Globalization and Paradigm of Islamic Law Implementation in Aceh

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Abstract

This paper aims to identify and describe the global challenges that have influenced the Islamic law implementation in Aceh. Further, this article analyses Aceh's Islamic sharia law implementation paradigm based on these global challenges. This article is qualitative research with a descriptive analysis approach. The data used in this paper consists of primary and secondary data. Primary data were obtained from field observations and books on implementing Islamic sharia law in Aceh. Secondary data was obtained from books discussing Islamic sharia law in general. Then the method of interpretation and qualitative descriptive analysis was carried out. The study found that the challenges of globalization that influenced the Islamic sharia law implementation in Aceh have multi-dimension issues. Based on these global challenges, the Islamic sharia law implementation in Aceh needs a new paradigm. A new paradigm has to be connected with values, problems, and responsive and anticipative methods of Islamic sharia implementation. Implementing Islamic values constitutes the mission of protecting human rights, including protecting religion, life, property, generation, reason, honor, and the environment.

Keywords: Globalization, Islamic Sharia, Islamic law implementation in Aceh

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Introduction

The implementation of Islamic Sharia law in Aceh cannot be separated from two things. First, Aceh is one of the territories of the Unitary State of the Republic of Indonesia.[1] Therefore, all legal regulations must still be within the corridors of the Indonesian national legal system. The Indonesian legal system is built from three different and even conflicting value systems, namely Western, customary, and Islamic law. As a former Western colony (Dutch and Portuguese), Indonesia inherited the Western legal system.[2] As a country with a majority Muslim population,[3] this country also explores and uses a set of Islamic legal systems. Before the Dutch colonialization and Islamization, the Indonesian people had a customary law system. The struggle of these three systems has been going on for tens or even hundreds of years. Second, as a world community, formulating and implementing laws at any level must be sensitive to world globalization.

Globalization is a fact that cannot be denied, especially in the realm of culture.[4] The advancement of technology and informatics has removed geographical boundaries, eroded cultural locality, and penetrated various fields of life. Indeed, globalization has provided

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[1] Al-Chaidar, *Reformasi Prematur, Jawaban Islam Terhadap Reformasi Total,* 2nd ed. (Jakarta: Darul Falah, 1998).

[2] And Lindsey D. Carson Daniels, Ronald J., Michael J. Trebilcock, "The Legacy of Empire: The Common Law Inheritance and Commitments to Legality in Former British Colonies," *The American Journal of Comparative Law* 59, no. 1 (2011): 78–111.

[3] Komaruddin Hidayat and Dadi Darmadi, "Indonesia and Two Great Narratives on Islamic Studies," *Studia Islamika* 26, no. 1 (2019): 201–5, https://doi.org/10.15408/sdi.v26i1.11122.

[4] Mulyono Mulyono, "The Problems of Modernity and Identity in Globalization Era," *Journal of Maritime Studies and National Integration* 1, no. 2 (2017): 106–11, https://doi.org/10.14710/jmsni.v1i2.1819.

various advances, facilitating multiple problems that were previously difficult. However, globalization also leaves various humanitarian (including legal and value) and natural issues. All of these are challenges that require comprehensive, integral, and holistic answers.

Amid this global phenomenon, the issue of implementing Islamic law emerged and strengthened in many parts of the Islamic world, including Indonesia.[5] The spirit to enforce Islamic law is motivated by many factors.[6] One of them is the failure of the secular legal system or the ideology of socialism and capitalism in solving various problems of human life. However, the will to implement Islamic law is not as easy as turning the palm. Because Islamic law itself has a vast space to be interpreted, at the same time, it must also be relevant to the demands of contemporary needs with all its challenges and problems. In the dimension of science, the applied Islamic Sharia must be able to solve society's problems to avoid some anomalies in implementing Islamic legal reasoning. Building a new paradigm regarding the implementation of Islamic law, including in Aceh, could be an effort to solve a problem. This new paradigm can only be formulated if we can identify the challenges and global issues that hit the world, especially Aceh. The success of identifying the problems that need and are essential to be solved provides a way to formulate a new paradigm that is more progressive

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[5] Osama Shibani and Cristina De Fuentes, "Differences and Similaritites between Corporate Governance Principles in Islamic Banks and Conventional Banks," *Research in International Business and Finance* 42, no. June (2017): 1005–10, https://doi.org/10.1016/j.ribaf.2017.07.036.

