

CONSTITUTIONALIZATION OF RELIGION IN REVIEW OF *MAQASHID SHARI'AH* Statutory Study of Shariaism in the City of Langsa, Aceh

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Abstract: This article aims to analyze two regulations Langsa City Qanun Number 3 of 2016 concerning the implementation of entertainment in Langsa City and Langsa Mayor's Regulation Number 40 of 2020 concerning Guidelines for Granting Permits to Organize Entertainment in Langsa City based on a sharia *maqâshid* review. The study of the two regulations uses Paul Ricoeur's hermeneutics with the technique of constitutional distinction, appropriation into social contexts, and interpretation in the perspective of *maqâshid al-sharî'ah* by al-Syatibi. The research findings show that there are still many points of existing regulations that are not in accordance with several dimensions of *maqâshid al-sharî'ah*. The infiltration of sacred religion into a technical system that is profane and its interpretation by certain groups is not in accordance with *maqâshid al-sharî'ah* in the dimension of religious benefit. The regulation of Shari'a causes religion to regulate private spheres such as religion and the way of dress, contrary to the dimension of maintaining common sense.

Abstrak: Penelitian ini bertujuan menganalisis dua regulasi di Kota Langsa, Aceh, yakni Qanun Kota Langsa Nomor 3 Tahun 2016 Tentang Penyelenggaraan Hiburan di Kota Langsa dan Peraturan Walikota Langsa Nomor 40 Tahun 2020 tentang Pedoman Pemberian Izin Penyelenggaraan Hiburan di Kota Langsa berdasarkan tinjauan *maqâshid al-sharî'ah*. Kajian atas kedua regulasi itu menggunakan hermeneutika Paul Ricoeur dengan teknik distingsi konstitusi, apropriasi ke dalam konteks sosial dan interpretasi dalam perspektif *maqâshid al-sharî'ah*. Temuan penelitian menunjukkan bahwa masih banyak poin peraturan yang ada belum sesuai dengan beberapa dimensi *maqâshid al-sharî'ah*. Infiltrasi agama yang sakral ke dalam sebuah sistem teknis yang bersifat profan dan penafsirannya oleh kelompok tertentu, kurang sesuai dengan *maqâshid al-sharî'ah* pada dimensi kemaslahatan agama. Regulasi syariatisme itu menyebabkan agama mengatur ranah privat seperti agama dan cara berpakaian, bertentangan dengan dimensi menjaga akal sehat.

Keywords: shariatisme, Aceh, entertainment area, regulation, *maqâshid al-sharî'ah*

Introduction

This research departs from a case in Langsa City, which led to a conflict in an entertainment venue that pitted religious groups and cafe entrepreneurs against groups of artists.¹ On the one hand, religion-based regulations give rise to the arrogance of certain groups in society. On the other hand, religion-based rules have been interpreted in such a way as to make some parties question the significance of religion-based regulations for the benefit of the wider community.² Because the religious rules as formulated in Langsa City it is considered to hinder some parties, especially artists, from earning income. Not only that, the entrepreneurs of entertainment venues such as cafes and their employees are reaping the impact of this regulation.

Shari'a regulations are not only complained about by cafe entrepreneurs and music artists but also by the general public and foreign tourists. Later, news circulated that tourists complained about the difficulty in making transactions due to shariah regulations.³ However, they need an adequate understanding of these regulations. The root of the problem is the need for more clarity between Islamic law and the formalization of Islamic law. Doctrinally, society does not doubt the positive value of Islamic law. However, in practice, the formalization of Islamic law has caused Islamic law to be interpreted by certain parties, and there has been a reduction in this interpretation. The effect is that the regulation of shariatism has prevented many people from expressing their independence. Sometimes it makes the economy not develop as expected and makes work less comfortable, as was the case when a religious group came to M.C. Café at the end of December 2021.

“Since I was small, I have followed my parents to make a living by making music. I also support my family with music. In Langsa, there were no problems with music in the past, even though Acehese have always practiced Islamic law.”⁴ Music artists in Langsa complained. “If there are a lot of restrictions and regulations, we are worried that the business will recede. If only music were stopped, the government would have to guarantee a minimum of fifty guests at the cafe every night. If not, we will lose money,”⁵ the cafe entrepreneur complained.

Questions about the formalization of Islamic law in Aceh must provide a satisfactory answer. If critical voices are ignored, it can create an image that the formalization of

¹ Acehnews, “Ulama Hentikan Live Musik Di Langsa” (Langsa City, n.d.).

² Serambinews, “No Title” (Langsa City, n.d.).

³ “Tak Ada Bank Konvensional, Turis Asing Di Aceh Sulit Tarik Uang Ke ATM,” CNN Indonesia, 2022, <https://www.cnnindonesia.com/ekonomi/20220827183310-78-839873/tak-ada-bank-konvensional-turis-asing-di-aceh-sulit-tarik-uang-ke-atm>.

⁴ Interview with Mum., May 2022.

⁵ Interview with Ads. M.C. Café Entrepreneurs, May 2022.

Islamic law is the aspiration of some groups and ignores the aspirations of other groups. Regardless of the pros and cons of the formalization of Islamic law, what is more significant to focus on is whether the formalization of Islamic law in Aceh is in line with the essential orientation of Islamic law (*maqâshid al-sharî'ah*) from al-al-Shâtibî's perspective. The direction itself targets that the Shari'a can provide religious benefits.⁶ However, in practice, conflicts between religions, religious sects, reduction of meaning, and religious hegemony in the shariatization agenda make the benefit of faith unsuitable.

