

Sharia and Islamic state in Indonesia constitutional democracy: an Aceh experience

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A question arises in the implementation of Sharia in Aceh: Is Sharia compatible with democracy as a political system in Indonesia? And with a comprehensive Sharia implementation, will it threaten the existence of the Indonesian state? This paper discussed Sharia's expansion, potentially leading to the establishment of the Islamic state of Aceh. This study was conducted using qualitative research. Primary data were taken from interviews with academics, journalists, non-governmental organization activists, youths, and focused group discussions with the leaders of the Islamic Sharia Office in Aceh Province. Meanwhile, the secondary data were gathered from historical documents, legislation, and Qanun in Aceh. The collected data were analyzed using the legal history theory of Pound (1923) and the Islamic democratic state theory of Hayes (2014). This research found the gradual implementation of Sharia in Aceh within the Indonesian democratic system. These constitutional ways were chosen to avoid the conflict between the Sharia and national legal and political systems. This, then, has led to the legalization of Sharia in the local and national political contestation. In the next phase, with the increasingly widespread Sharia rules and regulations on worship, criminal law, and economic law, Aceh can be called a small prototype of an Islamic state. With the significant historical, political, and social power, the roadmap of Sharia implementation in Aceh indicates a clear direction for the reflection of God's sovereignty as the foundation of the Islamic democratic state, even if it is in the local context.

Penerapan syariat Islam di Aceh dihadapkan pada pertanyaan krusial: apakah syariat Islam kompatibel dengan demokrasi sebagai sistem politik di Indonesia? Dengan semakin luasnya penerapan syariat Islam di Aceh akan mengancam eksistensi negara Indonesia? Artikel ini membahas fenomena perluasan syariat Islam yang dapat mengarah pada eksistensi negara Islam di Aceh. Studi ini menggunakan penelitian kualitatif. Data primer bersumber dari hasil wawancara kepada akademisi,

wartawan, aktivis lembaga swadaya masyarakat, anak-anak muda Aceh, dan *focused group discussion* dengan pimpinan Dinas Syariat Islam Propinsi Aceh. Data sekunder berasal dari dokumen sejarah, perundang-undangan, dan qanun di Aceh. Data yang terkumpul dianalisis dengan teori *legal history* Pound (1923) dan teori *Islamic democratic state* Hayes. Studi ini menemukan bahwa syariat Islam di Aceh diterapkan secara bertahap sebagai kontinuitas dari legislasi syariat Islam di masa awal kemerdekaan Indonesia. Jalan konstitusional ini dipilih agar penerapan syariat Islam di Aceh tidak bertentangan dengan sistem politik dan sistem hukum nasional. Pada tahap berikutnya, dengan semakin meluasnya pengaturan syariat Islam di Aceh yang mencakup bidang akidah, ibadah, hukum pidana Islam, dan hukum ekonomi syariah, Aceh dapat disebut sebagai prototype kecil negara Islam yang mengakomodasi sistem demokrasi. Dengan kekuatan sejarah, politik, dan sosial, roadmap penerapan syariat Islam di Aceh ini memberikan arah yang jelas pada cerminan kedaulatan Tuhan sebagai fondasi negara Islam yang demokratis, meskipun masih bersifat lokal.

Keywords: *Aceh; democracy; Islamic state; Sharia*

Introduction

The democratization of Sharia has become a trend in Muslim countries (Abdillah, 2022; Harnischfeger, 2008; Johnson and Sergie, 2014; Tibi, 2013). Even if many scholars doubt the compatibility between Sharia and democracy, some Muslim countries have shown the ability to legalize Sharia as part of their legal system within the democracy. Furthermore, Sharia is subject to democratic political procedures and mechanisms involving government, political parties, mass media, and society in establishing legal and political policies. Countries such as Indonesia, Pakistan, Malaysia, Egypt, and Tunisia have utilized a democratic system to legalize Sharia. This is implemented in Islamic states, such as Pakistan, and religious states, including Indonesia, Malaysia, Egypt, and Tunisia (Otto, 2010, pp. 26–48).