[6] Munawar Rizki Jailani and Mohammad Taqiuddin Mohamad, "Analisis Penerapan Syariat Islam Dalam Sektor Perbankan Pasca Pelaksanaan Syariat Islam Di Aceh, Indonesia," *Jurnal Syariah* 27, no. 2 (2019): 261–80, https://doi.org/10.22452/js.vol27no2.3.

and anticipatory towards the reality of the life of the Muslims themselves.

There are several earlier research related to the implementation of Islamic sharia law in Aceh, such as how the concept of applying Islamic law in Aceh,[7] the implementation of Islamic law in the banking sector in Aceh,[8] and Islamic law in religious harmony in Aceh.[9] The question then arises: What is the paradigm of implementing Islamic law in Aceh? What are the global challenges that we will face and are currently facing? What is the paradigm for implementing Islamic law that must be built? These questions will be elaborated in the following article.

This article is qualitative research with a descriptive analysis approach.[10] This study describes the challenges of globalization and the paradigm in implementing Islamic law in Aceh. The data used in this paper consists of primary and secondary data. Primary data were obtained from field observations and books related to the implementation of Islamic Shari'a in Aceh. Secondary data was obtained from books discussing Islamic Shari'a in general.

An Overview of Islamic Sharia in Aceh

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[7] Syamsul Bahri, "Konsep Implementasi Syariat Islam Di Aceh," *Kanun - Jurnal Ilmu Hukum* 15, no. 2 (2013): 313–38, https://doi.org/10.24815/kanun.v15i2.6174.

[8] Jailani and Mohamad, "Analisis Penerapan Syariat Islam Dalam Sektor Perbankan Pasca Pelaksanaan Syariat Islam Di Aceh, Indonesia."

[9] M Abubakar, "Syariat Islam Di Aceh: Sebuah Model Kerukunan Dan Kebebasan Beragama," *... 'ah: Wahana Kajian Hukum Islam Dan Pranata Sosial*, no. 44 (2017): 99–108, http://103.107.187.25/index.php/medsyar/article/view/1745.

[10] Jeremy Lane, "A Descriptive Analysis of Qualitative Research Published in Two Eminent Music Education Research Journals," *Bulletin of the Council for Research in Music Education* 188 (2011): 65–76.

The term Islamic sharia is a phrase formed by two words: Sharia and Islam. The word sharia etymologically *(lughawi) is* derived from the Arabic language, meaning *"Sharia, " meaning* a spring or a spring.[11] The term comes from the verb "*shara"* which means the path to be followed, that is, the path to the primary source of life.[12] Sharia implies something from Allah SWT that humans must execute for human goodness. Islamic Sharia refers to what is contained in the word of Allah SWT through the Quran and the Hadith of the Prophet Muhammad SAW.

Sharia, as defined above, contains all provisions related to the regulation of all aspects of human life, including the implementation of Islamic law written in the holy text. The meaning of sharia becomes narrow, which was revealed to the Prophet Muhammad SAW to implement the religion brought by the Prophet Muhammad SAW. Islamic Sharia is the entire regulation or law that regulates human relations with Allah SWT, humans with humans, humans with nature (the environment), both those applied in the Quran and hadith.

In Indonesia, the definition of sharia is different from what is explained in the description of sharia according to the scholars' understanding. The term Islamic law is more popular with the term Islamic law. If groups tend to apply Islamic Sharia, it means they tend to enforce "Islamic law," such as Islamic marriage law, Islamic economic law, Islamic criminal law, and others. In this context, Shariah is used to denote Islamic laws, both those established by

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[11] Ibn Manzur, *Lisan Al-Arab* (Beirut: Dar Sadir, 1990).