Maqâshid al-sharî'ah wants to save lives.⁷ But in the agenda of shariatism, there have sometimes been acts of vigilante due to the euphoria of shariatism, even killing people accused of heresy in Bireuen.⁸ There was also the suicide of a woman. After being arrested for violating regulations, the woman was returned to her parents. However, some media say the woman is a prostitute and a pervert. The persecution depressed his soul, and he committed suicide.⁹

There are also many dimensions of sharia orientation that conflict with maintaining common sense in the agenda of shari'a. For example, shariatism makes shari'a the goal. Even though the Shari'a should be the way.¹⁰ Such a view is of course a logical error. Shari'a regulations that make administrative procedures more complicated and provide rules in such a way for certain professions, of course make *maqâshid al-sharî'ah* in the dimension of protecting property not implemented. The economic crisis of course makes property threatened. Poverty, of course, jeopardizes the property of many people. Other sizes of *maqâshid al-sharî'ah*, such as protecting offspring, also cannot be said to be okay in the sharia regime.¹¹ So in this case, it is necessary to study the regulation of shariatism in the perspective of *maqâshid al-sharî'ah*, especially from the standpoint of al-Shâtibî.

Several researchers have carried out studies on essential values related to social life in the review of *maqâshid al-sharî'ah*. Ahmad Dahlan Malik, Andi Zulfikar Darussalam, and Yanuar Trisnowati researched the application of micro, small and medium enterprises

⁶ Mohammad Hariz Shah Mohammad Hazim Shah Mohammad Hazim Shah and Mohammad Hazim Shah, "Ahmad Ibrahim dan Sumbangannya dalam Perkembangan Islam di Malaysia," *Journal of Al-Tamaddun* 16, no. 1 (June 29, 2021): 81–98, <https://doi.org/10.22452/JAT.vol16no1.6>.

⁷ Deri Wanto, Rahmad Hidayat, and R. Repelita, "Maqasid Shariah's Change as Theory: From Classical to Cotemporary Maqasid Shariah," *Al-Istinbath/ : Jurnal Hukum Islam* 6, no. 2 (November 11, 2021): 427, <https://doi.org/10.29240/jhi.v6i2.3122>.

⁸ Khairil Miswar, *Islam Mazhab Hamok* (Banda Aceh: Bandar Publishing, 2020).

⁹ Rini Kustiani, "Diberitakan Sebagai Pelacur, Gadis Ini Bunuh Diri," *tempo.co*, 2012, <https://nasional.tempo.co/read/429970/diberitakan-sebagai-pelacur-gadis-ini-bunuh-diri>.

¹⁰ Teuku Muhammad Jafar Sulaiman, *Islam Instan: Respon Philo-Sufi Atas Problematika Sosial Politik Keagamaan* (Banda Aceh: Bandar Publishing, 2020).

¹¹ Zulfikar Zulfikar, "Habib Ahmed's Maqâcid Sharî` Ah Concept On Cooperative Regulations In Indonesia," *Ijtihad/ : Jurnal Wacana Hukum Islam Dan Kemanusiaan* 21, no. 2 (December 31, 2021): 247–72, <https://doi.org/10.18326/ijtihad.v21i2.247-272>.

(MSMEs) and their suitability with *maqâshid al-sharî'ah*.¹² Research has also examined the Aceh qanun in terms of *maqâshid al-sharî'ah*. Maisyarah Rahmi Hasan has researched the suitability of Islamic doctrinal texts with qanuns on gambling and their effectiveness in reviewing *maqâshid al-sharî'ah*. The research findings show that qanuns regarding gambling laws must be enforced because they effectively prevent gambling in Aceh.¹³ Nasrullah Yahya focused on researching the revised 2014 Qanun Jinayat regarding the direction of stoning. The article's findings show that stoning is by Islamic doctrine, does not conflict with human rights (HAM), and is by *maqâshid al-sharî'ah*.¹⁴ There is also research discussing the MUI Fatwa regarding Friday prayers during a pandemic.¹⁵ Mulizar Mulizar, Asmuni Asmuni, and Dhiauddin Tanjung tried to examine the community's execution of khalwat cases from the perspective of *maqâshid al-sharî'ah*. They found that the act of execution by the community was not by *maqâshid al-sharî'ah*.¹⁶

There has not been found research that focuses on reviewing local regulations in Aceh regarding rules on public places established by the government and how these provisions are in the perspective of *maqâshid al-sharî'ah* in al-al-Shâtibî's view. The focus of this research is Langsa City Qanun Number 3 of 2016 concerning the Implementation of Entertainment in Langsa City (from now on referred to as Langsa Qanun) and Langsa Mayor Regulation Number 40 of 2020 concerning Guidelines for Granting Permits to Organize Entertainment in Langsa City (from now on referred to as Perwal Langsa). These two regulations are now on referred to as the Two Langsa Regulations.

The two Langsa Regulations regulate public entertainment venues in Langsa City to suit the agenda of shariatism. Researchers are trying to explore the Two Langsa Regulations through a Juridical legal approach. Paul Ricoeur's hermeneutics is used as a method of analysis. Regional regulations in the form of rules referred to are a form of theological interpretation into a practical realm so that Paul Ricoeur's hermeneutics is compatible with an analytical approach.¹⁷ The two Langsa Regulations, which are the

¹² Ahmad Dahlan Malik and Andi Zulfikar Darussalam Yanuar Trisnowati, "The Performance of MSMEs of Gresik Based on Maqasid Sharia," *Journal of Economics, Business & Accountancy* 21, no. 3 (2018): 315–22, <https://doi.org/10.14414/jebav.v21i3.1244>.

