



**THE ROLE OF ULAMA IN THE APPLICATION OF  
ISLAMIC SYARIAH IN ACEH:  
A Study of Aceh Ulama Council's *Fatwa*  
on Apostasies and Heresies**

**Abidin Nurdin**

*abidin@unimal.ac.id*

**Al Chaidar**

*alchaidar@unimal.ac.id*

**Apridar**

*apridar@unimal.ac.id*

**Muhammad bin Abubakar**

*muhd.a.bakar@gmail.com*

Universitas Malikussaleh, Aceh

**Abstract**

*This article examines the role of ulama in the implementation of Syariah in Aceh by focusing on the study of their fatwa concerning apostasies and heresy. Since the time of the Aceh Sultanate, the role of the ulama has been prominent as the royal judges who applied syariah due to the status Aceh as the region that embraces Sunni Islam as the official schools of jurisprudence and theology. This situation continues in the period of independence and it has legally been further strengthened in the post-Soeharto regime (reformation era) by the special autonomy status granted to Aceh that includes the right to implement syariah in full. Based on the special autonomy, the council of ulama in Aceh, known as Majelis Permusyawaratan Ulama (the Consultative Assembly of Ulama or MPU) is officially instuted as the government partner and vested with the authority to issue religious edicts (fatwa) and give considerations regarding the problems of governance, development, community development, and Islamic economy to the government. With regards to Islamic theology, the MPU has the authority to determine the orthodoxy of a religious group by issuing fatwa. As studied, there are fourteen fatwa issued by the MPU on sects and religious movements flourished in Aceh which are deemed to be deviating from Islamic orthodoxy; those include Shiah, Millata*

*Abraham, and Gafatar. From in-depth studies of the fatwa, this article reveals that the influential role of ulama in Aceh in the life of society and government comes from three legitimations, namely; history, juridical, and social. This thus has made the society and government feel bound by the MPU fatwa on apostasies and heresies which prompt the Aceh government to ban the groups despite freedom of religion guaranteed by the constitution. This condition is theoretically appealing because, as far as the legal system of Indonesia is a concern, obeying a fatwa is a matter moral compliance instead of legal compliance.*

**Keywords:** *ulama fatwa, Islamic Syariah, apostasy*

### **Abstrak**

*Artikel ini menjelaskan tentang peran ulama dalam penerapan syariat Islam yang difokuskan pada kajian fatwa mengenai aliran sesat (murtad dan bidaah) di Aceh. Sejak masa kesultanan Aceh peran ulama sudah menonjol sebagai qadhi, pada masa ini juga Aceh dikenal sebagai wilayah yang menganut Ahlusunnah wal jamaah sebagai aqidah resmi dan empat mazhab dalam bidang fikih. Setelah itu, pada masa kemerdekaan terutama setelah penerapan syariat Islam berdasarkan undang-undang lembaga ulama juga diberikan otoritas untuk memberikan fatwa dan pertimbangan mengenai masalah pemerintahan, pembangunan, pembinaan masyarakat dan ekonomi Islam. Tidak hanya itu, dalam hal menentukan suatu organisasi atau aliran disebut sesat atau tidak, hanya boleh dikeluarkan oleh MPU sebagai lembaga resmi. sehingga dapat dikatakan bahwa ulama di Aceh memiliki tiga legitimasi yang menyokong perannya dalam pemerintahan dan masyarakat yaitu: legitimasi historis, yuridis dan sosial. Legitimasi sosial nampak lebih kuat karena fatwa-fatwa diikuti oleh masyarakat. Fatwa dan keputusan yang dikeluarkan oleh Majelis Permusyawaratan Ulama terkait dengan 14 aliran sesat dan gerakan keagamaan yang berkembang di Aceh. dalam kajian ini ada tiga aliran keagamaan yang difatwakan sesat oleh ulama Aceh yaitu: Syiah, Millata Abraham dan Gafatar. Hal ini disebabkan karena kuatnya otoritas MPU sebagaimana dijelaskan dalam Undang-Undang dan qanun, Islam Sunni sebagai anutan mayoritas masyarakat Aceh Islam yang menyebabkan legitimasi masyarakat terhadap fatwa MPU tersebut, di samping itu muncul resistensi dari masyarakat terhadap aqidah selain Sunni.*

**Kata Kunci:** *Fatwa Ulama, Syariat Islam, Aliran Sesat*

## A. Introduction

There are differences in concepts, contexts, and even actors associated with the application of syariah in the Islamic world in the past (in the era of the sultanate) and in the present time (in the form of nation state). The nation-state system has led to some contradictions with the absolute monarchy system or post-imperialist sultanate and the colonization of Western countries against the Muslim nations. In the global context, examples of nation states that implement Islamic law include Nigeria, Iran, Egypt, Turkey and Pakistan.<sup>1</sup>

In the Islamic Republic of Pakistan, for example, the syariah is applied on the basis of the will of the Muslim community that formed the country who wants to separate from Hindu-majority of India, with the aim of applying the teachings of Islam in daily basis. However, since its establishment on June 3, 1947, it is experiencing serious difficulties in defining Islam. The prolonged debates within the Constituent Assembly as well as the compromise between the traditionalist and the modernist camps embodied in Objectives Resolution (1949), the first constitution (1956), the second constitution (1962), or the amendment of which does not satisfy all parties-clearly reflect that matter.<sup>2</sup>

Similar to Pakistan, Sudan can also be an interesting example of challenges surrounding the application of syariah in modern state. A case in point is the execution of Mahmuod Mohamed Taha, a controversial Muslim reformer, on January 18, 1985 by the military regime led Ja'far Numayry because of allegations of *riddah* (apostasy); which is more like a political allegation sought after. In fact, what Taha was trying to fight for is that Islam is not slammed from the world of human life. In addition, some of the problems of applying the syariah in Sudan are also in the spotlight on the issue of civil liberties, human

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<sup>1</sup> On the application of syariah in the Islamic world, see for example Abdullahi Ahmed an-Na'im, *Islam Dan Negara Sekular: Menegosiasikan Masa Depan Syariah* (Bandung: Mizan, 2007); Arskal Salim, *Challenging the Secular State: The Islamization of Law in Modern Indonesia* (Honolulu: University of Hawaii Press, 2008); see also Taufik Adnan Amal and Syamsu Rizal Panggabean, *Politik Syariat Islam: dari Indonesia hingga Nigeria* (Jakarta: Pustaka Alvabet, 2004).

