

# THE INTERACTIONS OF *MADZHABS* IN ACEH: A Tripolar Typology

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**Abstract: Interaksi Madzhab di Aceh: Sebuah Tipologi Tripolar.** Penelitian ini bertujuan untuk melihat model interaksi di antara berbagai *mainstream* mazhab yang berkembang dalam praktik masyarakat Aceh. Penulis menemukan bahwa terdapat tiga tipologi interaksi mazhab di Aceh. Pertama, eksklusivisme yang meyakini bahwa mazhab Syâfi'i merupakan model fikih yang layak untuk diikuti sebagai akibat pengajaran fikih selama ini berorientasi pada satu mazhab berkembang pada milieu pendidikan informal seperti dayah. Kedua, inklusivisme, dimana masyarakat cenderung bermazhab Syâfi'i baik dalam *'ibâdah* maupun *mu'âmalah*, sekalipun tetap membuka ruang bagi mazhab lain untuk diikuti. Ketiga, pluralisme yang beranggapan bahwa mazhab hanya merupakan sarana untuk memahami agama. Penulis menyimpulkan bahwa masyarakat perkotaan cenderung pada dua tipologi terakhir dalam bermazhab yang dikembangkan oleh pendidikan formal seperti perguruan tinggi Islam. Untuk membangun Aceh modern, masyarakat harus memahami mazhab secara tepat dan memosisikannya sebagai salah satu model pemahaman syariah yang menjadi *rahmat li al-âlamîn* sebagai *social engineering*.

**Abstract:** This study aims to analyze the model of interactions amongst various legal school of thoughts in contemporary Aceh. This study was a field study with the qualitative method. The method used to analyze the data was descriptive analysis. In this research, it is revealed that the dynamic of interactions of Islam in spins around three typologies which are exclusivism, inclusivism and pluralism. As for the first typology, it is believed that the Shâfi'i madhab is the only legitimate school and thus should be abide by. The second polar is inclusivism, a typology in which society tends to adhere to Shâfi'i madhab in the realm of religious observation (*'ibâdah*) and (*mu'âmalah*) though it still gives room and tolerate any other madhabs to to survive side by side. The author asserts that this typology could be considered the neutral way to solve the current religious problems in Aceh. The third polar is pluralism that can be utilized as a principal standard in building the harmony, peace and respect amongst the Acehnese in order to accomplish the ultimate goal of Islam as *rahmat li al-âlamîn*.

**Keywords:** Islamic law, madhab, Aceh, exclusivism, inclusivism, pluralism

## Introduction

It has been widely acclaimed that based on the findings of preliminary research there is a close relationship between *madzhab*<sup>1</sup> (legal school of thought) interactions and tension due to fanaticism within the society. Fanaticism of a certain *madzhab* may happen when an authoritarian group spreads a teaching based on the tenets of *madzhab*. In addition, the group considers the position of the *madzhab* is more important than the religion itself. Aceh's history has recorded the dispute between Ar-Raniry and Hamzah al-Fanshuri and their followers. The disputes lead to abolishing a number of important books and banning them from circulation. The polemic was related to the thought of Hamzah al-Fansuri on the unity of substance (*al-wahdat al-wujûd*) and the unity between Divinity and human beings. According to him, Ar-Raniry, who lived in the period of Sultan Iskandar Thani, showed his rejection and criticized the belief of “*Wujûdiyyah*” of al-Fanshuri and considered it misleading and promoting atheism. Under the authority of the sultanate, Ar-Raniry requested the sultan to punish the followers of al-Fansuri and burned the books written by al-Fansuri and Syamsuddin.<sup>2</sup>

Some conflicts also took place within intra-religious adherents. In Aceh, the *Ahl al-Sunnah wa al-Jamâ'ah* (Aswaja) and Wahabi dispute has been escalating. As a result, Baiturrahman, the historical mosque in Aceh was also targeted. *Serambi Indonesia* noted at least three incidents related to the management of Masjid Raya Baiturrahman. First, on June 19, 2015, the followers (*jamâ'ah*) from Himpunan Ulama Dayah Aceh (HUDA, Aceh Islamic Scholars Association), Majelis Ulama Nanggroe Aceh (MUNA, Aceh Islamic Scholars Council), and Front Pembela Islam (FPI, Islamic Defenders Front) came to take charge of the management of Baiturrahman, of which the changes included the use of cane during sermon and the calling of prayer (*adzân*) twice in Friday prayer. Second, on September 10, 2015, the *dayah ulema* and *santri* (students) who claimed Aswaja demonstrated in Banda Aceh and forced the governor to sign their 13 points petition. Third, on October 1, 2015,

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<sup>1</sup>*Madzhab* means school of thought in relating to *Fiqh* law; prominent among them are *Ḥanafî*, *Mâlik*, *Syâfi'î* and *Ḥanbalî*. See Hasan Alwi, *Kamus Besar Bahasa Indonesia* (Jakarta: Balai Pustaka, 2003), p. 726. A *madzhab* referred to an *imâm mujtahid* and his methodology. Muhammad Salâm Madkur, *al-Madhkhal li al-Fiqh al-Islâmî: Târîkhuh wa Mashâdiruh wa Nadhariyyatuh al-Âmmah* (Kairo: Dâr al-Nahdhah al-Arabiyyah, 1960), p. 1103. To have an overview on the development Islamic legal theory, see Mhd. Syahnan, “The Image of the Prophet and the Systematization of *Ushul al-Fiqh*: A Study of al-Shafi'i's Risalah,” in *MIQOT: Jurnal Ilmu-ilmu Keislaman*, Vol. 103 No. 1, 1998, pp. 44-50, and for modern development see also Mhd. Syahnan, “Comparative Law in the Middle East and its Relation to the Islamic Legal Modernization” in *Tanzimat: Jurnal Ilmu Pengetahuan dan Kemasyarakatan*, Vol. 11, No. 11, January-June 2011, pp. 265-278.

<sup>2</sup>Muhammad Afif Anshori, “Konstelasi Tasawuf *Sunni* dan Tasawuf *Falsafi* di Nusantara”, dalam *Teosofi: Jurnal Tasawuf dan Pemikiran Islam*, Number 2, Volume 4 (December 2014), pp. 309-322.

the Deputy Governor of Aceh signed the 12 points proposed by society who called themselves *Pencinta Aswaja* (Aswaja devotees).<sup>3</sup>

Those conflicts above were triggered by fanaticism and interaction of *madzhabs* that had also gained support of the authority. The conflict showed that even though that was not a legal case, principally the Acehnese has had a character of exclusivism which led to fanaticism. In addition, *Teungku*, a title for a local Islamic scholar, has an important role to teach the society a type of *madzhab* only. The *teungku* are usually alumni of *dayah* (traditional Islamic boarding school) in Aceh who have learned and focused on the Shâfi'î *madzhab*. It is unsurprising if today's society assumes that the Shâfi'î *madzhab* should be an official *madzhab* applied in the society. Implementation of *madzhab* should be synergy within the frame of Shariah and culture norms dialects based on the adaptability of Islamic law with social changes.<sup>4</sup>

