

# DYNAMICS OF DAYAH ULAMA'S THOUGHTS ON THE LANGSA CITY QANUN REGARDING ENTERTAINMENT MANAGEMENT

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**Abstract:** The aim of this study is to discuss the dynamics of the understanding of *dayah* scholars towards *Qanun* Number 3 of 2016 concerning the Implementation of Entertainment in Langsa City. *Qanun* was born as a response to public anxiety about the phenomenon of mushrooming entertainment venues and sources of violence among the people of Langsa city. However, what particularly interesting is whether this *qanun* is accepted by all segments of society, especially by *dayah* or Acehnese *ulama*. This study is empirical juridical research. The data collection techniques used in this study were interviews and documentation. Meanwhile, the analysis technique employed is descriptive. This research is conducted in Langsa City, where the Islamization movement is strongly embedded in public spaces and governance. The informants of this research included *dayah* scholars, chairpersons or members of the Ulema Consultative Assembly (MPU) Langsa city, as well as residents of Langsa city. An important finding of this study is the differing views among *dayah* scholars on the *qanun* issued by the Langsa City government, particularly *Qanun* Number 3 of 2016 regarding the implementation of entertainment in Langsa City. Some scholars approve and support the *qanun*, while others do not support or see a need for it. The influence of *dayah ulama* on *Qanun* Number 3 of 2016 is significant and has support from the people of Langsa city. Consequently, the opinions or fatwas expressed by *dayah ulama* in the community are considered authoritative and must be followed.

**Keywords:** dynamics; thought; *dayah ulama*; *qanun*; entertainment

**Abstrak:** Studi ini bertujuan membahas tentang dinamika pemahaman ulama dayah terhadap *Qanun* Nomor 3 Tahun 2016 Tentang Penyelenggaraan Hiburan di Kota Langsa. *Qonun* ini lahir sebagai respon dari kegelisahan masyarakat terhadap fenomena menjamurnya tempat tempat hiburan dan sumber kemaksiatan ditengah tengah masyarakat kota Langsa. Namun yang menarik, apakah *qonun* ini diterima oleh semua kalangan masyarakat terutama oleh para dayah atau ulama Aceh. Studi ini adalah penelitian yuridis empiris. Teknik pengumpulan data yang digunakan dalam penelitian ini adalah teknik wawancara dan dokumentasi. Sedangkan teknik analisa yang digunakan adalah teknik deskriptif analisis. Penelitian ini berlokasi di kota Langsa karena di kota langsa ini gerakan Islamisasi tumbuh kuat dalam ruang publik dan juga dalam tata pemerintahan. Informan penelitian ini berasal dari ulama-ulama dayah, ketua atau anggota Majelis Permusyawaratan Ulama (MPU) kota Langsa, serta warga masyarakat kota Langsa. Temuan penting dalam penelitian ini adalah telah terjadinya perbedaan pandangan ulama dayah terhadap *qanun* yang dikeluarkan oleh pemerintah kota Langsa khususnya *Qanun* Nomor 3 Kota Langsa Tahun 2016 tentang penyelenggaraan hiburan di Kota Langsa yaitu ada yang menyetujui dan mendukung, ada yang tidak mendukung dan tidak perlu adanya *qanun* tersebut. Pengaruh ulama dayah terhadap *Qanun* Nomor 3 tahun 2016 sangat besar dan mendapat dukungan dari dari masyarakat Kota Langsa sehingga apa yang dikatakan ulama dayah dalam masyarakat merupakan sebuah fatwa atau pendapat yang harus diikuti.

**Kata kunci:** dinamika; pemikiran; ulama dayah; *qanun*; hiburan

## Introduction

When Islamic sharia *qanuns* began to be compiled in Aceh, generally the scholars were very passionated about accepting the legalization

of Islamic sharia, eventhough it had various tones and styles.<sup>1</sup> They have high hopes that Islamic

<sup>1</sup> J.M. Yusuf and N. Yuslem, "Acehnese Dayah Ulama's

sharia, as its basic concept, will be able to bring benefit and mercy to life.<sup>2</sup> Carrying out Islamic law signifies the servant's obedience to the commands of Allah Almighty. Therefore, scholars hope to implement Islamic sharia as a form of servitude to Allah Almighty, reflected in statecraft, societal governance, and social interactions.