[12] Ibn Yaʻqub Al-Fīrūzabadī, *Al-Qamūs Al-Muḥiṭ* (Beirut: Dār al-Fikr, 1995).

the Quran and Hadith, as well as those that have been interfered with by human thought *(ijtihad).*[13]

The term Islamic law in Indonesian law is the guidance of Islamic teachings in all sectors of life by Law no. 44 of 1999 concerning the privileges of Aceh, which the Law amended on the Government of Aceh after the Memorandum of Understanding of the Helsinki MoU between the Government of Indonesia and the Free Aceh Movement.[14]

The implementation of Islamic Sharia in Aceh has a long history. The Aceh people have accepted Islamic law since the early days of the spread of Islam in Aceh. Legal values and customary norms have been integrated with Islamic Sharia and have become a way of life for the people of Aceh. According to B.J Bollan, a Dutch anthropologist, "Being on Aceh is equivalent to being a Muslim."[15]

During the Dutch colonial era, Islamic law was still practiced by the people of Aceh. Although it experienced setbacks in its implementation, Islamic law was still practiced in a smaller scope and did not become the principle of the state like during the Aceh kingdom. The influence of Islamic Sharia on customary law has also covered all legal sectors. In other words, Islamic Sharia and customary law have merged into one law.

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[13] Munawar Rizki Jailani, "Pelaksanaan Syariat Islam Dalam Sektor Perbankan: Analisis Pasca Pelaksanaan Syariat Islam Di Aceh" (University of Malaya, 2020).

[14] Husni Mubarrak and Faisal Yahya, "Women in the Public Sphere and Religious Discourse Interpretation in the Post-Conflict Aceh," *Mazahib* 19, no. 2 (2020): 195–218, https://doi.org/10.21093/mj.v19i2.2204.

[15] Jailani and Mohamad, "Analisis Penerapan Syariat Islam Dalam Sektor Perbankan Pasca Pelaksanaan Syariat Islam Di Aceh, Indonesia."

Furthermore, the application of Islamic Sharia began to disappear after Aceh joined the Republic of Indonesia in 1945. Islamic Sharia, which had become a part of people's lives, began to be replaced by the laws of the Unitary State of the Republic of Indonesia. The Acehnese people's request to apply Islamic Sharia was never heeded by the central government of Indonesia, thus sparking the Acehnese people's rebellion against the central government.

The protracted conflict between the central government and the people was still an unfinished debate, so President Suharto fell and was replaced by Baharuddin Jusuf Habibi.[16] During the Habibi era, the Aceh conflict resolution was carried out with a softer approach. The Acehnese people's request to implement the Islamic Sharia was successfully granted in 1999 through Law No. 44 of 1999 on the privileges of Aceh. Then the Act was amended by Law No. 11 of 2006 concerning the Government of Aceh. The law was issued after the Memorandum of Understanding (MoU) between the Government of Indonesia and the Free Aceh Movement (GAM). The law also places Aceh's position more autonomous even though it remained within the territory of the Unitary State of the Republic of Indonesia.

The format of the application of Islamic law in Aceh has its uniqueness. Aceh is not a sovereign country but is part of the Unitary State of the Republic of Indonesia. Indonesia is also not Islamic, even though most of its

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[16] Muhammad Hadianto Wirajuda, "The Impact of Democratisation on Indonesia's Foreign Policy: Regional Cooperation, Promotion of Political Values, and Conflict Management" (2014), http://etheses.lse.ac.uk/992/1/Wirajuda_Impact_of_Democratisa tion_on_Indonesias_Foreign_Policy.pdf.

people are Muslim.[17] Therefore, the implementation of Sharia in Aceh needs a harmonization with the national law of the Republic of Indonesia. For example, Indonesian legal institutions do not recognize this punishment when applying whipping or stoning. The application of the sentence of caning in Aceh is considered at odds with a higher law, namely Law No. 1 of 1946 in conjunction with Law No. 73 of 1958 concerning the Criminal Code (KUHP).

The reality is, throughout the implementation of Islamic law in Aceh, there have been seven cases of caning punishment that the Indonesian Supreme Court has approved. These cases show that the criminal sentence regulated differently or contradicts the law is part of the implementation of special autonomy in Aceh.

Globalization Challenges

Globalization is not a single concept that can be defined and encompassed within a set time frame. It is a process that can be defined clearly with a beginning and an end. There are many definitions of globalization, but the author chooses this because of the comprehensive proses encompassing the causes and consequences of transitional and transcultural integration of human and non-human activities.[18]

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[17] Kamaruzzaman Bustamam-Ahmad, "The Application of Islamic Law in Indonesia: The Case Study of Aceh," *Journal of Indonesian Islam* 1, no. 1 (2007): 135–80, https://doi.org/10.15642/JIIS.2007.1.1.135-180.