Commonly, the legalization of Sharia in the democratic system is directed at the implementation of Islamic criminal laws and Islamic government. Some Muslim countries have dedicated themselves to implementing Sharia in family and economic law. These two legal aspects are crucial parts of Muslims' aspirations. Some Western countries have placed Islamic family and economic law in their national legal system. For instance, the law in the United Kingdom has opened some opportunities for Islamic rituals and activities, such as a funeral, *qurban* (animal sacrifice), weddings, divorce, inheritance, and the accommodation of Islamic financial instruments. However, the country strictly refuses the implementation of Islamic criminal laws. This regulation is to maintain social cohesion in Europe, which

has been increasingly compartmented by religious identities (Berger, 2018; Bolaji, 2013; Johnson & Sergie, 2014).

Apart from Nigeria, which gives special autonomies to some of its northern regions to implement Sharia (Bolaji, 2013; Nmehielle, 2004; Ostien, 2007; Sanusi, 2007; Soares and Otayek, 2007; Suberu, 2009), Indonesia is another intriguing case to be studied as it has given Aceh an exclusive authority to implement the Sharia (Otto, 2010; Salim, 2015, pp. 1–23). After the stipulation of Aceh's special autonomy in 2001, the Sharia aspiration in Aceh has shown a tendency towards totality (Ichwan et al., 2020; Miller, 2010, p. 2). At the early stage, the legalized Sharia aspects included *'aqidah* (creed), *'ibādah* (worship), and Islamic propagation. However, the Sharia implementation has expanded to Islamic criminal law even though it attracts controversies nationally (Johnson & Sergie, 2014). Currently, the local government stipulates Sharia economic regulations and is formulizing Qanun (regulations) on family laws to complement Sharia implementation in Aceh.

The more comprehensive Sharia implementation is indivisible from Aceh's social, cultural, historical, and political atmosphere (Aspinall, 2007, pp. 6–10). The integration of these components has made the Sharia regime in Aceh acceptable to society. Even if there are still Sharia violations here and there, the people of Aceh continuously consider Islamic law to be a fundamental component of the province (Zada et al., 2022, pp. 412–433).

It is unsurprising if Aceh attracts attention from scholars from various disciplines, primarily political and legal scholars (Ichwan, 2007; Miller, 2004, pp. 331–351; Salim & Azra, 2003). Some of them argue that the Sharia is a solution to the prolonged conflict in Aceh (Ichwan et al., 2020; Miller, 2010; Salim & Azra, 2003); (Kersten, 2018, p. 6), isolating the Aceh Freedom Movement (Aspinall, 2007), and is used as a significant political commodity in the local level to achieve political power (Buehler, 2008; Bush, 2008; Miller & Feener, 2010). However, the expansion of Sharia implementation has not become a concern yet. However, those studies have not explored the trend of the totality of Sharia implementation in Aceh. This totality and comprehensiveness raise questions will Aceh turn into an Islamic state? (Syahnan et al., 2021). Taking into consideration, the fact that the application of Sharia in Aceh has included a variety of facets, which, in turn, would lead to the development of an Islamic governmental system. This paper discusses the utilization of democratic ways in

Sharia formalization in Aceh and the challenges faced by Aceh in becoming an Islamic state within the Indonesian democratic system.

Method

This empirical inquiry based on fieldwork in Aceh was conducted in Banda Aceh City, a strategic region in Aceh Province with relatively heterogeneous, dynamic, and cosmopolitan characteristics. The data of the research were collected by means of interviews, FGD, and documentation. The primary data were obtained through in depth-interviews with academics from universities, youth Muslims, journalists, and non-government organization activists. They were also collected by involving the Sharia Office leaders in Banda Aceh. Meanwhile, the secondary data were taken from various documents, such as laws and regulations, some of which are Law No. 44 of 1999 on the Implementation of Aceh Specialty; Law No. 18 of 2001 on the Special Autonomy of Nangroe Aceh Darussalam; Law No. 11 of 2006 on Aceh Government; and Regional Regulations/Qanun.

