

An Interpretation on Sharia, Islamic Nomocracy and the Muslim World: The Case of Aceh Special Region

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ABSTRACT

Many ulemas, clerics and Islamic Scholars in the Muslim World look to Islamic Constitutionalism as their best chance of achieving justice, prosperity, and independence, as this article illustrates. Since "God is abstract, only God's laws are real," Many Islamic Scholars, clerics and Islamists argue that Islamic nomocracy, or power based on Allah's commandments, is the best form of government for Muslims. The term "Islamic law" is commonly used to refer to a political system founded on Islamic law (Shari'ah). Aceh's regional government administration system and the environment of implementing special autonomy for the Aceh Government have both changed dramatically since the passage of the UUPA (Aceh Government Law). When Aceh embraces Islamic law, it helps promote civilization because Sharia is applicable to more than only the judicial system. Politics, matrimony, religion, kinship, and muamalah are all fair game. The Islamic Sharia law has had a long and deep impact on Acehnese culture. Islamic teachings have been applied in the areas of worship, marriage, and inheritance since the Aceh sultanate, and as a result, these practises have permeated and infused themselves into people's daily lives and persist to this day.

Keywords: *Nomokrasi, Supremasi Hukum, Teleokrasi, Aceh, Indonesia*

1. INTRODUCTION

The "Memorandum of Understanding (MOU) Hensinki" between the Government of the Republic of Indonesia and the Free Aceh Movement in Helsinki, Finland gave birth to Law Number 11 of 2006, which was adopted in Aceh. This law not only establishes the Ulama Consultative Council (MPU) as a separate entity and the Syar'iyah Court within the Religious Court environment, but it also controls all manner of Aceh government matters. All Qanuns, which form the basis of Islamic culture, are now being used in Aceh's implementation of Islamic sharia law. Aceh is contributing to the advancement of civilisation when it adopts Islamic law, as Sharia is relevant to more than only the legal system. Everything from politics to marriage to worship to relationships to muamalah.

Aceh's status as a Special Region date back to 1959, when Mr. Hardi signed Decree of the Prime Minister of the

Republic of Indonesia Number 1/Missi/1959. This edict recognises Aceh as an independent territory and grants it special status in the areas of religion, culture, and education. But because no laws were ever issued to put these rights into effect, especially the right to implement Islamic Sharia in Aceh's religious sector. The passage of Law No. 5 of 1974 regarding the Principles of Government in the Regions has been interpreted by some as an impediment to and an indirect revocation of this privilege.

However, several aspects of Islamic Sharia have been part of Acehnese culture for quite some time. Implementation of Islamic teachings in the areas of worship, marriage, and inheritance has been ongoing, dating back to the Aceh sultanate, and as a result, these practises have permeated and incorporated into people's daily life.

Islamic Sharia is the guidance of Islamic teachings in all aspects of life. The implementation of Islamic Sharia is regulated in the Aceh Special Region Provincial Regulation number 5 of 2000 concerning the Implementation of Islamic Sharia [1] [2]. The aspects of implementing Islamic Sharia are as contained in the Regional Regulation of the Special Region of Aceh number 5 of 2000 concerning the Implementation of Islamic Sharia. Chapter IV Article 5 paragraph 2, namely: Aqidah, Worship, Muamalah, Morals, Islamic education and da'wah/amar makruf anhi munkar, Baitulmal, society, Sharia of Islam, Defense of Islam, Qadha, Jinayat, Munakahat, and Mawaris.

The legal basis and government recognition for the implementation of Islamic Sharia in Aceh is based on Law no. 44 of 1999 concerning the Implementation of the Special Provinces of the Special Region of Aceh and Law no. 18 of 2001 concerning Special Autonomy for the Special Region of Aceh Province as Nanggroe Aceh Darussalam Province. The implementation of Islamic Sharia in Aceh has been regulated in Law Number 18 of 2001 concerning Special Autonomy for the Special Region of Aceh Province as Nanggroe Aceh Darussalam.