<sup>2</sup> Abidin Nurdin and Ridhwan, "Penerapan Syariat Islam dalam Konteks Negara bangsa: Kajian tentang Formalisasi Hukum Islam di Aceh," dalam Suprianto and et.al, *Islam and Local Wisdom: Religious Expression in Southeast Asia: Islam dan Kearifan Lokal: Ekpresi Keberagaman di Asia Tenggara* (Yogyakarta: Deepublish, 2016), 245.

rights, protection of non-Muslims, and even international relations in Islam.<sup>3</sup>

In Malaysia, its ulama organization named as the Majelis Ugama Islam, is given the function of making regulations related to the religious administration, namely the arrangement of the management of zakat, wakaf, and baitul maal. While the composition of its population consists of the Malays, Indian, and Chinese ethnics, Malaysian Constitution, however, stated that the official religion is Islam. Some Islamic legislation, therefore, are implemented in some states; for example, Islamic family law in Kedah issued in 1979, Kelantan in 1983, Melaka in 1983, Selangor in 1984, and Perak in 1984. In general, the Islamic family law in Malaysia is called *The Islamic Family Law Enactments, 1983-1987*.<sup>4</sup>

In Indonesia, the problem of implementation of Islamic bylaws can be seen in several areas, such as South Sulawesi, West Java, and Aceh. While other regions does not have legal basis for the implementation, Aceh does have it as contained in Law Number 44 of 1999 on the Implementation of Special Autonomy of Aceh Province and Law Number 18 year 2001 on Special Autonomy for the Special Province of Aceh as the Province of Aceh,<sup>5</sup> which then supported by Law Number 11 year 2006 regarding Aceh Government. The existence of these three laws distinguishes the region of Aceh with other regions in Indonesia. Currently, only Aceh is the province in Indonesia that applies formal Islamic law, in addition to national law.

Based on the special autonomy, the council of ulama in Aceh, known as Majelis Permusyawaratan Ulama (the Consultative Assembly of Ulama or MPU) is officially instuted as the government partner and vested with the authority to issue religious edicts (*fatwa*) and give considerations regarding the problems of governance, development, community development, and Islamic economy to the government. With regards to Islamic theology, the MPU has the authority to determine the orthodoxy of a religious

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<sup>3</sup> Abidin Nuridin and Ridhwan, "Penerapan Syariat Islam dalam Konteks Negara bangsa: Kajian tentang Formalisasi Hukum Islam di Aceh," dalam Suprianto and et.al, 245.

<sup>4</sup> Muhammad Amin Suma, *Hukum keluarga Islam di dunia Islam* (Jakarta: RajaGrafindo Persada, 2004), 154.

<sup>5</sup> Hasan Basri Siregar, "Islamic Law in a National Legal System: A Study on the Implementation of Shari'ah in Aceh," *Asian Journal of Comparative Law* Volume 3, no. 1 (2008): 5.

group by issuing fatwa. There are fourteen fatwa issued by the MPU on sects and religious movements flourished in Aceh which are deemed to be deviating from Islamic orthodoxy. This article focuses on the role of MPU in the implementation of Syariah in Aceh by focusing on the study of their fatwa concerning apostasies and heresy. It reveals that the influential role of ulama in Aceh is the factors historical, legal, and social legitimacy; and the social legitimacy outweighs the other two factors in shaping this influential role.

## **B. Syariah and the Legitimacy of Ulama**

In the era of the New Order came to power (1966-1998), Aceh's turbulent situation stirred by the Darul Islam/Tentara Islam Indonesia (DI/ TII) revolt led by Daud Beureueh between 1953-1962 did not improve the social and political condition there, including the implementation syariah in full. In fact, Aceh had been assigned as a Military Operation Area (DOM) since 1989. After the collapse of Soeharto's era, Indonesia moved to the so-called reformation era in 1998 and the political atmosphere has changed from the authoritarian to more democratic regime. The DOM was later revoked in the same year President B.J. Habibie, who then granted a real autonomous status to Aceh by which the central government responded to the demands of the people of Aceh to full syariah implementation by enacting Law 44/1999 of Special Region of Aceh, and culminating with the birth of Law 18/2001 of Special Aoutonomy of Aceh.<sup>6</sup>

Islamic Syariah is officially applied in Aceh through the declaration by Governor Abdullah Puteh on March 15, 2002, which coincides with 1 Muharam 1422 A.H. This declaration indicates that Muslims in Aceh already have the legality to implement Islamic law in full. As the implementation of the law, Regional Regulation number 3 of 2000 on the Consultative Assembly of Ulama (MPU) and Regional Regulation number 5 of 2000 on the Implementation of Islamic Syariah were the promulgated. This has provided ample space for the Acehnese ulama to play a more influential role in the public life and the run of government.

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<sup>6</sup> Rusjdi Ali Muhammad, *Revitalisasi syari'at Islam di Aceh: problem, solusi, dan implementasi* (Jakarta: Kerjasama IAIN ar-Raniry, Nangroe Aceh Darussalam dengan Penerbit Logos Wacana Ilmu, 2003), 3.