¹³ Maisyarah Rahmi Hasan, "Qanun Man'i al-Maysir Fi Wilayati Aceh: Dirasatun Tahliliyatun Fi Dhau Maqasid al-Syari'ah," *Mazahib* 15, no. 1 (2015): 61–88, <https://doi.org/10.21093/mj.v15i1.618>.

¹⁴ Nasrullah Yahya, "Legislasi Hukum Positif (Fikih) Aceh: Tinjauan Pergumulan Qanun Hukum Jinayat," *Ijtihad: Jurnal Wacana Hukum Islam Dan Kemanusiaan* 14, no. 2 (2015): 149–66, <https://doi.org/10.18326/ijtihad.v14i2.149-166>.

¹⁵ Muhamad Agus Mushodiq et al., "Jalb Masalah Izzuddin Dan Relevansinya Dengan Fatwa NU Terkait Shalat Jumat Masa Pandemi Covid-19," *Al-Istinbath/ : Jurnal Hukum Islam* 6, no. 1 (May 25, 2021): 15, <https://doi.org/10.29240/jhi.v6i1.2193>.

¹⁶ Mulizar Mulizar, Asmuni Asmuni, and Dhiauddin Tanjung, "Maqashid Sharia Perspective of Legal Sanction for Khalwat Actors in Aceh," *Al-Istinbath/ : Jurnal Hukum Islam* 7, no. 1 (May 30, 2022): 161–83, <https://doi.org/10.29240/jhi.v7i1.3587>.

¹⁷ Paul Ricoeur, *Interpretation Theory: Discourse and the Surplus of Meaning*, ed. Texas Christian University Press (Texas: Texas Christian University Press, 1976), 20.

technical translations of Aceh's special autonomy, particularly regarding the formalization of Islamic law, are differentiated into an independent text. Then the values contained in the two regulations as texts that regulate public places are appreciated. Appropriation involves the context of the problem of contestation between religious groups and groups of cafe entrepreneurs and music artists, so it is necessary to apply ethnographic data because Paul Ricoeur's hermeneutics demands the involvement of the sociological dimension in text analysis.¹⁸ Finally, the text of the Two Langsa Regulations as the basis for regulating public entertainment venues to comply with the agenda of shariatism and the social contest it raises is interpreted through its review from the perspective of *maqâshid al-sharî'ah* al-al-Shâtibî.

Methodology

This research is included in the study that uses a qualitative approach that uses the type of research with library research methods, and the method used is comparative analytical descriptive.¹⁹ The primary data source of this research is the *Tafsîr Jalâlayn* by Jalâl al-Dîn al-Maḥallî and Jalâl al-Dîn al-Suyutî. Data collection methods, data collection techniques with documentation, collect data from primary sources supported by secondary sources. This document is obtained from direct, digital, or authoritative sites.²⁰

This research is field research as empirical legal research (Adiyanta, 2019). The research begins with a search of the Laws of the Republic of Indonesia, and the Qanun Jinayat Aceh. Data was collected through observation and interviews with parties involved in tensions between religious groups and cafe entrepreneurs in Langsa, Aceh. The technique of checking the validity of the data is done by triangulation. Data were analyzed using content analysis.

The data collected are *mutasyâbihât* verses which consist of pronunciation and sentences. It means that the accent is the beginning of a letter or a cut letter (*ḥarf al-munqatha'ah*). At the same time, the sentence is a pronunciation arrangement consisting of 2 or more pronunciations in verse. Thus, the two things are collected according to the interpretation limits of Jalâl al-Dîn al-Maḥallî and Jalâl al-Dîn al-Suyutî.

This study also uses the method of content analysis. In this analysis, the author uses an interpretation approach. Researchers explore the interpretation of Jalâl al-Dîn al-Maḥallî and Jalâl al-Dîn al-Suyutî of the *mutasyâbihât* verses by using a comparative

¹⁸ Farida Rukan Salikun, "Paradigma Baru Hermeunetika Kontemporer Paul Ridoeur," ed. Intergovernmental Panel on Climate Change, *Hermeunetik* 9, no. 1 (2015): 161–84, <https://doi.org/10.1017/CBO9781107415324.004>.

¹⁹ Lexy J. Moleong, *Metodologi Penelitian Kualitatif* (Bandung: PT. Remaja Rosda Karya, 2009), p.45.

²⁰ Suharsimi Arikunto, *Prosedur Penelitian Suatu Pendekatan Praktik* (Jakarta: Rineka Cipta, 2010), p.89.

or comparison method. This is taken to find out whether there are differences and similarities in the interpretation methods of Jalâl al-Dîn al-Mahallî and Jalâl al-Dîn al-Suyutî in interpreting the verse *mutasyâbihât*.

Results and Discussion

Essence of *Maqashid al-Syari'ah*

The full name of Muḥammad ibn Aḥmad ibn Muḥammad ibn Ibrâhîm al-Mahallî. He was born in 791 AH / 1389 A.D. Cairo, Egypt. He is better known as al- Mahallî, which is attributed to the birth village. The location is west of Cairo, not far from the Nile. The teacher that is: (1) Badri al-Dîn Maḥmud ibn Syams al-Dîn Aqsarâ'î al-Ushûl (w. 825 H), (2) Burhân al-Dîn Ibrâhîm ibn Aḥmad ibn 'Isa ibn Sulaimân ibn Salîm al-Masirî al-Baijûrî (w. 825 H), (3) Qâdî al-Qadâh Syams al-Dîn Muḥammad bin Aḥmad bin 'Usmân bin Nu'aim ibn Muḥammad ibn Ḥasan ibn Ganâm al-Bisâti (w. 842 H), (4) 'Ulâ al-Dîn Muḥammad ibn Muḥammad ibn Muḥammad al-Bukhârî (w. 841 H), (5) Syarîf al-Dîn Muḥammad ibn Muḥammad ibn 'Abd al-Latîf bin Aḥmad bin Maḥmud or better known by the name Ibnu al-Kuwaik (w. 821 H).²¹