[18] Nrf Al-Rodhan and G Stoudmann, "Definitions of Globalization: A Comprehensive Overview and a Proposed Definition," *Occasional Papers, Geneva Centre ...*, 2006, 1–21, http://www.academia.edu/download/30929642/Definitions_of_Globalization_-_A_Comprehensive_Overview_and_a_Proposed_Definition.pdf.

Globalization is a structural change in the nation-state's entire life that affects the fundamentals of regulating human relations, social organizations, and world views.[19] Several structural changes and significant developments, among others, are as follows:

The first is the privatization of religion. The privatization of religion occurred due to the global market's subordination of local religion and culture. In this condition, the contextualization of religion does not run well. As a further consequence, there is a shift in life from an ethical to an aesthetic process. This shift, in addition to showing a sign of a reasonably fundamental change in society, is also a sign of the formation of a different life ethos where the consumptive/symbolic ethos becomes more critical than the productive ethos. Religion in this context becomes a product that is consumed. Thus, what is consumed in this case is no longer the essence of religion itself but the image of religion as a symbolic system. When religion becomes a work of art, it becomes a private business. The privatization of religion in artistic creation is not only a sign of the distance between religion and the public interest, but also shows society's tendency to question religion's credibility in meeting the needs of the ummah. In this case, religion must be able to provide services in supporting and increasing the beliefs of its adherents and expanding the implications of religion outside of religion itself. Thus religion does not only emphasize its function for the *ummah* (people in Quranic terms) but its role in providing solutions outside of religious problems.

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[19] Amer Al-Roubaie, *Globalization and The Muslim World* (Shah Alam: Malita Jaya Publishing House, 2002).

The Second is the stretching of friendship and relations in the family. Houses have become modern houses with social relations that change to a more instrumental form but do not change the pattern of power relations. Personal communication is difficult to build because of the increasingly strong influence of the electronic space (internet; Facebook, Twitter, etc.). Television, gadgets, and other electronic devices have taken ownership of togetherness and charity. Schools have become agents who are submissive to the state's power with rigid curricula and do not open up space for the creative process. The same thing also happens to the social environment formed based on material measurements due to commodification brought about by globalization. These three environments are where the pressures of being a child are generated, and values are defined. Ironically, this kind of globalization has finally intensified perspectives, values, and social practices in the form of street cultural expressions. This culture exists as a reflection of legitimate and unavoidable social structuring errors.

Third, demographic changes in the form of a rapid increase in the world's population. The elderly population and urban population doubled, as did the school-going population. The most striking phenomenon is the increase in the urban poor and street children in big cities. As a result, administration and management are increasingly broad, complex, and complex. So it isn't easy to implement fairly, quickly, and neatly. In addition, it is challenging to supervise, even though the bureaucracy is increasing because a callous automation technology system assists

it.[20] In this context, crimes take the form of corruption, manipulation, monopoly, and irregularities to oppression.

Fourth is the emergence of an artificial environment. Most of the habitats are artificial ecosystems. Most of the earth's crust has been exploited by high technology on a large scale and at high speed. Most animals are humans, and most plants are plants. The high seas are controlled and exploited by major maritime nations. Most of the population lives in cities, and megalopolises are more common in Southern countries. Most residents live in high-rise apartments or slums. Many children are unable to continue their education, and at the same time, the quality of unemployment is increasing.

Fifth, globalization occurs in trade, markets, crime, armed conflict, terror, environmental pollution, disasters (land, sea, air, and social), transportation, communication, matchmaking, family, arts, and food. This kind of globalization phenomenon will make the weak side weaker and the strong stronger. As a result, it creates economic, political, military, education, information, nutrition, joy, and misery gaps. This gap is not only drastic quantitatively but also in the degree of complexity.