The marginalization of the institution of ulama that occurred during the New Order period did not happen again. Ulama is considered important to participate in determining the policies of Aceh's government, especially related to syariah. In this context, the position of the MPU is clearly different from that of the Indonesian Ulama Council (MUI) at the national and provincial levels outside Aceh. This is also confirmed by Arskal Salim that MPU has a key role in the implementation of syariah in Aceh, especially in the context of the Indonesian nation state.<sup>7</sup> The key role is its involvement in the legislative process of *qanun* making, both in the phase of legal drafting and discussion with the executive and the legislative.

At a glance, the MPU and MUI appear to be almost the same, but in reality both institutions have different legitimacy and authority. While still a MUI, Acehese ulamas through the agency are tasked with providing advice to the Aceh local government. Such advice can be obeyed, but often what happens is ignored. This is because the MUI does not have strong juridical foundations in the hierarchy of legislation. With the position of ulama in the current MPU now, this ulama institution has a clearer legal basis in the Law and Bylaw (*Qanun*). Different from the MUI, the MPU is more independent and serves to give consideration to various local government policies, such as government, development, social and also the Islamic economic order. In carrying out its duties, the MPU has the function of issuing fatwa and giving consideration, whether requested or not, to local government policy.

Based on Qanun Number 2 year 2009 on the Organizational Structure of MPU, the members of this institute consist of two, namely ulama and scholars. Ulama are a role model community who understand the teachings of Islam from the Koran and hadith and practice them. Meanwhile, Muslim scholars are academics who have moral integrity and have a certain expertise in depth and practice the teachings of Islam. According to the qanun also, the organizational structure of the MPU consists of (1) the *syuyūkh* assembly, consisting of 9 persons elected from charismatic clerics not members of the MPU; (2) the leadership, consisting of a chairperson and three vice-presidents elected in a special plenary

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<sup>7</sup> Salim, *Challenging the Secular State*, 156.

meeting; (3) commissions, namely Commission A in the field of fatwas, study of qanun, and legislation, Commission B on education, research, and development and economic of the people, and Commission C in the areas of da'wah, family empowerment and youth; (4) deliberation committee; (5) autonomous bodies, and (6) special committees.<sup>8</sup>

Consequently, there are three aspects that legitimize the influential role of ulama in the application of syariah in Aceh. Those three aspects are: historical, social, and juridical legitimacy. MPU involvement in the legislative process of Islamic law in Aceh has brought a new color to the legitimacy of ulama in Indonesia. The return of the ulama to his legislative function will guide public morals through legislation.<sup>9</sup> This legitimacy can be referred to Max Weber's leadership theory (1864-1920) which divide the legitimacy into: first, the traditional belief in a traditional society, that the party who according to old traditions hold the government is entitled to rule, such as the nobility or royal family; second, the charismatic that is based on the admiration, respect, and love of the community towards a very impressive individual; third, rational-legal based on belief in the rational order of law that underlies the position of a leader.<sup>10</sup>

In the study of the legitimacy of power, especially regarding the legitimacy of the state, Max Weber is regarded as the pioner of legitimacy theory. As mentioned above, legitimacy is closely linked to the moral convictions that justify the right to be used for demanding obedience and giving orders, legitimacy gained not from the ruler (from top to bottom), but from society (from bottom - up). For example, in the eyes of the Tibetan people, the Dalai Lama is given legitimacy by society to be their political leader, as well as the highest priest.

Three forms of legitimacy that the author uses in this paper are certainly not exactly the same as Weber's view. Nevertheless,

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<sup>8</sup> See "Qanun Nomor 2 Tahun 2009 on Acehese Ulama Council (Majelis Permusyawaratan Ulama, MPU," accessed July 4, 2018, [http://simeuluekab.go.id/uploads/qanun\\_aceh\\_no\\_2\\_tahun\\_2009\(1\).PDF](http://simeuluekab.go.id/uploads/qanun_aceh_no_2_tahun_2009(1).PDF).

<sup>9</sup> Abidin Nurdin, "Ulama dan Proses Legislasi Mengkaji Legitimasi Lembaga Ulama Aceh" dalam Dr Arskal Salim dkk, *Serambi Mekkah yang Berubah* (Jakarta: Pustaka Alvabet, 2010), 115.

<sup>10</sup> Miriam Budiardjo, *Pengantar Ilmu Politik* (Jakarta: Gramedia Pustaka Utama, 1998), 15; Franz Magnis Suseno, *Etika politik: prinsip-prinsip moral dasar kenegaraan modern* (Jakarta: Gramedia, 1988), 53.

this paper will sort out three forms of legitimacy, namely historical, sociological, and juridical legitimacy. The classification of legitimacy in this paper actually has an intersection with Weber's leadership theory above. For example, traditional leadership can be regarded as historical legitimacy because it has been rooted as a tradition since the past (the sultanate of Aceh). The charismatic leadership can be called as sociological legitimacy, because charisma raises awe, respect and obedience to a person including the ulama in social life. Ulama in the Acehnese society still have an influence to follow. Meanwhile the legal rational leadership has many similarities with juridical legitimacy because both are based on the prevailing legal order (emerged from above or given). The role of the 'ulama has a legal basis juridically.

The MPU social legitimacy becomes a benchmark and an entry point because it will affect the strength or absence of MPU involvement in the process of legislation of syariah bylaws (qanun). The community will question every qanun that has been passed without their presence in the process of deliberation. The Historical legitimacy is the legitimacy that occurred in the past that became the basis of contemporary history, like the role of ulama of the Acehnese kingdom since Sultan Iskandar Muda. Social legitimacy is acquired naturally as identity and recognition to scholars also arise naturally based on knowledge, gait, and charisma in society. Meanwhile, juridical legitimacy is a process of formalization, culmination, and logical consequences of the existence of social legitimacy and historical legitimacy that have been previously owned.