From an etymological perspective, *maqâshid al-sharî'ah* consists of two words: *maqâshid* and *al-sharî'ah*. *Maqâshid* is the plural of *maqshud* which means intention, will, intent and purpose. At the same time, the root word comes from the word *qashada*, which points towards; aim, willingness, and intention. At the same time, sharia means all provisions from Allah prescribed for His servants, including faith, morals, worship, and muamalah. So, *maqâshid al-sharî'ah* means the goals of Islamic teachings or the shari'a makers' plans in establishing or ordaining all or most of God's laws or the techniques and secrets set by God in each of His laws.²² *Maqâshid al-sharî'ah* is the orientation to be achieved in the application of shari'a. There are five necessary orientations of *maqâshid al-sharî'ah*: the benefit of religion, saving souls, caring for common sense, protecting property, and protecting offspring.²³ *Maqâshid al-sharî'ah* is an essential orientation to implement shari'a.²⁴

Al-Shâtibî divides *maqâshid al-sharî'ah* into three levels, namely daruriyat, hajiyat and tahsiniyat. The three levels, respectively and simultaneously, are maintaining religion,

²¹ Saiful Amir Ghafur, *Profil Para Mufassir Al-Qur'an* (Yogyakarta: Pustaka Insan Madani, 2018), p.110.

²² Muhammad Siddiq Armia, "Public Caning: Should It Be Maintained or Eliminated? (A Reflection of Implementation Sharia Law in Indonesia)," *QJIS (Qudus International Journal of Islamic Studies)* 7, no. 2 (January 3, 2020): 301, <https://doi.org/10.21043/qijis.v7i2.4974>.

²³ Syaiful Arif, *Humanisme Gus Dur: Pergumulan Islam Dan Kemanusiaan* (Yogyakarta: Ar-Ruzz Media, 2013), 65.

²⁴ Muhammad Syukri Albani Nasution and Rahmat Hidayat Nasution, *Filsafat Hukum & Maqashid Syariah* (Jakarta: Kencana, 2020), 162.

maintaining the soul, maintaining offspring, maintaining wealth, and maintaining the mind.²⁵ Thinking *maqâshid al-sharî'ah* continues to develop until modern times. In the contemporary period, Jasser Auda criticized *maqâshid al-sharî'ah* traditional *maqâshid al-sharî'ah*. He offers system analysis because the matter is seen as not independent but related to a constellation in one system. In the hands of Jasser Auda, *maqâshid al-sharî'ah* becomes an open, new, effective and plastic system.²⁶

Such of the literature that discusses *maqâshid al-sharî'ah* tells the story of Umar bin Khattab who decided not to distribute the spoils of war in a conquered area. Even though it is a sunnah practiced by the Prophet Muhammad, it is considered a practice that violates the Shari'a. However, some thinkers believe that what Umar bin Khattab implemented was by *maqâshid al-sharî'ah*. By returning the property of the conquered peoples, their enthusiasm to accept and participate in spreading Islam was high. Commitment to Islam became strong. Such is an example of *maqâshid al-sharî'ah*; sometimes, it seems contrary to the shari'a. But it turns out that it is by *maqâshid al-sharî'ah*—Vice versa.

Sometimes something is considered by the shari'a. But it turns out to be contrary to *maqâshid al-sharî'ah*. For example the application of Qanun Jinayah in Aceh, at several points of regulation, there is legal dualism, namely regarding the sexual abuse of children. It is considered that if the snares for perpetrators use the Criminal Code, it is not by Islamic law. Meanwhile, if the perpetrators use the Qanun Jinayat, they are considered by Islamic law. But in fact, arresting perpetrators of sexual abuse of children can provide a significant deterrent effect compared to trapping through the Qanun Jinayat, which some parties consider having made it easier for perpetrators. That, of course, makes acts of sexual abuse against children even more threatening.²⁷ In this case, the Criminal Code is more in line with *maqâshid al-sharî'ah*, especially in protecting offspring.

Maqâshid al-sharî'ah is the determination of benefit. The intended use is implemented through the implementation of the Shari'a.²⁸ Thus, if the application of the Shari'a is not by or even contradicts the *maqâshid al-sharî'ah*, it is the implementation of the Shari'a that needs to be reviewed. Because the performance of Shari'a is the practice of a technical policy that has been formulated by people who are considered authoritative.

²⁵Imam Al-Shâtibî, *Al-Muwâfaqât Fî Ushul al-Ahkâm* (Kairo: Muhammad Ali Sabih, n.d.), 4.

²⁶Jasser Auda, "Maqasid Al-Shari'ah as Philosophy of Islamic Law: A Systems Approach," *The International Institute of Islamic Thought*, 2007, <https://doi.org/10.5829/idosi.mejsr.2013.13.1885>.

²⁷ Arif Ramadhan, "Dualisme Sanksi Pidana Bagi Pelaku Pelecehan Seksual Terhadap Anak" (Universitas Samudra, 2018), 18–22.

²⁸ Elviandari Elviandari et al., "The Formulation of Welfare State: The Perspective of Maqâcid Al-Sharî'Ah," *Indonesian Journal of Islam and Muslim Societies* 8, no. 1 (July 1, 2018): 117, <https://doi.org/10.18326/ijims.v8i1.117-146>.

