

## Conference Paper

# Impact of Enforcing Sharia Regional Regulations During the Covid-19 Pandemic

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This study aims to find out field facts related to the effect of implementing regional legal products, namely Regional Regulations (Peraturan Daerah) with a Religious (Shari'ah) nuance, especially during the COVID-19 pandemic which has an impact not only on legal social problems but also on the economy due to restrictions on the movement of community activities (PPKM). Based on this condition, the government is required to be more creative and innovative in overcoming problems in society, including poverty. Local regulations are required to contribute to the community, not only in normal conditions but also during an emergency. This study uses empirical legal research methods with a case approach. The results of the study show that: The implications or impacts of implementing regulations with sharia nuances during the pandemic, especially with regard to the Al-Qur'an Reading and Writing Regional Regulations and the Zakat Regional Regulations can partially facilitate the task of regional heads in handling social affairs, both regarding education, especially in eradicating Al-illiteracy. The Qur'an in which society creates independence through the efforts of each individual to develop themselves, both through formal and non-formal education, including the process of carrying out their obligations as God's creatures. The existence of the Regional Regulation on Zakat is able to support the development and the community's economy in the midst of an uncertain situation due to the pandemic, through the distribution of direct assistance, both in the form of business capital money and means of transportation (bentor). Together with the National Amil Zakat Agency (Baznas), the local government also intervenes in low-income communities in each sub-district gradually. As a recommendation, local governments need to maximize the provisions of regional regulations with sharia nuances to support development in the field of formal and non-formal education, by accommodating the regulatory substance of the learning process in the pandemic era. The regional regulations on zakat need to be maintained and improved in order to support the community's economy by expanding the income pool, increasing programs, and targeting communities as recipients of assistance.

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## 1. INTRODUCTION

The existence of Decentralization based on the principle of regional autonomy, has given birth to the division of authority including the stipulation of laws and regulations in it, and one of the legal products is Regional Regulation (hereinafter referred to as Peraturan Daerah). Article 18 paragraph (6) of the 1945 Constitution of the Republic of Indonesia affirms that Regional Governments have the right to stipulate regional regulations and other regulations to carry out autonomy and assistance tasks. Based on the above facts, local governments have the opportunity to stipulate laws and regulations in running the wheels of government whose legal product is local regulations. The problem is that serious attention needs to be given to the issuance of this regulation both at the provincial and district/city levels, especially in the preparation of whether it accommodates legal feelings and community needs. Bagir Manan[1] stated that the making of regional level regulations does not only look at the limits of formal competence and the interests of the region concerned, but also considers the possible impact on other regions and the national interest as a whole.

Based on the above provisions, the Regional Government (Pemda) implements Regional Regulations, both those that are drafted and apply in general (universal) or with sharia nuances. However, some people view that the presence of this regional regulation with a religious nuance (sharia) is partly due to the failure of the central government to solve social, political and economic problems in this country. This shari'a regulation is seen as the only solution to this unsolvable problem.([2], [3] and [4]) To date, out of 512 regencies or cities, approximately 64 in fifteen provinces have issued regional regulations with sharia nuances in Indonesia..[5] An example of a region that applies this rule is the Province of West Sumatra which was inspired by Law Number 44 of 1999, which gave Aceh the authority to apply Islamic rules. Based on Law no. 22 of 1999 and Law No. 25 of 1999, West Sumatra issued a Peraturan Daerah on the Prevention of Immorality and Prostitution, and is the first Shari'a (Islamic) regional regulation in this country. This region uses special autonomy as its legal basis, followed by various other regions in Indonesia.

