banda Aceh, Sabang, Meulaboh, Kutacane, Takengon dan Singkil. Penelitian ini menyimpulkan bahwa pasca penerapan qanun syariat Islam, non muslim justru memilih untuk me- nundukkan diri. Menurut mereka, Qanun Jinayat lebih efisien, terjangkau, efektif, dan cepat dalam menyelesaikan masalah. Terbukti dalam beberapa kasus seperti maisir, khalwat (ikhtilāṭ), khamar, dan pelecehan seksual. Karena itu, dalam konteks politik hukum, syariat Islam dan qanun jinayat yang lahir dari konfigurasi hukum yang demokratis melahirkan hukum yang adil dan setara tidak diskriminatif termasuk kepada non-Muslim. Non-muslim pada sejumlah kasus di atas, memilih untuk menundukkan diri kepada syariat Islam secara sukarela.

Indexing

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Non-Muslim, Islamic sharia, qanun jinayat, implementation of Islamic law

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References

References

- 'Awdah, Abd al-Qadir, al-Tasyrī' al-Jinā'i al-Islāmī Muqāranah bi al-Qānūn al-Waḍ'ī (Beirūt: Muassasah al-Risālah, 1992).
- Abdullahi A. An-Na'im, A.A. (1987). "Religious Minorities under Islamic Law and the Limits of Cultural Relativism," *Human Rights Quarterly* 9.
- Abubakar, A. (2020). *Kedudukan Non-Muslim dalam Qanun Jinayat, Banda Aceh: Dinas Syariat Islam.*
- Ahmad, R. (2022). "Speaking the Unspeakable: The Status of "Non-Muslims" in Indonesia", *Samarah: Hukum Keluarga dan Hukum Islam*, 6 (2). Doi: 10.22373/sjhk.v6i2.13576.
- Ahmad, Z.A. (2014). *Piagam Madinah: Konstitusi Tertulis Pertama di Dunia*, Jakarta: Pustaka al-Kautsar.
- Ansor, M., Arrauf, I. F. and Amri, Y. (2016). "Under the Shadow of Sharia: Christian Muslim Relations from Acehese Christian Experience." *Komunitas* 8 (1). DOI:10.15294/komunitas.v8i1.4966
- Azhary, M. T. (2007). *Negara Hukum: Jakarta: Kencana.*
- The decision of the Banda Aceh Sharia Court, Number 21/Jn/2020/Ms.Bna The decision

- of the Banda Aceh Sharia Court, Number 57/JN/2019/MS-Bna Decision of the Kualasimpang Syar'iyah Court, 3/JN/2016/MS.Ksg.
- The decision of the Kutacane Syar'iyah Court, 11/JN/2022/MS.Kc
- Decision of the Meulaboh Syariyyah Court Number 8/JN/2018/MS.Mbo. Decision of the Sabang Sharia Court, Number 3/JN/2022/MS-Sab
- Decision of the Singkil Sharia Court, Number 3/JN/2020/MS.Skl
- The decision of the Takengon Sharia Court, Number 0001/JN/2016/MS-Tkn. Djazuli, H.A. (2009). *Fiqh Siyasah*, Jakarta: Kencana.
- Editorial Team, (2005). *Ensiklopedi Islam*, Jakarta: Ichtisar Baru Van Hoeve.
- Febriandi, Y. and Amri, Y. (2021). "Stuck in Sharia Space: The Experiences of Christian Students to Reside in Langsa, Aceh" *Al-Jamiah* 59 (1). DOI: <https://doi.org/10.14421/ajis.2021.591.33-56>.
- Feener, R. M. (2013). *Sharia and Social Engineering: The Implementation of Islamic Law in Contemporary Aceh, Indonesia*, UK: Oxford University Press.
- Fitriani and Aisyah. S. (2019). "Konsep Kafir Dalam Pandangan Nahdlatul Ulama (NU) Dan Forum Umat Islam (FUI) Sumatera Utara", *Studia Sosia Religia* 2 (1). DOI: <http://dx.doi.org/10.51900/ssr.v2i2.6485>.
- Fuad, AN., Arbaiyat, Mughni, S., Jainuri, A. (2007). "Islam And Human Rights in Indonesia: An Account of Muslim Intellectuals' Views," *al-Jamiah* 45 (2). DOI: <https://doi.org/10.14421/ajis.2007.452.241-287>.
- Halim, A. (2022). "Non-Muslims in the Qanun Jinayat and the Choice of Law in Sharia Courts in Aceh," *Human Right Review* 23. <https://doi.org/10.1007/s12142-021-00645-x>.
- Hitti, P. K. (2006). *The History of Arabs*, Jakarta: Serambi.
- Ichwan, M. N., Salim, A., Srimulyani, E. (2020). "Islam and Dormant Citizenship: Soft Religious Ethno-Nationalism and Minorities in Aceh, Indonesia," *Islam and Christian-Muslim Relations*, 31 (2) <https://doi.org/10.1080/09596410.2020.1780407>.
- Kettani, M. A. (1997). "Muslims in Spain After the Fall of Granada: Suppression, Resistance, Eclipse, and Re-Emergence," *Islamic Studies* 34 (4). <https://www.jstor.org/stable/23076032>.
- Khaliq, F. A. (1998). *Fikih Politik Islam*, Jakarta: Amzah.
- Law No. 11 of 2006 Concerning the Aceh Governance.
- Lopa, B. (1996). *Al-Qur'an dan Hak-hak Asasi Manusia*, Jakarta: Dana Bhakti Prima Yasa.
- Madjid, N. (1992). *Islam Doktrin dan Peradaban*, Jakarta; Paramadina. Mahfud MD, M. (2009). *Politik Hukum di Indonesia*, Jakarta: Rajawali Press. Manan, A. (2016). *Politik Hukum*, Jakarta: Prenadamedai Group, 2016.
- March, A.F., (2009). Sources of Moral Obligation to non-Muslims in the "Jurisprudence of Muslim Minorities" (*Fiqh al-aqaliyyāt*) Discourse, *Islamic Law and Society* 16, (1): 34-94 (61 pages) <https://www.jstor.org/stable/40377980>.
- Marzuki, P. M. (2014). *Penelitian Hukum*, Jakarta: Kencana.
- Mortada, H (1373). *Social Justice in a Traditional Muslim Built Environment: The Case of Non-Muslim Communities in Cordoba, Spain*, *Sustainable Development and Planning II*, (2). <https://www.witpress.com/Secure/elibrary/papers/SPD05/SPD05134FU2.pdf>.
- Mukharrom, T. and Abdi, S. (2023). "Harmonizing Islam and Human Rights Through the Reconstruction of Classical Islamic Tradition" *Samarah* 7 (1). DOI: <http://dx.doi.org/10.22373/sjhk.v7i1.16436>.
- Munt, H. (2015). "No two religions": Non-Muslims in the early Islamic Hijāz, *Bulletin of the School of Oriental and African Studies* 78 (2); 249-269. DOI:10.1017/S0041977X14001049.
- Noth, A. (2021). Problems of Differentiation between Muslims and Non-Muslims: Re-Reading the "Ordinances of 'Umar" (*Al-Shurūṭ Al-'Umarīyya*), in *Muslims and others in early Islamic society*, UK: Routledge.
- Nurdin, A, Hakim, L., Mulia, M., Khairizzaman. (2011). *Syariat Islam dan Isu-isu Kontemporer*, Banda Aceh: Dinas Syariat Islam.
- Nurdin, A. Kasim, F., Rizwan, M., Duad, M. (2021). "The Implementation of Meunasah-based Sharia in Aceh: A Social Capital and Islamic Law Perspective," *Samarah* 5 (2). DOI: <http://dx.doi.org/10.22373/sjhk.v5i2.10710>.
- Rahman, A. (2016). "Relasi Muslim dan Non-Muslim," *Jurnal Kordinat* 15 (2).
- Sachedina, A. (1988). "Islam and Religious Freedom: Freedom of Conscience and Religion