Sixth is the emergence of new things because of many innovations. Among them are the birth of automatic cars, self-identification, medical advances, the emergence of new epidemics, new energy substitutes for fossil fuels, and synthetic foodstuffs. In addition, the education and information delivery system with a touch of high technology, government and state systems, and the prominent role of transnational companies in global

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[20] Teuku Jacob, *Manusia Makhluk Gelisah: Melalui Lensa Bioantropologi* (Surakarta: Muhammadiyah University Press, 2006).

governance. In addition, it is the emergence and birth of a new moral system to deal with ethical problems humans have never faced before. Nowadays, the temporary of life is increasingly felt because there is almost nothing that lasts long and can be held, thus giving birth to the uncertainty of life itself.[21]

Seventh is the disappearance of old things. In the global era, many things we know and love will disappear, among which species of living things will disappear or 30,000 species yearly. Of some primates (excluding humans), 20% arguably become extinct in the next 20 years due to the loss of tropical forests. We will witness the intense competition between marginalized populations and endangered animals. Many remote and isolated residents will disappear. Most of them live in our country—likewise, languages with few speakers. If we live long, the favorite foods we consume in childhood will not be found again in old age, except in electronic books and museums.[22]

Eighth is the catastrophes. Some disasters that may occur are catastrophic earthquakes, global climate change, expansion of black holes, melting of icebergs, volcanic eruptions with flood basalt, reversal of the earth's magnetic field, asteroid collisions, gamma-ray explosions, solar magnetic eruptions, new disease epidemics, the destruction of ecosystems. In other forms, disasters may occur due to nuclear disasters, bio-technological and non-technological disasters, mass mental disorders, and invasions from extraterrestrial beings. Currently, we have experienced some of these disasters together.[23]

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[21] Jacob.
[22] Jacob.
[23] Jacob.

Everything described above is a global issue that occurs in any part of the world, including Aceh. From the womb of globalization that national and local issues are born with all their uniqueness, character, and specificity. Human rights issues, gender justice, trafficking, liberalism, individualism, poverty, ignorance, and other actual issues are further derivations of the impact of globalization. Significantly, it is associated with Islam as a religion embraced by the people of Aceh in particular and the majority of the Indonesian people in general.

Some phenomena described above are the phenomenon of globalization and future trends that experts predict. These challenges and opportunities must be addressed carefully, comprehensively, integrally, and holistically, especially about Islam and Muslims. They desire to offer a standard of Islamic values amid the siege of various global values. In this context, the implementation of Islamic law is carried out. All the phenomena and challenges above can only be answered with a new paradigm that is progressive, innovative, creative, and critical. The implementation of Islamic law in Aceh, also in other regions, in Indonesia will only be able to solve and resolve the various problems above by using a new paradigm that is responsive and anticipatory in facing various challenges and various dynamics that occur in this global era.

All challenges of globalization above must be used as a momentum to give full attention to the methodology of Islamic studies that develop in a current development as well as develop it with the latest developments in the method of Islamic studies. Thus change occurs on two levels. First, at the level of social reality that existing thinking methodologies may influence. Second, at the

methodological level caused by changes in social reality. Finally, between social reality and the methods of thinking, there is a symbiotic relationship in which one affects the other.[24] From the perspective of the philosophy of science, almost all types of scientific activities always experience what is called a paradigm shift. Because scientific activities are always historically stepped out: built, formulated, and designed by the historical human mind bound by space and time. That way, its scientific epistemology can be changed, re-developed, and refined. Otherwise, it will stagnate in dealing with global issues and problems.

The paradigm of the Implementation of Islamic Sharia in Aceh

A paradigm is a set of concepts that relate to each other logically to form a framework of thought that functions to understand, interpret, and explain reality and solve problems encountered.[25] There are two essential phrases contained in the above definition. First, a paradigm is a set of concepts logically related to each other to form a framework of thought. The word set indicates that the paradigm has several elements or ideas. The concept is a term that is given a certain meaning. Therefore, a paradigm is a collection of definitions that are interconnected with one another. Because meaning and the relationship between these meanings exist in human thought, the collection of concepts that make up the

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[24] Ali al-Syarbaji. Mustafa al-Khin, Mustafa Dib al-Bugha, *Al-Fiqh Al-Manhaji 'ala Mazhab Al-Imam Al-Syafi'i* (Beirut: Dar al-Qalam, 2007).

