

Initiated a Policy Direction for the Qanun on the Principles of Islamic Law Which Contains the Protection of Endangered Animals in Order to Realize its Sustainability in Aceh, Indonesia

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Abstrak: Aceh is a province in Indonesia that applies Islamic law. On the other hand, Aceh also has a wealth of natural resources which are abundant in which there are protected rare animals. These rare animals become objects for hunting which are then sold on the black market. Islamic sharia in Aceh is only limited to human-human issues, even though Islam also regulates human-human relations. This research is qualitative research and the approach used is socio-legal. The Aceh government has the opportunity to expand the scope of the principles of Islamic law because it is supported by adequate regulations and institutions. The mandate of local regulations as well as the role of local institutions to support changes to the Basic Qanun of Islamic Law which contains the protection of endangered animals. There are two aspects in this research that support this idea, namely the juridical aspect and the second is the institutional aspect.

Key Word: Aceh, Islamic Sharia, Endangered Animals

Introduction

Aceh province, which is at the far western tip of the island of Sumatra, its people who have lived with strong Islamic values, show that Islamic law is an option in everyday life, which is codified for the involvement of local governments in sharia management Islam. Codification of Islamic law into regional regulations to realize legal certainty in the implementation of Islamic law in Aceh.

This codification is so that the Aceh government has the power of law in the implementation of Islamic law in the future. One of the efforts made was to form the Basic Qanun of Islamic Sharia.

The Main Qanun of Islamic Sharia is one of the qanuns that regulates matters relating to the implementation of Islamic law in Aceh, including in any areas that are regulated relating to the implementation of Islamic law in Aceh. Qanun The main points of Islamic law are qanuns that were born in 2014, which were later called Qanun Aceh Nomor 8 Tahun 2014 Tentang Pokok-Pokok Syariat Islam.

The scope of the regulation regarding the principles of Islamic sharia in this qanun is limited to only a few points regulated in Article 2 (two), namely: (1) Islamic Sharia covers all aspects of community life and apparatus in Aceh, the implementation of which includes: a. Aqidah; b. Sharia; and c. Morals. (2) Implementation of Islamic

Sharia in the field of Sharia as referred to in paragraph (1) letter b includes: a. worship; b. ahwal al-syakhshiyah (family law); c. muamalah (civil law); d. jinayat (criminal law); e. qadha '(judiciary); f. tarbiyah (education); and g. defense of Islam. (3) Implementation of Islamic Sharia in the field of Morals as referred to in paragraph (1) letter c includes: a. broadcast; and b. da'wah

One of the objectives of implementing the main qanuns of Islamic law is to implement Islamic law in a kaffah manner and to protect the environment, as mentioned in Chapter Two Article 3 (Three) of Aceh Qanun Number 8 of 2014 concerning the Principles of Islamic Sharia in Aceh.

When reading article 3 (three), the implementation of Islamic law in Aceh will enter all dimensions of Muslim community life which are then codified into statutory regulations at the regional level or Qanun in Aceh.

Etymologically, Islam means salvation while kaffah means complete or perfect without exception(K 2018;),Muhammad Ibnu Jarir At-Tabari in A. Rahman Ritonga defines that embracing Islam in kaffah is to form a strong faith to internalize Islamic teachings in all life activities, whether individual or group activities, which are vertical or horizontal, ukhrawi and worldly affairs, wherever and whenever.(Ritonga 2016; 1-2)

The simple definition or definition that has been explained in the previous paragraph is certainly not in line with the provisions or regulations in article 3 (three) which are regulated in Qanun Number 8 of 2014 concerning the Principles of Islamic Sharia. The reason is that the regulations mentioned in the qanun are only limited to very general arrangements in the implementation of Islamic law in Aceh, even though there are many other more urgent matters that must be tied and regulated by regional regulations in Aceh.

If Islamic law is limited only to matters of Akidah, Shari'ah and Morals, the definition of Islam will be narrower. Coupled with a breakdown or derivative of each scope of the main points of Islamic law, it is only limited to the groin of the thigh and deals more with individual matters and very less regulates public matters'(Sehat Ihsan Shadiqin 2010;23-24)particularly protection of the environment and endangered animals.