Juridical legitimacy is described in Law number 44/1999 and strengthened by Law number 11/2006, which mandates to establish and provide a strong role to the institution of ulama in Aceh. Article 138 of Law number 11/2006 explains: (1) MPUs are established in Aceh/regency/municipality, whose members consist of Muslim scholars and intellectuals who understand the knowledge of Islam by taking into account women's representation; (2) The MPU as referred to in paragraph (1) shall be independent and its stewardship shall be elected in the clerical deliberations; (3) The MPU shall be a partner of the Government of Aceh, the district/municipality government, and the Aceh House of Representatives and the Regency/Municipal People's Legislative

Assembly; (4) Further provisions on organizational structure, working procedures, protocol positions, and other matters relating to the MPU shall be governed by Aceh Qanun.<sup>11</sup> Furthermore, Article 139(1) states that the MPU has a function to stipulate a fatwa which can be one of the considerations of government policy in the field of government, development, community development, and economy. To carry out the functions referred to in Article 139(1), the MPU has the following duties and authorities: (a) to give fatwas, whether requested or unsolicited, to the issues of governance, development, community development, and the economy; and (b) provide direction to religious dissent in society.<sup>12</sup>

These provisions causes the MPU's authority to be strong enough to provide a fatwa and consideration to the government. Nonetheless, social legitimacy is the most important factor because the strength or absence of such legitimacy can affect juridical legitimacy. MPU involvement in the legislation process is still quite significant because the social legitimacy of MPU is still quite strong so far. Cases in point are the cancellation of the construction of the Best Western Aceh Hotel designed to be located directly in front of the Baiturrahman Great Mosque which is the symbol of civilization and local wisdom of Aceh;<sup>13</sup> and the cancellation of the Nidji Band show that does not get any recommendations from MPU because there is no guarantee from the committee to separate the male and female spectators.<sup>14</sup>

The strength of the social legitimacy that supports the ulama in Aceh is understandable because, sociologically and anthropologically, Acehnese people are also very strong in holding religious principles and religious values. The position of the ulama is strong enough that the fatwa and its advices are followed and heard by the people to this day.

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<sup>11</sup> See Indonesia, "Undang-Undang Republik Indonesia Nomor 11 Tahun 2006 Tentang Pemerintahan Aceh," (Banda Aceh: Dinas Informasi dan Komunikasi Provinsi Nanggroe Aceh Darussalam, 2006) Especially article 138.

<sup>12</sup> See Indonesia, "Undang-Undang Republik Indonesia Nomor 11 Tahun 2006 Tentang Pemerintahan Aceh," especially Article 139 and 140.

<sup>13</sup> "Pertimbangan Majelis Permusyawaratan Ulama Nomor 08 Tahun 2011 Tentang Rencana Pembangunan Mall Dan Hotek Best Western Aceh," accessed July 4, 2018, <https://mpu.acehprov.go.id/uploads/NOMOR%202008%20TAHUN%202011%20RENCANA%20PEMBANGUNAN%20MALL%20DAN%20HOTEL%20BEST%20WESTERN%20ACEH.pdf>

<sup>14</sup> Abidin Nurdin, "Ulama dan Proses Legislasi Mengkaji Legistimasi Lembaga Ulama Aceh" dalam dkk, *Serambi Mekkah yang Berubah*, 115.

### C. The Transformation of Ulama Role in Aceh

In Aceh, a study that discusses the position and role of clerical contributions in many ways is not new. Yeoh, for example, examines the relationship between ulama, government and the society.<sup>15</sup> He considered that ulama are a quite important group in Aceh. The ultimate point of the role of ulama in politics is as mufti during the Sultanate of Aceh Darussalam. As the sultan's mufti, the fatwa issued by the ulama was influential in the policy making and the direction of government at that time. Moreover, the ulama have also served as a preacher, educator, and freedom fighter.<sup>16</sup> Some of the famous clerical names of the time were like Shamsuddin al-Sumatrani (d. 1630 AD), Nur al-Din al-Raniri (d. 1658 AD), and Abdurrauf al-Singkili (d. 1730 AD), who also served as *qadhi malikon adil* (supreme judges) in the *sultanah* (female Islamic rulers) period.<sup>17</sup>

The ulama's gait continued until the struggle against foreign invasion. Freedom fighters (*sabil ulama*) such as Teungku Chik di Tiro ( d. 1891 AD) emerged. Despite the degradation of roles since the Dutch gained control of Aceh in the early 20th century, it did not necessarily result in the ulama losing its role at all. Towards the end of Dutch colonialism, Acehnese ulama slowly began to appear to organize themselves. This is marked by the establishment of the Persatuan Ulama Seluruh Aceh (Union of All-Aceh Ulemas, PUSA) in 1939 by Teungku Daud Beureueh. The PUSA scholars are known to be loyalists to the politically opposed republic with the *uleebalang* (the aristocrats) group, who retained the status quo with the powers granted by the Dutch. This is what then triggered the outbreak of the Cumbok insurgency, a war between ulama and *uleebalang*. PUSA finally succeeded in breaking the resistance of the Acehnese aristocrats in defending nationalist nationalism.

In the aftermath of the New Order regime, there was a significant process for strengthening the institutions of ulama,

<sup>15</sup> Siok Cheng Yeoh, "Umara-Ulama-Ummah Relations and Pesantrens in Aceh Province, Indonesia: A Study of the Challenges to the Authority of a Traditionalists Kiyai" (Dissertation, University of Washington, 1994).