The data were analyzed using the legal history theory of Pound (Pound, 1923), in which the law is always addressed to meet the demand for change with the demand for the stability of the complexity of society. At this phase, the data were analyzed with the legal history theory to show the continuity or discontinuity of the implementation of Sharia in Aceh. This was also analyzed using Islamic democratic states (Hayes, 2014), in which the state has accommodated the procedural democracy to implement the Sharia as the reflection of God sovereignty. At this phase, the data were analyzed to show the legislation of Islamic principles implemented through the democratic mechanism.

Gradual and Constitutional Means

Laws in the perspective of legal history, principally, are fixed but need an adjustment for societal changes. (Pound, 1923) stated that in such a condition, there is a need for reconciliation between the demand for change and the demand for the unchanged law (stability). This is a significant recent development demonstrating the potential trajectories that the legislation reform will take (Hall et al., 2005). Its main point is legal continuity, although the shift in social function and political and economic systems is frequently

accompanied by social change (Mańko, 2017). The cultural and political context in society has forced the laws to be implemented at stages to continue the history that has previously occurred.

In the context of legislation, the Sharia implementation in Aceh is not instantaneously but gradually with the issuance of Qanun. There are phases determined in the Sharia implementation in Aceh. In the FGD with the leaders of the Sharia Office, they argued that Sharia implementation is maintained in stages. As one of the officers stated, “The Sharia in Aceh, it is implemented through a gradual process, slowly, and depending on the readiness of our people and government. If the people are ready, the government is prepared. After that, the process will move on to the Sharia implementation” (FGD, 2022).

Since 2000, the roadmap to Sharia implementation has been relatively clearer with the issuance of Qanun No. 11 of 2002 on the Sharia Implementation in the Area of Belief, Worship, and Islamic Propagation. This is, then, complemented by Qanun No. 8 of 2015 on the Cultivation and Protection of Belief. Various moral protection regulations, including the prohibition of alcoholic liquor, gambling, adultery, and rape, followed this. These are reflected in three qanuns: Qanun No. 12 of Liquor Prohibition and Alike; Qanun No. 13 of 2003 on the Prohibition of *Maisir*; and Qanun No. 14 of 2003 on the Prohibition of *Khalwat*. These three qanuns are included in Qanun No. 6 of 2014 on Islamic Criminal Law regulating alcoholic liquor, *maysir* (gambling), *kehalwah* (proximity between men and women), *ikhtilāf* (an act of intimacy between a man and a woman), adultery, *qadhaf* (accusing someone committing adultery), sexual assault, *linwāt* (homosexuality), *musāḥabah* (lesbianism), and rape. According to Nazar, a lecturer of UIN Ar-Raniry, Sharia should be expanded in accordance with the conduct of the people of Aceh, which has reached an emergency level and should be dealt with using Islamic criminal law (Nazar, 2022). Following this, the Islamic procedural law is regulated by Qanun No. 7 of 2013 on Islamic Criminal Procedures. The next phase is the issuance of Islamic economic regulations, such as Qanun No. 7 of 2004 on *Zakāb* Management; Qanun No. 10 of 2007 on *Bayt al-Māl* (Treasury House); Qanun No. 7 of 2016 on Halal Product Assurance System; and Qanun No. 11 of 2018 of Sharia Financial Institution. The legislation of Sharia is aimed at creating public benefits (*al-maṣāliḥ al-‘ammah*) – not simply as the law/punishment (Danial et al., 2022).