The problem in this research will be limited to the idea that the qanun on the principles of Islamic law should expand its coverage area to achieve a comprehensive regulation and implementation of Islamic law, including the issue of environmental protection and endangered animals in Aceh.

Literature Review Dynamics of Implementation of Islamic Sharia in Aceh

It is not known exactly who the original inhabitants were or the inhabitants who first inhabited the Aceh area, but Tahir Al Haddat in his book *Al-Madkhal ila Tarikh al-islam fi al-Syarq al-Aqsa* as quoted by Mutiara Fahmi in her book entitled *Aceh Turbulence In the Perspective Syari'at* mentions that a document was found in the Chinese kingdom which tells that in 518 AD, an envoy from the Puli kingdom, which was located on the tip of Sumatra Island, was divided into 136 regions where the kingdom adhered to Buddhism(Razali, 2013;11-12)which later Aceh became the kingdom of Aceh as the largest Islamic kingdom in Southeast Asia(Adan, 2013: 1)where customs and religion become one unified whole(Berutu 2016; Sari and Amri 2018).

Ali Akbar in Hasanuddin Yusuf Adan said that the origin of the entry and development of Islam in the Malay Archipelago was from Aceh(Adan, 2013; 17)before the entry of Islam into Aceh the Acehnese people were still subject to and obedient to the teachings of Hinduism(Adan, 2013; 29)

The implementation of Islamic Sharia in Aceh has a long history, which is influenced by Law and Politics in Aceh. Before the peace process in Helsinki, the Indonesian government and the Free Aceh Movement (GAM) had tried to negotiate. GAM and the Indonesian government under President Abdurrahman Wahid entered a negotiation process in January 2000 aimed at ending the conflict in Aceh. While the Indonesian government sees this dialogue as an alternative to its previous reliance on using a security approach to deal with violence in the province, GAM sees it as another tool in its struggle for independence. On 9 December 2002, the Cessation of Hostilities Agreement (COHA)(Satriya, Suwirta, and Santosa 2018; Schulze 2004) In 2005, the process of continuing peace efforts was mediated by the Crisis Management Initiative (CMI). led by former Finnish President Martti Ahtasaari. Martti Ahtasaari mediated using the formula that "nothing is agreed upon until everything is agreed upon," he asked the two parties to agree on the outline of a political formula before the ceasefire and the related security arrangements would take effect. The peace process ended with an MoU from both parties. Peace monitoring was much stronger, with the Aceh Monitoring Mission sponsored by the European Union and participating countries from ASEAN(Aspinall 2005; Schiller 2011; Siraprasiri 2017).

After the Helsinki MoU was issued, the province of Aceh was given Law Number 11 of 2006 concerning Aceh Governance and the implementation of Islamic law began to become evident. At the beginning of the application of Islamic law after natural disasters and conflicts, the people of Aceh were very enthusiastic about welcoming or witnessing the implementation of Islamic law in Aceh. However, this was later hurt by the presence of elements from Wilayatul Hisbah (WH) who violated Islamic law with their female friends, besides that there were also members of the gangs in Lhokseumawe City who were not whipped so that there was an impression in the lower class that the elite were never touched.(Ansari Hasyim, Irman I. Pangeran 2013; Widyanto 2013)This shows that there is no consistency in the implementation of Islamic law in Aceh, which has created public distrust for the government. Even though the implementation of Islamic law in Aceh is a shared responsibility between the Aceh government and the community, all processes must be carried out optimally to enforce the law (Syahrizal Abbas, Mujibburrahman 2014;65)So that from this it can be seen that Islamic law in Aceh is a measuring tool in conflict resolution in Aceh(Ramli 2010;22)

Challenges and controversies regarding the implementation of Islamic sharia in Aceh certainly arise from certain groups, in the book written by Syahrizal Abbas et al explaining that in a democratic country like Indonesia, criticism, and rejection of the implementation of Islamic law must exist both at home and abroad, especially if it has collided with Human rights(Fuady 2016; Syahrizal Abbas, Mujibburrahman 2014)even collided with issues of foreign policy, issues of not coming to Aceh by investors(Adan 2016;231-232).