The aim of Allah SWT in formulating Islamic law is for the benefit of mankind, both in this world and in the afterlife. Islamic Sharia is Islamic teachings that are guided by the holy book Al-Qur'an. It is the Al-Qur'an that is the starting point for all understanding of Islamic Sharia. This Islamic Sharia applies to His servants who are sensible, healthy, and have reached the age of puberty or adulthood. (where they already understand/understand all the problems they face). The sign of puberty or adulthood for boys is if they dream of having sex with the opposite sex, while for girls it is if they have experienced menstruation (menstruation).

During Islamic Sharia in Aceh, when compared with other regions in Indonesia, Aceh is unique because its people are able to absorb culture and adapt. One of the verses of the Koran which shows the statement that the aim of Islamic law is for the benefit of mankind is Surah al-Anbiya verse 107 which reads: "And we did not send you, but to (be) a mercy to the worlds."

To realize benefits, there are five main things that must be realized and maintained, namely religion, life, reason, offspring and property. These five main problems must be maintained by every human being. For this reason, Islamic law was introduced in the form of orders, prohibitions and permits that must be obeyed by every mukallaf [3].

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Each of these five points in realizing and maintaining them is categorized into several classifications according to the priority level of needs, namely *daruriyat* needs, *hajiyyat* needs, and *tahsiniat* needs. All three must be realized and maintained. Maintaining emergency needs is intended to realize and protect the five principles that have been described so that their existence is not threatened. Maintaining the needs of the *hajiyyat* is intended to realize and protect the things needed to preserve the five principles, but below the level of the interests of the *daruriyat*. Failure to maintain these needs will not threaten the existence of the five principles, but will lead to narrowness and shortsightedness, both in efforts to realize them and in their implementation; Meanwhile, the narrowness and narrowness in Islamic teachings need to be removed. Based on the description above, to realize and preserve these three categories of needs, Allah SWT revealed His laws.

According to the definition of Islamic nomocracy provided [4], a country whose legal system is based on Sharia (Islamic law) is known as an Islamic theocracy. According to Ibnu Khaldun, one defining feature of *Siyasah diniyah* is that, in addition to the Koran and Sunnah, human reason plays an equal role and function in the life of the state. Waqar Ahmad Husaini pointed out that the goal of Islamic nomocracy is to achieve global social welfare (*al-masalih al-kaffah*) in this life and the next. Islamic nomocracy, known as *siyasah diniyah*, is referred to as a "Sharia State" by [5]. Islam has a completely different view of the state than the West does. There is no separation between religion and state or between religion and law in an Islamic nomocracy, Sharia state, or Islamic rule of law, contrary to the increasingly popular view in the West. Interpretation of the rule of law (as it was practised during the Madinah State and in modern times) in his book of the same name.

Islamic nomocracy, or *siyasah diniyah*, is the best and ideal form of government, according to [3]. Other forms of Islamic government include *'aqliyah* and *madaniyah*. Law based on human reason alone underpins *Siyasah 'aqliyah*, which pays little heed to divinely revealed law. Most of the population of *Siyasah Madaniyah* (Plato's Republic) are slaves who do not have the right to vote. In addition to sharia (Islamic law), *siyasah diniyah*, people follow laws based on reason. Islamic nomocracy, or *siyasah diniyah* in Ibnu Khaldun's terminology, is "the only permanent form of political and cultural order," and thus the only sort of state included in the *mulk siyasi* form.

Not only Ibnu Khaldun stated that the concept of nomocracy is the most ideal concept for a country, but also Tahir Azhari, one of his theories is traditional authority, power that is obtained traditionally. In fact, nomocracy is a solution in realizing prosperity.

People are increasingly ambiguous about the state, giving rise to inequality, poverty and even injustice. A country run with a nomocracy system will clearly be able to overcome inequality, poverty and even injustice, because all the legal foundations that apply in that country come from Islamic law. Abolition of taxes, implementation of zakat as a state model with a nomocracy system, the government is here to serve and protect [6].

The concept of *syiasah diniyah* or Islamic nomocracy today is very suitable to be applied in Aceh, even in Indonesia, in this case it is clearly not in conflict with the constitution. Even the constitution provides space for this, based on the 1945 Constitution article 1 paragraph 3 "Indonesia is a rule of law country".

