



INTERNATIONAL SEMINAR PROCEEDING

The Dynamics of Islamic Law in Southeast Asia



Faculty of Sharia The State Islamic University of
Maulana Malik Ibrahim Malang

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The Dynamics of Islamic Law in Southeast Asia
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ISLAMIC LAW WITHIN THE FRAME OF INDONESIAN CONSTITUTION

Burhanuddin S, S.H.I., M.Hum.¹

This paper discusses some products of Islamic law within the framework of the Indonesian constitution. The fact that a high percentage of Indonesians welcomed the implementation of sharia (Islamic law). Indonesian constitution has provided a space for Islamic law to contribute in the development of national law. Islamic law can be adopted into national law is not only the aspect of its values but also its legal text through the political process. Islamic law is a legal system that lives in the community, therefore the development of it in Indonesia is largely determined by the consciousness of the Muslims themselves. Muslim awareness can be created through the fatwa issued by Islamic legal scholars (Ulama), of which many Islamic laws have been legislated into national law.

Keywords: Islamic law, Fatwa, Constitution

Resurgence of Islamic law after its decline during the colonial period is no doubt a major concern of contemporary society. Many Muslim scholars idealize the accommodation of Islamic law into national law. To this, Islamic law on the one hand and the national law on the other hand need to open up to each other.² According to Jimly Asshiddiqie, both of them must be developed in the same direction, not left as conflicting thrive in today's reality.³

A Pew Research Center report titled *The World's Muslims: Religion, Politics, and Society* published last month caused a stir in Indonesian media as it concluded that 72 percent of Muslim Indonesians, including women, prefer the implementation of sharia. The survey included 1,880 Indonesians in 19 provinces.⁴ The fact that a high percentage of Indonesians welcomed the implementation of sharia should not be alarming, considering the semantic differences in the use of the term sharia among Indonesians. However, contemporary use of the term sharia has been associated with Islamic law, and to permission (halal)

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² Jazuni, *Legislasi Hukum Islam di Indonesia*, (Bandung: Penerbit Citra Aditya Bakti, 2005), p. 5

³ Jimly Asshiddiqie, *Pembaharuan Hukum Pidana Indonesia* (Bandung: Angkasa, 1996), p. 5

⁴ <http://www.onbeing.org/blog/sharia-law-in-a-compassionate-society-why-most-indonesians-want-sharia/5691>

and prohibition (haram). Another meaning of sharia is related to social justice and fairness among those who have lost faith in the government and institutions.⁵

Historical background of the phenomenon of Islamic revival which is taking place today is the driving force behind the enforcement of sharia movement as public law in most Muslim countries.⁶ The response to movement of sharia enforcement through the legislative process have been up and down along with the development of political Islam in some countries. Constitutional approach to enforce sharia is through legislation in parliament. Legislation is the law-making process in writing with/ through the State.⁷ Legislation in terms of *fiqh* identical to *taqin*, namely the enactment of *syara'* rules prevailing binding.⁸

According A.Qodri Azizy, legislation if it is viewed from academic aspect should persistent through the disciplines of law (jurisprudence), and remained in the corridor of democratization if it is viewed of the democratic political system. Of course there are strategies and other approaches that are usually carried out by the government in a country claiming to be the state prevailing Islamic law by using basic logic that every Muslim must perform Islamic law.⁹ Therefore, when the Islamic law will be used as a source of national law, it is needed work system of legislation to Islamic legal system which can be accepted as scientifically and in the process of democratization, not indoctrination.¹⁰ After Islamic law is legislated, it would be a national law which prevail bindingly for Muslim citizen.

Islamic law in Indonesia has a great contribution in the construction of national law. Contribution of Islamic law in Indonesian national law can be known from adoption of the sharia principles into in the regulation of prevailing formally. Until now, Indonesia has some product regulations that adopt Islamic law either directly or limited values. The adoption was done primarily related to the development of private law even it shall also include public law.¹¹ Unlike Islamic economic

⁵ *Ibid.*

⁶ Abdullah Ahmed An-Na'im, *Dekonstruksi Syariah: Wacana Kebebasan Sipil, HAM, dan Hubungan Internasional*, (Yogyakarta: LKis, 1997), P. 4. An-Naim through his work, *Toward an Islamic Reformation Civil Liberties, Human Rights, and International law*, include modern Islamic legal thinkers who reject the application of Islamic law formally by the state. .