The implementation of Islamic law in Aceh cannot work and can be carried out without a work unit whose function is to supervise. The sub-executive is known as Wilayatul Hisbah (WH). To carry out this oversight function the WH is not alone, but several other institutions are interrelated. In this system, the Islamic Sharia Service (DSI) performs a coordinating function in working with other large institutions involved in the application of Islamic law in Aceh: the Syari'yah Court (Mahkamah Syarriyah), the Ulama Consultative Council (MPU), and the Wilayatul Hisbah (WH)(Feener 2012;278-279)and Dinas Syariat Islam has deep roots in the implementation of Islamic law in Aceh(Muhibbuththabary 2010;2-3)

Asma Uddin in her writing*Religious Freedom Implications of Sharia Implementation in Aceh-Indonesia*as quoted in Muhammad Siddiq explaining the

important reason for the formation of Wilayatul Hisbah in Aceh for the implementation of Islamic law, the initial institutions were somewhat foreign to the government system and the law enforcement system was no exception. After the existence of Law Number 11 of 2006 Wilayatul Hisbah began to adapt and gain a place in the structure of law enforcement in Indonesia, especially in the Aceh government (Siddiq, Zulhilmi, and Makinara 2016;231)

According to Reza Indria, the implementation of Islamic law in Aceh, when reading studies on Islamic law, rarely discusses the reactions of the Acehnese people regarding the application of Islamic law. This has received comments from human rights NGOs which have been covered by national and foreign mass media (Dijk 2016;218)

The long explanation above shows that efforts to uphold and implement Islamic law have been made, but they are still dealing with the issue of jinayah violations and there is no effort to expand the scope of the implementation of Islamic law. It is only natural that many parties claim that the implementation of Islamic law in Aceh still regulates narrow issues, and the implementation of Islamic law has not been friendly to the environment and protection of endangered animals.

Methodology

This research uses qualitative research. To obtain primary data, the research also conducted interviews with Syahrizal Abbas who was the Head of the Aceh Sharia Service for the 2014-2019 period, and interviews were also conducted with the Head of the Aceh Sharia Islamic Service who was leading EMK. Alidar. To perfect this research, researchers also reviewed legal documents, namely regional regulations or qanuns relating to the principles of implementing Islamic law in Aceh. Tertiary data from internet sources.

Socio-legal research is in the realm of applied law and is interdisciplinary (Hakim 2016;108) which is not limited to text only, but also a deeper aspect (Dayan 2020;1-2) to be able to understand the discourse that was born in the community (Marusek 2020; 1-3). because sociolegal research is interdisciplinary, so this method is a variant of the marriage of the legal science method with the social science method (Irianto 1999), even research can also be carried out to address existing legal phenomena (Banakar and Travers 2005) The socio-legal perspective tends to emphasize three broad dimensions where the law is important to social life: regulatory, procedural, and constitutive (Edelman and Galanter 2015)

Result

Law Number 11 of 2006 concerning Aceh Governance provides more opportunities for the Aceh government to implement Islamic law. After the enactment of Law Number 11 of 2006 concerning the Aceh Government, many Aceh Qanuns relating to the implementation of Islamic Sharia was reformed and some were formed new Qanuns.

To realize the implementation of Islamic law without having to deny global progress, the implementation of Islamic law in Aceh must involve all sector lines, because the implementation of Islamic law in Aceh is part of the involvement of the state, in this case, the Aceh government so that the legitimacy of implementing Islamic law is a public participant. must be done seriously commitment and loyalty.

according to Rusjdi Ali Muhammad that the formulation of Islamic law in Aceh is influenced by three aspects, namely historical, socio-cultural and political, where these three aspects gave birth to a decision to implement the previous sharia in Aceh, then the

formulation of Islamic sharia is a necessity that is motivated by the background of the struggle. long history(Khairizzaman, 2011;9-10)

It seems that the implementation of Islamic law in Aceh has become a commodity and a means of selling for political purposes in Aceh. It must be realized whether or not the implementation of Islamic law becomes a stale thing to be carried out properly or for the better(Ramli 2010;21)

Legal reform regarding Islamic law cannot be separated from the active role of one of Aceh's special institutions, namely the Aceh Sharia Islamic Service. EMK. Alidar, the head of the Aceh Islamic Sharia Service for the period 2019-2023 said that if you look at the current conditions, there should be a lot of things that must be updated by Aceh's qanuns related to Islamic law in Aceh.