Table 1.
The Phases of Sharia Implementation in Aceh

No	Aspect	Qanun
1	Belief, Worship, and Islamic Propagation	Qanun No, 11 of 2002 on the Implementation of Sharia in the Area of Belief, Worship, and Islamic Propagation, complemented by Qanun No. 8 of 2015 on the Cultivation and Protection of Belief
2	Morality	Qanun No. 7 of 2013 on Islamic Criminal Procedures and Qanun No. 6 of 2014 on Criminal Law
3	Sharia Economy	Qanun No. 7 of 2004 on <i>Zakab</i> Management; Qanun No, 10 of 2007 on <i>Bayt al-Māl</i>
4	Authority Distribution	Qanun No. 7 of 2015 on Sharia-Related Authority Distribution between the Provincial Government of Aceh and Regional/ City Governments

Those Qanun issued by the provincial government as guidance for regencies and cities to regulate other aspects to be in line and compatible with the provincial Qanun. This is, notably, regulated by Qanun No. 7 of 2015 on the Sharia-Related Authority Distribution between the Provincial Government of Aceh and the Regency/ City Governments.

In addition to legal substances, the gradual Sharia implementation also occurs in the punishments. For instance, there has been no Qanun regulating the sentence for thieves. However, the government of Aceh has not implemented what is stipulated by the Quran for thieves, i.e., hand mutilation. Moreover, the government does not consider stoning for the perpetrators of *zīnā muḥṣan* (extramarital affairs/ adultery), as specified by the Quran. Rasyid, a lecturer at the Ar-Raniry State Islamic University, stated:

“Sharia should not be fully implemented (in the early stage). There is a need to educate the people. This means that if the Quran commands hand mutilation for a thief, we can choose not to implement it. This is because society will be paralyzed, and it does not solve the problem but trigger new ones. In Aceh, the adulterers are canded (according to the Qanun) and not stoned. Many people question which Sharia teaching allows that. And what is the foundation of such a sentence? For now, we do not need perfect Sharia as stipulated by the *naṣ* (Devine decree), but we will implement the Sharia gradually. As time goes by, the people may slowly accept the Sharia (Rasyid, 2022).

The choice to sentence the perpetrators of *zīnā muḥṣan* with canning is in line with the historical context around the debates during the formulation of Qanun on Islamic Criminal Law in the era of Irwandy Yusuf as the governor. At that time, the representatives of Aceh's government wanted the criminal law to be implemented gradually. This occurred during the Islamic Criminal Law drafting discussion at DPRA, led by Bahroom R. Rasyid from *Partai Persatuan Pembangunan* (PPP/Development Union Party) and Bustanul Arifin from *Partai Keadilan Sejahtera* (PKS/Prosperous Justice Party) as the secretary. On 14 September 2009, the representative of the Aceh government stood for the exclusion of stoning in the draft. The Aceh government ensured that the Islamic criminal law should be implemented step by step (Redaksi, 2013). The government's stance to refuse Islamic criminal law in the discussion of Qanun Jinayah drafting at DPRA is a part of the phasing in its implementation to avoid the conflict between the Qanun and the existing national criminal Act. The adultery mentioned in Article 284 of the Indonesian Criminal Act (KUHP) is only about extramarital affairs where one or both perpetrators are of legal marital status. They face imprisonment. Meanwhile, stoning is against the stipulation in the National Criminal Act.

In the history of the Aceh specialty, the gradual path of Sharia formalization is part of the history of Aceh during the peace negotiation between the Indonesian government and the Aceh people, led by Muhammad Daud Beureueh. The Indonesian government issued Keputusan Penguasa Perang or Warlord Decision No. KPTS/PEPERDA-061/3/1962 on the Wisdom of Implementing the Elements of Islamic Sharia for Its Adherents in the Special Region of Aceh. Indonesian Scholar Association (represented by Panitia Lima/Committee Five) viewed that the Decision reflected Aceh people's wills and belief that the Sharia to be implemented step by step (Ibrahimy, 1962).