⁷ Jazuni, *Legislasi Hukum Islam di Indonesia*, (Bandung: Penerbit Citra Aditya Bakti, 2005), p. 33

⁸ Muhammad Ahmad Mufti & Sami Salih Al-Wakil, *Tasyri' wa Sam Al-Qowanin fi Ad-Daulah Al-Islamiyah: Dir - sah Tahliiyah* (Beirut: Dar An-Nahdhah Al-Islamiyyah, 1992), p. 8

⁹ A. Qodri Azizy, *Eklektisisme Hukum Nasional; Kompetisi Antara Hukum Islam Dan Hukum Umum*, (Yogyakarta: Gama Media, 2004), p. 173.

¹⁰ *Ibid.*

¹¹ According to legal materials, the law can be divided into private law (civil law) and public law (state law). Private law is the regulation that governs the relationship between people with other people by focusing on

law (*mu'âmalah mâliyah*), public law, *jinâyah*, has not could be applied in Indonesia yet. The amendments of the Indonesia criminal law (KUH Pidana) recently has yet to give an opportunity influx of Islamic principles.¹²

The fact that Indonesia is a country based on law (*rechstaats*) in carrying out government policy and not based on power alone (*machstaats*). Laws that made the foundation of citizen life in Indonesia is the national law that is built from a variety of legal systems. The existence of some legal system in Indonesia is then cause the polarization of each others. In order to reach the harmonization (to deal) then it was not seldom Islamic law had to be reduced.¹³ Different from the district court, the reduction on Islamic law can be seen from the restriction of the authority of religious courts which only resolve private law dispute.¹⁴

In addition to the Islamic legal system, the other two dominant legal system in Indonesia is a system of *adat* law¹⁵ and European law.¹⁶ *Adat* law grew out of the local tradition of Indonesian society while European law was derived from the colonial legacy. The presence some legal systems apparently caused Indonesia is said one of Muslim country in the world that embraces the "plural" legal system. Of the three legal systems, Islamic law is the most dynamic legal system which its developing in line with the Muslim consciousness. It is said so because the Islamic thought requires that all principles issues should be clarified through the Islamic law perspective.¹⁷ However not everyone is able to make conclusion of Islamic law to solve their problem unless

individual interests. In a broad sense, private law covering both civil law and commercial law, while in the narrow sense it consists of only civil law. Public law is regulation governing state relations with its apparatus or the relationship between government with its citizens. See, C.T.S. Kansil, *Pengantar Ilmu Hukum*, (Jakarta: Balai Pustaka, 2002), p. 46

12 Islamic criminal law is still hard to be accepted by modern society because of the logical thinking that is more dominant than the faith itself. In this case the Muslim community do not feel guilty because they know that it is the authority of the state.

13 The rejection of Sharia law was the greatest Muslim's sacrifice after independence struggle. itself. The first sacrifice of Muslim's ideological struggle was the elimination of seven words of the Jakarta Charter: "*Ketuhanan dengan kewajiban menjalankan syariah Islam bagi pemeluk-pemeluknya.*" If we read its paragraph, we know that it is obligation which applies exclusively to the internal Muslims, so the adoption of sharia was not a threatening to other religions. A removal jakarta charter, however, does not mean that Islam law loss a chance to be legislated by Muslim politician through a dynamic political process.

14 Religious court has duty and authority to examine, adjudicate, and settle the case on the first level among Muslim people in the area: marriage, inheritance, testament, hibah, wakaf, zakat; infaq, shadaqah, and sharia economic. See, Article 49 Act Nomor 3 of 2006 on Religious Court

15 According Islamic law, the tradition can be a law as long as not contrary to sharia. The *fiqh* rules had been adopted in a Minangkabau proverb: "*Syara' mengato adat memakai.*" Hence according to Hamka that the real *adat* is *syara'* itself. Muhammad Daud Ali, *Hukum Islam: Pengantar Ilmu Hukum dan Tata Hukum Indonesia* (Jakarta: Rajawali Pers, 2005), p. 223

16 *All existing state institutions shall remain in place in order to implement the provisions of this Constitution as long as new state institutions are not yet established in conformity with this Constitution.* See, Article 1 of the Transitional Provisions of the 1945 Indonesia Constitution, Amendment IV;

17 Muhammad Husain Abdullah, *Dirasat fi al-Fikri al-Islamy*, (Bogor: Tariqul Izzah, 2002), p. 9

through the guidance of the *fatwa*.