In this article we will present two different theories (or, perhaps, meta-theories) of public regulation: the 'teleocratic' approach and the 'nomocratic' approach. They can be interpreted as approaches regarding the general role of the state in regulating individual actions, but here we will focus mainly on the consequences of accepting them in the specific area of land use regulation. As we will see, for planning the teleocratic approach must be the main and most important instrument of public land use regulation while for planning the nomocratic approach only has a secondary role and various types of regulatory instruments are proposed.

We do not mean to propose a dichotomy in the narrow sense between teleocratic and nomocratic approaches. We do not want to suggest a strict binarity between teleocratic and nomocratic methods. While the two perspectives are different and cannot be reduced to one another, neither is all-encompassing. Other perspectives may be recognised or proposed. We mean to imply that the teleocratic approach is responsible for the lion's share of planning theory and practise, and that the nomocratic approach provides an intriguing alternate [7].

To fit the two methods into the space constraints of an essay, simplification is inevitable; however, we believe the central point can be understood without further nuance or extensive explanation. Before we go any farther, I need to make one last point. Here, "planning" is understood to refer to the act of imagining an ideal future state and then systematically formulating a set of steps to get there. Public planning is also used to describe situations in which a body with the authority to impose rules and regulations over government action does so.

Aceh Government has carried out the structuring of Aceh's apparatus by enacting several Qanuns and

Governor Regulations, but there are still obstacles and obstacles in implementing the structuring of regional apparatus in line with the development of government administration and development. Among these issues are: Organisational size distribution is inconsistent with regional authority, capabilities, needs, potential, and characteristics. The democratic system has led to less disobedience from state apparatus due to their authority from the people after being elected through democratic elections, but the implementation of government affairs in a single regional institution creates difficulties in coordinating with the Government and with the Regency/City Government. authority officials elected in local democratic elections are subject to arrest and imprisonment by the central authority for alleged acts of corruption and other irregularities.

It is both impossible and undesirable to (authoritatively) plan complex social systems (a complex system is a system with a very large number thousands of components, presenting non-linear interactions in between these components, patterns emerge that are unintentional, self-organizing, dynamic, and adaptive), according to the concept of spontaneous order and the ideal of the rule of law. Political consciousness (*politiek-bewust*) is born in this city, country, or state [8]. Because of the vast number of non-linear causal interactions within urban systems, cities are also considered extraordinarily complex systems [9].

Second, cities do not develop rigidly according to any grand plan; rather, they expand mostly from activities based on individual judgements regarding development made locally. Their heterogeneity and sensitivity to external conditions make it impossible to handle them comprehensively [10][11]. Third, it is difficult to forecast or govern complex systems because their various parts "form complex networks characterised by feedback phenomena and feed-forward loops" [12].

Cities, like self-organizing systems, "are unpredictable, uncontrollable, and in this case irreparable" (Portugali, 1999: 230). To sum up, (public) planning is less likely to be effective the more complicated the social system is (Kasper, 2010; Webster, and Lai, 2003). This applies equally to strict timelines and more open schedules. The main question, therefore, is not so much whether theory influences practice - this is obvious and inevitable, since every practice more or less implicitly assumes theory - but which theory is most useful and desirable. We believe that to be relevant today, a useful and desirable theory of land use must be counterintuitive: it needs to be focused, from an empirical point of view, around the paradoxical notion of spontaneous order (i.e. a sequence of actions that arises involuntarily and is self-organizing: Moroni, 2010) and, from a normative point of view, on the rediscovery of the ideal of the rule of law in a radical and powerful version (i.e. an ideal that places individual

freedom under impersonal and unofficial laws at the center of attention [13].

2. NOTES ON METHODOLOGY

Considering the province of Aceh's turbulent history and its desire for independence, this study will examine the possibility of Islam nomocracy as a viable political system in Indonesia. A nomocracy is a form of government in which the rule of law predominates above that of either the majority or the elite. This article proposes nomocracy as a solution to the problems plaguing Aceh's democracy, including corruption, populism, and polarisation, by providing a more stable, fair, and responsible system of public administration. Library research, a form of qualitative research that uses secondary sources including books, journals, papers, and other documents, is used throughout this work.