Although granting the right to implement Islamic law was initially a political interest<sup>3</sup>, *ulama* (religious scholar) believe that the Acehnese people should leverage this political atmosphere as an opportunity for bringing mercy. This follows the basic principles of Islamic sharia itself: to bring mercy and benefit to humanity. Islamic sharia is presented by Allah to the surface of the earth to regulate human life that can have a harmonious relationship with their creator, can regulate harmonious relations between fellow humans, and can regulate a balanced relationship with the surrounding nature is not something scary.<sup>4</sup>

Therefore, it is essential to formulate *qanuns* that effectively manage life, recognizing human as a noble creatures of God, full of his worth and dignity, in charge of managing the earth. Thus, the Islamic sharia in question can elevate the dignity of Muslims and safeguard human life from physical, material, and spiritual perspectives. Islamic sharia applied in Aceh will be outlined in the *qanuns* of Islamic law; therefore, the perfection of the rules in applying Islamic sharia has something to do with the perfection of Islamic sharia *qanuns*. In

Response to the Use of 'Urf in Istinbath of Fiqh Law from Islam Nusantara," *Al-Istinbath: Jurnal Hukum Islam*, vol. 8, no. 1 (2023), pp. 291–306, <https://doi.org/10.29240/jhi.v8i1.5732>.

<sup>2</sup> Ahyar Ahyar, "Aspek Hukum Pelaksanaan *Qanun* Jinayah Di Provinsi Aceh," *Jurnal Penelitian Hukum De Jure*, vol. 17, no. 2 (June 15, 2017), pp. 131–54, <https://doi.org/10.30641/dejure.2017.V17.131-154>.

<sup>3</sup> Ahmad Rusyaid Idris, Muhammad Khusaini, and Syaiful Anwar Al-Mansyuri, "Contemporary Islamic Law in Indonesia: The Fulfillment of Child Custody Rights in Divorce Cases Caused by Early Marriage," *MILRev: Metro Islamic Law Review*, vol. 3, no. 1 (April 4, 2024), pp. 1–21, <https://doi.org/10.32332/milrev.v3i1.8907>.

<sup>4</sup> Bambang Antariksa, "Kedudukan *Qanun* Aceh Ditinjau Dari Aspek Sejarah, Pengaturan, Fungsi, Dan Materi Muatan *Qanun*," *JURNAL ILMIAH ADVOKASI*, vol. 5, no. 1 (March 15, 2017), pp. 17–33, <https://doi.org/10.36987/jiad.v5i1.317>.

addition, scholars also choose the *qanun* material that is related to cultural and community customs that are in line and line with Islamic teachings so that when there is a network of aspirations from various elements of society, there is an in-depth study of the cultural customs of the community both written and unwritten.<sup>5</sup>

Such conditions can be observed in Langsa city, one of the cities in Aceh Tamiang. The dynamics of the *ulama* were evident during the formulation of Langsa Qanun Number 3 of 2016 concerning the Implementation of Entertainment. This *qanun* caused various responses and views in favour of this *qanun* and those who rejected it.<sup>6</sup> Research on the availability of entertainment in Aceh Tamiang has been conducted before, such as research by Kahar Muzakir Ismail, entitled "Prohibition of Nightlife in Karang Baru District, Aceh Tamiang Regency After Forkompimda Circular Letter in Maqashid Sharia Review." An important finding of this study is the state of nightlife in Karang Baru. Before the circular letter, it was common to have keyboard performances that lasted late into the night. Satpol PP and WH are involved in taking firm action when violations of the Forkompimda circular occur. Five main elements must be maintained and represented at the *maqashid sharia* level: religion, soul, reason, offspring, and property. The purpose of banning night entertainment is to uphold the Islamic faith and protect the mind from harmful influences, such as alcohol, marijuana, methamphetamine, and other substances that impair brain function and lead to a loss of sound judgment. Then, maintain offspring so that adultery does not occur during keyboard events, especially if it reaches late at night.<sup>7</sup>

Another research was conducted by Rusnawati and Sri Ningsih, entitled "Socialization of Local

<sup>5</sup> Nyak Fadhlullah, "Metode Perumusan *Qanun* Jinayah Aceh: Kajian Terhadap Pasal 33 tentang Zina," *IN RIGHT: Jurnal Agama dan Hak Azasi Manusia*, vol. 7, no. 1 (December 11, 2017), <https://doi.org/10.14421/inright.v7i1.1456>.