<sup>16</sup> Yusny Saby, "Islam and Social Change: The Role The Ulama In Achenese Society" (Dissertation, Temple University, 1995).

<sup>17</sup> Azyumardi Azra, *Jaringan ulama: Timur Tengah dan kepulauan Nusantara abad XVII & XVIII: akar pembaruan Islam Indonesia* (Bandung: Mizan, 1998), 202.

both at the national and local levels. In Aceh, the ulama became transformed into an MPU (Majelis Permusyawaratan Ulama) in place of the MUI (Majelis Ulama Indonesia), formed during the New Order period in 1975. The MPU was originally the name of the institution when it was established in 1966 but changed to the MUI in the period the new order. Thus, the change from the MUI to the MPU actually returns to its origin, but with a distinct different role from the original. The transformation itself took place at the time of Majelis Ulama Se-Aceh held on July 25-27, 2001 in Banda Aceh. This is in line with the mandate of the law which requires the establishment of new and independent clerical institutions. That is why, the existence of MUI Aceh declared no longer valid and the relationship MPU as a new institution with MUI Center is not hierarchical anymore.

After the conflict in 2005, there were several clerical institutions, such as the Dayah Ulama Association (*Himpunan Ulama Dayah, HUDA*) and the Ulama Council of Nanggroe Aceh (*Majelis Ulama Nanggroe Aceh, MUNA*). HUDA is an organization founded by the dayah (traditional pesantren) in Aceh. HUDA is headquartered in Banda Aceh and under the leadership of Tgk. Hasanoel Basri, who is also the leader of Dayah Mudi Mesra in Samalanga, Bireuen District. From the beginning of its emergence, HUDA is a forum to convey the aspirations or thoughts about religious, social, and political that covers all aspects of community life. Based on research conducted by Firdaus (2010), history records the birth process of HUDA closely related to the issue of peace in Aceh. The presence of HUDA also has its own history and is not much different from the process of forming PUSA. This organization was born from the first deliberation held at the tomb of Syiah Kuala on 13-14 September 1999 with more than 600 participants, consisting of young activists, students, students and scholars from various regions in Aceh.<sup>18</sup>

Another organization is MUNA, founded by clerics affiliated with the Free Aceh Movement (*Gerakan Aceh Merdeka, GAM*) group which has close ties with the current ruling party in Aceh, Partai

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<sup>18</sup> Fitriani, "Keterlibatan Ulama Dalam Berpolitik Di Banda Aceh" (Tesis, UIN Sumatera Utara, 2016), 66–68; and Firdaus, "Peran Ulama HUDA Dalam Politik Pasca Orde Baru, Rehab-Rekon Aceh Pasca Gempa Dan Tsunami, Pasca MoU Helsinki Hingga Sekarang" (Tesis, UIN Ar-Raniry, 2010).

Aceh (PA). *Majelis Ulama Nanggroe Aceh* is sometimes referred to as a reference by the government because of the "charisma" of its leadership or due to their proximity to the authorities when it is led by the governor and his deputy from former GAM combatants.<sup>19</sup> However, MUNA seems to be slowly playing no significant role. This is because the figure in this organization is not much influential and tend not charismatic, in contrast to HUDA and MPU which has a charismatic character. It is also possible that MUNA is a new clerical institution among the three.

Of the above three clerical institutions, only two organizations, the MPU and HUDA, make a real contribution in the context of Islamic law, social change, education, politics, and culture. The MPU is more active in the context of Islamic Shari'a, the legal and political law of the government, while HUDA is more consistent in education, social change, and maintaining Islamic traditions and culture. In this context, there is a transformation of the role of ulama from formerly only as *mufti* and *qadhi* during the sultanate. Today, their role is increasingly wider, namely as a lecturer, *dai* (preacher), politicians, and even some become bureaucrats such as vice regent of Aceh Besar 2017-2022, Teungku Husaini Abdul Wahab is ulama and the leader of Dayah Selimum (pesantren) who until now always wear sarong cloth including entering the office. This is possible because of changes in the political system and state administration in Indonesia.

#### **D. The Fatwa of the Ulama and the Apostate or Heresy in Aceh**

Within Indonesian legal system, fatwas are moral obligation and not legally binding (*ghayr mulzimah*). Nevertheless, in the context of the Acehnese community, fatwas are strong and socially binding although the ulama only have the capacity to give input to the government in the field of religion.<sup>20</sup>

The juridical basis of the authority of the MPU to issue a fatwa related to government policy has been affirmed in Law Number 11 of 2006 Article 139. It is then reinforced by Qanun Number 8 of 2015 on Guidance and Protection of aqidah in article

<sup>19</sup> Muhammad Suhaili Sufyan, "Peranan Majelis Permusyawaratan Ulama Dalam Sistem Pemerintahan Aceh" (Dissertation, University of Malaya, 2016), 8.

<sup>20</sup> Husni Mubarrak, "Kontroversi Asuransi Di Indonesia: Telaah Fatwa Majelis Ulama Indonesia (MUI) Tentang Badan Penyelenggara Jaminan Sosial (BPJS)," *TSAQAFAH* 12, no. 1 (May 16, 2016): 118, <https://doi.org/10.21111/tsaqafah.v12i1.370>.

9 described; (1) The Aceh MPU is authorized to issue a fatwa on Aqidah or an alleged heresy; (2) The MPU of Aceh shall be authorized to issue a fatwa concerning an institution or individual conducting the dissemination of Aqeedah or alleged heresy; (3) The MPU Fatwa as referred to in paragraph (1) and paragraph (2) shall be submitted to the Government of Aceh and the District Government.