3. RESULT AND DISCUSSION

1. Nanggroe Aceh and Islamic Law

Aceh or Nanggroe Aceh, which is now better known as Veranda of Mecca, is one of the regions of Indonesia that was awarded special regional autonomy by the Indonesian Government where the Islamic legal system is applied in a special way. In the context of constitutional science, Aceh is like a country within the scope of the Indonesian state, as evidenced by the existence of UUPA in the laws currently in force in Indonesia. This cannot be separated from the historical and political events that have occurred some time ago in Indonesia. Which has an impact on the implementation of Islamic Sharia in Aceh. Islamic Sharia is an Islamic legal system like other legal systems, which includes civil, criminal, commercial, family, judicial and so on. The implementation and implementation of Islamic law in Aceh is in accordance with customs that have existed and have been in force and developed for a long time from the period of the struggle against the colonialists until now, giving birth to Law no. 18 of 2001 concerning special autonomy status for Aceh which was later also abolished by Law no. 11 of 2006 concerning Aceh Government.

Law no. 11 of 2006 concerning the Government of Aceh confirms that Islamic Sharia implemented in Aceh includes *aqidah*, *shari'ah* and morals (Article 125 paragraph (1)). Islamic law includes worship, *ahwal al-syakhsyah* (family law), *muamalah* (civil law), *jinayah* (criminal law), *qadha'* (judiciary), *tarbiyah* (education), *da'wah*, preaching, and Islamic defense. Provisions regarding the implementation of Islamic Sharia are regulated by Qanun. As for what is meant by Qanun, in Article 1 number 8 of Law no. 18 1 Qanun comes from Arabic which is interpreted as "regulation", a term or other name for Regional Regulations (Perda), furthermore Aceh Qanun is a type of statutory regulation

of provincial regional regulations which regulates the administration of the government and society of Aceh, (Law Number 11 of 2006, Chapter I General Provisions, Article 1 paragraph 21). In 2001, it was said that the Aceh Qanun was a Regional Regulation as the implementation of laws in the Aceh region in the context of implementing special autonomy [14].

So, Qanun is a provincial regional regulation that regulates the administration and life of the people of Aceh. Qanuns can override other statutory regulations by following the principle of *lex specialis derogat lex generalis* and the Supreme Court has the authority to conduct material tests on Qanuns [15]. The enactment of UUPA (Undang Undang Pemerintah Aceh or Aceh Government Law) is an entry point because it has given the government the authority to regulate more independent governance. Both the authority determines the political, bureaucratic, economic, and socio-cultural systems of the Acehnese people.

The UUPA provides space to determine Aceh's unique identity. The Islamic Sharia that is being implemented is a reference for restoring the spirit and being of the people of Aceh itself, so that correct and good management is needed by all stakeholders for the future progress of Aceh because Islamic Sharia is not just an image with slogans, but also builds system and the quality of its people. In its context, Law Number 44 of 1999 concerning the Implementation of Aceh Specialties and Law Number 11 of 2006 concerning Aceh Government, mandates the implementation of Islamic law in *kaffah* (totality) in matters of worship (*hablum minallah*), *muamalah* (*hablum minannas*), *syiar*, education, *jinayah* (criminal law) to legal matters (qanun or constitution).

In 2001 the Government declared Aceh an Islamic sharia area. This declaration gives rise to two phenomena, namely challenging and interesting. What is most challenging is the readiness of the government, individuals and the Muslim community of Aceh to implement Islamic Sharia and what is interesting is that Aceh is the only region that applies laws that are relatively different from the national legal system. Basically, one form of Aceh's special autonomy format is the implementation of Islamic Sharia, which then created several institutions to implement it, namely: the Sharia Court, the Ulama Consultative Council, Islamic Sharia Service, Wilayatul Hisbah, and the Dayah Development and Education Agency (Islamic boarding school). There is no example of the implementation of this bureaucratic institution in a national context in other places except that it has just been implemented in Aceh, although the pattern is still looking for an ideal form. So it will continue to be tested through discourse and criticism so that future implementation will be better.

The urgency of bureaucracy with Sharia characteristics is not only in the form of law (qanun) but must extend to

Islamic bureaucratic behavior. Namely a bureaucracy that can demonstrate the spirit of the policy of implementing Islamic sharia itself. Starting from bureaucratic services that are purely oriented towards public benefit, not capitalistic interests, or prioritizing people with capital. Bad behavior that has been going on for a long time in the Aceh government, such as development programs that only waste money, lack of budget absorption and development that is not on target (Integrated Team for the Acceleration of Aceh Government 2012-2016).

