

Research article

Implementation and Enforcement of Sharia Regional Regulation Problems in Cianjur Regency (Analysis of Regional Regulation No. 3 of 2006 concerning the Akhlaqul Karimah Community Movement)

Muhammad Roy Purwanto¹, Tamyiz Mukharrom², Edy Safitri³, Hamidullah Marazi⁴, Hajar Dewantoro⁵

^{1,2,3,5}University of Islam Indonesia, Indonesia

⁴Central University of Kashmir, India

ORCID

Muhammad Roy Purwanto: <https://orcid.org/0000-0003-4208-2836>

Abstract.

Sharia-Based Regional Regulations are Regional Regulations based on Islamic Sharia values formed and enforced in Cianjur Regency. The problem is how the forming process of sharia-based regional regulations in Cianjur Regency and whether the formation of sharia-based regional regulations in Cianjur Regency follows the previous law. This research is normative legal research using secondary data, which is analyzed qualitatively. This study found that first, the establishment of sharia-based regional regulations in Cianjur Regency was initiated by community aspirations that urge moral improvements and adhere to Islamic values in Cianjur Society. This aspiration became a declaration that is the Declaration on the Movement to Build an Akhlaqul Karimah Society supported by various elements of community organizations and the Cianjur Ulema Council. Second, the forming process of the draft regional regulation is implemented by preparing the Academic Draft of the Cianjur Regional Regulation on the Movement to Build an Akhlaqul Karimah Society. The stages of forming regional regulations were based on the provisions of the Cianjur Regency Regional Regulation No. 2 of 2001 concerning the Preparation of Regional Regulations and the Issuance of Regional Gazettes, which in the end was successfully ratified by Regional Regulation Number 3 of 2006 concerning the Movement to Build an Akhlaqul Karimah Society. Third, the content of the Gate of Marhamah Regional Regulations is a joint effort that is implemented systematically and continuously to practice the *akhlaqul karimah* values in the community's daily life which is a stage and an inseparable part of the long-term effort of the people of Cianjur Regency to implement and realize Islam as a rohmatan lil'alam religion. Fourth, the problems with the Gate of Marhamah Regional Regulation is implementation problems, discrimination problems, and quality problems of regulations in the Regional Regulations.

Keywords: Sharia Regional Regulations; Society; Akhlaqul Karimah

Corresponding Author:

Muhammad Roy Purwanto;

email: muhammadroy@uii.ac.id

Published 5 July 2022

Publishing services provided by
Knowledge E

© Muhammad Roy Purwanto et al. This article is distributed under the terms of the [Creative Commons Attribution License](#), which permits unrestricted use and redistribution provided that the original author and source are credited.

Selection and Peer-review under the responsibility of the ICASI Conference Committee.

OPEN ACCESS

1. Introduction

Since the enactment of Law No. 23 of 2014 concerning Regional Government as the implementation of regional autonomy, Regional Governments have broad authority in managing their regions. Because of this authority, the implementation of regional sharia regulations is rife in several regions in Indonesia. This regional regulation became known as the Islamic Sharia Regional Regulations. Regional regulations with sharia nuances, better known as “sharia” regulations, are legal products of local governments in several provinces, cities and districts in Indonesia inspired by sharia in Islam. Provincial and district/city mayors are given the freedom to shape public policies using this law, including sharia regulations issued in the hope of solving multi-dimensional problems [1]. The enactment of Law Number 32 of 2004 concerning Regional Government, regions are required to organize their government and manage their regions to accelerate the community welfare. The regional government has the right to issue various public policies for this purpose, provided that it is following the existing regulations and previous laws or the central government has decided. Law Number 32 of 2004 has resulted in fundamental changes concerning the relations between the central and the regional regulation in government administration, known as regional autonomy [2].