Furthermore, in Article 11 qanun mentioned above mentioned about the criteria of understanding that is;

1. Denies one of the six pillars of faith;
2. Denies one of the five pillars of Islam;
3. Believe in or follow aqidah that is inconsistent with ahlussunnah wal jamaah;
4. Believe in the descent of revelation after the Qur'an; denying the purity and or truth of the Qur'an;
5. Doing the interpretation of the Qur'an is not based on the rules of tafsir;
6. Denying the position of the Prophet's Hadith as a source of Islamic teachings;
7. To interpret the Hadith not based on the rules of the science of Hadith;
8. Insulting and/or harass the family and companions of the Prophet Muhammad;
9. Insulting and/or harassing the companions and the family of Prophet Muhammad;
10. Change, increase and/or reduce the points of worship established by the Shari'a, and or
11. Disbelieving their fellow Muslims without a valid syariah proposition.

Qanun is exactly the same as the fatwa issued by MPU Number 7 of 2007 on the criteria of heresy. This shows that the influence of MPU in the implementation of Islamic Shari'a legislation process is strong enough, especially regarding the criterion of heretical or not, then have to wait fatwa from MPU.

The Aceh Provincial Government (*Pemerintah Provins*) together with the local MPU banned the activities of the 14 growing beliefs in the province. In accordance with the results of the decision of the MPU and the Aceh Provincial People's Consultative

Assembly, they are considered heretical and are prohibited from recruiting followers. They must also stop all activities that do not agree with the official belief or opinion of a particular religion. The fourteen heretical sects are: the Millata Abraham (from Bireuen district); the Darul Arqam (Banda Aceh); the Ajaran Kebatinan Abidin (Sabang); the Aliran Syiah (Aceh); the Ajaran Muhammad Ilyal bin M Yusuf (Aceh); the Tarikat Haji Ibrahim Bonjol (Aceh Tengah district); the Jamaah Qu'ran Hadist (Aceh Utara); dan the Ajaran Ahmadiyah Qadian (Aceh). And also, the Pengajian Abdul Majid Abdullah (Aceh Timur district); the *Ajaran Iman Lubis* (Suak Lamata, in the district of Teupah Selatan, Simeulue district); the Tarikat Mufarridiyah (Aceh); the Ajaran Ahmad Arifin (Aceh Tenggara district); the Ajaran Makrifatullah (Banda Aceh); and the *Pengajian Al-Qur'an dan Hadist* (in the district of Simpang Ulim dan Madat, Aceh Timur district). In addition, there are four other heretical sects or cults allegedly heretical or perverted from Islam, i.e. spreaders or followers of the Ajaran Salik Buta (di Kecamatan Tangan-Tangan dan Kuala Batee, Kabupaten Aceh Barat Daya); the Ajaran Sukardi (Gampoeng Teungoh, Lhoknga, Aceh Besar District); the Mukmin Mubalik (Banda Aceh and Aceh Besar); and alleged practice of siltation of *aqidah* creed or addition of *syahadat* (in the Simeulue Timur, Simeuleu district).<sup>21</sup>

The reason for the decision is that the official school adhered to in the area is Sunni, as set forth in Qanun number 8/2014. In Article 11 of the Qanun, it is mentioned (1) Every Muslim person in Aceh is obliged to behave as like according to the Qur'an and as-Sunnah in soul and behavior; and (2) Akidah Islamiyah as referred to in paragraph (1) is Aqidah Ahlussunah wal Jama'ah (Sunni).<sup>22</sup> So here it is that the Syiah are asserted as heretical sects, besides Millata Abraham and Gafatar. Here's a description of the three groups, as a sample and all three of these groups have ties to national and international networks.

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<sup>21</sup> The final religious policy was publicly announced in media in Aceh. See, *Serambi Indonesia*, 11 April 2011.

<sup>22</sup> "Qanun Aceh No. 8 Tahun 2014 Tentang Pokok-Pokok Syariat Islam | Jaringan Dokumentasi dan Informasi Hukum Aceh," accessed July 5, 2018, <https://jdih.acehprov.go.id/qanun-aceh-no-8-tahun-2014-tentang-pokok-pokok-syariat-islam>.

## 1. Syiah

Syiah is one of the sects in Islam that believes that the most entitled to be a Muslim imam after the death of Prophet Muhammad is the family of the Prophet himself (*ahlul bait*). In this case, Abbas bin Abdul Muttalib (the Prophet's uncle) and Ali bin Abi Talib (the cousin and the son-in-law of the Prophet) and his descendants. When re-traced its history, the birth of the school of Islam in Islam can be classified into two schools, the school of wisdom and the school of theology.<sup>23</sup> Schools whose backgrounds are motivated by khilafah or imamah, are classified as political schools, such as Syiah and Khawarij.<sup>24</sup> Meanwhile, schools whose backgrounds are motivated by beliefs are classified as theological schools, such as the Mu'tazilites, Ash'arites, and Maturidiyads. These last two schools are later known as Sunni schools.

The Syiah school has long existed in Aceh since the Pereulak Sultanate (present-day Aceh Timur). The Pereulak Sultanate (840-1292) was the first Islamic empire in Southeast Asia. However, its influence then faded with the emergence of new forces, namely the Pasai Ocean and the Kingdom of Aceh Darussalam Kingdom led by Sultan Iskandar Muda. During the reign of Sultan Iskandar Muda (1607-1636), the Sunni school was used as the official appeal of the sultanate, as inscribed in *Qanun al-Asyi* or *Qanun Meukuta Alam*. In the qanun of the natural capital it is affirmed that the official school that may be taught in Aceh is the aqidah ahlusunnah wal jamaah while the jurisprudence refers to the four madhhab, Hanafi, Malik, Syafii and Hanbali.<sup>25</sup> Then, in the aftermath of the 2004 tsunami, Aceh, which over the past 30 years has been overwhelmed by conflict so that it is very closed to the outside world, is changing quite openly. The offer of aid flows from many parties, including from abroad, who have diverse backgrounds, both religion, nation, and school and school. At that time, groups such as Hizbut Tahrir Indonesia (HTI), the Islamic Defenders Front (FPI),

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<sup>23</sup> Ira M. Lapidus, "A History of Islamic Societies" translated by Ghufroon A. Mas'adi, *Sejarah sosial ummat Islam* (Jakarta: RajaGrafindo Persada, 2000), 177.