Thus, it can be wrong, even though he admits that this is interpreted from the al-Qur'an and clear hadith. Al-Qur'an and hadith can indeed be claimed as the truth. But the meaning of it is relative.²⁹

Two Langsa Regulations

Qanun Kota Langsa Number 3 of 2016, concerning the Implementation of Entertainment in Langsa City (Qanun Langsa), was formed to control public places that organize entertainment so that it can run according to Islamic law. Another consideration is Law Number 10 of 2009 concerning Tourism which regulates "...entertainment and recreation with the scope of its activities in the form of performing arts businesses, game arenas, karaoke, SPA as well as entertainment and recreational activities".

Legal considerations for establishing the Langsa Qanun also include the 1945 Constitution of the Republic of Indonesia (UUD 45), Law Number 44 of 1999 concerning the Privileges of the Province of the Special Region of Aceh (UU Otsus), Law Number 10 of 2009 concerning Tourism, Law Number 11 of 2006 concerning the Government of Aceh (UU PA), Qanun Province of Nanggroe Aceh Darussalam Number 11 of 2002 concerning Implementation of Islamic Sharia in the Field of Aqidah, Worship (Islamic Sharia Law), Aceh Qanun Number 8 of 2014 concerning Principles of Sharia Islam (Basic Qanun of Islamic Sharia).

Langsa Qanun is a regional regulation that regulates commercial businesses that provide entertainment facilities such as playgrounds, bowling, billiards, karaoke, cinemas, sports facilities and amenities, massage parlors, steam baths/saunas, spa treatments, internet cafes, exhibitions, and so on. The Langsa Qanun was formed to uphold religious norms and cultural values, human rights, cultural diversity, and local wisdom, providing benefits for people's welfare, increasing the creativity and productivity of entertainment businesses, and increasing community empowerment. While in writing, the purpose of the Langsa Qanun is to regulate the provision of entertainment in harmony with the Islamic values, decency, and social culture of the Langsa people, as well as prevent disturbances to public peace, order, and security.

Meanwhile, Perwal Langsa himself considered the Langsa Qanun. Because the Langsa Perwal was formed as a technical guideline for the Langsa Qanun to develop procedures for granting licenses for the entertainment organization in Langsa City. Apart from the Langsa Qanun, the legal basis is several laws that form the base of the Langsa Qanun. Perwal Langsa is a guideline for permits to organize entertainment as stipulated in the Langsa Qanun. The aim is to regulate the license to organize entertainment.

²⁹ Ismail Fahmi Arrauf Nasution and Miswari, "Menangkap Pesan Tuhan: Urgensi Kontekstualisasi Alquran Melalui Hermeunetika," *Jurnal At-Tibyan* 3, no. 2 (2018): 223–37.

Regulatory Distinctions

The scope of the Langsa Qanun is licensing for performing arts, music, dance, and clothing; beauty contests and the like; exhibition; karaoke, and the like; circus, acrobatics and magic; billiards and bowling games; motorized vehicles, and stunt games; massage parlors, reflexology, steam/spa baths, and fitness centers; and sports matches. Organizing entertainment in Langsa must first have written permission from the Langsa City Government. At the latest ten days, granting or refusal of permits is guaranteed to have been issued. If rejected, a reason for rejection will be included. The technical access regarding the licensing will be regulated in the Perwal Langsa.

For entertainment activities given a permit, it is obligatory to implement them by establishing an Islamic dress code, posting a business license in a place that is easy for all parties to read, providing the best service, and maintaining cleanliness, order and security. Organizers are also required to avoid environmental pollution, disturbance of public order, drug abuse, and immoral acts. Holders of entertainment venue operating permits are also prohibited from moving the forum as stipulated in the license and from holding other forms of entertainment other than what has been permitted. It is not permissible to keep entertainment events in places adjacent to schools, places of worship, and places that cause public unrest. It is also prohibited to accept students wearing school uniforms. Qanun Langsa urges the public to report to the relevant officers if an entertainment show causes unrest. The officer receiving the report was ordered to follow up on the information received immediately. The officer is obliged to protect the reporter by the law.

The Mayor of Langsa can coordinate with related agencies and community leaders regarding guidance and supervision. The mayor can also form related work units. For violations of associated regulations, an investigation will be carried out. Violations are punishable by a maximum imprisonment of three months or a maximum fine of fifty million rupiahs.

The following regulation is a technical guideline from Qanun Langsa, namely Perwal Langsa. Perwal Langsa preamble refers to the Langsa Qanun. There it contains more technical guidelines regarding the mechanism for permits to organize entertainment. In addition to the identity of business actors and business entities, a profile document of the joy being carried out and a statement of willingness to follow the regulations that have been determined are also required. In this case, a business license requires a recommendation from the Langsa Ulama Consultative Assembly (MPU), a recommendation from the kampong (kelurahan) government where the business is located, and a recommendation from a government agency that handles oversight of the formalization of Islamic law. In this case, the intention is the Langsa City Islamic Sharia Service and the Langsa Civil Service Police Unit-Wilayatul Hisbah (Satpol PP-WH). In addition to the rules formulated in the Langsa Qanun, the Perwal Langsa also regulates the gathering of men and women by the provisions of Islamic law. It is emphasized that men and women who

are not mahram are separated. It is also prohibited to make noise that disturbs the public, and it is not permitted to combine entertainment venues with sports activity centers.