Aceh Province is the only region that has been given special rights to implement Islamic religious law in its entirety, whose authority is clearly stated in Law no. 44 of 1999 concerning the Implementation of the Privileges of the Province of the Special Region of Aceh. In essence, in general, there are various impacts of the implementation of regulations with sharia nuances, including political impacts and social impacts. In practice, in some regions, the issuance of regional regulations with sharia nuances

becomes a political tool for the interests of the authorities or to secure power for the next period. In the Sulawesi region, for example, local governments implement local regulations on Infaq, Zakat, and Sadaqah as a source of finance for politics and continuing power.[6]

In addition, social impacts also occur in relation to human rights issues, which are considered to have resulted in marginalized women's groups, as well as victims of violence due to religion. Many critics have highlighted the problem of wearing the hijab, which is required, even though the scope is different in each region. This means that some regions require limited headscarves for civil servants, but some require all women who embrace Islam. In addition, all local regulations do not require non-Muslims to wear the hijab. There is a survey which shows that the majority of Muslim women in areas that implement this regulation do not mind, and even volunteer to participate in implementing the rules on how to dress Muslims.[7]

Regional regulations with sharia nuances are important in their existence in an area as a medium for optimally providing and achieving public services, especially regarding the duties and responsibilities (obligations) of local governments. In addition, the substance of this regulatory product as stated in Law no. 23 of 2014 concerning Regional Government states, the affairs of 'Basic Services', especially social issues are concurrent authorities, and become part of mandatory affairs whose implementation is carried out by the Regional Government based on the contents of Article 11 and Article 12 of Law No. 23 of 2014, including Article 7 of Government Regulation Number 38 of 2007 concerning the Division of Affairs between Governments, Provincial Governments, and Regency/City Regional Governments.[8]

In general, the regulations that are enacted can be categorized into 2 (two) types, namely those that are directly related to Islamic teachings and those that regulate public affairs which are also regulated by other religions such as prohibitions on gambling, prostitution and consuming alcoholic beverages.

In more detail, the regulation above stipulates the following:[5]

1. The issue of faith which regulates the necessity to follow certain theological schools and the regulation of heresies.
2. Related to religious symbols such as the use of the hijab and the suggestion of writing Arabic Jawi.
3. Religious financial problems such as zakat, infaq and sadaqah.
4. Public problems such as prostitution, alcoholic beverages, gambling and relationships between men and women.

5. Religious institutions such as the Shari'ah Court and the Shari'ah Police
6. Skill and ability to read the Al-Qur'an.

Meanwhile, Gorontalo Province from a historical perspective provides an overview of the specifics of being a traditional area. This can be seen from the history written by Van Volenhopen, which categorizes this area as one of the Indigenous areas of 19 (Nineteen) classified customary areas. Interpreted from the point of view of customs, Gorontalo is influenced by Islamic Shari'a, therefore between custom and Shari'a there are 2 things that cannot be separated. This is reinforced by the motto of Gorontalo province as a religious and cultural area, through the traditional motto based on syara', syara' based on the Al-Qur'an ("Aadati hula-hula'a to Sara'a, Sara'a hula-hula'a to Kuru' ani"). The manifestation of this motto is the birth of various regional regulations that are identical to Islamic law, set out in various regional regulations, compiled and specially made as a form of appreciation for local wisdom that contains Islamic values. Gorontalo as an area where the socio-culture is thick with Islam, makes religious values an influential factor in the content of the Regional Regulation.[9]

Based on the 2017 survey, the percentage of the poor in Gorontalo was 17.65 percent compared to the poor in 2018 which was 16.81 percent. This means a decrease of 0.84 percent.[10] The number of poor people in 2017 was 205.37 thousand, while the poor in 2018 were 198.51 thousand people. This shows that the number of poor people during 2017 to 2018 increased by 6.86 people. However, there was a decrease in the number of poor people in Gorontalo City, from statistical data in 2017 it was at 11.95 thousand people, while in 2018 it was 11.91 thousand people, which means that there was a decrease of 0.04 thousand people.[11]

Looking at the data above, efforts are needed to reduce poverty rates and maximize their reduction significantly, as community empowerment in all fields, especially economic and social. Looking at empirical facts, almost all regions, both regencies and cities in Gorontalo, have used and enforced regional regulations with sharia nuances. However, in later research, prospective researchers will focus on only 2 (two) types of regional regulations, namely Reading and Writing the Qur'an and Management of Zakat. In detail the rules and areas that will be the purpose of this research are as follows:

1. Regional Regulations Concerning the Obligation to Read and Write Al-Quran
2. Gorontalo City through Regional Regulation No. 6 of 2012.
3. North Gorontalo Regency through Regional Regulation No. 25 of 2010.
4. Regional Regulations concerning Zakat Management

5. Gorontalo City through Regional Regulation No. 3 of 2021;
6. Bone Bolango Regency with Regional Regulation No. 11 of 2012; and
7. Pohuwato Regency, namely Regional Regulation No. 6 of 2015.