2. Bureaucratic Culture and Structure

So far, government employees have lived with privileges and special treatment from the state. The *ambtenaar* or civil servants enjoy many privileges because they have an established hierarchy with a fixed salary and comfortable office facilities. There are three things that constitute the gap between *das sein* (reality) and *das sollen* (the ideal) which are then attempted to be resolved in this research. This gap is theoretical as well as empirical.

First, this research seeks to enrich the lack of theoretical studies that link organizational structure with knowledge management, especially those related to the creation and transfer of knowledge. Second, this research tries to cover theoretical gaps related to knowledge management and political directions which are very dominant in the government sector. Third, this research will empirically map knowledge management within the Aceh government which is currently enthusiastic about this very nomocratic Islamic law.

The background to the problem above provides an overview of the problems that can be identified regarding the Aceh Government's bureaucratic reform policy which is characterized by Islamic Sharia as follows: (1) The concept of nomocracy in bureaucracy in a legal state is largely determined by the bureaucratic culture and history of a region. Especially for Aceh, the nomocracy system is a system that is deeply rooted in Aceh. Lack of policy content governing the implementation of bureaucracy characterized by Islamic Sharia in the Aceh Government regarding the five institutions mentioned above; (2) Policy actors have not been able to interpret the policy content.

There are several gaps in the knowledge of policy makers seen in this research which are still very far from the ideal of a modern and neutral bureaucracy; (3) The behavior of bureaucrats or bureaucratic structures as the implementation of policies and existing resources are factors that hinder their implementation. The behavior of bureaucrats is not in sync with Acehnese technocrats and organic Acehnese intellectuals who have idealized Islamic law in a state manner.

Planning theory has had little influence on planning practice. Some speak of a clear 'theory-practice gap' (Slaev, 2018: 301). What happens is just the opposite. The so-called 'theory practice gap' is not the main problem at all; the real question is 'what theory for what kind of practice'? Assuming this view, this article presents two different theories of public regulation: the teleocratic approach and the nomocratic approach.

They can be interpreted as general approaches regarding the role of the state, but the article focuses mainly on the consequences of accepting them in specific terms. field of land use regulations. For the teleocratic approach, planning should be the main and most important instrument of land use regulation, whereas for the nomocratic approach planning only has a secondary role and various types of regulative instruments are proposed.

Based on the background of the problems described above, there are two main issues that have been researched in many investigations, namely: (1) How did Aceh's organic intellectuals formulate bureaucratic reform from secular to nomocratic (*syariat*) bureaucratic reform in Aceh. Much of the content of their thoughts has not been expressed in a number of bureaucratic policies in Aceh. What is the content (content or content) of the policy?

Does regulating these five institutions reflect the implementation of bureaucratic reform with Islamic Sharia characteristics in the Aceh Government? (2) There is still very little translation of nomocratic knowledge of Islamic law in Aceh into concrete steps for bureaucratic reform, to the point of the complete absence of reformative thinking in the political system in Aceh. Are policy actors able to interpret the policy content? And what are the obstacles in implementing bureaucratic reform policies characterized by Islamic Sharia, are bureaucrat behavior factors or bureaucratic structures an obstacle to the implementation of these policies or are existing resources unable to implement them? In the history of the implementation of regional government in Indonesia, several regions have been recorded as having special autonomy with different names according to the historical background of the formation and policies of regional autonomy that regulated them at that time, for example during the enactment of Law Number 5 of 1974, the term 'Special Region' to refer to the Special Region of Aceh and the Special Region of Yogyakarta.

Then the term "Special Capital Region of Jakarta" refers to Jakarta's special status as the National Capital City. However, now all regional legal potential has been eroded by state legal domination after the approval of the omnibus law in Indonesia where many regional (provincial) governments no longer have absolute power over their local resources. In the past, there was the position of *Wali Neugara* which was held as a

replacement before the adulthood of Sultan Alaidinsyah and Sultan Mahmudsyah.