Until recently, the implementation of Islamic sharia in Aceh, however, does not consistently follow Shâfi'îyyah *madzhab* only, but also practice some parts practiced in other *madzhabs*. One example is the *mawah* (mortgage) case. The Acehnese do not apply the statement of Shâfi'î that *al-rahin* (mortgager) is not allowed to use any benefits from *al-rahn*. In this case, the Acehnese's practice currently some benefits of *al-marhûn* in which this statement is in line with the Malikî *madzhab*. Malikî allows *al-râhin* to be benefited, due to preserving *al-marhûn* (mortgaged). For example, *al-murtahin* (mortgagee) may get benefited from the milk of the cow because of his effort of feeding, as well as maintaining. In Aceh, mortgagee benefits from mortgaged automatically when he submits a sum of money to him. *Al-marhûn* transfers the ownership until the debtor pays the *dayn* (the debt). In this case, however, the researcher believes it is part of violation of rights. This type of perspective is consistently practiced in order to maintain the culture (*âdat*) that had been practiced since the periods of the Acehnese sultanate<sup>5</sup>. Anthony Reid concludes that the older tolerance of diversity in South East Asia included in Indonesia is indeed under threat today<sup>6</sup> and how to prove that each group of society can have mutual understanding without exception in practicing their religion.

It can be said that some Acehnese are emotionally bonded with the Shâfi'î *madzhab* only, although many of the activities are logically not referred to the Shafi'î school totally or even partially. In addition, tsunami was considered to be a turn of changing condition

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<sup>3</sup>Bakri (Editor), "Petisi tentang MRB dari Waktu ke Waktu," in *Serambi Indonesia* (October 28, 2015).

<sup>4</sup>Luthfi Rahmatullah, "Eksistensi Hukum Islam di Tengah Keragaman Budaya Indonesia: Perspektif Baru Sejarah Hukum Islam dalam Bingkai Dialektika Nilai-nilai Syari'ah dan Budaya," in *al-Manahij*, Vol. 10, No. 16, (2016).

<sup>5</sup>Fauzi Saleh, "Mawah," *Serambi Indonesia* (20 May 2011).

<sup>6</sup>Anthony Reid, "Religious Pluralism or Conformity in Southeast Asia's Cultural Legacy," in *Studia Islamica*, Vol. 22, No. 3, (2015), p. 388.

of Aceh and shariah implemented in Aceh for future-oriented social information.<sup>7</sup> Moreover, the institution of education has an important role to perform education, propagation and religious development to represent a clear and inclusive culture in Aceh.<sup>8</sup> In this present paper, the study seeks to find the interaction model of *madzhabs* in Aceh within the current situation. The concerns are related to the underlying reason of dynamics among *madzhabs* occurred in Aceh and why the typology of interaction is more dominant in this context and solution for modern Aceh.

## Research Methodology

This study was a field study with the qualitative method. The data collection techniques were done through documentation study, observation, in-depth interview, and questionnaire. The study was conducted from 22nd August 2015 to 22nd August 2016. The interviewees included several regents in Aceh from Aceh Barat, Aceh Barat Daya, Bener Meriah, Aceh Tengah and Aceh Besar, an academician-ulema figure, an education practitioner who is also a member of FKUB (Interreligious Harmony Forum), the Head of Islamic Shari'a Office, a member of Social Islamic Organization who is also a member of Indonesian Parliamentary House, the Head of District Religious Affairs Office, a community figure, and a former regent. The choosing of this particular regent was because the community in his regency was more heterogeneous so they would have had different perceptions to the issue. The interviewees came from different professional disciplines and had been aware of any social affairs within the society, thus, it was assumed that they understood well enough of current society affairs.

The questionnaires were disseminated to 16 officials from different districts of Religious Affairs Offices throughout Aceh where they were affiliated to. They were chosen because they were considered to be the people who were well versed in the issue of *madzhabs* where they worked. The method used to analyze the data was descriptive analysis. Other instrument utilized was observation which was done since 22nd August 2015. During the observation, the researcher paid attention to the dynamics of religious affairs in Aceh. This included how the society responded to the different perspectives appeared as well as the figures of every perspective.

## Overview of *Madzhab* Interaction in Aceh

The tripolar typology is an approach in the theologies of religions introduced by Alan Race. The concept is meant for mapping the varieties of theology expert approaches and

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<sup>7</sup>R. Michael Feener, "Social Engineering through Shari'ah: Islamic Law and State-Directed Da'wa in Contemporary Aceh", in *Islamic Law Review*, Year 3, Vol 3 (September–December 2013), p. 285

<sup>8</sup>Silahunudin, "Budaya Akademik dalam Sistem Pendidikan Dayah Salafiyah di Aceh," in *MIQOT: Jurnal Ilmu-ilmu Keislaman*, Vol. XL, No. 2, Juli–Desember 2016, p. 349.

non-Christian theologies to find out the relationship among different religions. The mapping is based on the similarities and differences of the views towards other religions. The typology consists of exclusivism, inclusivism, and pluralism.<sup>9</sup> According to Kenneth Rose, exclusivism is making final some part of religious teachings while excluding and negating the other parts. On the other hand, inclusivism is exclusivism in a much weaker definition. It means this term will accommodate other understandings but the one which can be holdfast is better. Pluralism, meanwhile, views that the limitations of language means the religious language dissemination keeps ongoing; although this cannot be accepted universally.<sup>10</sup>

Exclusivism perceives that there is only one true religion<sup>11</sup> and the view that sees the truth and salvation belong only to a particular religion or sect, and no other. Inclusivism, on the other hand, is the attitude or view to see that the religion or sect other than one's belief also receives enlightenment from God, but the real and the complete salvation is solely in one's belief.<sup>12</sup> Inclusivism is to believe that one religion is best but weaker forms of religion are possible in other religions<sup>13</sup> and has two models, *in spite of* model and *by means* model. The first model views that other religious institutions has a handicap for the salvation but it never rejects the idea that other religions or sects can be saved by the mercy of God. The second model posits that the favor that one believes in a sect is granted through other religions or sects, especially in rituals performed.<sup>14</sup>

Pluralism is to believe that "other religions are equally valid ways as the Same Truth," or "other religions speak of different but equally valid truth," or "many ways to God," or "all paths lead to the same summit." Pluralism also means the view that God can be met through more than one way in what is called the Real. All religions will reach this Real since any religion or sect is one of the said ways<sup>15</sup>. Inclusivism is the theory towards openness in responding to the differences. This is a theory of sociology. The contrast of inclusivism is exclusivism whose believers regard their own group better than the others'. In relation to the culture and *adat* (customs) of the law in Aceh, inclusivism is more than a theory which has been applied in the society since a long time ago. The Acehnese have been known to appreciate the others as they are.

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<sup>9</sup>Alan Race, *Christians and Religious Pluralism: Patterns in the Christian Theology of Religions*. (New York: Orbis Books, 1982).

<sup>10</sup>Kenneth Rose, *Pluralism: The Future of Religion* (USA: Bloomsbury Publishing, 2013), p. 8.

<sup>11</sup>Media Zainul Bahri, "Abdurrahman Wahid, Depth Islam and Religious Pluralism", *Ulumuna*, Vol. 19, No. 2 (Mataram: State Islamic Institute Mataram, 2015), p. 301.