The history of Sharia implementation in Aceh has shown stability (Pound, 1923), continuity (Mańko, 2017), and consistency of the Acehnese political struggle so that Sharia is implemented in stages. This choice is related to the readiness of the people to accept the Sharia. Moreover, the prolonged implementation of Western criminal law makes the people used to the system. The people have not been ready with the Sharia, particularly the comprehensive implementation of the criminal law. The phasing also ensures that the

Sharia in Aceh does not frontally contradict the national legal system. Therefore, Aceh has not implemented stoning for adultery, a death sentence for apostasy, and hand mutilation for thieves (Salma et al., 2022, pp. 83–110). The phasing in Sharia implementation is in line with the principle of *tadrij* (gradually/step by step) in forming Islamic law (Bek, 2008, p. 15).

The choice of gradual formalization of Sharia in Aceh has been maintained in the context of procedural constitutional democracy. The Sharia implementation in Aceh is within the landscape of national legal policy as stipulated in Pancasila (the Five Principles) and the Indonesian Constitution of 1945, accommodating Islam as one of the legal sources. The first principle of Pancasila is “Belief in one and only God”. This principle provides policy direction that religion is the soul of the constitutional system and national law. Based on these formal and material legal sources, religious law becomes part of the national legal system (Indrati, 1998, p. 39).

In this context, the Sharia in Aceh is regulated in the form of Qanun with two principles: it should not contradict the national law and can fill gaps in the national laws. For example, Qanun No. 6 of 2014 on Islamic Criminal Law is only applicable to Muslims and not to non-Muslims. Non-Muslims, who commit crimes alongside Muslims, can choose to submit themselves to the Qanun voluntarily. Furthermore, all aspects regulated in the Qanun Jinayah should be based on the mentioned principles.

Aceh towards an Islamic State?

The Islamic state fought for today has a particular political meaning that rejects the modern nation-state based on national sovereignty. The basis is that the Islamic state is always placed in a conception of God’s sovereignty, reflecting the implementation of God’s laws. In this case, the government plays a role in implementing God’s laws, i.e., Islamic laws (Hayes, 2014). Al-Maududi (1970) and al-Nabhani (2009) viewed the Islamic state as a manifestation of God’s sovereignty. However, the Islamic state cannot be avoided from the presence of a modern state implementing a democratic system. The Islamic State then compromises on procedural democracy. Hayes (2014) has shown that Islamic states today have accommodated a democratic system while implementing Islamic laws in a gradual way so that they no longer use rebellious ways. The Islamic states have turned into Islamic

democratic states that apply Islamic laws on the basis of procedural democracy - not as the Islamic states in the form of a caliphate.

The Sharia formalization in Aceh has not involved any rebellious ways, even though the rebellion was a part of Aceh history, especially during the era of Muhammad Daud Beureueh, who was coalesced with the Indonesian Islamic State led by S.M. Kartosuwiryo on 21 September 1953 (Ibrahimy,1962.). The proclamation declared by Beureueh was the declaration of the establishment of the Islamic State of Aceh and its separation from the Republic of Indonesia. In another place, the Indonesian Ulama Congress in Medan, under the leadership of Beureueh in 1953, decided to fight for the Republic of Indonesia to become the Islamic State of Indonesia. It is inevitable that the history of Sharia formalization involved a rebellious movement due to the Acehnese people's disappointment with the central government's policies towards Aceh (Din & Abubakar, 2021).

Unlike in the past, Aceh fights for Sharia with political and constitutional means nowadays. The democratic system in Indonesia enables Aceh to implement the Sharia without conflicting with the national political and legal system. Unlike Kuru (2022), who argues that Sharia has failed to provide public participation space and rational argument, Sharia in Aceh has followed the mechanism of national legislation requiring public participation as part of Indonesian democracy. Sharia in Aceh became democratic after being legislated in a participatory political system. This is possible because Sharia's discursive element allows it to be formalized by political aspirations and negotiations between community groups. Because the implementation of Sharia requires a state, Sharia will be connected with political alliances, economic interests, and local values. The argument of the incompatibility between Sharia and democracy does not occur in Aceh. However, what has happened in Aceh shows that Sharia is the product of a democratic political process with the involvement of the legislature, executive, and various social groups (Ikhwan, 2018).