[25] Heddy Shri Ahimsa-Putra, "Fenomenologi Agama: Pendekatan Fenomenologi Untuk," *Walisongo* 20, no. November 2012 (2012): 271–304.

framework is called a frame of mind. Second, the paradigm serves to understand, explain reality and solve problems at hand. The framework above is used to understand and define reality, determine the reality faced, categorize it, and then relate it to other definitions of reality. The reality faced causes reactions or various consequences in the human mind. One question is because the reality met cannot be understood using an existing framework or is not as expected. This question encourages people to seek answers to their reality or problems.[26]

Thus, the paradigm of implementing Islamic law as intended in this paper is a set of concepts that are related to each other logically to form a framework of thought that functions to understand, interpret, and explain reality and solve problems based on Islamic law. In efforts to formulate a new paradigm for implementing Islamic law in the global era, the definition of a paradigm concept alone is insufficient. Therefore, it is necessary to determine the elements included in the notion of a paradigm. The elements are assumptions, values, problems or scope, concepts, and methods. According to earlier argument, the paradigm of implementing Islamic law focusing in this paper includes all the paradigm elements below.

First, assumptions are views about a good thing in the form of objects, knowledge, goals, and so on which are not in question. This assumption can be born through philosophical reflection, empirical research, and critical observation of the verses of Allah SWT. This assumption is seen in the formulation relating to the nature or definition of something. In scientific activity, this definition is very

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[26] Heddy Shri Ahimsa Putra, "Paradigma Ilmu Sosial Budaya; Sebuah Pandangan," The Paper Was Presented at a Public Lecture at UPI" (2009).

important in determining the next steps of scientific activity. On this basis, assumptions are the foundation of knowledge or the basis of a framework of thought. Thus, the assumption of Islamic law becomes the foundation for implementing Islamic law globally, especially in Aceh. Islamic Shari'a is considered the highest, perfect, and universal teaching among all other instructions and regulations that humankind has ever had. By this assumption, scholars formulate the purpose of Islamic law to realize the benefit of human life. The vision of use is realized through implementing the general objectives of sharia (*maqāsid al-sharia),* namely maintaining religion, life, property, reason, offspring,[27] environment, and honor.[28] Based on this assumption, the formulation of laws relating to the implementation of the Shari'ah should not contradict the vision and mission of Islam.

Second, values are the next element of the paradigm of implementing Islamic law in Aceh. Value is a benchmark of good-bad, right-wrong, and valuable or not. All of the above standards are measured according to the size of the Qur'an and al-Hadith. Then, who has the authority to determine whether the good-bad, right-wrong standard is useful-unuseful based on the Qur'an and al-Hadith? At this point, we are dealing with a hermeneutical problem because every scientist has a different understanding of each other. This difference is due to the diversity of philosophies, methods, approaches, and analytical models. Therefore, to eliminate disparities, it takes basic principles agreed upon by all scientists about the fundamental values of Islamic law. The values in question are monotheism,

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[27] Abū Isḥak As-Syāṭibī, *Al-Muwāfaqāh Fī Uṣūl Al-Syarī'ah* (Cairo: Muṣṭafā Muḥammad, 2004).

[28] Imām Muḥammad Ṭāhhir ibn 'Āsyūr, *Maqāṣid Al-Syarī'ah Al-Islāmiyyah* (Tunisia: Dār al-Salām, 2006).

justice, equality, deliberation *(shūra),* independence/freedom, brotherhood, trust, mutual assistance *(ta'āwun),* tolerance *(tasāmuh),* and benefit.[29]

These values can be agreed upon as fundamental aspects that underlie every planning, implementation, and evaluation of Islamic law, including formulating various policies for implementing Islamic law in Aceh. The question that arises is who has the most right to determine whether it is fair or not, whether it is beneficial or not, tolerant or not, whether it is equal or not, and whether or not an implementation of these values is free. From the perspective of the system of government and state administration, Indonesia is the people's representative. Muhammad 'Abid al-Jabiry called it *al-'aql al-mujtama'* (public reason). The government's decision can eliminate differences among Islamic scientists or the community. Thus, all policies, whether in the form of laws, qanuns, or other non-legal policies, must be based on fundamental Islamic values and not contradict them. The question is, what field policies should be implemented based on Islamic teachings? The following will describe the third element of the paradigm of implementing Islamic law in Aceh, namely the problem or scope of its implementation.