<sup>12</sup>Charles B. Jones, *The View from Mars Hill: Christianity in the Landscape of World Religions* (Cambridge, MA: Cowley Publications, 2005).

<sup>13</sup>Media Zainul Bahri, "Abdurrahman Wahid, Depth," p. 301.

<sup>14</sup>Charles B. Jones, *The View from Mars Hill: Christianity in the Landscape of World Religions* (Cambridge, MA: Cowley Publications, 2005).

<sup>15</sup>Paul F. Kintter, *Pengantar Teologi Agama-agama* (Yogyakarta: Kanisius, 2008).

This theory should be supported with another theory, called eclecticism. The eclecticism is a perspective that accommodates ideas from any other *madzhabs*. Observing how the society interacts toward the *madzhabs* in the province, three categories are needed on how to define and classify them. First, inclusivism, which is related to the open society; second, exclusivism which is related to having a high profile and being hardly communicate with each other especially to those considered below their level; and third, apology, concerning those who do not care of the happenings in their surroundings. In this study, the focus is on the condition and character of the Acehnese when facing the problems and differences in understanding some parts of their religion. According to Sahlan, interaction in Banda Aceh city happens mainly in daily basis interaction compared to associational. The imbalance in interaction pattern will result in communication between religious believer on civil society and elite level hindered. The implication of this is supporters or superstructure of peace and religious harmony in Banda Aceh is fragile.<sup>16</sup>

This interaction somehow was related to understanding Fiqh as the identity and characteristics of religious knowledge especially in *Pesantren* and it should be developed in accordance with the development and dynamics of society as suggested by Wawan Juandi and Abu Yazid.<sup>17</sup> This interaction based on good understanding the religion itself is hoped to build a new Islamic modern cultural which is seen everywhere in the Muslim World today. The phenomenon according to Farish A. Noor points to a growing sense of religious consciousness among the new urban Muslim middle-classes. Farish shows how Islam as a religion - as doctrine of faith and social interaction norms - express itself via a host of means ranging from fashioning to architecture as well as new cultural norms.<sup>18</sup>

### ***Madzhab* Interaction in Aceh: a Tripolar Typology**

Religious life in Aceh society tends to be more formal and and it seems more important than substance. What follows in the next discussion is the discourse of the polar of *madzhab* interaction.

#### ***Exclusivism Polar***

The Acehnese has a specific character when they holdfast a thought or belief: they will be fanatic and bond closely with it. The *madzhab* case is one example. The Shâfi'î *madzhab*

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<sup>16</sup>Muhammad Sahlan, "Pola Interaksi Interkomunal Umat Beragama di Kota Banda Aceh," in *Substantia*, Vol. 14 No. 1, (April 2014), p. 117.

<sup>17</sup>Wawan Juandi and Abu Yazid, "al-Tafkîr al-Fiqh bayn al-Tharîqat al-Taqlîdiyyah wa al-Manhajîyyah fî al-Ma'âhid al-Islâmiyyah al-Mitsâliyyah fî Indûnîsiyâ," in *Journal of Indonesian Islam*, Vol. 10, No. 1 (June 2016), p. 139.

<sup>18</sup>Farish An Noor, "Popular Religiosity in Indonesia: the Next Step after 'Islam Kultural'," in *al-Jami'ah*, Vol. 53 No. 2 (2015), p. 287.

is very well-known among the people as it was the first thought to come and has had a deep impact in the history of Aceh. Therefore, it is no wonder that the Acehnese is emotionally tied with the *madzhab* even though they did not fully understand all of the Shâfi'î values. Any other *madzhabs* will be considered foreign for some people and even be rejected directly.

Within the Acehnese life, Ismet Mahdi argues, there are three model groups of the *madzhab* followers: conservative, moderate, and flexible. The first group is the one who does not want to make any dialogue. Everything should be as it was; no second option.<sup>19</sup> As far as the researcher observed, the first group was dominant especially in remote villages and located far from the city. This condition has been supported by the village model of Islamic teachings in which a hierarchy structure with a dependent method was implemented. The person in charge for teaching in the village was Teungku Gampong (the village's Islamic scholar). His teaching was primarily extended from Teungku Dayah (the Islamic scholar teaching in a classic boarding school in Aceh). The Teungku should be listened to and what he said should be carried out. Thus, it was hardly found any different *fatwa* (legal pronouncement) between one village and another. Even though, the idea of Shafii *madzhab* as slogan and emotional will not always been implemented in wholly life such as the case of *rahn* (mortgage) mentioned before.

The model of *'ibâdah* and *mu'âmalah* was implemented completely by PERTI as it was the teachings of Abuya Syaikh Muda Wali al-Khalidi and his generation, as described by Tgk. Falaidin. He explained that the *'ibâdah* implemented by Muhammadiyah, for example, done in the way of Wahabiyyah would be considered *bid'ah* in the spiritual practice.<sup>20</sup> This statement was also supported by Tgk. Ramli A. Syek<sup>21</sup>, Tgk. Ade Mulia Husni<sup>22</sup> and Tgk. M. Yusuf.<sup>23</sup> The exclusivism is a polar to protect their existence with various ways. As far as the researcher observed, this polar totally reject *talfiq*<sup>24</sup> *al-madzhab* (eclecticism of *madzhab*) to be implemented in *'ibâdah* especially in Aceh. Eventhough theory of *talfiq al-madzhab* was guided to make *madzhab* consistence and sustainable. Anxiousity to these things, the chairman in each *madzhab* tried to make 'fence' and forbid other *madzhab* to be practice

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<sup>19</sup>Interview with Drs. Ismet Mahdi, staff of Religious Affairs Office of Aceh Jaya, on 17 November 2015.

<sup>20</sup>Interview with Tgk. Falaidin, the Head of Pesantren Asy'ariyyah Meukek and member of Ulema Board (MPU) of South Aceh, on 28 June 2016.

<sup>21</sup>Interview with Tgk Ramly A. Syek, Imeum Chik (Leader of Prayers) at Masjid al-Ghafur Gampong Labuhan Tarok Meukek, and member of Ulema Board (MPU) of South Aceh, on 29 June 2016.

<sup>22</sup>Interview with Tgk Ade Mulia Husni, a community figure, South Aceh, on 10 July 2016.

<sup>23</sup>Interview with Tgk. M. Yusuf, a community figure, South Aceh, on 10 July 2016.

<sup>24</sup>*Talfiq* means solving a problem or practicing *'ibadah* referred to more than a prominent *Madzhab* (schools of thought) from *Hanafi*, *Maliki*, *Shafi'i* or *Hanbali*. (Wahbah al-Zuhayli, *al-Fiqh al-Islami wa Adillatuh* (Kairo: Dâr al-Fikr), p. 1142; Azyumardi Azra, *Ensiklopedi Islam* (Jakarta: Ichtiar Baru, 2005), p. 68; Abdul Aziz Dahlan, *Ensiklopedi Hukum Islam* (Jakarta: Ichtiar Baru van Hoove, 1997), p. 1786

in one authority *madzhab*. So that, prevention from *talfiq* is considered to close the dimension of *ijtihad* itself. The substance of theory of *talfiq* exactly to keep the ‘constituent’ of each *madzhab* from moving to the other ones.<sup>25</sup> Somehow, the theory is relevant with the Islamic law that is revealed for all seasons, as it were, it must accordingly be deeply so that it may it to all time and all space.<sup>26</sup>

Practice of *talfiq* in Aceh has been implemented even though it was rejected in idealistic principles. Since Aceh was inaugurated the authority to implement shariah to Aceh, it is a compulsory to produce the shariah regulation with combining several *madzhab*. In the same time, legislative committees, Islamic scholars, and local officials took a part to broaden the reach of Shariah.<sup>27</sup> *Qânûn* shariah is a further elaboration of the Law no. 11 of 2006 while the regulation consists of *aqidah* (teology, shariah (law) and morality (*akhlaq*)). So the formulation by laws was actually a command of law.<sup>28</sup> Meanwhile, related to criminal sanctions consist of four types of sentences, the whip, the imprisonment, penalties and revocation or cancellation of licences<sup>29</sup>.