Even though the application of Islamic law is carried out under constitutional democracy, the direction of Aceh towards an Islamic state is inevitable when Aceh has fully completed the roadmap for Sharia implementation. The comprehensiveness of Islamic law in Aceh can eventually lead to the implementation of an Islamic government system (Ichwan et al., 2020) or the principle of an Islamic state (Aam, 2022). The Islamic State is not merely a

political community with a Muslim majority but also the implementation of a Sharia-based legal system (Kamali, 1993, pp. 17-40; Safi, 1991, p. 227).

Armia, a lecturer of the Faculty of Sharia and Law of the Arraniry State Islamic University, believes that the Sharia implementation in Aceh leads toward a political system. He stated:

The Sharia is implemented gradually. It depends on what aspect it is seen. In the past, our concern is the criminal aspects, and now, we move to the economy. It is possible that in the past, we move to politics. If the Sharia has moved from criminal to economy, it means that we enter a (new) phase of Sharia. Even though the process is relatively long, there has been a shift from criminal law to welfare in Sharia (Armia, 2022).

As stated by Abubakar (2008), the roadmap for implementing Islamic law will lead to the full implementation of Islamic criminal law (*aḥkām al-jināyāt*) and Sharia economic law (*aḥkām al-mu‘āmalāt*). This is possible after the success in the implementation of Sharia in the aspects of worship, and Islamic propagation, strengthened with the elements of belief, Islamic criminal law, and Sharia economic law. Nevertheless, *aḥkām al-jināyāt* implemented in Aceh is still limited (Otto, 2010) to *ḥudūd* (punishment specified by Allah in the Quran) and *ta’zīr* (sentence given at the discretion of judges). The implemented *ḥudūd* offenses that have been put into effect include those involving alcoholic beverages, accusing someone of committing adultery, and immorality itself. Meanwhile, the comprehensive implementation of *qisās* (punishment reciprocal to the crime) and *ḥudūd* has not been regulated in Qanun Jinayah of Aceh. The crucial aspects of *ḥudūd* remain comprehensively unimplemented, such as theft, robbery, *bughab* (coup), and apostasy (Sodiqin, 2021; Sumardi et al., 2021) Islam integrates legal, moral, and spiritual aspects in its enforcement. The integration of these three aspects is clear in the philosophy of law, legal construction, and the determination of legal actions and sanctions. The purpose of this study is to examine the integration of these three aspects in forming a restorative justice model through the classification of authority (*ḥuqūq*). Likewise, this is also true for regulations related to the protection of human life, such as the prohibition of killing and ill-treatment or causing injuries (Abubakar, 2008).

Table 2.
Islamic Criminal Law Unregulated by the Qanun of Aceh

No	Aspects	Category
1	Theft	<i>ḥudūd</i>
2	Robbery	<i>ḥudūd</i>
3	Bughat	<i>ḥudūd</i>
4	Apostasy	<i>ḥudūd</i>
5	Murder	<i>qisās</i>
6	Causing Injury	<i>qisās</i>

Apart from that, the Sharia economic law was also implemented in Aceh with the enactment of Qanun on Islamic Financial Institutions No. 11 of 2018. This Qanun explicitly states that every financial institution in Aceh must carry out its operational activities in accordance with Sharia rules. The financial institutions referred to in this Qanun include banks, insurance companies, pawnshops, fiduciaries, and cooperatives. The consequence of this regulation is that every financial institution must convert into an Islamic financial institution. This Qanun emphasized the monopoly of Islamic finance in Aceh, forcing the non-Islamic financial system to stop operating in Aceh (Bukhori, 2022).