Continuing EMK's words. Alidar emphasized that if Islamic law is interpreted as Islamic laws relating to all lines of Muslim life, the current nuances that have not been accommodated in the qanun should be updated.

According to Syahrizal Abbas Qanun, the main principles of Islamic law are the initiative of the legislature, not from the executive. When it was proposed by the council to be discussed together, at that time I as the head of the Islamic sharia department had to respond, that this qanun deserves to be discussed together. Juridically, the existence of this qanun is indeed a requirement, even in terms of time this qanun must be born before another qanun is born, because this qanun is the master qanun.

The council and executives were late in understanding the Law on Governing Aceh. The logic of thinking is that the first discussed is to form the main qanun of Islamic law. Because this qanun is basic qanun like the Judicial Power Act. Furthermore, Syahrizal Abbas emphasized that because this qanun is the main qanun, this qanun only regulates, in general, it does not reach a specific stage such as regulating cybercrime.

This qanun only regulates general principles, henceforth specific arrangements are regulated in other qanuns, such as jinayah qanuns, sharia financial institution qanuns, and several other qanuns. So that in the future qanuns in Aceh must not be static, they must be dynamic. Laws in developing countries tend to be late from developed countries in responding to social symptoms, so that the regulations that are formed are always behind, as happened in Aceh where crime began to change to cybercrime but the regulations still have a long way to go.

Syahrizal Abbas continued, the interpretation of the environment, including the social environment, is not explicitly stated, if you want to develop it in that context, it can be developed in civil aspects. If you look at the aspect of environmental crime, it can be in the context of jinayah, it can be drawn into the realm of takzir, as the ulil amri authority, back to the environment, it is the co-ordination that can be punished again.

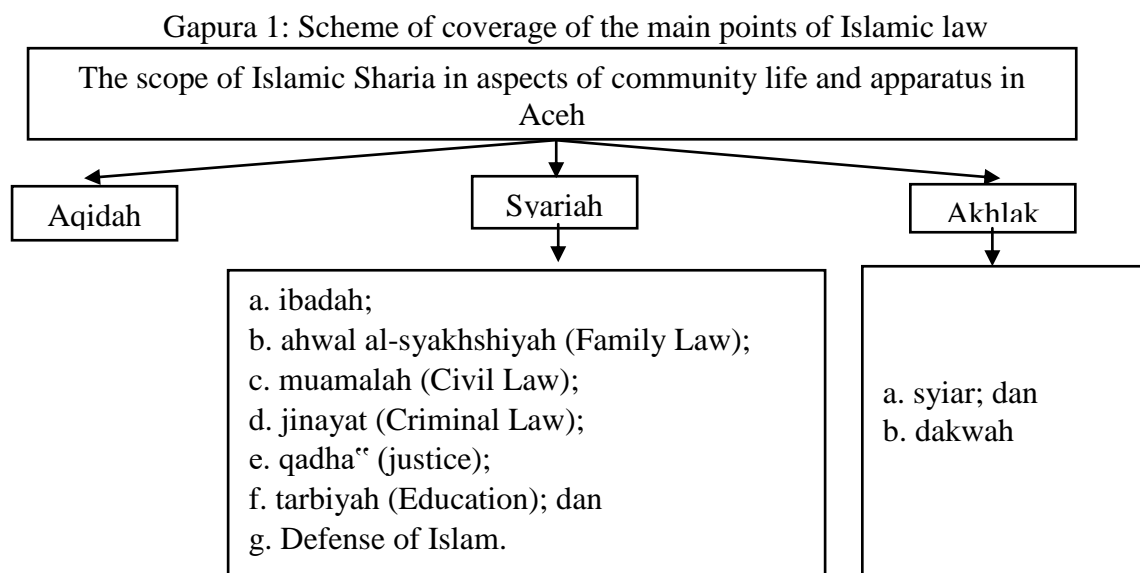
The explanation of the sources above is an interesting material to be used as a narrative of the objectives that the researcher wants to achieve, the two sources above prioritize reforms on aspects of technical qanuns, such as qanun jinayah which are considered irrelevant to current conditions and several other technical qanuns that are under the mandate of the Qanun. Number 8 of 2014 concerning the Principles of Islamic Sharia.