This typology was not only a social movement, but also a political authority meaning that in implementing the sharia in Aceh, the regulations should accommodate the *madzhab* contents as many as possible. Today, the Islamic sharia in Aceh, especially in the legislation of the *Qânûn* (regional by laws), has accommodated a great deal of Shâfi‘î thought. In fact, of the 17 respondents, 53% agreed. This indicates that this polar in Aceh has been very dominant and earned a strong political power. With regard to the Sharia, both the legislative and executive power had their agreement. In short, both have acknowledged some parts of the Shâfi‘î *madzhab* to be more dominant than the others.

Nevertheless, the *Qânûn* as the sharia regulation should be implemented. This means the ‘model’ of *‘ibâdah* or *mu‘âmalah* in Aceh in the future will be based on one role model. About 47% of the respondents agreed that the sharia practice (worship) should be referred to the Shâfi‘î *madzhab* that had been consolidated in Aceh in the past. Even though 12% of them rejected it, 71% of them still agreed that the *fiqh* (jurisprudence) of the Shâfi‘iyyah was able to be applied as it was relevant with the culture of the Acehnese society. In previous observation, the researcher revealed that some mosques in the city had different models of practices after *shalâh* (prayer). In several places, the *jama’ah* (the prayer followers) did not express their opinions after *shalâh* instead of kept silent and prayed individually. Now,

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<sup>25</sup>Fauzi Saleh, “Problematika *Talfiq Mazhab* dalam Penemuan Hukum Islam,” in *Islamica*, Vol. 6 No. 6, (September 2011), p. 66.

<sup>26</sup>*Ibid.*

<sup>27</sup>Terance W. Bilgalke, “Aceh after the Tsunami as the Indonesian Province Rebuilds, the Challenge of Physical and Spritual Recovery”, *EWC Insights*, Vol. 1 No. 1, (November 2006), P3

<sup>28</sup>A. Gani Isa, “Implementation of Islamic Shariah in Special Autonomy: A Case of Aceh Province,” in *MIQOT: Jurnal Ilmu-ilmu Keislaman*, Vol. XXXVIII, No. 1, January-June 2014, p. 126.

<sup>29</sup>*Ibid.*, p. 127.



especially after demonstration of petition by a number of groups including MUNA, FPI etc., almost all mosques in the city has followed the same model. It was an effort to make a unified *madzhab* and reject others, if any. They considered others or 'outsiders' as misleading and they would reject other models of *'ibâdah* or thought if it is contradicted with their teachings. This model is called the typology of exclusivism in *madzhab* interaction and tends to support mono-*madzhab*.

To strengthen mono-*madzhab*, the group of the society has also avoided eclecticism. The reason was it could make an annoyance and chaos within the society. Of 17 respondents, 35% of them agreed if the eclecticism led to conflict in the society. 41% agreed if *talfiq* should be avoided in the cases of *'ibâdah* as well as *mu'âmalah*. In this case, there was no space for other *madzhabs* to take part and contribute for the legislation and implementation of the sharia in Aceh. 29% of them were in neutral position and could be one of the apology attitudes towards a problem. The exclusivism polar appeared in Aceh was the factor that Aceh has never implemented an integration of *madzhabs* in its long history, as shown by 47% of the respondents who indicated the notion (although 18% negated it).

One reason to this polar strongly holding onto one *madzhab* only was to create a calm situation, especially in a homogenous society. This group of people hoped that the government set only one *madzhab* to be implemented without any consideration. Thus, any other *madzhabs* should not be applied in Aceh. This is what Alan Race called as exclusivism in a belief or doctrine. This polar will reject other sects and consider them not a true one. The idea to set only one *madzhab* in Aceh appeared in the idea how to perform *'ibâdah* should be similar in all of the places. If any practices are found contradicted with the customs, it should be rejected but some occasions it was considered mislead schools and should be throw out from Aceh.

The chaos previously related the Wahabi issue in Aceh is related to these cases. According the Teungku Dayah noted one of the idea of Teungku Seumebeut related to respond the issue of Wahabi. So, the finding shows that Wahabi according to them is a kind of belief that prohibition of visiting the cemetery, *talqîn* of corpse, the *rakaat of tarâwîh* limited to be 8, prohibition of performing *du'â'* toward the corpse, prohibition of commemorating the *mawlid* (prophet birthday), *tawassul*, prohibition to melody the *adhan* and Alquran, prohibition of singing the *qashîdah* and *zîkr* as well as *dalâ'îl al-khayrat*, rejection of twenty of Allah characters, proclamation that Allah is in 'Arsy, rejection of *ta'wil* toward the *mutasyâbihât* verses in Quran and also prohibition to make *qubbah* on cemetery.<sup>30</sup> The exclusivism tends to refuse other than holdfast *madzhab*. If other *madzhab* came, it would lead a horizontal conflict. This is caused by the less of *ummah* knowledge about how the Islamic Law legalized

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<sup>30</sup>Mulyana, "Wahabi dalam Persepsi Teungku Semebeut" (Banda Aceh: UIN Ar-Raniry, 2016), p. 70.

(*tasyrī*). Again, the figure of religions of the group does not enlighten the followers to appreciate each other.<sup>31</sup>

### ***Inclusivism Polar***

Some people in Aceh believe that the Shâfi'î *madzhab* has a priority to be implemented in their life especially in terms of *ibâdah*, but they have no objection towards any other *madzhabs* in which they also believe they have an authority to teach their own way to worship Allah swt (God). The researcher perceive that some of them believed that the Shâfi'î should solely be used when it was related to *'ubudiyah* (worship issues) such as *salah* (prayer), *zakat* (obliged due), *hajj* (pilgrim), etc. while in terms of *mu'âmalah*, they thought that it had more flexibility because it was related to *habl min al-nâs* (interaction with human beings), and thus, the acceptance of other *madzhabs*. This concept was what Bukhari Daud inclined to.<sup>32</sup>

The polar is popular in number living generally in the town eventhough a small number. This is exactly a chain of previous polar then the condition change them. The condition means in this case are education, environment, culture, social, politic etc. The education at any level impact someone how to interact each other, included the *madzhab* interaction. The environment means the place where someone lives, studies, works etc and this impact someone more and more. As well as culture, it introduces someone the custom in place how to interact. The culture changes someone in gradual. The politic sometime has impression in political man because he/she should understand how to interact well with the other.