Entertainment venues such as billiards, live music, karaoke, reflexology parlors, steam baths/spa/fitness centers, apart from being required to comply with existing regulations, are also regulated so that they are decorated openly or use transparent partitions, do not operate fifteen minutes before the call to prayer, operate from at nine to eleven in the evening, has CCTV facilities, receives monitoring from a team of Islamic sharia guards such as the Satpol PP-WH or other team from the government, and pays regional taxes except for entertainment facilities which are business support activities. Because the place of business has been subject to the regular tax, it is also required to provide facilities such as fire extinguishers so as not to create noise that disturbs the community. In billiards and bowling areas, it is forbidden to involve children. These places of business are prohibited from providing alcoholic beverages and are prohibited from carrying out activities if there are Islamic activities in their environment.

In addition, there are some technical rules for certain types of entertainment. For example, live music is prohibited from being held on Friday nights, and children are prohibited from participating in karaoke entertainment. Massage and reflexology parlors must provide separate rooms for men and women. All entertainment activities are prohibited from carrying out activities contrary to Islamic law. Each violation is given three stages of sanctions: warning, temporary suspension of business licenses, and revocation of business licenses.

Appropriation of Shari'a Regulations in Langsa

Visitors danced to the music in a live music performance at the HC Café in Langsa City. A short video of the activity was shared on social media. This action is considered by some people to be an uncivilized activity and violates Islamic law. HC Café the next day was sealed by local authorities. In the following days, there was a renovation of the open-air cafe. But after months, HC Café is no longer open.

HC Café is considered to have caused noise that disturbs the community. The cafe has also ignored rules prohibiting men and women who are not mahram from obeying regulations to keep their distance. Apart from being deemed to have violated customary norms, HC Café was considered to have violated the Perwal Langsa, which regulates the gathering of men and women by the provisions of Islamic law—so given a penalty.

The activities at HC Café angered not only the public but also other cafe entrepreneurs. “They make activities like that, which damage the names of other cafe

entrepreneurs. The actions at HC Café made the government and the people even dislike cafes that held live music.” That’s the comment from the entrepreneur MC Café.³⁰

What the MC Café entrepreneur was worried about was proven. A few weeks later, the cafe he was running was visited by a religious group. They tried to stop live music activities at the MC Café. The cafe owner opposes the venture. According to him, the live music activities they held did not conflict with the regulations set by the government. However, religious groups say that music is prohibited by religion and they must prevent evil.³¹

The tension was mediated by the Langsa City Government through the Langsa Political and National Unity Agency (Kesbangpol).. The cafe entrepreneur said that they had followed the existing regulations. They claimed to have pocketed a permit by applicable laws. They hold activities within a specified duration. The cafe’s decoration is also by rules, namely having open space on the side and a transparent glass front. Activities in the cafe can be seen clearly by the public. The cafe manager also said it is not disturbing and does not cause noise. “There are no residential areas around the café”.³²

Meanwhile, the religious group said that the live music performed by MC Café had violated regulations. There are three reasons put forward for this. *First*, it is claimed that the cafe MC does not have a license to hold live music. *Second*, there are associations between men and women who have violated regulations. *Third*, the reasons that are subjective from unscrupulous scholars, namely the claim that music is contrary to Islamic teachings.³³

The cafe management defended themselves by saying that they already had a permit. However, religious groups think the license must be owned as a license to organize live music, which is separate from a business license. However, the MC Café did not accept the interpretation from the religious group. According to them, the permit they already have is inherent in the live music being held. Because the license they get is within the scope of the entertainment business permit.³⁴

The MC Café denied that gathering men and women in their cafe violated existing regulations. The phrase separating men and women who are not mahram in the rules does not have an adequate technical explanation because there are no men and women sitting side by side in cafes. Everyone sat at a distance. They came to the cafe to chat and enjoy live music.

³⁰ Interview with Ads. in Langsa

³¹ Interview with Teungku.

³² Interview with Ads. in Langsa.

³³ Interview with Teungku.

³⁴ Interview with Teungku.

Regarding the subjective view of a cleric who said that music is *haram*, the cafe management said that was a view that was only supported by a small number of ulemas. Many scholars allow music. The cafe organizers also wonder if the evil cleric has never heard music. “At least there’s music playing in the car”.³⁵ The evil cleric who forbids music believes that music is *haram*. “I can not betray the religious knowledge that I have studied. Music is unlawful. And I must convey this law to the community,” said a cleric imitating the words of an evil cleric who forbids music.³⁶

Groups of artists who have also felt the impact of the conflict between cafe managers and religious groups complained about their plight to the government. “If live music is banned, the government should open a factory in Langsa City. So we can have a job”.³⁷ Live music is not prohibited even though there are very restrictive rules—however, certain groups acting in the name of religion like to control live music. Even though the government has stipulated in the regulations that the party that supervises the rules is the Satpol PP-WH or other teams formed by the government, at the same time, the community is only given the authority to report if there is a violation of regulations.

The presence of groups acting in the name of religion to try to disperse live music at MC Café is against the regulations. The cafe management does not like Selin; the artist group also does not like it. Artists rely heavily on providing live music from cafes. There are hundreds of them in Langsa City. They need to meet the economic demands of their respective families. Live music also makes cafe visitors crowded. The bustling cafe guarantees job vacancies for more than a thousand cafe employees in Langsa. Some of the employees are students. They work to be able to continue their education.

Interpretation of Shari’ah in Langsa Perspective of *Maqashid al-Shar’ah*

The legal basis for establishing the Langsa Qanun includes the 45th Constitution, the Special Autonomy Law, the PA Law, the Islamic Sharia Law, and the Basic Sharia Qanun. Even though there are several legal bases regarding urban areas and spatial planning, the emphasis on the Langsa Qanun is thick, with a focus on religious regulations. This happens because Aceh has established rules based on shariatism.³⁸ All lines must be

³⁵ Interview with Ads in Langsa.