If so, the main qanun of Islamic law which is currently still dealing with the issue of sanctions and punishments, it is likely that other more urgent matters are considered not to be part of the implementation of Islamic law in Aceh.

Indeed, this research process is a bit difficult to locate matters that are not related to sanctions and punishments as part of the implementation of Islamic law in Aceh. One of the reasons is that since the enactment of Law Number 44 concerning the Special

Region of Aceh and the qanun under it, it does not mention and regulate environmental protection as part of the implementation of Islamic law.

Likewise with the enactment of Law Number 11 of 2006 concerning the Aceh Government. The implementation regulation regarding Islamic law is expressly stated to consist of only a few parts, and it does not include the protection of the environment and endangered species in Aceh. If the affirmation of the renewal of the principles of the implementation of Islamic law is only in the technical qanuns that are within the main scope of Islamic law, then the impression will be less elegant or less beautiful in the state.



Discussion

Tropical rainforest cover is decreasing, even though it is well known that tropical rainforests have abundant wealth. However, this forest area is rapidly decreasing due to being cleared for timber, agricultural land, and another land. Information like this can provide direction for forestry activities and other studies that focus on the impact of logging on the density and distribution of species in forest areas.(Meijaard et al. 2006;1-2)The same thing happened to tropical forest cover in Aceh, the day it is decreasing, in just one day Aceh's forest cover decreases by 21 hectares(Hanafiah 2020a)

Logging does not choose an area, even protected areas for endangered animals are also the target of logging, such as the Leuser Forest National Park (TNGL). Data from the Geographic Information System [GIS] of the Aceh Natural Forest and Environment Foundation [HAKA] shows, from 625,115 hectares of the Gunung Leuser National Park in Aceh Province, until December 2019 only 590,838 hectares remained. This means that TNGL has lost forest cover reaching 34,277 hectares(Hanafiah 2020c). this means that regulations have not been able to reduce illegal logging in Aceh.

The reduction in forest area means less protected areas for protected animals, indirectly impacting on the psychology of the animals which leads to conflicts between protected wild animals and humans. This rare animal is hunted and slaughtered because there are several factors, namely destroying people's gardens, such as the case in South Aceh Regency and the second is because of the economic factor where the skin that is preserved when sold becomes expensive, as happened in the Gayo Highlands(Jejak Pembantai Satwa Langka | TEMPO.CO - INVESTIGASI n.d.)and this increases every

year from January to July 2020 alone there have been 18 cases of wildlife conflict with humans and this figure has increased from 16 cases during 2019(Andriansyah 2020; Maulina 2010)

Two districts in the Gayo highlands, namely Bener Meriah and Aceh Tengah, are locations for hunting for endangered animals in Aceh(Yusuf 2021)From a joint patrol of the Police and the Ministry of Environment and Forestry, the perpetrators found a tiger skin complete with bones, 71 beaks of an ivory hornbill, and 28 kilograms of pangolin scales..(Hanafiah 2020b)The hunting of these rare animals does not stop, as long as the demand continues, so long as the hunting is carried out(Hanafiah 2019)

Islam requires every human being to earn a living to meet the necessities of life. To meet this need, some hunt forest animals, even without exception, rare animals are also hunted for trade. Islam in this case has set the restrictions in ethics with the environment. This includes the legitimacy of the ability of his people to hunt along with conditions. This is important to regulate because many humans depend on hunting(Al-Qardawi 1982;82)

If you look at the findings of this study, in essence, Islam does not only regulate the issue of crimes between humans and humans, or other violations that are considered to be part of Islamic crime or jinayah. So that arrangements regarding environmental protection also become a concern in Islamic law.

The Aceh government should be more astute to see the phenomenon of hunting this endangered animal. not without reason, because both national law, namely statutory regulations and Islamic law, have regulated restrictions on animal hunting.