One thing that is interesting about the Sharia regulations in Indonesia is the Regional Regulation in Cianjur Regency. Cianjur Regency has ratified a regional regulation with a robust Islamic nuance called the Gate of Marhamah Regulation (Akhlakul Karimah Development Movement). In contrast, other sharia regulations keep using everyday words [3]. Another specific feature of the Gate of Marhamah is the only Sharia regulation that “overshadows” other Sharia regulations in Cianjur. In contrast, general Sharia regulations only regulate one part of social life, such as the existence of a *pekat* regional regulation (community disease), the Regent’s Decree regarding the use of the headscarf for Muslim women, and a local regulation regarding the prohibition or provision of a curfew for women outside the home in Padang and Tangerang. However, these regulations are not within ‘one complete umbrella’ of a regional regulation like Cianjur Regency [4]. Thus, studying the processes, actors, and events that initiate the Sharia Regulation No. 3 of 2006 concerning the Akhlaqul Karimah Community Movement is interesting.

2. Methodology

This research is normative legal research based on legal analysis and norms. The research object is legal norms Law Number 12 of 2011 concerning the Establishment of Legislation, Law Number 23 of 2014 concerning Regional Government, Cianjur Regency Regional Regulation Number 3 of 2006 concerning the Akhlaqul Karimah Community Movement, and other related regional regulations by the Cianjur Regency Regional Government. This research is descriptive research to describe complete characteristics or components of a particular situation, personal behavior, group behavior without hypotheses and obtain data concerning the relationship between a symptom and other symptoms.

3. Result and Discussion

3.1. The Establishment Process of Gate of Marhamah Regional Regulation

Based on political and geopolitical demographics, Cianjur is one of the regencies in West Java which has a robust Islamic nuance of life among its people. This is reasonably connected to its history, wherein around 1677 this area was opened and built by a *Waliyullah* [5]. The Islamic life is shown by the large number of Islamic boarding schools spread across the Cianjur area. Moreover, the high percentage of elites from boarding school circles is at the government and community organizations. The fact that about 99.23% of the population of Cianjur Regency is Moslems strengthens Cianjur's Muslim identity itself [6]. The rapid development of tourism such as the emergence of lodging and entertainment venues in Cianjur is considered a contributor to moral degradation that teaches metropolis life far from religious law (Islam). High levels of gambling and immoral practices such as prostitution are increasingly prevalent and are easy to access in this area. Thus, it is in stark contrast to the facts of Cianjur's Islamic identity. Those concerns generally arise among Islamic religious leaders in Cianjur, both from Islamic Boarding Schools, Ulema Councils, Islamic Community Organizations, and Non-Governmental Organizations. It raises a strong desire to return the moral goodness of the Cianjur Muslim community to the origin of Islamic Sharia [7].

At the beginning of the struggle to improve the morale of the Cianjur community only revolved around the Ulama group, MUI (Indonesian Ulema Council) and about 30 Islamic organizations in the area. They proved this seriousness by declaring a commitment to upholding Islamic law in a celebration of Islamic holidays that is the

commemoration of the Islamic New Year on 1 Muharram 1422 or March 26, 2001 [8]. This declaration is entitled the "Movement to Build *Akhlaqul Karimah*" abbreviated as the Gate of Marhamah. It turned out that this struggle did not just stop at the declarations made by the ulama, but it led to an idea to formalize the declaration or program in a regional regulation. The executive government of Cianjur, fronted by Wasidi-Dadang as the Regent and Deputy Regent of Cianjur for the 2001-2006 period, showed an accommodative attitude towards the demands for the formalization of the Gate of Marhamah. However, it did not necessarily indicate that similar support would be obtained from the Cianjur legislature. Since this issue was rolled out, the conflict between fellow members of the legislature and the legislature and the executive in the regency has become sharper in responding to the issue of formalizing Islamic sharia [9].