This group still closely followed the Shâfi'î *madzhab*, however they also understood that the changing conditions of social life needed the reformation of Fiqh laws. Islamic methodology allows that fiqh laws should be changed according to the changes of the social conditions and situations. In response to this notion, some respondents were in doubt whether it was necessary or not, due to their inclination towards a particular *madzhab*. Certainly, when the fiqh laws are reformed, it is undoubtedly that they must not holdfast their own *madzhab* and should accommodate the other *madzhabs*. In this case, of 17 respondents, 29% of them preferred that the laws should not be reformed, and 24% of them disagreed with the changing. The result indicates that the respondents were between their attachment to their *madzhab* and their rationality in understanding the contemporary issues. This result is also similar to the statement of whether the *Qânûn* should solely be referred to the Shâfi'iyah or not.

Bukhari Daud, an *umarâ'* (former regent of Aceh Besar and a local Islamic scholar),

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<sup>31</sup>Ajidar Matsyah, "Ulama dan Permasalahan Azan Jum'at Dua Kali," in *Muzakarah Pemikiran Ulama Aceh* (Banda Aceh: Biro Keistimewaan dan Kesejahteraan Rakyat Aceh Setda Aceh, 2015), p. 69-70.

<sup>32</sup>Interview with Dr. Bukhari Daud, the former of Aceh Besar Regent and academician of Siah Kuala University, on 22 August 2015.

supported the idea that one *madzhab* should be applied in order to ease the government's work. The *madzhab* should be rooted in the society to further avoid any social conflict. However, he said, the multi-*madzhab* may be applied in contemporary contexts, to be specific.<sup>33</sup> As an academican, Bukhari showed a very flexible side on how to face the problems in Aceh, in what he called as the "win-win solution" to accommodate the other views. It can be said that he focused on the Shâfi'î *madzhab* but not ignoring the others. Still, he did not intend to create any more conflicts within the society especially with those who still holdfast the old *madzhab*, the Shâfi'yyah, but at the same time he also suggested to adopt the eclecticism *madzhab*. According to him, *ibâdah* must be led by one *madzhab* only. Therefore, it would be the easiest way to avoid any dispute such as *Tarâwîh* in Ramadan, Jum'ah prayer, among others. Yet, the eclecticism of *madzhabs* would be needed when facing any contemporary issues. On this argument, 35% of the respondents agreed that mono-*madzhab* was easier to be applied especially in implementing the sharia. But 18% of them rejected it while 24 % neutral.

In order to avoid conflict in the society, Bukhari supported the previous statement that there should be no institution in the future to force the society to follow a certain *madzhab*. In South Aceh, he said there were Muhammadiyah followers in several areas such as Tapak Tuan, Meukek, and Labohan Haji Timur. In Samadua, it was neither Perti nor any other *madzhab*. Some society even had a dualism of *madzhabs*. Meanwhile, areas such as Bakongan, Kluet Utara, Pasi Raja, and Labohan Haji Barat had a small number of Muhammadiyah followers, which were different from Trumon.<sup>34</sup>

Bukhari emphasized here that by following a certain *madzhab*, it did not mean one could force another to follow one's will. Any individual should allow another to choose their own ideal. Choosing a *madzhab* could be considered as the solution for one's life in implementing one's religious life. The inclusive interaction would guide the ummah (followers) to figure out a solution of problems, which was a duty of fiqh itself. Fiqh, as explained by A. Qadri Azizi, should be able to offer a solution for the contemporary problems with active and pro-active interpretations in order to inspire and guide the people's life.<sup>35</sup> In Aceh, *ijtihad fiqhî* (fiqh interpretation) is either *ijtihad fardî* (individual *ijtihad*) or *ijtihad jama'î* (collective *ijtihad*) should enlighten the life of the ummah.

Examining a *madzhab* is equal to learning about the dynamics of fiqh itself. Fiqh must be the way to the dynamics and soul of the daily life.<sup>36</sup> Fiqh today should solve the current society problems as well. It should be noted that today's problems are more complex compared

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<sup>33</sup>*Ibid.*

<sup>34</sup>Interview with Teungku Drs. H. Bukhari MA, Figure, Kasie Pendidikan Madrasah, FKUB of South Aceh, on 17 November 2015.

<sup>35</sup>A. Qadri Azizi, *Reformasi Bermazhab* (Jakarta: Kalista, 2004), p. 120-125.

<sup>36</sup>To have an overview of development of dynamic *fiqh*, see generally, Mhd. Syahnan, *Contemporary Islamic Legal Discourse* (Medan: IAIN Press, 2010).

to those in the *madzhab* early days. Thus, the respondents were in doubt when they were asked if the contemporary issues should have referred to the Shâfi'î *madzhab*. Twenty percents of them agreed, 24% disagreed while 41% neutral. This finding revealed that it is quite questionable if a certain *madzhab* can answer all the contemporary problems.

Another fact, Aceh is a very tolerant province despite the data mentioned. During the eras of the glorious sultans in past Aceh, the leaders gave enormous chance for diversity. By doing so, Aceh made a good relationship with other countries in spite of different backgrounds of beliefs, tribes, skin colors, and so forth. Syuhada mentions that currently there are two running models in the society for practicing '*ibâdah* such as reading *qunût*: one reads it while another does not. Aiming to be under one *madzhab* is a good idea, but it will not be easy to change all those practices. Within four sub-districts in the regency, for example, it would be different.<sup>37</sup> Both thoughts surely have a right to apply what they are used to do.

Having mono-*madzhab* is not an issue, but it needs to be seen that in the regency such as Takengon, it is impossible to apply Shâfi'iyyah solely there. Thus, such a move should be carefully considered. What important is that the *madzhabs* should emphasize the guidance to paradise. Since a long time ago, Aceh has had several mazhahabs practiced everywhere.<sup>38</sup> In this case, the interviewees proposed that the government should create harmonization in the province. The recent conflicts have created meaningless issues for the people involved. The fore father was aware of this and admitted that each *madzhab* had a method of thought in producing the law using similar sources, the Quran and Hadith (traditions of the Prophet p.b.u.h).

According to Ismet, the practices within the society were not all referred to what had been decided by the local government such as cases of zakah, hajj, nikah, and talak (divorce). Some people said that the references should be based on what was written in the *kitâb* (books learned in dayah in Aceh such as *al-Bâjûrî*, *I'ânah al-Thâlibîn*, etc.)<sup>39</sup>

Although the number of the conservative ulema in this case was small, they could affect others to obey their thought. Here, many ulemas and academicians mostly agreed with the change of the society thought and its dynamics. This phenomenon is just natural in any places in the world which is called "The social change". The alteration is not just in economy and politics, but also in thought. It can be considered as the improvement and progress of the condition in any places, including in Aceh.

In fact, the *madzhab's* presence related to the method of thought in formulating an

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<sup>37</sup>Interview with Drs. H. Syuhada, Head of Islamic Sharia Office, Aceh Tengah, on 17 November 2015.

<sup>38</sup>Interview with Drs. Tgk. Amrizal Jalaluddin (Al Washliyyah, Chief of Commision B Aceh Tengah, on 17 November 2015.