To complete this part of the discussion, researchers started from several countries in Asia in the handling of endangered species hunting. Several countries in Asia such as Malaysia provide fines of RM 1 million and imprisonment of 15 even for these endangered animal hunters can be a life sentence or even death penalty, which is supported by the amendment Wildlife Conservation Act 2010 (Law 716)(Rufinaldo 2020)

Unlike the Republic of Korea. The protected areas of endangered species in the Republic of Korea are regulated in article 12 regarding first-class water catchments in ecological maps ala and article 13 regarding second-class catches in nature maps. This legal documentation is independent of the characteristics of the type of species and only establishes protected forest areas so that many protected animals spread and immigrate to the Republic of Korea. So that the handling of protection in the Republic of Korea requires special regulations that must be developed based on the type of species(Park, Park, and Borzée 2021;9-10)

Legal protection for animals in Japan is also lenient, this is due to the prevailing legal system, management practices. For example, the Law on the Protection of Wildlife in Japan is often criticized because the recording pattern is still inadequate and there is still leniency for those who oppose the protection of nature(Preble and Vincenot 2021)

Indonesia as a country that is rich in natural resources is also the target of hunting for endangered species. Regulations regarding the protection of animals have also been issued by the Government of Indonesia, Law Number 5 of 1990 concerning the Conservation of Living Natural Resources and their Ecosystems. To preserve nature and the environment and ecosystem, the Indonesian government issued several other laws and regulations: 1)Government Regulation Number 13 of 1994 concerning Hunting Animal Hunt. 2) Government Regulation Number 18 of 1994 concerning Exploitation of Nature Tourism in National Park Use Zones, Nature Tourism Parks and in Grand Forest Parks. 3)Government Regulation Number 68 of 1998 concerning Nature Reserve Areas and Nature Conservation Areas, 4)Law Number 16 of 2006

concerning agricultural, fishery and health extension systems 5) Law Number 32 of 2009 concerning Environmental Protection and Management 6) Law Number 41 Year 1999 regarding forestry.

Protection of animals is regulated in Aceh Qanun No.11 of 2019 concerning Wildlife Management. The definition of wild animal is all animals or animals that live on land, and / or in water, and / or in the air that still have wild characteristics, either those that live freely or are kept by humans. Article 2 (two) letter b of this qanun also emphasizes that wildlife management is based on Islam. Efforts to implement animal protection are beginning to appear by imposing sanctions for hunters of endangered species in Aceh, namely in the form of 100 lashes (Indonesia 2019; News 2019; Rachmawati 2019; Setyadi 2019), but qanun Number 11 of 2019 concerning Wildlife is not part of the Qanun on the Principles of Islamic Sharia.

The idea for reforming the main qanuns of Islamic law must be initiated by the Aceh Sharia Service, the obvious reason is that this institution is the Official Board in terms of implementing Islamic Sharia in Aceh. The Islamic Sharia Service in Aceh must think extra so that the implementation of Islamic law in Aceh is no longer talking about sanctions and punishments, but must look much deeper to achieve a comprehensive Islam. The second reason is that the Islamic Sharia Service can become an integrator to integrate Islamic law into all aspects of life, so what must be done is to expand the scope of the principles of Islamic law.

The idea of expanding the scope of the main points of Islamic law is divided into two groups of supporters

Apek Yudiris

In the qanun on the principles of Islamic law, it is stated that the application of Islamic law covers all aspects of the life of the Acehnese people. However, no scope regulates the application of Islamic law to guarantee the environment, in this study it is more on the aspect of endangered species. This is an opportunity for the Aceh government to consider this idea. whereas the aim of the implementation of Islamic law, one of which is to protect the environment

In Aceh Qanun No.11 of 2019, it is stated that the principle of protecting endangered species is one of the principles of Islam. This sentence provides an interpretation that the protection, supervision, and management of wildlife in Aceh means Islamic values.