<sup>6</sup> Personal Interview, 2023.

<sup>7</sup> Kahar Muzakir Ismail, "Larangan Hiburan Malam di Kecamatan Karang Baru Kabupaten Aceh Tamiang Pasca Surat Edaran Forkompimda dalam Tinjauan Maqashid Syari'ah," *lentera*, vol. 3, no. 2 (2021), pp. 143–55, <https://doi.org/10.32505/lentera.v3i2.3537>.

People About Tourism *Qanun* to Foreign Tourists in Lhoknga Aceh Besar." The findings of this study show that the community utilizes personal communication strategies, group communication, as well as verbal and non-verbal communication for socialization. The first obstacle local communities face is the lack of socialization and information about tourism *qanun* from the Tourism Office and the Aceh Besar Islamic Sharia Office, and many people understand foreign languages, especially English.<sup>8</sup>

According to previous researches, it can be seen that the object of study of the researches are different, although there is a similarity that examines the rules of organizing entertainment. The novelty of this study lies in analyzing the perspectives of several dayah scholars in Langsa city regarding Qanun Number 3 of 2016, which pertains to the implementation of entertainment. Some scholars agree with the *qanun*, while others disagree. There are several points, but the material used in this research are like Bilyard's house, Karaoke and Internet Cafe (Internet Cafe).

## Method

This study is empirical juridical research, or field research, which examines applicable legal provisions and what happens in reality in society.<sup>9</sup> The data collection techniques used were interview and documentation techniques. meanwhile, the analysis technique used is descriptive analysis technique, which is a research process that is systematic and objective, namely by collecting data, evaluating, interpreting, and systematizing evidence to process the data in obtaining authentic and relevant conclusions to the problem under study through a qualitative problem approach.<sup>10</sup>

<sup>8</sup> Rusnawati Rusnawati and Sri Ningsih, "Sosialisasi Masyarakat Lokal Tentang *Qanun* Pariwisata Terhadap Wisatawan Asing Di Lhoknga Aceh Besar," *JURNAL HURRIAH: Jurnal Evaluasi Pendidikan Dan Penelitian*, vol. 2, no. 1 (March 31, 2021), pp. 27-37, <https://doi.org/10.56806/jh.v2i1.12>.

<sup>9</sup> Suharsimi Arikunto, *Prosedur Penelitian Suatu Pendekatan Praktek*, (Jakarta: Rineka Cipta, 2012).

<sup>10</sup> Sugiyono, *Metode Penelitian Kuantitatif, Kualitatif, Dan R&D*, (Alfabeta, 2013).

in the previous step of qualitative data analysis, classification, verification, and interpretation are performed gradually until conclusions about the observed socio-cultural phenomena and patterns are drawn.

This research was conducted in Langsa city where the Islamization movement grows strong in public spaces and also in governance; for the data needs of this research, researchers will visit *dayah* scholars and the Langsa City office of the Ulema Consultative Assembly (MPU), some of them are scholars from Langsa city who become chairman or members of the MPU Langsa City, so that the data can be obtained either through interviews or documentation.

## Results and Discussion

### Langsa City Profile

Langsa city is an area that emerged from the expansion of East Aceh regency; previously, the status of Langsa city was an administrative city based on Government Regulation Number 64 of 1991 concerning establishing an administrative town. On June 21, 2001, with Law Number 3 of 2001, Langsa Administrative City became Langsa city.<sup>11</sup> The total population of Langsa city in 2021, released by the Langsa City Statistics Center are 192,630.<sup>12</sup>

When it comes to religion, Islam is the majority religion of the people of Langsa city, especially the Acehnese people. Islamic law is a guideline for the people of Langsa city in their daily lives. However, the people of Langsa city are diverse in their religious beliefs and demonstrate a high level of tolerance. The Langsa city is also an area with various tribes, not only Acehnese, but also other tribes. The most dominant are Acehnese, Malay, Javanese, Batak, and Thionghoa tribes. The language commonly used is Acehnese, but

<sup>11</sup> "Kota Langsa," in *Wikipedia bahasa Indonesia, ensiklopedia bebas*, February 1, 2024, [https://id.wikipedia.org/w/index.php?title=Kota\\_Langsa&oldid=25252094](https://id.wikipedia.org/w/index.php?title=Kota_Langsa&oldid=25252094).