Regulations on worship (*aḥkām al-ʿibādah*), Islamic family law (*al-aḥwāl al-syakḥḥiyyah*), Islamic criminal law (*aḥkām al-jināyah*), and Sharia economic law (*aḥkām al-muʿāmalah*) coupled with the protection of the creed (*ʿaqīdah*) in a number of qanuns. In Aceh, political institutions, such as executive and legislative, still use the institutional system of democracy. This reflects Aceh's solemnity in implementing Islamic law. Thus, it is feasible that Aceh will be equipped with Islamic institutions as a state apparatus. The terminologies used also follow the modern political system. For example, the government is not changed into a caliph, imam/sultan, or amir. Changes in terminology are only limited to *Wilāyat al-Ḥisbah* (Sharia Police) (Hasni, 2020; Idris, 2018) and *Maḥkamah al-Sharʿiyyah* (Islamic Court) as a part of legislative and executive institutions. However, the dynamic of political institutions may shift into rigid Islamic political institutions, as in the past with the Islamic state system.

Inevitably, Aceh could become an Islamic region under the Indonesian state with special autonomy. Indonesia, as a democratic country, accepts Aceh as an Islamic democratic

region, enforcing all aspects of Sharia without exception. Aceh is different from other regions that follow the national legal system. However, Aceh becomes the prototype of a “government under God” or a government with a theocratic system (Johnson & Sergie, 2014; Quraishi-Landes, 2014). Unlike Saudi Arabia, which made Sharia a state law without democratic legislation, Aceh, part of Indonesia, is a “local government under Sharia”. Aceh implements Sharia in its territory. However, the formalization of Sharia cannot be interpreted as a desire to make Aceh as a prototype of an Islamic state (Mogahed & Abdo, 2006, pp. 1–3) or an Islamic democratic state (Hayes, 2014) but as an Islamic democratic region. In this context, Aceh becomes a region that applies Sharia while still being a part of Indonesia and within the national legal system.

As a prototype of a state implementing a broader Islamic law compared to others, Aceh can inspire other regions to demand similar autonomy. West Sumatera, for example, a region with a predominantly Muslim population, experienced a rebellion led by PRRI/The Revolutionary Government of the Republic of Indonesia (Fogg, 2012), making West Sumatera another potential prototype. West Java and South Sulawesi may follow this path, as they experienced almost similar rebellions of DI/TII (Feillard, 1991; Ricklefs, 1983). However, Aceh remains an exceptional case compared to other regions due to its long history of Sharia implementation in the province. Confrontational politics during the Soekarno and Suharto regimes and the social conditions of its religious people have given Aceh the constitutional right to apply Sharia.

Conclusion

The dynamics of Sharia implementation in Aceh cannot be separated from the issue of statehood linked to the national legal system. As a result of a political compromise, Islamic law in Aceh is implemented in stages, not all at once. Starting from the protection of faith, worship, and Islamic propagation, the application of Islamic law moves towards the implementation of Islamic criminal law and Sharia economic law. This choice is based on the consideration of community readiness and the intention to implement Islamic law within the framework of national law. This phenomenon is a continuity of the implementation of Sharia in the early period of Aceh in response to the independence of Indonesia. The

application of Islamic law within the context of Indonesia, as a democratic state, is adjusted to the law formation procedure (*siyāsah tasyrī'īyyah*) in the national legal and political system. This makes Sharia legislated in the local and national political constellations involving legislative and executive organs.

The expansion of Sharia implementation in Aceh, which has almost led to its totality, makes Aceh potentially become an Islamic state under a democratic system. The roadmap of Sharia implementation in Aceh, covering the fields of family law (*al-aḥwāl al-syakḥṣīyyah*), criminal law (*aḥkām al-jināyāt*), economic law (*aḥkām al-mu'āmalāt*), provides a clear direction for the existence of Islamic democratic state. From Indonesia's social and political context, Aceh is not the prototype of the Islamic state. Aceh will always be an Islamic democratic region implementing Islamic principles on the basis of procedural democracy in order to be a part of the constitutional political system of Indonesia. This enacted regulation implies that Islamic law in Aceh has become a law accepted by the people of Aceh and Indonesian society.

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