The third is the problem and scope of the implementation of Islamic law. Of course, all areas of life are under the authority of the state/government, both central and local. Because the state or government can't implement Islamic Shari'a simultaneously in all aspects of life, it is necessary to carry out stages and priority scales. Determining the priority scale is based on global, national,

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[29] Syamsul Anwar, *Studi Hukum Islam Kontemporer* (Jakarta: RM Books, 2007).

and local issues requiring state policies. Second, the classification of which includes the qualifications of darūriyyāt, hajjiyyāt, and tahsīniyyāt as well as which shari'a affairs need state intervention, which implementation is left to the community, and which ones are left to individuals. Based on global and local issues as well as the current needs of the Acehnese people, problems or scopes for implementing Islamic law can be formulated. The formulation of the problem and the area of the implementation of Islamic law can be guided by the mission of Islamic law described above. From this mission, urgent issues (*darūriyyāt*) for the lives of the Acehnese can be formulated. Among them are education, health, poverty/economics, human rights, gender, narcotics, the environment, pornography, and porno-action. Each of the above issues can be derived into various sub-issues such as economic issues derived from trade and markets, agriculture, fisheries, marine affairs, Small and Medium Enterprises (SMEs), and so on. These issues must be positioned in global challenges, national issues, and local needs. Issues of education, health, and the economy should be a priority for the implementation of Islamic law.

Fourth, what is the method of implementing Islamic law with the above issues? The method referred to here is the steps that must be taken to implement Islamic law. There are at least 4 (four) steps for implementing Islamic law, namely hermeneutical stages, socialization, politics, and law enforcement. These four steps do not have to be carried out sequentially but can be carried out synergistically or simultaneously. The hermeneutical step is carried out to extract and process sharia material. At this stage, several efforts that need to be made are classifying shari'ah contents and reviewing shari'ah material as a legal

norm whose enforcement requires state intervention. The study is aimed at (a) reconstructing the framework and language of Islamic law under the legal framework and language in which the shari'ah exists and coexists; (b) selecting Islamic law materials and finding the basic principles and values of the Islamic law that are still relevant to the needs of society and reinterpreting some legal regulations that are no longer relevant; (c) compiling the layering of shari'ah norms; and (d) build, develop, and improve the quality of sharia discourse to support academic acceptability. At this hermeneutical stage, the role of universities is needed, especially the faculty or department of sharia and the faculty of law. The important thing that needs attention is a descriptive legal study that places Islamic Shari'a as a material object (which is studied) and the approach of various scientific tools as glasses to see. The results of this study are the basis for the formulation, preparation, ratification, or making of qanuns or other policies for implementing Islamic Shari'a in Aceh. In reviewing up to legislation, it must describe a participatory process, especially the parties directly interested in the policy or *qanun* in question.

Furthermore, building a paradigm compatible with the problems at hand is necessary for studying sharia material and the global challenges above. The essential and primary paradigm to be made is the epistemology of Islamic law, namely *uṣul fiqh. Uṣul fiqh* is the original treasure of Muslim scientific products and is not owned by people of other religions. Why uṣul fiqh? Because the uṣul fiqh methodology largely determines the product of thought. This knowledge is not only a standard method for the study of Islamic law but also a standard method for all Islamic intellectual thought in general. However, the history of

Islamic thought has narrowed the work area of this science to the realm of law.[30]

The second step is socialization. Socialization aims to build public legal awareness, especially awareness of Islamic law. The legal awareness of the community strongly influences the effectiveness of the implementation of a law. Public legal awareness, in general, can be classified into several kinds: people who do not know Islamic Shari'ah law; who know sharia law; conceive the contents of sharia; understand the contents, and respect the Islamic sharia law; and people who commit to implementing sharia. An effective way to build awareness is through cultural movements such as educational institutions. The instruments can be formal, non-formal, informal educational institutions, mass media, arts and culture, and other instruments. Education in this context must be reoriented in accordance with international, national, and local-global issues. Internationally, reorienting education at the institutional, curriculum, and management levels might be appropriate for several globalization needs. Those globalization needs include; curriculum development with knowledge bases economy, human rights, democratization, multiculturalism, community bases education, management-oriented to processes, values, and a culture of good governance.[31] At the national level, education is directed at (a) equal treatment between the education sector and other sectors; (b) social construction-oriented education; (c) nation empowerment; (d) empowerment of social infrastructure for the advancement of national

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[30] Amin Abdullah, *Studi Agama Normativitas Atau Historitas?* (Yogyakarta: Pustaka Pelajar, 2004).