<sup>12</sup> "Badan Pusat Statistik Kota Langsa," accessed February 21, 2024, <https://langsakota.bps.go.id/indicator/12/94/1/jumlah-penduduk-dan-rumah-tangga-kota-langsa-.html>.

Indonesian remains a colloquial language. Thus, it can be concluded that the heterogeneous life of the community caused socio-religious conditions in Langsa city is different from other cities in Aceh. This is not surprising that Langsa city is the cultural and social centre of the eastern region of Aceh.<sup>13</sup>

### The Role of *Dayah Ulama* in Acehnese Society Langsa City

*Ulama* with *dayah* in Aceh cannot be separated because *dayah* produced qualified scholars in their respective fields.<sup>14</sup> *Dayah*, at the beginning of its birth, became the only major educational institution that taught various types of knowledge to the *santri*, so through the *dayah* institution has produced to many *teungku* or scholars in multiple disciplines, Islam is known throughout the world.<sup>15</sup>

During the period of the sultanate, the cleric served as an advisor to the king. The *Ulama's* fatwas had a significant role behind the Glory of Aceh in the past. *Ulama* also played an active role in warfare as strategists, and even Acehnese *ulama* are believed to have an inner dimension known for their teachings in Sufism. Past scholars also played an important role in the era of Sulthaniah (queen of Aceh). They made *ulama* as an advisor, making Aceh still respected and strong for generations. This fact makes *ulama* has a vital role in society because *ulama* has existed and even become history itself.<sup>16</sup>

<sup>13</sup> Yogi Febrandi, "Interpretasi Agama Dalam Rutinitas Keseharian Masyarakat Kota Langsa," *Aceh Anthropological Journal*, vol. 2, no. 1 (April 30, 2018), pp. 116–38, <https://doi.org/10.29103/aaaj.v2i1.1150>.

<sup>14</sup> Syamsuar et al., "Settlement Of Islamic Sharia Violations In The Perspective Of Teungku Dayah And Local Wisdom Values On The West Coast Of Aceh," *Jurnal Ilmiah Peuradeun*, vol. 11, no. 3 (2023), pp. 985–1004, <https://doi.org/10.26811/peuradeun.v11i3.995>.

<sup>15</sup> Mursyidin Ar-Rahmany, "Ulama Dan Dayah Dalam Nomeklatur Masyarakat Aceh," *Jurnal Inovasi Penelitian*, vol. 2, no. 12 (April 29, 2022), pp. 4101–22, <https://doi.org/10.47492/jip.v2i12.1509>.

<sup>16</sup> Syarifah Faradiba, Muhammad Muhammad, and Endang Ekowati, "Peran Ulama Dayah Dalam Pembinaan Aqidah Umat Islam Di Desa Sampoimah Kabupaten Aceh Timur," *Al-Hikmah: Jurnal Theosofi Dan Peradaban Islam*, vol. 4, no. 2 (December

The mention of *dayah ulama* is also often referred to by the term "*Teungku Dayah*".<sup>17</sup> In practice, *teungku* also holds the titles of *guru ngaji*, *ustadz* and *ustdzah* in Aceh. *Teungku* is always involved in various community activities. *Teungku dayah* is increasingly growing in Aceh by the spirit of the Acehnese people, who like to build *pesantren* and recitation when they graduate from *dayah* school. Usually, when a student is considered capable and worthy, they get a mandate (diploma) from their teacher. The mandate is a form of trust given to the student, allowing them to establish their own version in their home region.<sup>18</sup>

*Dayah* in Aceh plays a significant role and even becomes the oldest institution because it has existed since the kingdom era.<sup>19</sup> These kind of educational institutions in Java known as *pesantren*; in Padang, it called *surau*, while in Malaysia and Pattani (Thailand), it called *Pondok*. The name *dayah* itself is taken from the Arabic "*zawiyyah*". The term "*zawiyyah*," literally meaning angle, believed to be the place used by the Holy Prophet to teach lessons to the Companions at the beginning of Islam. In medieval times, the word *zawiyyah* was understood as the centre of religion and Sufi life, and the habit was to spend time overseas.<sup>20</sup>

In Acehnese society, the word *dayah* is also often pronounced by Acehnese people with the greeting "*deah*," especially in the people of Aceh Besar. Although *dayah* is considered the same as

21, 2022), <https://doi.org/10.51900/alhikmah.v4i2.14705>.