The existence of a Islamic legal system developing in Indonesia is actually very conditional. That is, the enactment it depends on the acceptance/ resistance of the people of a state. Therefore the higher the people understanding the Islamic teachings, the more opened their acceptance of Islamic law in Indonesia, nor otherwise. But keep in mind, acceptance of Islamic law in Indonesia always get resistance from both internal and external Muslims who have different beliefs. It is problem which is also experienced by all Muslim countries in the world, so that is perhaps the difference is how to address the resistance. I think the scientific dialogue for the resuscitation is the best solution before political approach.

Pro and contra the legislation of Islamic law into national law in the internal Muslims are part of the intellectual dynamics that always open the dialog without end. What the cause of the difference is certainly not out of the way of looking at the Islam law itself. There are at least two perspectives related legislation Islamic law in Indonesia, namely (1) The application of Islamic law based solely on the values, and (2) The application of Islamic law thorough formal judicial approach. Both of these thought have affected the development of Islamic law in Indonesia. The first legal thought tends to accept existing law (*hukum positif*) although when the legislature formulate it without considering the provisions of *fiqh*. That is, the existing law has been deemed Islamic during the justice could be realized, although the boundaries of justice was not clear. The second legal thought, however, tend to require amendment, especially if the existing laws are in conflict with the shari'a principles.¹⁸

For Muslims, the law (Shari'a) is part of the way to carry out conviction. Without understanding the Islamic law a Muslim may not be able to run worship properly. Meaning of worship for a Muslim of course not confined to mere ritual worship, but also covers all aspects of life that its law should be applied formally by State. According to *ulama*, that state has an authority to adopt Islamic law is part of maintaining religion.¹⁹ It means that anything of which could damage a religion (Islam) the state should have its prevented immediately. If there is an activity that threaten religious beliefs (*aqidah*), Indonesian Ulama Council (MUI) usually give advises to the government or issuing *fatwa*

¹⁸ For example, laws of interest-based banking (*riba*) which exist is changed to law of sharia banking. Although the sharia banking have been an alternative, interest based banking remain in force (*dual banking system*).

¹⁹ The aim of government according to the Islamic view is intended to keep religion and to set politics of the world. See, Imam Mawardi, *al-Ahkām al-Sulāniyah*, (Kairo: Dār al-Hadīth, t.t), p. 15

to public. Many fatwas which have been issued by MUI, such fatwa concerning *Ahmadiyah*.²⁰ The government had responded the fatwa of MUI by issuing Three Ministerial Decision (SKB).²¹

Legislation of Islamic Law

Legislation of Islamic law into the national legal system have been occurring a significant development in the legal policy of Indonesian. We can say there is a legal thought growing that legislation of Islamic law in Indonesia is not adequate if only absorb values without integrated with texts of *fiqh*. The adoption of moral values which is integrated with texts *fiqh* in national law is more consistent than adoption one of both, and it has a legal basis either '*aql* (logical) or *naql* (revelation). Many fatwa of DSN-MUI which is adopted into law regulation of Islamic economics in Indonesia is an example of the integration approach. The adoption of *fatwa* manifested by making of law (*undang-undang*), government regulations (*peraturan pemerintah*), ministerial decrees (*keputusan menteri*), rules Supreme Court (*peraturan Mahkamah Agung*), and other rules of government agencies.

Islamic legal scholars, including *ulama*, have an important duty to determine the truth direction of regulations. A regulation always contains two materials namely procedural rules (technical) (*al-qanun al-ijra'i*) and principles of rule (*al-qanun at-tasyri'i*) containing the clauses that directly related to *dalil-dalil syara'*. The example procedural rule is Article 2 paragraph 2 Law No. 1 of 1974 as to registration of marriage, while the example of principles of rule is Article 3 paragraph 2 as to permissibility of polygamy. If the marriage law does not allow polygamy it means contrary to *syara'*. By two approaches we can analyze whether the other regulations are in line with sharia principles or aren't. Many regulations that are not conflict with sharia principles when viewed from the aspect of procedural rules, but from aspect the principles of rule we need to analyze further. The following are some of the national laws of Indonesia which is considered have adopted Islamic law.

