

Overcoming Heretical Sects Through Fatwa of the Ulama Consultative Council and Qanun

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| Info Articles | Abstract |
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| <p>Article History Received : 2018-07-03 Revised: 2018-07-10 Published: 2018-07-30</p> <p>Keywords: <i>Qanun, Fatwa, deviant sect, Ulama Consultative Assembly</i></p> | <p>One of the social phenomena in the midst of religious life in Aceh is the emergence and development of deviant sect, This phenomenon is considered alarming because remembering Aceh is a region that is trying to implement Islamic law in every part of its life and is known as an area that has a strong Islamic culture in Acehnese society from ancient times, seeing this incident, the stakeholders in Aceh took steps to overcome it, one of them was by issuing qanun and fatwa, the efforts to deal with the two legal products were preventive, repressive, and curative. The purpose of this research is to find out the role of qanun set by the government in overcoming the criminal offenses of cults so that they can become social controllers on the issue of cults that developed in Aceh Province, Knowing the role of the fatwa stipulated by the Ulama Consultative Assembly in overcoming the crime of heretical sects so that they can become a social controller on the issue of cults which developed in Aceh Province. To find out the process carried out by the government in acting or punishing deviant sect. The method used in this study is qualitative, this study at the Islamic Syariat office of the city of Banda Aceh, the time of this research was carried out from march to December 2018. The results of this study state that efforts that synergize between qanun and fatwa in tackling cases of cults still need to be improved, so as to anticipate the growth and spread of cults, the forms of mitigation carried out are preventive, repressive and curative, but even so the handling process is in practice not yet maximal, still impressed incidental and running as a minimum, so that the potential for the same case to occur again.</p> |

I. INTRODUCTION

The Lamgapang community held a meeting in the meunasah on the instructions of the village officials, the discussion took place in a tapat is related to a deviant sect in the Lamgapang community, after holding a meeting, the community came to the GAFATAR (Gerakan Fajar Nusantara) office to seek information about the activities carried out by the group so far, the community's arrival at the GAFATAR office was escorted by law enforcement officers, upon arrival at the GAFATAR office, the community immediately conducted a raid in all the office rooms and found evidence and led 15 people suspected of being connected to the GAFATAR group to the meunasah for questioning and then

taken to the Banda Aceh Police Headquarters. Another example of a more serious case is what happened on November 16, 2012 in Jambo village in Plimbang sub-district, at least around 1500 residents were involved in an attack on a group of religious studies that were strongly suspected of having deviated from the main teachings of Islam, which resulted in three lives lost and 10 people injured, of the three victims who died, two of them died because they were burned alive, one of the two people who were burned was Tengku Aiyub Syakuban as the leader of the religious study group, one of the teachings that was opposed by the local community was that revelation came directly from Allah to Tengku Aiyub and the spirit

of the Prophet Muhammad was in Tengku Aiyub (Armia dkk, 2015).

The two examples of cases above are a form of weak supervision, control and attention of the government and religious figures regarding the shallowing of faith, in essence the social conditions of Acehese society are very thick with Islamic nuances, this is reflected in their traditional life which is very closely related to Islam, one of the Acehese proverbs says "Adat bak poteumeureuhom, hukom bak syiah kualah, qanun bak putroe phang, reusam bak laksamana" meaning that customary law is in the hands of government, and sharia law is under the authority of the ulama. The term "Veranda of Mecca" is also attached to Aceh Province, describing the Islamic nuances that are closely related to the land of Aceh.

However, the irony is that the strong Islamic nuances of the Acehese people are tarnished by deviations committed by several individuals, even though one of the demands of the Helsinki MOU from the Acehese people is the implementation of Islamic law in the joints of their lives, this is interesting to discuss about the factors that led to the emergence of deviant sects in Aceh Province, in general there are at least two main factors behind the emergence of deviant sects in Aceh, Internal factors, the low understanding of the people of Aceh Province towards Islamic teachings (Juhari Hasan, t.t). In addition, economic factors, poor people are easily tempted by material to join deviant sects, while from external factors, the attitude of the Acehese people who tend to be attracted to new ideologies that enter Aceh.

The impact of the emergence of a deviant sect is the emergence of unrest among the community, this public unrest can lead to anarchic attitudes shown by taking the law into one's own hands and ignoring the applicable legal regulations, not to mention the emergence of cases of the disappearance of relatives and

friends, deviant sects tend to foster corrupt understandings, making the community confused and doubtful about religious norms that have been widely understood so far.