<sup>17</sup> A. Sofanudin et al., "Islamism In Dayah: Shafi'iyah, Hanbaliyah, And Popular Islam," *Jurnal Ilmiah Islam Futura*, vol. 23, no. 2 (2023), pp. 283–302, <https://doi.org/10.22373/jiif.v23i2.17527>.

<sup>18</sup> Syafieh Syafieh, Muhamini Muhamini, and Suhaili Syufyan, "Authority and Ulama In Aceh: The Role of Dayah Ulama In Contemporary Aceh Religious Practices," *Jurnal Theologia*, vol. 33, no. 2 (December 16, 2022), pp. 151–78, <https://doi.org/10.21580/teo.2022.33.2.13455>.

<sup>19</sup> Syarifuddin, "Islamic Plurality In The Perspectives Of Ulama Dayah In Aceh," *Jurnal Ilmiah Peuradeun*, vol. 9, no. 3 (2021), pp. 567–86, <https://doi.org/10.26811/peuradeun.v9i3.583>.

<sup>20</sup> Zikriati Zikriati, "Pendidikan Dan Pandangan Ulama Dayah Terhadap Larangan Perempuan Beraktifitas Di Luar Rumah," *Education Enthusiast: Jurnal Pendidikan Dan Keguruan*, vol. 2, no. 3 (2022), pp. 114–22.

*pesantren* or *surau*, the institution is different, at least in the background of its origin. *Pesantren* existed before Islam came to Indonesia.<sup>21</sup>

### The Position of Dayah Ulama in the formation of the Aceh Qanun

Historically, the origin of *qanun* began in the days of the first Aceh Islamic kingdom; the role and influence of the *ulama* have been significant since the arrival of Islam in Aceh, marking its entry into the archipelago and Southeast Asia. The *Ulama*'s role as the sultan's mufti, and fatwas issued by the *ulama* are quite influential in policy-making cannot be separated from the sharia. Sharia is the lifeblood of the Acehnese people. It is indisputable that the *ulama* is a person who understands and practices the sharia.<sup>22</sup>

The *ulama* played an important role and were directly involved in the creation of *qanuns*. During that time, scholars actively worked to design and formalize Islamic sharia *qanuns* based on Islamic law. In this case, at least scholars were invited and asked for their responses to the form and content of the *qanun* to have the spirit of the sharia, and even the *ulama* themselves have the draft *qanun*.<sup>23</sup> For the preparation and making of *qanun*, experts must be directly involved so that the *qanun* is not far from the main purpose of implementing Islamic law in Aceh.<sup>24</sup>

Hafifuddin explained several stages of *ulama* involvement in Islamic sharia *qanun* legislation in Aceh. *First*, *Ulama* directly involved in arranging the draft *qanun* of Islamic sharia in Aceh, both

as a companion to the draft *qanun* made by the government and by the *ulama*. *Second*, *Ulama* provides input and advice in arranging the *qanun* of Islamic sharia in Aceh. *Ulama* is a person who provides feedback on thoughts, suggestions, and proposals in the refinement of the draft *qanun* sharia, both made by the government and by the legislative assembly. *Third*, *Ulama* were asked for responses and suggestions as well. *Ulama* were asked about their thoughts by the legislative assembly as part of establishing the *qanun*. *Fourth*, the *Ulama* encouraged the government to legislate the *qanun* of Islamic sharia as needed.<sup>25</sup>

### Implementation of Qanun Langsa City Number 3 of 2016 Concerning Entertainment Organizers

There are many problems in the implementation of entertainment in Langsa city, such as damage to the environment either around the entertainment business or Langsa city in general, disruption of the community in worship, loss of morals of the youth, and damage to the environment (*bi'ah*) caused by the waste generated by these entertainment businesses.<sup>26</sup> Also, *qanun* is a legal provision that applies to society and is used for the benefit of society. *Qanun* is not only a rule for worship, but also includes aspects of *hablun minan nas* among human beings applied by the government. In Acehnese society, referring to a legal rule or naming a custom as *qanun* has become a common practice in Acehnese culture. *Qanun* usually contains the rules of Islamic sharia that adapt to Acehnese customs. The function of the *qanun* is the same as regional regulations.<sup>27</sup>

<sup>21</sup> Muntasir Muntasir, Iskandar Zulkarnaen, and Bimby Hidayat, "Dayah, Ulama dan Perubahan Sosial di Aceh," *JPP Jurnal Politik dan Pemerintahan*, vol. 8, no. 1 (June 29, 2023), pp. 1-11.