1. The Marriage Law No. 1 of 1974. This regulation contain not only procedural rules but also principles of rule which refer to *fiqh mu-nakahat*. The prevailing of this law materially has been reinforced by Compilation of Islamic law No. 1 of 1991 through presidential decree, it is an Indonesian language manual of rules covering

²⁰ The Decision of Indonesia Ulama Council No. 11/MUNAS VII/MUI/15/2005 on *Ahmadiyah* Faiths

²¹ Joint Decree of the Minister of Religious Affairs, the Attorney General, and Minister of the Interior of the Republic of Indonesia No. 3 of 2008; No. KEP-033/A/JA/6/2008; No. 199 of 2008 on Warning and Command To Followers, Members, and / or Board Member of *Ahmadiyah* Indonesia (JAI) and the Citizens

- marriage, divorce, inheritance, and charitable alms.²²
2. Law No. 7 of 1989 on Religious Court. Enactment of this law legitimizes the existence of Islamic law in resolving the case in a court. Different from the district court, the authority of religious courts is limited only private law. By ratification Law No. 3 of 2006 and Law No. 49 of 2009, the authority of religious courts has been expanded include sharia economics.²³ To support the authority of religious court, especially in the field of Islamic economic dispute settlement, the Supreme Court has issued regulation No. 2 of 2008 concerning the compilation of Islamic finance law, in which the material of its regulation has adopted the fatwa of DSN-MUI.
 3. Law No. 10 of 1998 concerning the changing of Law No. 7 of 1992 on Banking. By some articles, this law has been considered to accommodate Islamic banking. On article 1 paragraph (2) and (3) allowing the national banking adopt dual systems banking, sharia and conventional. Legal basis for the practice of Islamic banking in Indonesia is getting stronger after enactment of Law No. 21 of 2008 concerning sharia banking. In the formulation of this law, the government has adopted the most of fatwa of DSN-MUI.
 4. The *Wakaf* Law No. 42 of 2004. This regulation contains a procedural law which strengthens *fiqh wakaf*.
 5. Law No.13 of 2008 on Performing of Pilgrimage as a replacement Law No. 17 of 1999.
 6. Law No. 19 of 2008 on State Sharia Securities (Sovereign Sukuk). Enforcement of this law is intended to replace government bonds which is based interest (*riba*). The formulation of this law refers to the fatwa No.69,70,71, 72,/DSN-MUI/VI/2008. In addition, fatwa of DSN-MUI which have been adopted into law it is also adopted into government regulations.

The above regulations are often considered as some legislation products directly related to Islamic law. However, there are law products influenced by Islamic law at a fraction of the articles. Article 10 paragraph (2) Law No. 23 of 1999 on Indonesia Bank;²⁴ Article 11 Law

²² R. Cecep Lukman Yasin, *Compilation of Islamic Law: A Social-Political of the Legislation of Islamic Law in the new Order Periode*, (Malang: UIN-Malang Press, 2009)

²³ Article 49 Law No. 3 of 2006 of Religious Court

²⁴ Article 10

(1) Bank Indonesia shall, in prescribing and implementing the monetary policy as referred to in Article 8 letter a, be authorized to: a. prescribe monetary targets by taking into account the inflation rate target it has determined; b. conduct a monetary control by using methods which includes but not limited to: 1) open market operation in the money market, both rupiah and foreign exchange market; 2) stipulation of the discount rate; 3) stipulation of the minimum reserve requirements; 4) management of credit and financing.

(2) The methods of monetary management as referred to in paragraph (1) letter b may be conducted based on sharia

No. 3 of 2004 concerning the changing of Law No. 23 of 1999 on Indonesia Bank.²⁵ Unfortunately, Law of the Indonesian Bank has not banned the practice of usury (*riba*). Hence, the acknowledgment of dual banking system by government shows that the seriousness of Sharia acceptance to repeal *riba* in Indonesia is worthy questionable, isn't it? This means that Islamic economic which has been developed in Indonesia has not fully based on the spirit of '*hijrah*' but merely how to capture market opportunities (profit oriented).