In resolving the problem of deviant sects, the participation of the entire community is needed, especially the government and religious leaders. These two elements have a fairly large role in creating a harmonious and comfortable religious life. In general, deviant sects are the responsibility of the entire community. society, but specifically the government carries out the mandate set out in (Qanun Aceh, 2002).

Because the case of deviant sects is related to religious life, then certainly the ulama have a big role and responsibility in this matter, the ulama are an important factor in responding to the problems of the people, the role of the ulama is quite interesting to discuss and actual, fatwa is one proof that the ulama have a very strategic role in religious life in society, especially the Acehese people who have special laws applied in their area, the ulama have a role in various regional policy considerations, in maximizing the role of the ulama, an institution was formed that oversees the ulama, namely the MPU (Ulama Consultative Assembly), which is one of the important tools in organizing special rights in Aceh Province.

Since 2004, three years after the founding of the MPU, 17 problematic religious sects have been recorded. This figure is alarming, considering that Aceh Province is a province with a strong Islamic atmosphere. Therefore, the role of the government and religious scholars is needed to address these deviant sect cases.

II. RESEARCH METHODS

This study employs a normative legal research method using statutory and conceptual approaches. The statutory approach examines legal regulations related to the prevention of deviant sects in Aceh, including Qanun No. 11 of

2002, Qanun No. 8 of 2015, and the fatwas issued by the Aceh Ulama Consultative Assembly (MPU). Meanwhile, the conceptual approach is used to analyze the prevention of deviant sects from the perspectives of Islamic law, maqashid sharia, and criminal law policy. The legal materials used consist of primary, secondary, and tertiary legal sources obtained through library research. The collected data are analyzed qualitatively using a descriptive-analytical method to explain and evaluate the implementation of qanuns and MPU fatwas in addressing deviant sects in Aceh.

III. RESULTS AND DISCUSSION

A. Criteria and Legal Status of Deviant Sects According to the MPU Fatwa and Qanun

In determining whether a sect is worthy or not worthy of carrying out activities, the MPU sets 13 points as criteria or indicators, these criteria are the results of studies by scholars who are members of the Ulama Consultative Assembly, the basis for determining these criteria is the Koran, hadith, ijma, qiyas and the opinions of consummate scholars, each sect or understanding of religion Islam that forms an activity involving a group of people must be clear of the 13 points determined by the MPU, the following are the criteria:

- (1) Denying one of the 6 (six) pillars of faith, namely: a. Have faith in Allah, b. to the angel of God, c. Allah's books, d. Allah's Apostle, e. the afterlife and f. believe in qadha and qadar.
- (2) Denying one of the 5 (five) pillars of Islam, namely: a. say two sentences of the creed, b. perform the prayer, c. paying zakat, d. fasting in the month of Ramadan and d. go on a pilgrimage to Baitullah.
- (3) Believing in and following aqidah that is not in accordance with the Itiqad of Ahlussunnah waljamaah.
- (4) Belief in the revelation that came after the Koran.

- (5) Denying the purity of the Koran.
- (6) Interpreting the Koran is not based on the rules of the science of Tafsir.
- (7) Denying the position of hadith as a source of Islamic teachings.
- (8) Carrying out hadith narration is not based on the knowledge of Mustalah Hadith.
- (9) Insulting/harassing the Prophets/Apostles.
- (10) Denying the Prophet Muhammad as the last Prophet/Apostle.
- (11) Insulting/harassing the friends of the Prophet Muhammad.
- (12) Changing (adding/reducing) the points of worship that have been determined by the Sharia, such as making the Hajj instead of going to the Baitullah, praying not five times a day, and so on.
- (13) Infidelizing fellow Muslims without sharia arguments. 9.

The legal status of heretical sect cases is included in criminal offenses, this is stated in article 20 of Qanun No. 11 of 2002 and Qanun 8 of 2015 in the chapter on Uqubat. In the Qanun, the punishment imposed on adherents or spreaders of heretical sects who do not repent after the awareness process (istitabah) is to be subject to 'Uqubat ta'zir.

B. Forms of Combating Deviant Sects According to Qanun

In fact, a policy or effort to combat crime is one form of integral effort in community protection efforts (social defense). (Barda Nawawi, 2008). The form of handling cases of deviant sects by the government through qanun is by establishing qanuns that are directed at suppressing the emergence and spread of deviant sects in Aceh, qanuns that address the emergence of deviant sects have been established since 2002, qanuns are considered quite effective in addressing the problem of deviant sects in Aceh.