³⁶ Ibid.

³⁷ Interview with Mum in Langsa.

³⁸ Zakaria AB, Ibn Khaldun, and Amrunsyah, “Implementasi Qanun Syariat Islam Di Langsa Dalam Tinjauan Komunikasi Dakwah,” in *Ekspresi Islam Aceh: Syariat Islam Dalam Dinamika Masyarakat Yang Berubah*, ed. Syamsul Rizal and Muhammad Mukhlis (Langsa: STAIN Zawiyah Cot Kala, 2013), 106–34.

under the control of religion.³⁹ This has led to comments from certain parties for various reasons, including because the state should focus on providing citizen services and facilities, not dealing with religion.⁴⁰ Another reason is that religion is the basis of values, not the basis of the system.⁴¹ There is also an opinion that religious interpretation becomes hegemonic by certain parties when used as the basis for legal regulations.⁴² Spiritual teachings are seen as the basis for character formation as they occur in society's traditions.⁴³

To protect religion, according to the *maqâshid al-sharî'ah* orientation, it must maintain its sacredness, not be used as a regulation, and not be involved in politics.⁴⁴ If not, the sacredness of religion will be eroded by nasty things.⁴⁵ *Maqâshid al-sharî'ah* also aims to protect beliefs. The practice of religious formalization has led to the domination of one religion over another. Even though regulations such as the UU PA and Qanun Jinayat Aceh 2014 have mandated the importance of maintaining religious harmony, other faiths have been discriminated against in various forms.⁴⁶ In addition, even though the UUD 45 is one of the foundations of the Langsa Qanun, it is necessary to question the suitability of this regulation with the principles of UU 45, which upholds freedom of religion and opens up great opportunities for freedom of expression.⁴⁷

The regulations that have made Aceh very different from other regions in Indonesia, among others, are determined by the Special Autonomy Law, which opened up opportunities for the 2014 Qanun Jinayat.⁴⁸ The Situ Special Autonomy Law has high

³⁹ Muhammad Ansor, "Being Woman in the Land of Shari'a: Politics of the Female Body, Piety and Resistance in Langsa, Aceh," *Al-Jami'ah* 52, no. 1 (2014), <https://doi.org/10.14421/ajis.2014.521.59-83>.

⁴⁰ Sulaiman, *Islam Instan: Respon Philo-Sufi Atas Problematika Sosial Politik Keagamaan*.

⁴¹ Mujamil Qomar, *Moderasi Islam Indonesia* (Yogyakarta: IRCiSoD, 2021).

⁴² Nasution and Miswari, "Menangkap Pesan Tuhan: Urgensi Kontekstualisasi Alquran Melalui Hermeunetika."

⁴³ Teuku Wildan, Sukiman Sukiman, and Amroeni Drajat, "Thinking of Kalam Ulama Aceh XX Century Shaykh Mudawali Al-Khalidi (1917-1961)," *Budapest International Research and Critics Institute (BIRCI-Journal) / : Humanities and Social Sciences* 2, no. 4 (November 2019): 657-665, <https://doi.org/10.33258/birci.v2i4.679>.

⁴⁴ Budhy Munawar-Rachman, *Reorientasi Pembaharuan Islam* (Jakarta: PUSAM, 2010), 266.

⁴⁵ Syahrin Harahap, *Islam Dan Modrrnitas: Dari Teori Modernisasi Hingga Penegakan Kesalehan Modern* (Jakarta: Kencana, 2015), 189.

⁴⁶ Miswari, "Mu'ilat al-Aqlîyah al-Masî'iyah Fî \$udûd Balad al-Sharî'ah al-Islâmîyah," *Studia Islamika* 25, no. 2 (2018): 351.

⁴⁷ Abdul Mu'ti and Ahmad Najib Burhani, "The Limits of Religious Freedom in Indonesia: With Reference to the First Pillar Ketuhanan Yang Maha Esa of Pancasila," *Indonesian Journal of Islam and Muslim Societies*, 2019, <https://doi.org/10.18326/ijims.v9i1.111-134>.

⁴⁸ Jailani Jailani, "Dampak Penerapan Hukum Jinayat Terhadap Pengembangan Kurikulum Fakultas Syari'ah Dan Hukum Di Aceh," *Jurnal Ilmiah Islam Futura* 19, no. 2 (December 28, 2019): 294, <https://doi.org/10.22373/jiif.v19i2.3906>.

expectations in advancing the people's economy. The revival of the economy is very much in line with *maqâshid al-sharî'ah*, primarily to protect property and offspring.⁴⁹ However, in practice, the translation of the Special Autonomy Law, which is highly appreciated, is only part of Islamic law. The other dimensions are ignored.

There are several stipulations in the provisions of the Langsa Qanun that are not available in Langsa, such as bowling and cinema. Some facilities cannot be categorized as entertainment, such as sports facilities, massage parlors, steam baths/saunas, spa treatments, and internet cafes, as with Perwal Langsa. Facilities such as massage parlors, reflexology, and a fitness center are also included in the entertainment. It is possible to include these facilities as a form of regulatory simplification because they have several different characteristics. However, the generalization of several facilities into entertainment facilities can cause new problems in the future and demand the emergence of other regulations. In this case, the inference seems less by specific dimensions in *maqâshid al-sharî'ah*, namely caring for common sense.