<sup>24</sup> D.S. Margoliouth, D.Litt., *Umayyah and "Abbasids Being The Fourth Part of Jurji Zaydan"s of Islamic Civilization* (London: Kitab Bhavan New Delhi, 1978), 39.

<sup>25</sup> Darni M. Daud, *Qaun Moukuta Alam Dalam Syarah Tadhkirah Tabaqat Teungku Di Mulek Dan Komentarnya* (Banda Aceh: Unsyiah Kuala University Press, 2010), 1.

Salafi, and Syiahs also entered Aceh. Unless FPI and Salafi, HTI and Syiahs have no strong influence in the community, especially after the government bans HTI and Shi'a from being misled by the Aceh MPU.

Associated with the Syiah group, the following views came from a number of socio-political figures and institutions in Indonesia.

1. The Center's MUI at the National Working Meeting in Jakarta, 6 November 2007 explains "Ten Criteria of the Apostasy", which was practiced by the Imamiyyah and Istna Asyariyah schools.<sup>26</sup>
2. Fatwa of the Consultative Assembly of Aceh Ulama Number 7 Year 2007 on Criteria of Apostasy. This fatwa was further reinforced by the decision of the MPU Working Congress of 2011 which declared heresy to the 14 religious sects. One of them is Syiah.
3. MUI Fatwa of East Java dated January 21, 2012 states, that the Imami Shi'a and the school of Ahlul Bayt is a mislead heresy.
4. Grand Shaykh of al-Azhar University Dr. Ahmad Tayyib asserted, "Al-Azhar strongly rejects the policy for spreading and preaching of Syiahs to the countries of Ahlussunnah because it will threaten the unity of the Islamic world, threaten the stability of the country, divide the ummah, and open up opportunities for Zionism to bring up issues of mazhab disputes in the Muslim countries."<sup>27</sup>
5. Hadratussyekh KH Hasyim Asy'ari, founder of Nahdlatul Ulama (NU), in the book Ahlussunnah Wal Jama'ah Risalah among others say that among them also there are *rafidhah* (Syiah) who berate Sayyidina Abu Bakr and Umar bin Khattab, hate companions of the Prophet, and overreacting to Ali Bin Abu Talib and his family. May Allah bless them all. Meanwhile, Sayyid Muhammad in Syam Qamus said that some of them are up to the level of kafir

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<sup>26</sup> KH Ma'ruf Amin and et.al, *Mengenal & mewaspadaai penyimpangan syi'ah di Indonesia: buku panduan Majelis Ulama Indonesia : dilengkapi pernyataan ulama-ulama besar Indonesia, Hadratu Syaikh Hasyim Asy'ari, Prof. Dr. Hamka, Dr. Muhammad Natsir, K.H. Hasan Basri* (Jakarta: Majelis Ulama Indonesia, 2013), 119.

<sup>27</sup> Amin and et.al, 119.

and zindik. May Allah protect us and Muslims from this *mazhab*.<sup>28</sup>

6. Buya Hamka, General Chairman of MUI (1975-1980) and Muhammadiyah leader, in an article written in the Kompas, December 11, 1980, reported his experience during a visit to Iran. In the hotel where he was staying, he was approached by four Iranian youths. They then taught Buya about the Iranian Islamic Revolution as well as expressed the desire to visit Indonesia to teach the Syiah Islamic Revolution. Buya accepts it with a knot and then responds by replying, "You can come as guests, but remember we are a free nation and not Syiah believers."<sup>29</sup>

Ahlussunnah Wal Jamaah is the strongest mazhab of the people of Aceh and more emphasized in qanun, stating that the belief is Sunni. Sunni in this context is the teachings of Imam As'ariyah and Maturidiyah, the jurisprudence of Imam Syafi'i, and the tasawuf of Imam al-Gazali and Junaid al-Baghdadi. This is what causes the influence of Syiah groups to mean nothing in Aceh as well as distinguish it from other areas of the country, such as Bandung, Yogyakarta and Madura. Now, there are two regions in Indonesia which explicitly say that the Shi'a group is a apostate or heresy, namely Aceh and East Java.<sup>30</sup>

## 2. The Millata Abraham Movement

In fact, Millata Abraham's sect is a transformation and alteration of al-Qiyadah al-Islamiyah's teachings led by Ahmad Musaddeq. Like Qiyadah Islamiyah, this intellectual-based sect indoctrinates Islamic teachings with the main targets are young people and students. As a result, a number of students at public and private universities in Aceh have become victims. Initially, this student was invited to discuss and understand the rational teachings of Islam *an sich*, but in the end was invited to join as a

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<sup>28</sup> Amin and et.al, 133.

<sup>29</sup> Amin and et.al, 137.