The form of preventive measures through government qanuns uses several approaches,

including educational approaches, da'wah approaches, social approaches, one of the qanuns that contains an educational aspect in dealing with deviant sects is the Qanun of Nanggroe Aceh Darussalam Province Number 11 of 2002 concerning the implementation of Islamic Sharia in the field of Islamic Faith, Worship and Propagation, which recommends that schools increase attention to religious studies (Qanun Aceh, 2002).

In addition to preventive measures, the qanun also regulates repressive countermeasures. In the qanun that was launched, there are repressive elements from the government's efforts through the qanun to overcome deviant sects, in the context of criminal accountability and community protection, when deviations occur or there are reports from the community about the existence of deviant sects, the repressive steps taken by the government to overcome problematic religious sects are investigations, then the investigation process, then prosecution, and then the resolution of the case.

The final step is recovery (curative), which means handling and guidance which essentially aims to re-understand the true teachings of Islam which will later be beneficial for the victims of deviant teachings so that they can repent and return to social life in society normally with a healthy and stress-free psychological state, this can be done by providing moral support, dialogue and showing emotional concern, in Qanun No. 8 of 2015 Article 19.

The steps taken through the qanun refer to the sharia, the spirit of overcoming deviant sects brought by the government through the qanun by prioritizing dialogue in accordance with the spirit contained in the sharia, as in the hadith which tells of the sending of the Prophet's companion named Muaz Bin Jabal to the People of the Book who were in Yemen (Abu Nuaim, 1996), recovery by prioritizing dialogue is very effective in improving

the understanding of a person or group who deviates, not with an authoritarian attitude and violent actions which will only worsen the situation and are far from solving the problem.

C. Forms of Combating Deviant Sects According to the MPU Fatwa

This form of preventive countermeasure is the initial task of the Ulema Consultative Assembly, in responding to the mandate of the Aceh Qanun, the Ulema Consultative Assembly issued a number of fatwas or official decisions of a preventive nature related to overcoming heretical teachings, the fatwas issued in dealing with the problem of deviant sects through several approaches such as approaches in the fields of education, preaching, and law.

There are several MPU Fatwas that contain repressive elements, the repressive attitude of the fatwa is to determine or establish Islamic law for adherents or spreaders of heretical sects, in determining the law for a religious sect, the MPU has a determination method which is stated in Chapter III of the Fatwa of the Nanggroe Aceh Darussalam Ulema Consultative Assembly Number: 04 of 2007 concerning Guidelines for Identifying Heretical Teachings, Decision of the Ulema Consultative Assembly (Fatwa MPU Aceh, 2007).

Finally, the form of countermeasures carried out by the MPU is curative (restorative). The goal of curative countermeasures is to restore the community that has been exposed to the influence of deviant sects. Although the fatwa is not legally binding, it can provide moral justification for *mustafti*. One of the fatwas that recommends efforts to recover from deviant sects is Point 3 (three) of the Fatwa of the Aceh Ulema Consultative Council Number: 5 of 2010 concerning Shallowing of Faith and Apostasy (Fatwa MPU Aceh, 2010).

If viewed according to the *maqashid sharia*, as we all know, Islam prioritizes the interests of humanity, all facilities, means and infrastructure

that lead to benefits are given serious attention, while everything that will damage the birth of benefits is avoided as far as possible, in general, human benefits are divided into three levels: Dharuriyyat, hajiyat, and tahsiniyyat (Syatibi, 2006).

Of the three levels of benefits, the highest level is the dharuriyat level, meaning that the dharuriyat level is one where the failure to realize the dharuriyat can threaten the existence of human life in this world and the hereafter. At this dharuriyyat level, there are five main objectives of establishing a sharia, namely maintaining religion (hifz din), maintaining the soul (hifdzu an-nafs), maintaining descendants, maintaining property, and maintaining reason.

The implementation of hifdzu an-nafs and hifz din in qanun and fatwa is the prohibition of spreading deviant sects, freezing of activities of sects suspected of being deviant, and appeals to the public not to behave anarchically.

There are differences between qanun and fatwa in dealing with deviant sects because qanun and fatwa each have different sources, characteristics and regional scope. Fatwas are issued by clerics and religious figures, while qanuns are issued by government officials from the legislative circles.