[31] Azyumardi Azra, *Identitas Dan Krisis Budaya, Membangun Multikulturalisme Indonesia* (Jakarta: Fakultas Ekonomi Universitas Indonesia, 2007).

education; (e) the establishment of independence, empowerment, and excellence; (f) creating a conducive climate for the growth of tolerance and consensus in pluralism; (g) vertical and horizontally integrated planning; (h) student-oriented; and (i) a global perspective.

The third step is politics: the will or commitment of the government to create and implement Islamic law. Commitment is the basis of energy or strength in enforcing Islamic law. The first task is to make and stipulate various regulations in the form of *qanuns* (sharia by-law in Aceh) and other policies in an integral, comprehensive, and holistic manner. All products of laws, regulations, and policies must always be based on the assumptions, values, and scope of the implementation of Islamic law above. By this argument, the implementation of Islamic law is not partial and discriminatory. Because it will be counter-productive and actually violate Islamic law itself. The violence, abuse of authority, and selective discrimination that has occurred so far is one result of the implementation of the Islamic law that does not pay attention to the vision and mission of Islamic law (basic assumptions and values of Islam). Therefore, legal politics must be based on the following points; (1) constitutional basis.[32] The Republic of Indonesia; (2) implementing the legal norms in the laws and regulations; (3) synergy with changes and community needs; (4) carried out nationally with plans and futures as well as outlined in national and regional development plans; (5) these changes and community needs are the results of interactions between global, national, and local issues; and (6) the history and substance (scope) of Islamic

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[32] Abdul Halim, *Politik Hukum Islam Di Indonesia*, 1st ed. (Jakarta: Ciputat Press, 2005).

law which will be formulated and enforced for structuring people's lives in the nation and religion.

The last step is law enforcement of Islamic shari'ah. The most competent institutions are the *Syar'iyyah* Court (MS), the Police, and the Prosecutor's Office. Important issues that must receive attention are regulatory instruments, especially procedural law, law enforcement resources, synergies between law enforcement agencies, infrastructure, and law enforcement mechanisms. On the other hand, it is not enough to see law enforcement as a stand-alone activity, but to constantly exchange activities and be influenced by the community it serves. Therefore, changes at the community level due to globalization, especially in the field of information and communication technology, must be balanced with the sophistication of the law enforcement system as well as reliable law enforcement resources. Conventional law enforcement methods and systems can no longer effectively keep pace with societal changes. One of the things that stands out from the globalization of society is the acceleration, capability, and multiplication of the destructive power it causes. Sociologists refer to this type of global phenomenon as an information-based society.[33] All new changes due to globalization must be anticipated long before law enforcers deal with them in the future. Important things that need serious attention in enforcing Islamic law are the factors that affect the effectiveness of law enforcement which include; legal/shari'ah substance, socio-political structure, and community legal culture.

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[33] Sattjipto Rahardjo, *Penegakan Hukum Suatu Tinjauan Sosiologis*, Genta Publ (Yogyakarta, 2009).

Conclusion

The implementation of Islamic law in Aceh and other regions in Indonesia is faced with various global challenges or the phenomenon of globalization. Among the challenges referred to are: the privatization of religion, the loosening of friendship and family relations, demographic changes, globalization in the fields of education, trade, markets, crime, armed conflict, terror, environmental pollution, disasters (land, sea, air, and social), transportation, communication, matchmaking, family, art, and food, a new ethical system emerges to deal with moral problems that humans have never faced before, the disappearance of old things, and the birth of various disasters that befall humans. Various global challenges above necessitate building a new paradigm for the implementation of Islamic law, which includes assumptions, values, scope, and methods. The assumption is that Islam, with its vision and mission, is the divine norm. Therefore all other regulations and norms must be in harmony with the vision and mission of Islam. The vision and mission are realized through the implementation of fundamental Islamic values such as monotheism, justice, equality, deliberation, freedom, trust, mutual help, tolerance, and so forth. Sharia law enforcement in Aceh must identify the problems and scope of the implementation in Aceh's global, national and local needs. All issues and problems identified become the basis for determining government regulatory priorities. The regulatory process must always be based on the Acehnese people's assumptions, values, and needs. The process is carried out through reviewing sharia material, socialization, regulation, and law enforcement or implementation.

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