<sup>30</sup> According to the fatwa of the Majelis Permusyawaratan Ulama Aceh no. 7 of 2007 on the Criteria of Apostasy which was then confirmed in the Working Congress of MPU in 2011, there are 14 schools that are deviant, One of them is Syiah. The same is the East Java MUI fatwa of 2012 which states that the mazhab Imamiyah Syiahism and the Ahlul Bayt are heresies. Compare with Hary Widyantoro, "Undemocratic Response Towards 'Deviant' Judgement and Fatwa: Sunni-Shiite Conflict in Sampang, Madura, East Java," *Mazahib* 16, no. 1 (June 30, 2017): 18–32, <https://doi.org/10.21093/mj.v16i1.768>.

follower when they have been deceived with Abraham's Millata version of Islam. Among them there are those who leave prayers as usual because the group's prayer is enough to remember Allah, without any practice of movement. This fact led to the MPU on the basis of a joint decision with the deliberation of the regional leadership (muspida) on 6 April 2011 issued a fatwa excommunicating this group along with 13 other sects.

Two weeks after the fatwa's release were followed by the public unrest against the deviant sects' followers especially the Abraham's Millata group. Consequently, the recitation of ten points of the pledge to return to the true teachings of Islam based on the Koran and hadith by Millata leader Abraham Zainuddin (55) occurred on April 22, 2011. After his pledge performed at Baiturrahman Great Mosque, Banda Aceh, his followers also read syahadah under the guidance of the Chairman of the MPU Aceh Prof. Dr. Tgk. Muslim Ibrahim. The process is witnessed by ulama and Acehnese political elite and bureaucrats, such as Governor and Chief of Aceh District Police (*Kepala Kepolisian Daerah*). Previously, they underwent a process of data collection by police officers at Mapolresta Banda Aceh. From the results of the data collection, the followers of the deviant sect are known to reach 135 people from 344 members in Aceh.<sup>31</sup>

### 3. The Gafatar

Gafatar, which stands for *Gerakan Fajar Nusantara* (Fajar Nusantara Movement), is a community organization founded on August 14, 2011 in Jakarta by 52 founding bodies.<sup>32</sup> The leader of this heretical cult is Ahmad Musaddeq. Gafatar presence in Aceh has caused unrest among the people there because it is considered to deviate from the values and practices of Islamic religion that developed so far. This prompted the Aceh MPU to conduct research, studies, and considerations for this movement.

As the result, after a long and exhausted plenary session which was attended by 35 participants from elements of MPU

<sup>31</sup> "135 Pengikut Millata Abraham Disyahadatkan," *Serambi Indonesia*, 25 April 2011.

<sup>32</sup> Nazar Nurdin, "Delik Penodaan Agama Islam Di Indonesia," *International Journal Ihya' 'Ulum Al-Din* 19, no. 1 (September 7, 2017): 137, <https://doi.org/10.21580/ihya.18.1.1745>.

leaders, both provincial and district/city, on 21-22 January 2015,<sup>33</sup> MPU Aceh issued a fatwa stating that the teachings (understanding, thinking, belief, and practice) Gafatar is a metamorphosis of Millata Abraham and al-Qiyadah Islamiyah so that the sect is heretical and misleading. Millata Abraham community and al-Qiyadah Islamiyah itself has been declared astray by the Central MUI in Jakarta through Fatwa Number 4 of 2007.<sup>34</sup>

Furthermore, the decisions contained in Fatwa Number 1 Year 2015 on the Fajar Nusantara Movement (Gafatar) also ask all members to repent and return to the true teachings of Islam. Nevertheless, the government should facilitate to rehabilitate them in order to return to the right doctrine and be given coaching to all its administrators.<sup>35</sup>

In fact, not only the organization and its members, the element of leadership is not free from the punishment they have to accept. This followed the verdict of guilty verdict by the Banda Aceh State Court on June 15, 2015 to the Chairman of the Regional Governing Council (DPD) Gafatar Aceh T. Abdul Fatah Province for blasphemy against Islam which has violated the provisions of Article 156a of the Criminal Code. By a panel of judges presiding over his case, he was sentenced to 4 years imprisonment. The punishment he received was the highest sentence among the five other defendants who served as members of the Banda Aceh District Leadership Council (DPK).

## **E. Conclusion**

The Ulama's institutions in Aceh (MPU) has played an influential role in providing fatwas and considerations related to local government policy in the areas of governance, development, community development, and economics. This reflects that scholars have strong authority and legitimacy from historical,

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<sup>33</sup> "Fatwa MPU Aceh Nomor 1 Tahun 2015 Tentang Gerakan Fajar Nusantara (GAFATAR).pdf," accessed July 5, 2018,

<https://mpu.acehprov.go.id/uploads/Fatwa%20MPU%20Aceh%20Nomor%201%20Tahun%202015%20tentang%20GAFATAR.pdf>.

<sup>34</sup> The al-Qiyadah Islamiyah group was led by Ahmad Musaddeq alias Abdul Salam and al-Masih al-Maw'ud. He believed that he was a new prophet after the Prophet Muhammad SAW. He was inaugurated as an apostle in 2006 on Mount Bunder, Bogor. See, Nasrul Koharuddin, *Ahmad Mushaddeq dan ajaran al-Qiyadah al-Islamiyah* (Gramedia Pustaka Utama, 2008), 23.

<sup>35</sup> "Ulama Aceh Fatwakan Gafatar Aliran Sesat" *Harian Merdeka*, 26 January 2015.

juridical, and social aspects. With regards to the implementation of syariah to safeguard the Sunni theology, an official Islamic theology since the Aceh Sultanate, the MPU is vested with the authority to issue fatwa on Islamic orthodoxy of alleged deviant sects such as in the case of Syiah, Millata Abraham and Gafatar in Aceh. This fatwa has caused the society to push the government to ban the groups, and the government of Aceh to abide by the rule of fatwa. The social legitimacy, therefore, has become a driving factor in shaping the influential role of ulama in Aceh. This is thanks to the support of ulama's authority in the people of Aceh since the past and continues to survive to this day. Meanwhile, the special autonomy which grants the full implementation of syariah in Aceh has formularized this strong role.

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