<sup>39</sup>Interview with Drs. Ismet Mahdi, staff of Religious Affair Ministry of Aceh Jaya, on 17 November 2015.

Islamic law. However, what today privation is a *madzhab* that has revoluted, deconstructive, reformative, and reconstructive model of thought in responding the modern issues (Maimun: 2013, 157).<sup>40</sup> Ismet personally holds that it is extremely tough to apply one *madzhab* to cover a wide variety of problems in today's society and worldviews. Even if there are some people who are willing to accept to only one *madzhab*, it does not mean they will have an agreement on some issues. It can be said they merely show an attitude of avoiding unnecessary debate with others.<sup>41</sup>

Originally, the intention to apply only one *madzhab* might just be a personal opinion of a scholar; however, it can be turned into part of the public perception. This is the power of these people in order to lead people's opinion and make it as if it came from the society itself. Therefore, the Moslem society needs someone who is able to provide a solution.

### ***Polar of Pluralism***

Ismet also said that another groups have had other opinions and options which they believed to be relevant with Islamic references. The groups were found in Teunom and Peukan Lamno.<sup>42</sup> In this case, it indicated the variety of society in how they perform their religion in Aceh. However, Ismet mentioned several parts of places indicated the minority who implemented such other type of *madzhabs*. Based on the observation, this type is hodfasted generally by academicians, civil servants, employers who live in the city. They could interact with variety of cultures, social interactions, tribes and beliefs. They also read the broad information through newspapers, magazines, televisions and discuss it. It led them to be more flexible to find some unique in their life either related in thoughts, ideas or discourses which appeared in the world today.

In their interaction, the community in the city has a different perception, the way of *'ibâdah* (worship), faith etc. They face this fact as a usual and common case in their life. If there is a thing which is not usual in their life, they are usually curious to understand it and enquire when it happens. This model exactly reflected what happened in sultan era in Aceh. At that time, Aceh was a destination of travelers especially muslims with different *madzhab* background. This experience showed that Aceh in the past is obvious and inclusive. Because of this, relationships among the countries at that time could be held. The harmonization in different perspectives was considered as wealth of civilization that should be appreciated. Shafii *madzhab* has been developed in this era, but *sulthân* always opened the opportunity to other *madzhab* to live a side by a side.

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<sup>40</sup>Maimun, "Reorientasi Ijtihad Kontemporer: Analisis Hukum Islam" in *al-Adalah*, Vol. 11 No. 2, Juli 2013, p. 157.

<sup>41</sup>Interview with Drs. Ismet Mahdi, the figure of Aceh Jaya, on 17 November 2015

<sup>42</sup>Interview with Drs. Ismet Mahdi, staff of Religious Affair Ministry of Aceh Jaya, on 17 November 2015.

The culture of Aceh led the society to appreciate the different life principles either their faith, understanding, *madzhab* and thought the occasion for each individual to implement his/her faith and *madzhab*. The life of faith and *madzhab* was assured by the government and *sulthân* support them for implementing their religions. The awareness of this could be eliminated by the domination of thought or *madzhab*. It is allowed if it is supported by the authority. It should be noted that Aceh in kingdom era, four *madzhabs*; Hanafi, Maliki, Shâfi‘i and Hanbali appeared and live in Aceh in the same time. These *madzhabs* were referred by *mufti* (ulema to produce the law) and a lot ulemas in general. These *madzhabs* were confessed in *Qânûn* Meukuta Alam al-Asyi as mentioned in Kitab Tadhkirah Tabaqat by Tgk. Dimulek:

Maka berpeganglah dengan sungguh-sungguh hati *Qânûn* Meukuta Alam al-Asyi karena mengikuti Imam Hanafi, Imama Maliki, Imam Shâfi‘i (dan) Imam Hanbali. Dari empat mazhab itu semuanya tunduk kepada Syari‘at Rasulullah SAW. Yakni terhimpun Islam dan Tauhid dan Ma‘rifat, maka barulah bernama agama.

Malik ibn Anas states that the freedom for argumentation and difference should be appreciated not destructed and the leaders should unify them to have a single opinion only.<sup>43</sup> The reason because the problems are usually in *mutasyâbihat* (*nass* which has more than one meaning). On the other hand, in *muḥkamât* (*nashsh* has a certain meaning and no other option be interpreted); it is hardly found to have the difference of interpretations.<sup>44</sup> In this regard, the ulema acknowledged that the differences were behind the emergence of a study called *al-fiqh al-muqârin* (comparative fiqh).

The respondents in this case agreed that the contemporary issues needed the integrated *madzhab* and eclecticism. Among the respondents, 35% agreed that the problem could not be solved by mono-*madzhab* only. However, 24% disagreed while 29% was neutral. When enquired about implementing the Islamic sharia, 53% of them agreed that the contemporary issues should be discussed and not referred to the prominent mono-*madzhab*. However, 24% of them were neutral.

Eclecticism in responding the current issues can consider the sociological spirit to solve the matter in society.<sup>45</sup> The statement above was also supported by the next answers of the respondents when enquired about how to solve religious life-related issues. Of 17 respondents, 35% of them agreed that solving today’s life problem should have not referred to only a certain *madzhab*. However, 24% disagreed while 29% neutral. For this issue, the

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<sup>43</sup>Muammar Bakry, “Pengembangan Karakter Toleran dalam Problematika Mazhab Fikih,” in *al-Ulum*, Vol 14 No. 1, (Juni 2014), p. 179.

<sup>44</sup>Yusuf al-Qardâwi, *Fiqh al-Ikhtilâf* (Kairo: Dâr al-Shahwah, 1992), p. 58.

<sup>45</sup>Muslim Zainuddin, “Syariat Islam di Aceh dalam Dimensi Sosiologis,” in M. Nasir Budiman, *Pergulatan Panjang Budaya Damai dalam Masyarakat Multikultural: Kajian Edukasi, Syari‘i, Historis, Filosofis dan Media Massa* (Banda Aceh: Yayasan Pena: 2007), p. 139.

respondents realized that today's life has been vastly different than that in the past. Today, *ijtihad* should be referred to modern methods, either *ijtihad intiqâ'i* or *ijtihad insyâ'i*.

There are some ethics which should be implemented regarding the *ikhtilâf* (the different interpretations in Islamic law). First, one neither agrees nor disagrees absolutely in the debatable and *ijtihadiah* cases. Second, understanding the others when some issues differ among them reflects an empathy attitude. Third, one should be honest and supportive in embracing differences. And fourth, one should have a broad mind, vast knowledge (cosmopolitan), and preference to the public interest (Muammar Bakry: 2014, 179-181).<sup>46</sup>

According to Syamsuar, we cannot reject the fact there is diversity in today's society. Moreover, there are many alumni of different abroad universities coming back to their home carrying along different *madzhabs*. If one wishes to make a reference to only one *madzhab*, it will be considered as a force of will towards the others.<sup>47</sup> Many students from Aceh learned in various places around the world. They also have understood the different cultures and *madzhabs* worldwide. They argued that this *madzhab* has been acknowledged by the sunni ulema. This group is what was known as *kaum mudo* in Padang's history, in which a conflict had occurred between them and *kaum tuwo*<sup>48</sup> as well in Aceh. Therefore, for Aceh's future progress, people need to be aware of on how to accept the diversity as long as it does not contradict with the foundation of sharia.