The strength of the formation of political parties which was not too worried by the supporters of the Gate of Marhamah formalization turned out to be reversed when the General Election was held in 2004. The presence of new political parties with various strengths such as the Democratic Party, a secular party, gave a significant color to the membership of DPRD Cianjur. The long lobbying process consuming not only energy but also money continues throughout the formalization process. Although this formalization conflict is still ongoing in the Cianjur, several policies that implement this *akhlakul karimah* development movement keep continuing. For example, Muslim clothing for school students and female employees among the government. Appeals accompany this provision of Muslim dress through leaflets and banners along the Cianjur main road. In addition, there is a policy of providing financial incentives to several Islamic boarding schools and Islamic organizations that support the implementation of this Islamic sharia program [10].

The Gate of Marhamah was ratified as a regional regulation by the elected regent of Cianjur Regency for the period 2006-2011, Tjeptjep Muchtar Soleh. This ratification became an absolute thing for the Regent because in 2006 the wave of demands from the ulama group led by the Cianjur Regency MUI was remarkably swift. Besides, the elected Regent's criticism that if the Gate of Marhamah was not immediately ratified, it proved that the new regent has no morals [11]. Unfortunately, when the Gate of Marhamah became regional regulations, the various policies made by the former Cianjur Regent as an implementation of the Gate of Marhamah regulation itself have been countered and weakened its power instead. This condition is in stark contrast when the Gate of Marhamah merely became an issue and discourse movement initiated by ulama and

accommodated by local governments. Women without headscarves are appearing in government agencies, as well as in public schools. [12]

The most obvious thing complained about by this movement was when the Gate of Marhamah was passed into a regional regulation. The incentives for facilitators who disseminated the substance of the regulation on the Gate of Marhamah to the community, gradually decreased since 2006. Then, until 2008 there was none because the Regional Budget of Cianjur Regency (APBD) had a deficit. The lack of consistency of the executive government in implementing the articles in the Gate of Marhamah Regional Regulations ultimately led to the assumption that the Gate of Marhamah Regional Regulations had irregularities in the process of its emergence. One of them is that the existing process of the Gate of Marhamah Regional Regulations is more a political agreement between the regent candidate and several council members when the executive leadership succession phase takes place in Cianjur [13]. It is not based on a complete and comprehensive aspiration of the Cianjur people, which is shown with the agreement of the DPRD Cianjur members. In addition, Tjetjep was obliged to ratify the Gate of Marhamah Regional Regulations due to pressure from the ulama groups and several council members. At that time, Tjetjep was accused of having no morals if he did not immediately ratify the regulation.

Furthermore, the initiation process for the formulation of this regional regulation did not involve all groups and communities in Cianjur. One of the women activists in Cianjur, currently a member of the DPRD Cianjur Regency, also mentioned the same thing. Although non-Muslims were involved in various discussions besides those held by LPPI, such as FKUB Cianjur, they were more listeners and did not have the courage and opportunity to state their objections. Non-Muslims and women are considered a minority group. They inevitably have to accept this regional regulation without verbally articulating their disagreements in front of the ulama, especially the Indonesian Ulema Council (MUI) of Cianjur Regency. Thus, discrimination emerges and develops in this minority group. Besides, some of those things referred to as things that make the presence of this regulation on the Gate of Marhamah are unnatural and lack legal force in its application. Moreover, it is supported by several factors, such as the lack of clarity of the substance in terms of who this regulation is for. In addition, there are no sanctions for moral values violations in *akhlakul karimah*. The following explains the description of the substance of the Gate of Marhamah regional regulation.

3.2. The Substance of the Gate of Marhamah Regional Regulations in Cianjur

In general, in the Gate of Marhamah Regional Regulation, the Gate of Marhamah is a "systematic and continuous joint effort to practice of akhlaqul karimah values in the daily life of the community which is a stage and an inseparable part of long-term efforts of the people of Cianjur to implement and realize Islam as a rohmatan lil'alamin religion" [14]. Furthermore, the moral principles of the strategic plan mentioned include three main areas: *first*, the field of human morality towards God. The point is that whatever a Muslim does must start from a commitment and awareness that there is no God but Allah. Second, the field of human morality towards others is the attitudes and behavior of a Moslem to others in all aspects of social life including governance morals, trade morals, political morals, preaching morals, traffic morals, and morals in other social fields. Third, the field of human morality towards nature and its environment. The main point is how a Muslim must behave and act towards the environment and its surroundings. It includes morals of cleanliness, security, discipline, beauty, comfort, and environmental preservation.