From the data above, it is mapped for the regions that apply the Al-Qur'an Reading and Writing Regional Regulations as many as 2 regions (Gorontalo City and North Gorontalo Regency). Meanwhile, those that apply the Regional Regulation on Zakat Management consist of 3 regions namely (Gorontalo City, Bone Bolango Regency and Pohuwato). In principle, the aim of prospective researchers in reviewing these regulations is to see the impact of the implementation and implementation of regional regulations with religious or sharia nuances on the development of their territory.

Through this paper, what is examined in the Peraturan Daerah on Reading and Writing the Qur'an is whether the provisions (rules) determine the ability of children, students and adults to master the holy book, through the form of Al-Qur'an education contained in the regulation. meant. Through field studies, it will also answer the reality of people's lives with the provisions of a religious-based regional regulation, as well as contributions to non-formal education promoted by the government in order to develop human resources in the region.

Meanwhile, regarding the Regional Regulation on Zakat Management, what needs to be seen is whether the existence of this regulation can provide benefits, both in terms of government intervention on people's welfare, especially for those with less income. Furthermore, whether in its management it can be right on target, as well as presenting humanitarian programs in order to achieve the principles and objectives of the formation of laws and regulations, namely benefit and efficiency in the pandemic era.

## 2. METHODOLOGY/ MATERIALS

The type of research used is Empirical Legal Research, which is a legal research method by seeing real and examining how a regulation works in society.[12] This type of research is commonly referred to as sociological juridical law research. The object of the study is the behavior of the community that arises because of the interaction with a system of norms, and is based on the habits of the people as a reaction to the application of a provision (regulation).[13] The data obtained were arranged systematically in order to obtain a comprehensive picture, then processed using descriptive analytical techniques. This technique is done by describing (providing an overview and explanation) the

data obtained through the field, analyzed based on applicable theories and principles, making predictions and studying implications, then providing conclusions.

### 3. RESULTS AND DISCUSSIONS

#### 3.1. Enforcement of local regulations for reading and writing the Al-Qur'an during a pandemic.

Education is the most important element in a life, education begins to be instilled in children from an early age, education can be provided through formal and non-formal education. Through education, children experience a process of changing knowledge and character during their growth and development.[14] Islam pays attention to the education of children, because Islam views every child as having potential (fitrah) that can be developed through education. Religious education is no less important than general education, therefore the government also makes a major contribution to religious education. One of the policies of the government is to create and develop non-formal educational institutions, one of which is the Al-Qur'an Education Park (TPQ) for children who are at the Kindergarten and Elementary School education levels.[15] TPQ functions as an institution that guides and teaches children to be able to read the Qur'an properly and correctly. TPQ also has an additional orientation, namely the formation of Islamic character and personality based on the community.

After the ratification of the Gorontalo City Regional Regulation Number 6 of 2012 concerning the Obligation to Read and Write the Al-Qur'an Letters for Moslem Community and the North Gorontalo Regency Regulation Number 25 of 2010 concerning the Compulsory Reading and Writing of the Qur'an for Students who are Muslim, a movement that is not uncommon from all elements of the government even in the educational environment to participate in religious activities, especially reading and writing the Qur'an. This is evidenced by the very prominent involvement and participation of the government through the ministry of religion in the regions. The participation of schools that officially schedule and include reading and writing activities of the Qur'an in curricular and extra-curricular activities. The teaching of reading and writing the Qur'an is also carried out integratively in the learning process of Islamic religious education and outside of subjects. Consistently and flexibly, the school also supports reading and writing activities of the Qur'an for students who have certificates of reading the Qur'an to be included in non-formal activities with religious themes.