In addition, the other regulation influenced by Islamic law is article 109 Law No. 40 of 2007 on Limited Liability.²⁶ By this law recognizes limited liability company doing business based on sharia principles. Hence, the limited liability company that will issue Islamic securities (*sukuk*) is conditioned to take part the screening process, especially it is field of business concerned.²⁷ Scope of law recognition only covers the field of business alone as long as it is not contrary to Islamic principles, and has yet to give chance to review the concept of limited liability itself. According to some scholars, there are some problems in the concept of limited liability which has to be solved before determine the field of business.²⁸ In this case we have offered an alternative concept of partnership through the separation between owners and investors. It is means that the owners of the company shall have unlimited liability while the investors have limited liability according to the the amount of shares.²⁹

This paper also will expose other important issues related to the restriction of the authority of Islamic scholars (S.HI) by contributing to law enforcement in Indonesia. I think this issue needs to be addressed as it is related to the acknowledgment of Islamic law scholars. If law enforcement currently dominated by law scholars, how about Islamic law scholars whether can participate? If many law enforcement agen-

principle.

(3) The implementation of the provision as referred to in paragraph (1) letter b and paragraph (2) shall be prescribed by Bank Indonesia Regulation.

25 Related to the implementation of sharia principles stipulated in Article 11

26 According to Article 109 of the Limited Liability Law No. 40 of 2007 have stated that: (1) Apart from a Board of Commissioners, companies doing business based on syariah principles must have a Syariah Supervisory Board; (2) The Sharia Supervisory Boards contemplated in paragraph (1) shall consist of one or more sharia experts appointed by the General Meeting of Shareholders/ RUPS on the recommendation of the Indonesian Council of Ulama; (3) The Sharia Supervisory Boards contemplated in paragraph (1) shall have the task of giving advice and suggestions to the Board of Directors and supervise companies' activities so that they are in accordance with sharia principles.

27 The screening process carried out not only from the aspect of business but also by aspect of financial ratio. See, http://www.bapepam.go.id/syariah/edukasi/proses_screening_des.html

28 M.Siddiq al-Jawi, <http://hizbut-tahrir.or.id/2007/10/01/jual-beli-saham-dalam-pandangan-islam/>

29 Burhanuddin S., "How Should Syariah Principles Be Applied in Modern Company," *De Jure: Jurnal Syariah dan Hukum*, Vol.4 No.2 Juni 2012

cies can recruit the graduate of law faculty, they should also be able to recruit the graduate of sharia faculty. There are some regulations that inhibit the chance of graduate of sharia faculty so that its existence need to be amended, such as Article 14 Law No. 8 of 2004 on General Court, Article 14 Law No. 9 of 2004 on Administrative Court, Article 4 (f) Law No. 30 of 2004 on Notary, Article 6 paragraph 7 Law No. 30 of 1999 on Arbitrate and Alternative Dispute Resolution³⁰ and etc.

The above description indicates that Islamic law has contributed to Indonesian law either comprehensively or partly. Beside Islamic law have been adopted in the form of law legislation, it also can be adopted in the form of regional regulations (*Perda*).³¹ The proliferation of sharia regional regulations in some district of Indonesia is a significant cases for discussed in this paper because it has invited a lot of attentions. These by-laws, which Indonesians commonly refer to as *perda syari'ah* (literally sharia Regional Regulations'), are legal instruments issued by provincial or district-level administrations that contain some elements of Islamic law. What is the legal basis of sharia regional regulations which its emergence get a different response from the community who pros and contras?³²

Demand for religious practicing (Islamic law) is constitutional rights of Muslim in Indonesia. In term of the sharia regional regulation should be no objection as long it is line with the holy Quran and no doubt the regional regulation should also considered in line with the 1945 Constituion.³³ Sharia regional regulation which is part of Islamic law has been accommodated by law. Preamble of the Indonesian Constitution of 1945 has stated that: "*By the grace of God Almighty and motivated by the noble desire to live a free national life, the people of Indonesia*

30 In this Act has yet to give authorization of the religious court to legalize the arbitration decisions, and has yet to accommodate sharia arbitration held by National Sharia Arbitration Board (Basyarnas). There are many fatwa of DSN-MUI that recommend for Islamic economic dispute resolution through Basyarnas.

31 As explained below, *perda* (or *Peraturan Daerah*, Regional Regulations) are legislative instruments issued by local legislatures together with the head of the region. All translations in this article are our own unless otherwise stated.