Before the two sultans were adults they had guardians, and that was what was called guardian of the state (Wali Nanggroe). Aceh will later become an independent country, so from now on you have to prepare for a special position in the future. Moreover, Aceh is no longer led by a sultan. The right WN is someone who understands sharia, strategy, politics, and understands state law, understands the history of Aceh, understands between democracy and nomocracy. Because the Aceh state that we are planning is a nomocracy, not a democracy. Ibn Khaldun (1332-1406) is widely regarded as a leading authority on the study of society and politics and based on the teachings of Prof. Dr. Muhammad Thahir Azhary, I believe that the Islamic political parties in Indonesia need to reawaken interest in his work. Ibnu Khaldun found a classification of states based on predetermined levels of authority (al-mulk) in his work. He distinguished between traditional states (countries with features indicative of natural power; *mulk tab'i*) and modern states (countries indicative of political power; *mulk siyasi*).

The "law of the jungle" and despotic rule are hallmarks of the "natural state" category. In this respect, superiority and power are crucial. The oppressed are the only ones who feel the full force of the law, while the powerful are free to do whatever they want morally and legally. Economic and social and political equality. He referred to this as a "uncivilised state" of nature.

Meanwhile, a political power-based typology classifies contemporary governments into one of three categories: (1) Islamic state law or nomocracy (*siyasah diniyah*); (2) secular legal state (*siyasah 'aqliyah*); and (3) "Republican" state. A mode like that of Plato (*siyasah madaniyah*). Finally, the Civil State is a secular type of government run by Islamic politicians who, along with secular citizens, constitute a "secular state" within the context of nationalism. Not only is it acceptable, but it's the law.

States based on sharia (Islamic law) are the earliest sort of legal state. Islamic nomocracy was the term coined by Malcolm H. Kerr, according to Thahir Azhary. Ibnu Khaldun argues that a state has the features of a *siyasah diniyah*, or rule of law based on Islam, provided it is founded on the Koran and Sunnah and incorporates human reason. *Ijma'* ulama and *qiyas* refer to the human mind. As a result, Islamic nomocracies like Aceh's are consistent with contemporary democracies notwithstanding their foundations in Islamic Constitutionalism or Islamic law.

Waqar Ahmad Husaini pointed out that the goal of Islamic nomocracy is to achieve global social welfare (*al-masalih al-kaffah*) in this life and the next. In fact, it was

Ahmad Husaini who coined the term "Sharia State" to describe the Islamic nomocracy known as *siyasah diniyah*. This is because sharia, the Islamic legal code, governs the lives of Muslims worldwide.

In contrast to the aristocratic states of *siyasah 'aqliyah* and *siyasah madaniyah*, the Islamic nomocracy, or *siyasah diniyah*, is deemed preferable by Ibnu Khaldun. In *siyasah 'aqliyah*, human reason-based laws are preferred over those based on revelation. Examples of Western democracies include Europe and the United States. Some elites govern over many slaves who are denied the right to vote in *siyasah madaniyah* (Plato's Republic). Throughout Soekarno's Parliamentary Democracy in the 1950s, the country remained a civilian state.

Hassan Turabi in Sudan, the late Moh Ali Jinnah in Pakistan, and S.M. Kartosoewirjo in Indonesia all formed and stated the concept of *siyasah diniyah*, which is the modern model of the ideal State of Medina. They praised the State of Medina rather than the secular Civil State as the model for government. Ibnu Khaldun proposed an Islamic nomocracy, or *siyasah diniyah*, to serve as Medina's permanent political and cultural system. Despite their disparities in imagination and interpretation, Majid Khadduri contended, most Muslims want a Madinah State.

Understanding Islamic Nomocracy in this setting will be incomplete without an appreciation of its guiding principles and defining features. Islamic Nomocracy [16] has the following features.

The principles of a) authority as trust, b) deliberation, c) fairness, d) equality, and e) the acknowledgment and protection of human rights f. The idea of impartial justice. Both the peace and well-being principles are important.

Obedience to authority as a matter of public policy

After reading and digesting the ideas it becomes clear that they constitute what is known as "the rule of law, not of man" in the 'common-law' tradition; that is, a system of government in which the rule of law takes precedence over the rule of man. A.V. Dicey defines "the rule of law" as the acceptance of law's preeminence, everyone's equal treatment under the law, and the application of legal procedures (due process of law) in the exercise of authority.