in Qur'an," in David Little, John Kelsay and Abdulaziz Sachedina (eds.), *Human Rights and the Conflict of Culture*, Columbia: USC Press.

Saeed, A. (1999). "Rethinking citizenship rights of non-Muslims in an Islamic state: Rashid al-Ghannūshi's Contribution to the Evolving Debate," *Islam and Christian-Muslim Relation* 10 (3).

Salim, A. (2008). *Challenging the Secular State: The Islamization of Law in Modern Indonesia*, (Honolulu: University of Hawai'i Press).

Salim, A. (2015). *Contemporary Islamic Law in Indonesia: Sharia and Legal Pluralism*, (UK: Edinburgh University Press).

Shihab, M. Q. (2006). *Tafsir al-Misbah: Pesan, Kesan dan Keserasian al-Quran*, Volume, 2, Jakarta: Lentera Hati.

Sjadzali, M. (1993). *Islam dan Tata Negara: Ajaran, Sejarah dan Pemikiran*, Jakarta: UI Press.

Srimulyani, Eka, Afriko, M., Salim, A., Ichwan, M.N. (2018). "Diasporic Chinese Community in Post-Conflict Aceh Socio-Cultural Identities and Social Relations with the Acehnese Muslim Majority," *Al-Jami'ah* 56 (2). DOI: <https://doi.org/10.14421/ajis.2018.562.395-420>.

Sulistiani, S.L. (2021). "The Legal Position of Waqf for Non-Muslims in Efforts to Increase Waqf Assets in Indonesia" *Samarah* 5 (1). DOI: <http://dx.doi.org/10.22373/sjhc.v5i1.9161>.

Zada, K. (2015). *Politik Pemberlakuan Syariat Islam di Aceh dan Kelantan (1993-2014)*. *AL-IHKAM: Jurnal Hukum & Pranata Sosial*, 10(1), 41-70.

Zada, K., Triana, W., Hidayah, N., & Kultsum, U. (2022). *Muslim Youth Under Sharia Regime in Aceh: From Accommodation to Resistance*. *AL- IHKAM: Jurnal Hukum & Pranata Sosial*, 17(2), 412-433

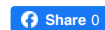
Zubair, A., latif, H., Hariyanto, AD., (2022). "The Construction of Inheritance Law Reform in Indonesia: Questioning the Transfer of Properties through Wasiat Wājibah to Non-Muslim Heirs" *Samarah: Jurnal Hukum Keluarga dan Hukum Islam* 6 (1). DOI: <http://dx.doi.org/10.22373/sjhc.v6i1.12628>.

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