Although the Langsa Qanun is intended to prevent disturbances to the peace, order, and security of society, the thing that is highly considered in its formulation is so that the agenda of formalism can be carried out.⁵⁰ Even though the regulation demands that entertainment entrepreneurs provide the best service and maintain cleanliness, order, and security. It is also required to avoid environmental pollution and disturbance of public order, but the Islamic dress code is the main thing that is the target of regulation. In a system of formalism, the state is responsible for providing public facilities, serving the community, and regulating how to dress.⁵¹ Even state regulation of private affairs in Aceh is more emphasized than providing services and protection to the community.⁵² Such an agenda is also not by *maqashid al-shari'ah* in the dimension of common sense. Because the state should focus on providing services and community facilities, not being a tool that regulates private matters such as religion and how citizens dress.⁵³

Licensing for entertainment businesses in Perwal Langsa requires recommendations from many parties, such as the MPU, the gampong government, and Islamic law guards. This step suggests troublesome business licensing rules. This, of course, does not make a

⁴⁹ Ridwan Nurdin and Muhammad Ridwansyah, "Aceh, Qanun and National Law: Study on Legal Development Orientation," *SAMARAH: Jurnal Hukum Keluarga dan Hukum Islam* 4, no. 1 (June 30, 2020): 107, <https://doi.org/10.22373/sjhc.v4i1.6416>.

⁵⁰ Yogi Febriandi and Yaser Amri, "Stuck in Sharia Space: The Experiences of Christian Students to Reside in Langsa, Aceh," *Al-Jami'ah: Journal of Islamic Studies* 59, no. 1 (May 26, 2021): 33–56, <https://doi.org/10.14421/ajis.2021.591.33-56>.

⁵¹ Yogi Febriandi, "Razia Busana Muslim, Syariat Panopticon, Dan Remaja Perempuan Langsa, Aceh," in *Islam Dan Negosiasi Relasi Gender*, ed. Muhammad Ansor and Syamsul Rizal (Langsa: Zawiyah, 2015), 71–94.

⁵² Sulaiman, *Islam Instan: Respon Philo-Sufi Atas Problematika Sosial Politik Keagamaan*.

⁵³ Ansor, "Being Woman in the Land of Shari'a: Politics of the Female Body, Piety and Resistance in Langsa, Aceh."

facility supporting the community's economy develop. Even though one entertainment business place can employ dozens of people, it helps the State reduce unemployment and make the economy grow. This complicated licensing system is contrary to *maqâshid al-sharî'ah* in the dimension of protecting property.

Another incompatibility of the two Langsa Regulations with the *maqâshid al-sharî'ah* dimension of protecting property is the sealing experienced by H.C. Café. Although the cafe has broken regulations, the sealing action has cost employees their jobs. Of course, many of the employees and music artists there have lost their income and threatened the security of their property—the act of a group trying to organize live music at M.C. The cafe also endangers the safety of the assets of the managers, employees, and artists in the restaurant. This action makes visitors uncomfortable, and they can think again if they visit M.C. Café. Of course, the reduced number of visitors disrupts the economy of those trying to gain property security through M.C. Cafes.⁵⁴

The dimensions of the Langsa Qanun and Langsa Perwal, which are by maqasid al-shari'ah, are remembering the legal protection of the public who reports to the authorities if they find a violation of the regulations. The regulation also establishes an orderly mechanism regarding investigative rules. If this is not the case, regulations can harm the reporter and the alleged party. This is by *maqâshid al-sharî'ah* to save souls.

Table 1: Achievements of *Maqâshid al-Sharî'ah*

No.	Dimensions of <i>Maqâshid al-Sharî'ah</i>	Achievement Indicators	of Translation	Conformity	Reality
1	Protecting religion	Maintain the sacredness of religion	Religion becomes a profane policy regulation	Not in accordance with <i>maqâshid al-sharî'ah</i>	Religion becomes profane
2	Protecting wealth	advances the economy of society	constrained by regulations	No in accordance with <i>maqâshid al-sharî'ah</i>	Job vacancies and business opportunities are limited

⁵⁴ Interview with Ads. in Langsa.

3	protecting intellect or mind	Democratic	Regulations that are formed tend to be hegemonic	Not in accordance with <i>maqâshid al-sharî'ah</i>	The aspirations of music artists and entrepreneurs of entertainment venues tend to be neglected. The state should guarantee public services, instead taking care of private affairs.
4	protecting family or ancestors	Protecting family	Regulations hamper the careers of music artists	Not in accordance with <i>maqâshid al-sharî'ah</i>	Music artists hamper the economy for families and young artists must limit creativity according to sharia regulations.
5	protecting life and soul	Legal protection	Reporters in violation cases keep their identities confidential	In accordance with <i>maqâshid al-sharî'ah</i>	Law enforcers protect the identity of the reporter so as to avoid prolonged conflict.

Conclusion

The two Langsa Regulations, even though they have an orientation to uphold human rights, cultural diversity, and local wisdom, increase the creativity and productivity of entertainment businesses, increase community empowerment, and prevent disturbances to public peace, order, and security, are not by *maqâshid al-sharî'ah*. In protecting religion, the regulation has made religion not sacred. The dimension of protecting property has limited work and business opportunities. In the size of caring for a reason, it is even less logical when the state, which is supposed to guarantee public needs, becomes the regulator of private affairs. In the dimension of protecting offspring, it has limited the creativity of young artists and has impacted the resilience of music artists' families. However, in the

dimension of life protection, *maqâshid al-sharî'ah* is achieved due to security for reporters of cases of violation of regulations in the Langsa City Langsa, Aceh

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