Dicey (for the 'rule of law' theory) and Julius Stahl (for the *rechtsstaat* theory) are respectively credited as the first to introduce their respective concepts. However, these insights have been evolving recently. However, the underlying concept of leadership is present in both. The legal system, not the people who occupy high political posts, is what governs a country. We can confirm that this interpretation is consistent with what Muslims mean when they refer to "al-imam" in the Koran and other

sources of Islamic law, and that it has nothing to do with Muhammad SAW or any other individual. In a 2000 study (Chaidar and Sahrasad),

Islamic nomocracy is grounded in the values presented in the Qur'an and the Sunnah, as evidenced by its defining features and guiding principles. These two ideas are similar in that they both acknowledge the presence of standard values that have been defined in written texts and that the values included in Pancasila serve as the standard or measure of value. Another fascinating aspect of these two ideas is the interconnectedness they create between people, deity, religion, and government.

One sign of the egalitarian nature of Islamic nomocracy is the existence of equal rights, which is a stark contrast to the concept of theocracy, and which can be said to be the main difference between the two. In Islamic nomocracy, the rulers are ordinary people and do not belong to the realm of spiritual institutions of power. between secular and pious locals, as well as Muslims and those who aren't Muslim; r71. Sulaiman claimed that the Medina Charter, issued by the Prophet Muhammad SAW in 622 AD.⁷², was the foundation upon which the idea of Islamic nomocracy rested [16].

Even though the Medina Charter was conceived of by Rasulullah Muhammad SAW in 622 ADS as a constitution for society or the State (Medina), it was not intended to establish a theocratic or religious state. On the other hand, the intent of the Medina Charter is to establish an Islamic nomocracy. To put it another way, it's the process of creating a democratic society (state) based on Islamic ideals and law.

The Medina Charter is an agreement begun by Rasulullah Muhammad SAW that the reality of the State of Medina, which he established, has a character of diversity and multiculturalism throughout Arab countries. Therefore, the concept of the Medina Charter is worthy of being a glue, as Muhammad SAW argues that a bond is necessary to prevent divisions.

After migrating from Mecca to Yathrib, the Prophet Muhammad SAW reached an agreement with various tribe chiefs in the city of Medina, known today as the Medina Charter (622 AD). The Medina Charter is frequently referenced in a wide range of works.

According to historical accounts, thirteen groups signed the Medina Charter agreement: (i) Muslims of the Quraish tribe of Mecca (Mukminin and Muhajirin), (ii) Muslims of the Yathrib region (Mukminin and Muhajirin), (iii) Jews of the Banu „Awf, (iv) Jews of the Banu Sa'idah, (v) Jews of the Banu al-Hars, (vi) Jews of the

However, many people in the rest of Indonesia are unfamiliar with the Islamic Sharia laws that are in effect

in Aceh. Regional Regulation of the Special Region of Aceh Province Number 5 of 2000 Concerning the Implementation of Islamic Sharia regulates the application of Islamic sharia law. According to Article 2, subsection 3, this regulation was drafted as a foundational guideline for enforcing the principles of Islamic Sharia in the Region. The existence of faiths other than Islam is also acknowledged by this rule. Especially with regards to practising the tenets of their faiths.

There are at least several rules that serve as benchmarks for the people of Aceh, both through individuals, families and the community in carrying out daily activities. In more detail, the explanation as intended in this paragraph of the rule includes:

The rules for aqidah are contained in Article 6 and Article 7. In summary, these rules require every Muslim to strengthen and fill out the Islamic Aqidah based on the ahlussunnah waljamaah or sunnah of the Prophet Muhammad SAW and his companions.

This aqidah needs to be applied both in aspects of faith, religion, various outward deeds, and morals of the heart. To maximize this, local governments are also obliged to always instill faith and devotion in every Muslim from childhood to adulthood. On the one hand, the government also has the right to prohibit and eradicate everything that is contrary to the Islamic faith, such as leading to kufr, shirk, and even atheism.

Worship

There are two articles that regulate how people worship. As stated in Article 8, it requires every Muslim to postpone or stop all his activities when the time for worship arrives. Worship must also be in accordance with the guidance of Islamic Sharia. Then for followers of religions other than Islam, they are not allowed to interfere with the Muslim worship agenda.