32 On June 13, 2006, some 56 members of the House of Representatives (DPR) of the elements of the Prosperous Peace Party (PDS) and the Indonesian Democratic Party of Struggle (PDI-P) said «memorandum» and asks the President revoke reject Regulations District / City of «antimaksiat» which indicated contain Islamic law. Enforcement of the law was considered violate the constitution and Pancasila. However, on June 27, 2006, 134 other members of the DPR element PPP (42), PKS (30), PAN (30), BPD (30), PG (6), PBR (8), and PKB (3) said «counter-memorandum» which is resisting repeal *Perda* «antimaksiat». They would ask the Chairman of DPR ignored the letter (dated June 13, 2006). Regulation is considered «troubled by some members of DPR were not for stifling investment in the area, but the law allegedly problematic because it contain Sharia material. Muhammad Alim, "Perda Bermanusia Syariah dan Hubungannya Dengan Konstitusi", *Jurnal Hukum*, No. 1 Vol. 17 Januari 2010, p. 119-142; Haidar Nashir, *Islam Syari'at: Reproduksi Salafiyah Ideologis di Indonesia*, (Jakarta: Pusat Studi Agama dan Peradaban Muhammadiyah, 2007), p. 606

33 Muhammad Alim, "Perda Bermanusia Syariah dan Hubungannya Dengan Konstitusi", *Jurnal Hukum*, No. 1 Vol. 17 Januari 2010, p. 119-142

hereby declare their independence." Article 29: The State shall be based upon the belief in the One and Only God. The State guarantees all persons the freedom of worship, each according to his/her own religion or belief.

Legal basis the enactment of regional regulations follows the higher legislation. According Article 18 paragraph (6) Indonesian Constitution of 1945, the regional authorities shall have the authority to adopt regional regulations and other regulations to implement autonomy and the duty of assistance. The provisions of the Constitution then are emphasized by Article 7 Law No. 12 of 2011 on Making Rules. If the regional regulation in general has had legal basis, how about regional regulation which contains Islamic law matters?

The provision related the content of regional regulation is regulated by Article 14 Law No. 12 of 2011 on Making Rules, that Province Regulation and Regency/Municipality Regulation contains in the framework of implementation of regional autonomy and duty of assistance and to accommodate special local conditions and/or further elaboration of the higher rules. Based on that article, if an area requires the enactment of shari'a regional regulations have to be accommodated. In this cases, people have the right to give input orally and/or written in the making rules. People as intended is an individual or group of people who have an interest in the content of the draft of regulations. Any draft of regulations should be easily accessible by the public to facilitate the people who want to give input.

The proliferation of sharia regional regulations was a people aspiration which has been accommodated by local government to achieve the benefit (*maslahat*). It is said so because the sharia regional regulation contains command and prohibition which in step with *al-Qur'an* values, such as the obligation of worship (prayer), reading *Qur'an*, management of *zakat*, *infaq*, *shadaqah*, command wearing Muslim dress (*jilbab*), prohibition of alcohol (*khamar*), gambling (*mairsir*), courtship (*khalwat*), adultery (*zina*) and others. If the charge materials of sharia regional regulation is precious why they rejected it? Nowadays, of the total number of 23 provinces, districts and cities, there are about 181 sharia regional regulations in Indonesia.³⁴

Conclusion

Post reformation era, the fact that fatwa, the results of excavations of Islamic legal scholars (ulama), has contributed greatly to the national law. Many fatwas that have been adopted into national laws, especially laws related to Islamic economics. The adoption of Islamic

³⁴ <http://politikdanhukumku.blogspot.com/2012/04/daftar-perda-syariah-islam-berdasarkan.html>

law is actually a legitimate, because Indonesian constitution has provided a space for Islamic law to contribute in the development of national law. Islamic law can be adopted into national law is not only the aspect of its values but also its legal text. Islamic law can be applied in various forms corresponding sequential procedure law. However, legislation of Islamic law in Indonesia is tends to be private law (civil and economic) instead of public law (criminal law, state administrative law, and etc). Islamic law is a legal system that lives in the community, therefore the development of Islamic law in Indonesia is largely determined by the consciousness of the Muslims themselves whether they accept or reject to enactment of the Islamic law. The acceptance of Islamic law by Muslims is something normal because it is in step with to their beliefs, but how if there is the thought which refuse the legislation of Islamic law? Be sure that the controversy of the legislation of Islamic law will always open a dialogue without end.

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