The presence of the Regional Regulations for reading and writing the Qur'an has reaped good things, especially facilitating the task of regional heads in handling social affairs, both regarding education, especially in eradicating Al-Qur'an illiteracy where the community creates independence through the efforts of each individual in developing themselves, either through Formal and non-formal education includes the process of carrying out their obligations as God's creatures. However, the phenomenon of the COVID-19 pandemic that occurred at the end of 2019-2021 was enough to give a collision to the government's efforts in implementing policies.

Furthermore, if you look at the traces of the implementation of the Regional Regulation on reading and writing the Qur'an until the pandemic era, it has quite affected the implementation of its policies. Based on the institutional context, the ministry of religion in the regions has the main task and religious human resources. So structurally formal, generally the district or city ministry of religion is positioned as a coach, one of the chief staff or a member of the team in disseminating policies to the community and education stake holders. Functionally, Islamic religious education teachers, extension workers and supervisors of Islamic education also have additional duties to participate in the success of the policy. Teachers participate in teaching at schools, extension workers teach at the taklim assembly or TPA/TPQ, and supervisors participate in supervising the organization of reading and writing Al-Qur'an activities at school. In general, they are teaching staff (ustadz) who teach reading and writing the Qur'an at school and outside of school. GPAI supervisors are also involved in monitoring and evaluating policies that are carried out in parallel with official duties as supervisors. Furthermore, a report is made to the head of the office of the ministry of religion and to the work team implementing the Al-Qur'an literacy policy in the regions.

The occurrence of the Covid-19 pandemic phenomenon has implications for the reduced involvement and inclusive participation of religious education teachers (GPAI), religious education teacher supervisors, religious instructors, and staff of the regional ministry of religion. This is due to the government's policy to impose Large-Scale Social Restrictions (PSBB) as an effort to anticipate the spread of the Covid-19 pandemic which has a major impact on the lives of the general public, and one of the most impactful is the education sector. The learning process, which was originally carried out face-to-face, was later due to the Covid-19 pandemic, all educational institutions were closed, from universities, high schools, elementary schools, to early childhood education. Not only the learning process in formal education has been affected by the Covid-19 pandemic, but non-formal education has also been affected by this pandemic, one of which is the Al-Qur'an Education Park (TPQ). TPQ is a non-formal Islamic religious education forum

that aims to make students able to read, write, memorize, and practice the content of the Qur'an.

In relation to the prevention of the Covid-19 pandemic, the Ministry of Education and Culture took a firm stance through several circulars regarding education policies in the emergency period for the spread of Covid-19. The learning process from home is also considered from the conditions in each region, in each region there are provincial and city governments that also regulate the implementation of learning from home.

When viewed from government regulations related to anticipating the spread of Covid-19, changes often occur, these changes make the learning process at TPQ ineffective, thus becoming the biggest obstacle for a teacher in teaching. Student learning outcomes are not in accordance with what is expected by the teacher. With so many holidays during the Covid-19 pandemic, teachers also need to repeat the material that has been taught before moving on to the next material, because students are still children so they are still not able to regulate themselves in learning they still need a lot of guidance and control. In addition, teachers at TPQ when on holiday there are less activities and there is a financial decline, because there is also a TPQ which is a non-formal institution whose ownership is private or private.

The Covid-19 pandemic has also had an impact on the allocation of local government budgets for reading and writing the Qur'an. The budget allocation for Al-Qur'an reading and writing activities itself is operationally intended for evaluation activities and certification exams for Al-Qur'an literacy skills including rewards and incentives for ustadz, establishment of learning and operational places for TPA/TPQ, and procurement of resources. learning and learning media. So that it can be said that the declining economic conditions during the pandemic have an impact on the lack of budget allocation for aspects of supporting reading and writing activities of the Qur'an and the implementation of the Regional Regulation.

### **3.2. Enforcement of Regional Zakat Regulations during the Pandemic**

The existence of other Sharia Regional Regulations such as the Zakat Regional Regulation in Gorontalo has its own goals such as economic improvement and community development. As available data, the poverty rate in Gorontalo Province is still relatively high, so it is necessary to have a mechanism that is able to channel wealth owned by some people and groups of people who can afford it to people who can't afford it.



Therefore, by making new breakthroughs that are progressive in nature, the government then implements policies related to the implementation of zakat, especially zakat obligors.