Meanwhile, Article 9 states that the government and society need to intervene in all actions that disturb and hinder the implementation of worship for every Muslim. This is done because all individuals and groups are obliged to build, maintain, and prosper Muslim places of worship [17].

Muamalah

It is well known that muamalah is a branch of sharia science within the scope of jurisprudence. The regulations in Article 10 are for Regional Governments which need to regulate and supervise the implementation of everything related to muamalah according to the provisions of Islamic Sharia. Apart from that, its implementation has been further regulated by Governor's Decree.

Morals

Next are the rules regarding morals. In Article 11 paragraph (1), it is explained that the Regional Government and community institutions try to create a social order according to the guidance of Islamic Sharia, both in government and in family and community life. Especially for someone who lives in the Aceh area, they must maintain and adhere to the values of politeness, appropriateness and propriety in their social life.

Islamiya education and da'wah

This rule regulates Islamic education and da'wah or what is usually called makruf nahi mungkar. In this case, what is required to carry out the educational mission is the Regional Government. This is done to produce people who are intelligent, faithful, devout and have noble character. Plus, every community needs to support the implementation of education according to their abilities.

Treasury

Baitulmal is an institution that has the special task of handling all the assets of the people, both in the form of state income and expenditure. The government is an institution capable of regulating the formation of the Baitulmal organization, which has been determined by a Governor's Decree.

The Regional Government is tasked with publishing, collecting, managing, and using Baitulmal's assets. This Baitulmal will then be played to help the interests of the people, development, and development of the Islamic religion.

Sociability

The social sector is regulated in Article 15 paragraphs 1 to 4. In this article, the Regional Government and community institutions are obliged to create an atmosphere of Islamic brotherhood in every aspect of community life. For example, regulating every Muslim and Muslim woman in terms of clothing so that it complies with the guidance of Islamic teachings.

Implementation of Islamic Syiar

The implementation of Islamic syiar is carried out by the Regional Government to carry out the commemoration of Islamic holidays and regulate everything related to the glory of Islamic syiar. The type and form of implementation of Islamic Syiar are further determined by a Governor's Decree.

Defense of Islam

The agenda for defending Islam is set out in Article 17 Paragraph (1). Those who are obliged to carry out the

mission of defending Islam include the Regional Government, the Ulama Consultative Council (MPU) and other community institutions. This is intended to optimize the people in the region to maintain the majesty and sanctity of the Islamic religion. Every institution must also be able to prevent all elements that can tarnish, reduce and weaken the greatness of Islam.

Qadha, Jinayat, Munakahat, and Mawaris

The Regional Government together with the MPU jointly have the task of formulating various provisions relating to the basic collection and methods of administering qadha, qanun jinayat, munakahat and maharis in line with Islamic law. Furthermore, the formulation is refined and socialized so that it can be stipulated in Regional Regulations [17].

4. CONCLUSION

Aceh implemented Law Number 11 of 2006 which was born as an implementation of the Memorandum of Understanding between the Government of the Republic of Indonesia and the Free Aceh Movement in Helsinki, Finland or better known as the "Memorandum of Understanding (MOU) Helsinki". In addition to regulating all kinds of Aceh government issues, this law also regulates the Ulama Consultative Council (MPU) as an independent institution and the Syar'iyah Court as part of the Religious Court environment.

The application of Islamic sharia is implemented in Aceh today with all Qanuns are the building blocks of Islamic civilization. This means that when Aceh implements Islamic law, it means that Aceh is building civilization. Islamic Sharia is actually not only a legal issue, but also various aspects of life. Worship, muamalah, munakahat (marriage, ed.), politics, muamalah, relationships and so on.

With the enactment of the UUPA (Undang-Undang Pemerintah Aceh or Aceh Government Law), a new picture emerged in the regional government administration system and in the context of implementing special autonomy for the Aceh Government. In line with this, the Government established PP 41 of 2007 concerning Regional Apparatus Organizations as a guideline in structuring regional apparatus institutions in Indonesia. Indonesia should have implemented an Islamic nomocracy system from the start of this country's founding to maintain a government system that is fair, effective, efficient and responsible for all the peoplepedagogies

5. REFERENCES

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