Those three aspects have explained what level akhlaqul karimah is applied at a glance. However, more closely and substantially, the explanation and indicators for each aspect have not been found. Moreover, even in the strategic plan guidebook published by LPPI (Institute for Islamic Studies and Development) Cianjur itself, the indicators described the characteristics of *akhlaqul karimah* are not accompanied by a substantial explanation of what must be guided in implementing the *akhlaqul karimah* [15]. Most of the characteristics outlined in the manual are interpretations of *aqidah* and normative values in Islam and are in the personal private space, such as (1) obeying Allah and Rasulullah SAW; (2) maintaining the family to obey and embrace Allah and His Messenger; (3) being patient to bear the obstacles in carrying out obligations; (4) being honest and correct; (5) being loyal and helpful to each other; and several other features [16]. The interpretation of the three aspects of *akhlaqul karimah* and its characteristics is relevant. However, according to one member of the DPRD Cianjur Regency, some of these characteristics indicators cannot be derived quickly and with measurable values [17].

3.3. Regional Sharia Regulations Problems in Cianjur

The formalization of Islamic sharia in several local legal products in Indonesia leaves a unique phenomenon to be studied, for example, in West Java Province, precisely in Cianjur Regency. Several problems that accompany the emergence of these Islamic-inspired local regulations, including the Gate of Marhamah Regional Regulation. The author notes three problems related to the existence of these local regulations. The first problem is concerning discrimination. Sharia regional regulations seem to discriminate against women and minority groups. The nationalist group and those who uphold Indonesian nationalism have always disapproved of this regional regulation. It is motivated by the notion that the presence of the Gate of Marhamah regional regulation threatens the integrity of NKRI. For them, specializing in regulating a particular religious group is not necessary. Indonesia was founded not only by the struggle of Islamic groups or one ethnic group. Therefore, it is intensely selfish when Islam is used for regional regulations [18].

The second problem is the quality of local regulations. Not a few of these local regulations are the "copy-paste" of similar articles or similar local regulations such as regional regulations on *zakat*. For example, Article 3 of the Padang Panjang City Regulation No. 7/2008 is similar to Article 3 of the Pesisir Selatan Regency Regulation No. 31/2003, and Article 4 of Padang Panjang City Regulation No. 7/2008 similar to Article 3 of the Regional Regulation of South Solok Regency No. 18/2006 [19]. The third is the issue of implementing sharia regulations. Until now, the implementation of sharia regulations is still a big question. As mentioned previously, there are very few, or even none, practical studies on the implementation of sharia regulations in Indonesia. The formalization of Islamic sharia into the content of the regional regulations is not only inconsistent with the constitutional principles of Indonesia as a democratic country. However, it is also considered not in the provisions of human rights because of its contrary to the human rights principles. The content material of Islamic sharia only refers to one religion, Islam. It contrasts with the non-discrimination principle and the equality principle. Implementing the Gate of Marhamah Regional Regulations in Cianjur has been running, but it is not optimal and even decreasing. Day by day, officials and the public feel "less enthusiastic" and less excited about implementing this regulation [20].