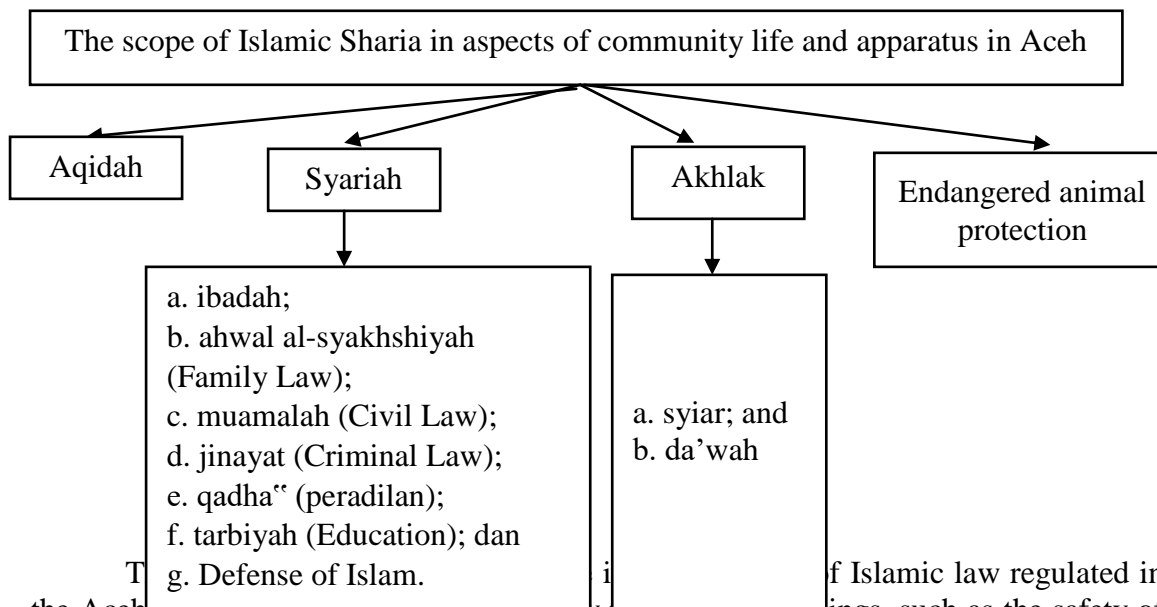
Institutional aspect

The institutional aspect is important in accommodating this idea. In this study, the Islamic Sharia Service becomes an important institution. The Islamic Sharia Service must think more broadly so that the implementation of Islamic law is not only about human affairs with humans, even humans with the environment and other living creatures also get the same attention. If the endangered animal continues to be hunted, its sustainability will become narrower, the forest, if it continues to be cut down, will result in the home of the rare animals that are lost, which at the end of which will destroy the people's garden land and in the end there is hunting, arresting and killing of these animals.

The implementation of Islamic law in Aceh has not reached the direction mentioned above, so controversy, rejection of the implementation of Islamic law is normal, because the government itself is demonstrating the narrow implementation of Islamic law in Aceh. whereas it is clearly stated in the qanun on the principles of Islamic sharia that the implementation of Islamic law touches all aspects of life, including protecting the environment as mandated by the Qanun on Principles of Islamic law.

Of the two qanuns mentioned above and added to the role of the integrator of the Islamic Sharia Service and coupled with a large number of hunting for endangered species, conflicts between animals such as tigers and elephants and humans in Aceh, should be a motivator for the Aceh government to expand the scope of the principles of Islamic law. . If this idea is taken into consideration, the implementation of Islamic law in Aceh will be an added value for the global community, that Islam in Aceh also cares for the environment and this is supported by specific local regulations regulating the protection of endangered species.

Gapura 2: The ideas offered in this research



The idea of expanding the scope of Islamic law regulated in the Aceh qanun is to provide legal certainty to other living things, such as the safety of endangered animals from being hunted and maintaining the balance of nature in Aceh. The emphasis of this research is that Islam is not limited to human regulation, because the implementation of Islamic law is for all aspects of life and the protection of all creatures.

Wallahu a'lam bishawab

Conclusion

The idea of expanding the scope set out in the qanun on the principles of Islamic law which contain the protection of endangered animals is to show that Islam is not just a matter of regulating humans with humans, but humans with other living environments. The constitutional aspect, in this case, is that the authority of the Aceh government has the opportunity to reform the Basic Qanun of Islamic Sharia so that it has a content of protection for endangered animals that are protected so that Islamic law in Aceh is more humane to the environment.

The Islamic Sharia Service is one of the official boards that can carry out these renewal ideas because the Islamic Sharia Service is an integrator whose role is to include all existing regulations in Aceh, its regulation cannot be separated from the principles of Islamic law in Aceh. The regulation of Islamic sharia in Aceh is expected to be based on the basic qanun of Islamic law which regulates general principles regarding the implementation of Islamic law. Therefore, Islam as *rahmatan lil'alamin* (compassion for the universe) should be a regulation on the protection of endangered species to be part of the scope of the principles of Islamic law.

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