D. Implementation Countermeasures Flow Astray According to Qanun and Fatwa of MPU

In qanun there is authority government district/city to provide guidance to the community in the field of faith (Qanun No 8, 2015). The Ulama through fatwas also mandated the government to be serious in implementing all qanuns that have been passed since Islamic law was implemented in Aceh, including those concerning strengthening the faith in order to overcome the problem of deviant sects.

In this case, the Banda Aceh city government, through a mayoral regulation, has assigned the Islamic Sharia Office responsibility for handling

deviant sect cases, specifically the Aqidah Development Division. The Banda Aceh Islamic Sharia Office employs three approaches to combating deviant sects: preventive, repressive, and curative.

Preventive efforts to overcome the growth and spread of deviant sects are carried out by the Islamic Sharia Service by creating several programs that generally aim to provide education to the community, the program implemented is to form several Wilayatul Hisbah (WH) teams at the village level, this program was formed with the aim of conducting supervision or early identification of signs of the growth and spread of deviant sects at the village level, if this program runs effectively then the growth and spread of deviant sects can be immediately suppressed.

The next program was to hold a study of the Science of Tauhid, this study was intended to increase the understanding of the Acehese people regarding the beliefs they adhere to, but these programs were not intensive, only incidental, so they seemed not serious.

The repressive measures taken to combat deviant sects by the Islamic Sharia Service are to assist the courts in the process of implementing punishments for followers or spreaders of deviant sects in Aceh and to receive reports from residents regarding the existence of deviant sects in the area where they live. These reports from residents are collected by the Islamic Sharia Service before being acted upon.

Followed up by the police, in this case the community should not submit incident reports to the Islamic Sharia Service but to the local village head or sub-district head, but because this was not well socialized, the community took the initiative to report it to the Islamic Sharia Service on their own.

Meanwhile, the curative (recovery) steps taken by the Islamic Sharia Service are:

- 1) Rehabilitation. In this rehabilitation program, recovery for followers of the cult is carried out

in a special place, near the mountains, this program is carried out for 11 days.

- 2) Ruqyah. Recovery for some followers of heretical sects is carried out by means of ruqyah, the time for carrying out ruqyah is incidental, the place for carrying out ruqyah is the Islamic Sharia Service's prayer room and the ruqyah clinic which was built by Islamic Sharia Service officials personally.
- 3) Visit to the Shelter, some followers of deviant sects are placed in the Shelter with other residents who are infected with social diseases such as vagrants and punks, every Tuesday and Thursday the Islamic Sharia Service holds guidance at Shelter by sending speakers and motivators.
- 4) Sending preachers to prison, followers of deviant sects who are serving sentences also do not escape the attention of the Islamic Sharia Service, rehabilitation is carried out by sending preachers and preachers to prison to provide guidance.

In the recovery program there are several special materials that are delivered to recovery participants, the themes of the materials are delivered in the development and recovery program from heretical sects are Tazkiyatun Nafs, monotheism studies, and basic Islamic jurisprudence.

In the author's observation, both the qanuns issued by the government and the fatwas issued by the MPU are responses after several anarchic incidents occurred due to deviant sects. One of the factors that led to the emergence of anarchic actions that became the focus of public attention was the delay of the government and clerics in responding to and monitoring the movements of deviant sects that emerged and grew in society.

IV. CONCLUSION AND SUGGESTIONS

A. Conclusion

Islamic Sharia that is currently running in Banda Aceh City is one of the important points of

the agreement in Helsinki that must receive serious attention for the sake of national sovereignty and security, the issue of faith is an important agenda for the continuity of Islamic Sharia in Aceh Province, especially Banda Aceh City as the capital of the Province, therefore it is hoped that policy makers should be more responsive in paying attention to problems that disturb the faith of the Acehnese people, especially Banda Aceh City, because often the policies or regulations issued tend to be slow, so that obstacles occur in the field when the handling process, one of which is the problem of the growth and spread of deviant sects that disturb the comfort of community worship, regulations that have been formalized should be socialized optimally so that they are known and receive attention from the wider community.

B. Suggestion

Based on the findings, the Aceh government should strengthen preventive measures against deviant sects through continuous religious education, public awareness programs, and community guidance at all levels of society. Cooperation among the government, MPU, law enforcement agencies, and communities should also be improved to ensure early detection and effective handling of deviant sects while preventing social conflicts. Furthermore, recovery efforts for individuals influenced by deviant sects need to prioritize educational, psychological, and dialogue-based approaches to support successful social reintegration. Regular evaluation of the implementation of qanuns and MPU fatwas is also necessary to ensure that policies remain relevant and effective in protecting religious values while upholding justice and humanity.

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