4. Conclusion

This study found that first, the establishment of sharia-based regional regulations in Cianjur Regency was initiated by the existence of urgent community aspirations for efforts to improve morals and adhere to Islamic values in the Cianjur Society. This aspiration was then formulated as a declaration called the Declaration on the Movement to Build a Moral Society supported by various elements of organizations and the Cianjur Ulema Council. Second, forming the regional regulation draft is implemented by preparing the Academic Draft of the Cianjur Regency Regional Regulation on the Movement to Build a Community with Akhlaqul Karimah. The stages of forming regional regulations were based on the provisions of the Cianjur Regency Regional Regulation No. 2 of 2001 concerning the Preparation of Regional Regulations and the Issuance of Regional Gazettes, which in the end was successfully ratified by Regional Regulation Number 3 of 2006 concerning the Movement for Development of the Karimah Community. Third, the Gate of Marhamah Regional Regulations' content is a joint effort organized systematically and continuously to practice the *akhlaqul karimah* values in daily life. It becomes a stage and an inseparable part of the long-term effort of the Cianjur people to implement and actualize Islam as *rohmatan lil'alam* religion. Fourth, the problems in the Gate of Marhamah Regional Regulation are implementation problems, discrimination problems, and problems with the quality of regulations in the Regional Regulations.

5. Acknowledgment

This research was supported and funded by Kemdikbudristek, Number: 013/ST-DirDPPM/70/DPPM/PDUPT-Kemdikbudristek/VII/2021 and Faculty of Islamic Studies, Universitas Islam Indonesia. We also would like to send our gratitude to our participants who are willing to join this research.

References

- [1] Muhammad Roy Purwanto, at.al, "Problems of Implementation of Islamic Criminal Law (Qanun Jinayah) In Aceh Darussalam Province", *Review Of International Geographical Education*, 11 (9), Spring, 2021, 1755.
- [2] Muhammad Alim, "Perda Bernuansa Syariah Dan Hubungannya Dengan Konstitusi", *Jurnal Hukum*, No. 1, Vol. 17. 2010. Pp. 137 - 139

- [3] Hayatun Na'imah dan Bahjatun Mardhiah, "Perda Berbasis Syariah Dan Hubungan Negara-Agama Dalam Perspektif Pancasila", *MAZAHIB: Jurnal Pemikiran Hukum Islam*, Vol XV, No. 2, 2016. Pp. 153-160
- [4] Mahdi Syihab, "Shari'a Enforcement: Ethnography of Dayah Santri Raid Actions in North Aceh", in Arskal Salim and Adlin Sila (ed.), *The Changing Veranda of Mecca*, (Jakarta: Pustaka Alvabet and ARTI, 2010), 58.
- [5] Cianjur Regency Profile, www.cianjurkab.go.id. Accessed on 5 Juni 2020.
- [6] *Ibid*,
- [7] *Ibid*,
- [8] *Ibid*,
- [9] *Ibid*
- [10] Interview with A, a lecturer in Cianjur Regency
- [11] Interview with Mrs. TF, Cianjur citizen.
- [12] Interview with wife of STAI Cianjur Lecturer.
- [13] Cianjur Regional Regulation No. 03 pf 2006 concerning the movement to Build Akhlaqul Karimah Community.
- [14] *Ibid*
- [15] *Rencana Strategis Mewujudkan Masyarakat Cianjur: Sugih Mukti Tur Islami*. 2002. Cianjur : LPPI Cianjur. This book mentions 36 characteristics of *akhlaqul karimah*.
- [16] Ali Fikri, "Penerapan Perda Syariah dan Respon Gereja di Kabupaten Pemekasan", *Skripsi*, Yogyakarta: Universitas Islam Negeri Sunan Kalijaga, 2009.
- [17] Tongat, *Criminal Life in the Indonesian Criminal Law System*, (Malang: UMM Pres, 2004), 58.
- [18] Mahdi, , "Legal System for Enforcement of Qanun Jinayah in Aceh", *Media Syariah*, Vol. XIII No. 2.. (2011)
- [19] Barda Nawawi Arief, *Comparative Criminal Law Lecture Material*, (Semarang: Master of Law, Diponegoro University, tt)..
- [20] Armia Ibrahim, "Legal Process against Violations of Islamic Sharia Qanun". Material 192 | *Sharia Media*, Vol. XIII No. 2 July – December 2011 Briefing of Islamic Sharia Qanuns for Ulama/Women Leaders in Banda Aceh City. April 27-28.