In Gorontalo, there are 254,564 mustahik based on the poverty category by BPS, while the number of obligatory zakat (muzakki) is 69,350 people. When we compare the number of mustahik with muzakki, the ratio is 3.7, which means 1 muzakki bears 4 mustahik if all muzakki pay zakat. According to available data, the highest number of mustahik is in Gorontalo Regency, which is 108,862 people, while the lowest is in Gorontalo City, which is 12,668 people. The lowest number of muzakki is in Kab. North Gorontalo as many as 5,212 people.

Judging from the number (percentage) of villages with poverty alleviation programs, North Gorontalo Regency has the lowest percentage, namely 50 percent, while the districts with the highest percentage of villages with poverty alleviation programs are Boalemo at 96% and Pohuwato at 95%.

TABLE 1: Number of Mustahik and Muzakki in Gorontalo Province.

County/City	Number of Mustahik	Number of Muzakki	% of Villages in Poverty Alleviation
Gorontalo Regency	108.862	27.906	77.98
Bonebolango	41.995	7.210	58.17
Boalemo	34.431	5.942	96.43
Pohuwato	25.337	9.576	50.00
Gorontalo Utara	31.271	5.212	94.59
Gorontalo City	12.668	13.504	87.76

Source : Baznas Gorontalo, 2018.

The concept of zakat itself has two roles, namely as worship and social values. The value of worship means that giving zakat is expected to purify the soul and property, and keep a person from being greedy. Social value means that giving zakat is an important medium in maintaining justice and welfare. The use of zakat also fulfills the function as a forum in the life of the community, the majority of whom are Muslim, but are still less efficient, especially in the management system. Abdul Wahid also explained the same thing, that the best effort in increasing zakat associations is to create a strategy to collect zakat funds and add appropriate methods and revenue targets.[16]

During the Covid-19 pandemic, Muslims are required to play their best role in various ways in overcoming the impact of this situation, such as economic problems and increasing regional poverty. Therefore, zakat can be an option to deal with affected communities so as not to add to the poverty line.[17] Like the research of Tony S. Aji [18] It was explained that infaq, zakat and shadaqah had a big role in helping the community,

especially reducing the economic burden due to the Covid-19 pandemic. In addition, there is the Fatwa of the Indonesian Ulema Council No. 23 of 2020 which is relevant to be carried out by zakat management institutions, especially in increasing poverty in Indonesia with the pandemic caused by Covid-19.

The suggested programs related to five (5) relevant fields serve as guidelines in the distribution, which include the fields of humanity, social, education, economics as well as for da'wah. The MUI fatwa also explains that the distribution of zakat is carried out for the benefit of human beings. Utilization of managed assets and other services, such as the provision of PPE (Personal Protective Equipment), medicines, disinfectants and the need for volunteers who work in humanitarian activities, especially during outbreak control. In addition, zakat management institutions can also use assets (zakat) in productive fields, such as stimulating economic and social activities for the affected poor.

However, there are other things that become obstacles in the implementation of the MUI fatwa program[19], namely the strengthening of poverty data, as well as the reduction in philanthropists or zakat givers. In particular, regarding the implementation of the fatwa, there is a lack of clarity on specific directions so that the creativity of zakat, infaq and alms managers is needed in order to provide maximum results. Therefore, several innovative programs have been carried out, such as optimizing fundraising by providing online-based services. In addition, conducting introductions through the media and e-commerce. Online-based collection like this is certainly a demand of the times, because now people already understand information and communication technology.[20]

The existence of sharia regional regulations, especially regarding zakat management in Gorontalo Province, is considered to have a strategic role in efforts to alleviate poverty and build the community's economy[21]. The role we can see is that in addition to increasing the religious value of an individual, it can also erase social inequality and create asset distribution and equitable development in the regions. The Zakat Regional Regulation itself brings its own influence during the pandemic. The impact is quite significant in supporting the government's duties and obligations in terms of maintaining the stability of the community's economy in the midst of an uncertain situation. The government through the existence of the National Amil Zakat Agency (Baznas), has helped the region in efforts to alleviate poverty when conditions are in a slump. As it is known that the COVID-19 pandemic has resulted in the economy of almost every region being slumped due to restrictions on the movement of community activities (PPKM). BAZNAS is here to provide a direct touch to the community, government and

regions in overcoming difficult conditions with several programs, namely providing direct distribution of assistance to communities affected by COVID.