To avoid touching the modern approach and eclecticism of *madzhabs*, some seculars pursue the idea of *al-darûrât* in modern cases such assurance, bank, etc. But, this idea was rejected by the respondents at 29% although 35% neutral and 12% agreed. In this point, it indicates that the society hopes the ulema will do *ijtihad* to clearly respond the modern cases. This can be understood as it related to *tafshîlî* case as a detailed form that is based on specific guidelines such as numeric figures that are less open for interpretation, not *kullî* as genera form that is based on guiding principles that don not focus on specifics.<sup>49</sup>

On another point, for the sake of the province development, Aceh has sent their young generations to study in various parts of the world including Middle East, i.e., Saudi Arabia,

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<sup>46</sup>Muammar Bakry, "Pengembangan Karakter Toleran dalam Problematika Mazhab Fikih," pp. 179-181.

<sup>47</sup>Interview with Dr. Syamsuar, Rector of STAIN Teungku Dirundeng Meulaboh, West Aceh, on 17 November 2015.

<sup>48</sup>Tarekat Nasbandiyah Khâlidiyah which several rituals such as *silsilah, râbitah, suluk, forbidding to consume the meat* as perspective of Kaum Tuwo (according to them as *ijtihad* of Sufism scholar form Quran and Hadits) was considered as *bid'ah* by KaumMudo and basically could not be found in the Quran and Hadiths with spirit of Puritanism. (Nasrullah, "Tantangan dan Respon Kaum Tua dan Kaum Muda terhadapTarekat di Minangkabau (1906-1933)" (Thesis Undergraduate UIN Sunan Kalijaga, 2008), p. iv.

<sup>49</sup>Reed Taylor, "Public Interest and End Goals: Governance by Virtues in Syariah," in Muliadi Kurdi, *Islamic Politics Idealism in Aceh: An Investigation into Academician and Politician Points of View* (Banda Aceh: LKAS, 2011), p.107.

Egypt, Morocco, etc. It is hoped that the students will come back to Aceh to take part in solving the *ummah* problem with a different perspective and perhaps a different *madzhab*. Therefore, supposed a new *madzhab* appears, the society will follow this *madzhab* despite being different from the Shâfi'îyyah. This notion was supported by 47% of the respondents while 12% rejected it. From this finding, it can be concluded that the Acehnese has a chance to accept the multi-*madzhab*. The existence of other *madzhabs* will open the mind of the exclusivism proponents. The society will become aware that besides what they initially believed, there is another thought that has a right to also develop. Taking into account this awareness, it will be much easier to build a clear society which can allow other existences in their life.

This fact is also supported by the statement of the Head of Local Religious Affairs of Nagan Raya, Djulaidin Khasim. He pointed out that in several places including Nagan Raya, the idea to have only one *madzhab* was rejected. This was because, first, people should look back to the Quran and Hadith of One God and of the same prophet. No one could pinpoint another's mistake. It was as what the Quran had mentioned *walaw lâ nafaran...* (Why not several of them...) learned and came back to their nations with the variety of characteristics. In Islam, Allah said, difference had existed since the period of the Prophet p.b.u.h. e.g., the *tayammum* (using the dust instead of ablution in a certain stated for conducting such worship) case. In this regard, a *madzhab* is not a must to follow and to worship, it is just a way.<sup>50</sup>

On issues related to the society's social life, the finding of the law should consider two aspects, understanding the secret and goal of sharia, and a good understanding of Arabic.<sup>51</sup> The statement above indicates that today's society has had a different perspective in *'ibâdah*, especially on the role of *madzhabs*. The society has not holdfast any *madzhab* or any single ulema. Some people said that the ulema had an equal authority and thus, they could not blame each other or considered one of them as the only truth and another was wrong. During the golden age of Islam in the seventh century, the society then had shown how to embrace the variety of *madzhabs* in their life.

The attitude of the society with a broad mind in understanding the current problems was shown on issues related to *khilâfiyyah* (debatable cases) in which people should refer to one *mahdhab* only to avoid the *ummah* from getting separated. However, 42% of the respondents disagreed with it. About 24% thought that, nevertheless, people should refer to one *mahdhab* only. In addition, 35% of the respondents stated that the *awwâm* (common people) did not have to follow the life habit in terms of religious problem, 29% were abstain and the rest 24% considered that it was fine to follow the habit to avoid any doubt in implementing the shariah. Bukhari Daud noted that a specific *qânûn* related to *'ibâdah*

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<sup>50</sup>Interview with Djulaidi Khasim, Chief of Religious Affairs Nagan Raya, on 17 November 2015

<sup>51</sup>Abdul Basith Junaidy, "Revitalisasi Ushul Fiqh dalam Menghadapi Perubahan Sosial", *Islamica*, Vol. 3 No. 2, (Maret 2009), p. 48.



was better referred to one *madzhab* (mono-*madzhab*). On the other hand, the *qânûn*<sup>52</sup> related to *mu'âmalah* was better referred to the eclecticism (multi-*madzhab*). Both, however, should be on the basis of *mashlahah* (public interest).<sup>53</sup>

Any *madzhabs* as long as relevant with the Quran and Hadith is correct, so any Moslem can follow any *madzhab* which he/she prefers. If someone guided the other a certain mazhab, some reasons should cause it, either, fanaticism, political interests, popularity or economic or social impacts. The sharia in Aceh has at least three perspectives. First, shariah based on the blue print utopia. Second, sharia which is dystopia or state-centered iconoclastic utopia. And third, sharia that is communally-centered iconoclastic utopia.<sup>54</sup>In the first perspective, the sharia should be based on the understanding of the society. The ideal society should understand the core of Islamic teachings applied in their life. This perspective sees that Aceh should turn into the society awareness. The sharia is not compulsory, but it is considered as a need for them.

The second category means that some people do not intend if the government interferes with the implementation of religious teachings. This group considers that religion is personal. The group feels upset when the authority tries to warn and arrest someone in order to execute the sharia. The third group focuses on how to fulfill the basic needs in their life before sharia is applied. However, they certainly feel the effects of sharia once it is applied. Therefore, the sharia should be started in order to change the life standard of the society. Prior to implementing the sharia, however, the government should upgrade the people's life. This is because poverty may lead people to be disobedient.

The government's role is not only to counter the deleterious culture effects of globalization but also to steer the social development in desired direction.<sup>55</sup> Sharia accommodated in the *Qânûn* should reflect the substance of the Acehnese life that consists of three pillars, the Islamic religion, culture, and inclusiveness. The religion is the basic principle for which *Qânûn* has been legalized. The culture refers to '*adât* that has been known and applied in Aceh since long ago and acknowledged by the *sulthâns* of Aceh as long as it is compatible with the religion's rules. As it is quoted in the Acehnese popular saying: *Adat ngon hukum lageezat ngon sifeut* (the culture of the Acehnese and the laws are like the substance and its characters). This indicates that these two aspects cannot be separated in practice.

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<sup>52</sup>The *qânûn* is the regulation legislated by a local government Aceh and implemented in this province which in other province called Peraturan Daerah (PERDA).

<sup>53</sup>Interview with Bukhari Daud, the former of Aceh Besar and academician, on 22 August.