Gorontalo Province, especially North Gorontalo Regency, participates in maximizing poverty alleviation efforts in areas that still have a percentage of over 18% of the 125 thousand population in this district. The direct assistance received by the community is the provision of Motorized Becak (Bentor) vehicles for actors in the traditional transportation sector which has touched almost all sub-districts. Baznas has succeeded in responding to the needs, especially for low-income bentor drivers who are not owners but have a service rental system. The existence of the bentor as a result of the assistance made their activities their main livelihood without having to think about deposit money. Conditions at the time of PPKM, especially at level III, the income of almost all bentor drivers also fell, so that those who were not owners were faced with economic difficulties because they were not only looking for survival but also payments to owners.

The management of zakat itself by Baznas during the pandemic did not stop there, but there were other benefits, namely the provision of nine basic commodities (Sembako) assistance to the poor and affected by Covid. As is the case in Tolinggula District and others in North Gorontalo, Baznas has distributed the assistance in stages, including money as a home-based business capital, considering the limitations of community movement that occurred during the pandemic. Baznas intervention, especially for the economy of low-income communities, cannot be separated from the existence of sharia Regional Regulations, especially the Zakat Regional Regulations implemented in Gorontalo Province.

It is clear that the use of zakat to overcome the Covid-19 outbreak has an impact, namely the distribution of zakat to mustahiq which can be directly felt by the community, especially for the poor and people in debt. Given, the zakat given is in the form of cash and food to fulfill his life. In addition, other assistance provided in the health aspect is in the form of medical needs, during the pandemic. During the covid pandemic, there are people who also experience various kinds of diseases including viruses, so this service is provided by officers provided by Baznas. Next is the provision of productive working capital according to the needs of the community, as used in the field of Regional Regulations.

#### 4. CONCLUSION AND RECOMMENDATION

The presence of the Regional Regulations for reading and writing the Qur'an has reaped good things, especially facilitating the task of regional heads in handling social

affairs, both regarding education, especially in eradicating Al-Qur'an illiteracy where the community creates independence through the efforts of each individual in developing themselves, either through Formal and non-formal education includes the process of carrying out their obligations as God's creatures. This is evidenced by the very prominent involvement and participation of the government through the ministry of religion in the regions. The participation of schools that officially schedule and include reading and writing activities of the Qur'an in curricular and extra-curricular activities. The teaching of reading and writing the Qur'an is also carried out integratively in the learning process of Islamic religious education and outside of face-to-face or hybrid subjects. However, in the era of the covid-19 pandemic, reading and writing activities of the Qur'an encountered obstacles in terms of policy implementing institutions and budget allocation for facilities and infrastructure to support reading and writing activities of the Qur'an. Likewise, the Sharia Regional Regulation on Zakat Management in principle brings its own impact, especially in the era of the covid-19 pandemic, such as direct assistance received by the community, especially for transportation actors in the form of providing Motorized Becak (Bentor) vehicles to be used as their main livelihood, which initially people only took service rental. In addition, the provision of assistance in the form of Nine Basic Materials (Sembako), and home-based business capital. The distribution of zakat is also felt by the community, especially for the poor who are in debt. Bearing in mind, the zakat given is in the form of cash and food to fulfill his life, in addition to medical needs and working capital. Based on this, in relation to the implementation of the Regional Regulation on reading and writing Al-Qur'an, the government needs to maximize the structure of religious institutions in the region as an important role holder in the organization of reading-writing activities of the Qur'an, as well as optimizing the provision of facilities and infrastructure to support these activities. . Furthermore, regarding this Zakat Regional Regulation, it is necessary to maximize social media in collecting zakat funds in the community, the provisions of which are set forth in the Sharia Regional Regulation in Gorontalo Province. Mapping the recipients of zakat, in order to maximize the implementation of sharia regional regulations in improving the economy and development in the regions.

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