<sup>54</sup>Reed Taylor, "Syariah as Heterotopia: Responses from Muslim Women in Aceh, Indonesia," in *Religion*, (USA: Fayetteville Technical Community College, 5 May 2015), p. 568.

<sup>55</sup>R. Michael Feener, "Social Engineering through Shari'ah: Islamic Law and State-Directed Da'wa in Contemporary Aceh," in *Islamic Law Review*, Year 3 Vol 3 (September–December 2013), p. 292

## Changes of *Madzhab* Interaction Paradigm in Aceh

The interviewees stated that cases of *ibâdah* and *mu'âmalah* should be differentiated; however, the researcher believes that it will not be an easy task. There have been many debates in Aceh in relation to *ibâdah*, and yet, it has also happened in *mu'âmalah*. Therefore, both issues should be comprehensively linked to Islam as the sharia. On the other side, the focus of the society and teaching in Aceh has been towards *ibâdah* practices of different *madzhabs* while *mu'âmalah* practices such as pawning, leasing, trading, among others have received little attention. Hence, it is understandable that many protests occurred nowadays have been strongly directed to Jum'ah prayer, or *tarâwih* prayer. Such protests were hardly found in trading, financing, or other *mu'âmalah* cases.

The idea above has been considered as one of the progressive thoughts to solve the conflicts of *madzhabs* in Aceh. When the society can be positioned at the polar of inclusivism which views that other *madzhabs* have a right to be implemented without any force, the condition in Aceh can be more stable and free from any social conflict in the future. However, Aceh in the future should be built under a more dynamic concept, which seeks pluralism interaction among *madzhabs*. The reason is because later on *madzhabs* should be able to solve the problems faced by the *ummah*, and not create another problem. The sharia should develop a modern Moslem society in Aceh as well as formulate the *madzhabs*. A modern Moslem means an individual should form and interpret the Islamic teachings as *rahmat li al-'âlamîn* (the favor for the nature).

What should be thought today is how to make a balance among the three typology terms, Acehnese, and Indonesian.<sup>56</sup>The Acehnese has the religion that should be appreciated as well as *âdat* that has been implemented since a long time ago. The inclusive attitude was also practiced in Aceh in the past. There was no place in Aceh supporting exclusivism as it was contradicted with the philosophy of the Acehnese life. For instance, some Sufi tareqats. They were practiced in Aceh since the sultanate era while a harmony life in Aceh was able to be achieved nevertheless. Although historians wrote the conflict between Nuruddin Ar-Raniry and Samsuddin al-Sumatrani, it was more about the politics rather than the faith of the sect and today, these several sects in Sufism still exist.

Another worth mentioning here is the important role of ulemaas the central figure in Acehnese social structure that are able to bring significant social changes. Their roles are to protect, teach, and lead the society<sup>57</sup>for the better. Ulema should be the role model in showing respect and appreciation for one another for the society. Other thing that should be understood that *madzhab* plays role in fiqh scope not shariah. Shariah is the laws of God

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<sup>56</sup>Robert Shaw, "Aceh's Struggle for Independence: Considering the Role of Islam in a Separatis," in *an-Nakhlah*, Fall 2008, p. 3.

<sup>57</sup>Hardiansyah, "Peran Ulama dalam Implementasi Syariat Islam di Aceh: Studi Kasus pada Peranan Teungku Dayah Sekitar Pemukiman Krueng Pasee Kecamatan Samudera Aceh Utara" (Medan: Universitas Sumatera Utara, 2010), p. 12.

which is still abstract, meanwhile how to understand and implement concretely of all this called Fiqh. So Fiqh characterized more simple, part of shariah, not absolute, and local-temporary.<sup>58</sup> In this point, fiqh which is applied in part Aceh will not relevant with what implemented in other in other world.

For future Aceh, the existence of a *madzhab* is only as the media to ease the life of the ummah in implementing the Islamic sharia. The *madzhab* is hoped not to be a source of conflicts as what has happened nowadays. It should be clearly understood the background of the initial emergence of the *madzhab*. The *madzhab* is none other than a method in understanding the text of religion, and not the religion itself. Today's paradigm within the society should be shifted if they think the *madzhab* is equal to the religion itself.

Nonetheless, reforming the society into pluralism is necessary. Aceh used to have an exclusive curriculum. In this curriculum, the education institutions provided the media to the students to understand the substance of the ruling *madzhab* today and also provided the other *madzhabs* as comparison. It was expected that the students would have understood that they would encounter more than one understanding and *madzhab*. The result was that they could hold dialog in solving a problem. However, sometimes they blamed each other and did not accept another opinion. The heterogeneity of the Acehnese in previous eras had led some elements of the society to be exclusive and eventually gave the place for this model of thought.

The society today should be aware in related development of *Fiqh* far from what happened a hundred or two hundred years before. In future, it will be faced by numbers of problem that differ from the cases in *madzhab* leader's era. It will be wise if someone wants to compare the difference law development in middle era and today.<sup>59</sup> Therefore, *Fiqh* today should talk about several aspects of human life and study on – such research has been done by Niels Spierings - systematic theoretical and empirical assessment of linkages between Islamic studies and the popular support democracy<sup>60</sup>, modern economy, social interaction model and so forth.

According to Quraish Shihab for example, the difference of fatwa produced in Indonesia based some factors, without mentioning *madzhab* as a cause, namely, specific character of Indonesian Islam as Islam penetrated to 'body' of this country, colonized by Dutch till the time of independent of Indonesia, other position of religion and role of country in the life especially in New Order society.<sup>61</sup>

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<sup>58</sup>Moh. Fauzi, "Legislasi Pelaksanaan Syari'at Islam di Provinsi Nanggroe Aceh Darussala (NAD): Pergumulan Sosio-Politik dan Tinjauan Hukum Tata Negara" (Banda Aceh: IAIN Ar-Raniry, 2009), p. 33.

<sup>59</sup>Ahmad Hasan, *Pintu Ijtihad Sebelum Tertutup* (Bandung: Pustaka, 1994), p. xviii.

<sup>60</sup>Niels Spierings, "The Influence of Islamic Orientations on Democratic Support and Tolerance in Five Arab Countries," in *Politics and Religion*, 7 (2014), p. 706.

<sup>61</sup>Quraish Shihab, "Era Baru, Fatwa Baru," in M.B. Hooker, *Islam Mazhab Indonesia: Fatwa-fatwa dan Perubahan Sosial*, transl. Rosyidin Hasan (Bandung: Teraju, 2003), p. 19.

## Conclusion

The dynamic interactions of Islam in Aceh have been shown to be towards first, the exclusivism polar which believes that the Shâfi'î *madzhab* is the prominent, if not, the only true school of thought and thus should be followed; second, the inclusivism polar, which also highly regards the Shâfi'î *madzhab* in the realm of *'ibâdah* and *mu'âmalah* although this does not necessarily mean that any other *madzhab*s are wrong and should be avoided. The inclusivism could be considered the neutral way to solve the current religious problems in Aceh. And third, the pluralism polar that can be utilized in the future to guide the Acehnese to build the harmony and peace as well as to respect each other in order to reach the ultimate purpose of Islam as *rahmat li al-'âlamîn*.

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