<sup>22</sup> Nufiar Nufiar, "Qanun: Tata Cara Pembuatan Qanun: Catatan Terhadap Praktek Pekerjaan Qanun Aceh," *Jurnal Tahqiqa : Jurnal Ilmiah Pemikiran Hukum Islam*, vol. 9, no. 1 (January 20, 2015), pp. 62-71, <https://doi.org/10.61393/tahqiqa.v9i1.143>.

<sup>23</sup> H. Hanafiah, "Dayah Collectively as a Social Movement," *International Journal of Human Rights in Healthcare*, vol. 11, no. 1 (2018), pp. 56-64, <https://doi.org/10.1108/IJHRH-08-2017-0034>.

<sup>24</sup> Jum Anggriani, "Kedudukan Qanun Dalam Sistem Pemerintahan Daerah Dan Mekanisme Pengawasannya," *Jurnal Hukum IUS QUIA IUSTUM*, vol. 18, no. 3 (August 2, 2011), pp. 320-35, <https://doi.org/10.20885/iustum.vol18.iss3.art2>.

<sup>25</sup> Robby Irhamna, "Politik Hukum Pembentukan Qanun Aceh Nomor 6 Tahun 2014 Tentang Hukum Jinayat," *Brawijaya Law Student Journal*, November 1, 2017, <http://hukum.studentjournal.ub.ac.id/index.php/hukum/article/view/2615>.

<sup>26</sup> Ratna Gustina, "Strategi Dakwah Wilayatul Hisbah Dalam Pelaksanaan Pengawasan Syari'at Islam Di Kota Langsa," *Tadabbur: Jurnal Peradaban Islam*, vol. 1, no. 1 (April 15, 2019), pp. 63-85, <https://doi.org/10.22373/tadabbur.v1i1.11>.

<sup>27</sup> Junaidi Junaidi, Muhammad Rusdi Bin Muhammadiah, and Muhamad Muhamad, "Revitalisasi Penerapan Qanun Nomor 6 Tahun 2014 Tentang Hukum Jinayat Di Kota Langsa Aceh," *Al-Manahij: Jurnal Kajian Hukum Islam*, vol. 14, no. 1 (June 2, 2020), pp. 147-60, <https://doi.org/10.24090/mnh.v14i1.3261>.

The Points of Langsa City *Qanun* Number 3 of 2016 Concerning the Implementation of Entertainment are provided in the following table:

No	Article	Important Point
1	Article 7	<p>(1) Entertainment license holders are required to:</p> <ul style="list-style-type: none"> <li>a. wearing Islamic clothing;</li> <li>b. maintaining cleanliness, order, and security;</li> <li>c. prevent the use of entertainment venues for activities that can disturb public security and order, abuse of narcotics and illegal drugs, and those that violate decency;</li> <li>d. prevent environmental damage or pollution;</li> </ul> <p>(2) Entertainment organizer license holders are prohibited:</p> <ul style="list-style-type: none"> <li>a. move entertainment venues;</li> <li>b. organizing Entertainment other than those stipulated in the permit;</li> <li>c. conduct its business close to places of worship, schools, and other places that may cause unrest in the community;</li> <li>d. staging Entertainment that does not follow Islamic law;</li> <li>e. interfere with worship activities at prayer times;</li> <li>f. employment of underage workers;</li> <li>g. accept high school / vocational students who carry out industrial work practices (Parker) except high schools / vocational schools that have school curriculum study programs; and</li> <li>h. receive visitors who wear school uniforms and dress immodestly.</li> </ul>
2	Article 10	<p>Any person or entity that violates the licensing provisions may be subject to administrative sanctions in the form of:</p> <ul style="list-style-type: none"> <li>a. written warnings;</li> <li>b. suspension of temporary permits; and</li> <li>c. Revocation of License.</li> </ul>

Source: Author's reinterpretation

In this case, the Langsa city government implemented a policy to regulate business activities in the entertainment sector within the city. This policy is in the form of regional regulations or *Qanun* Langsa City number 3 of 2016 concerning implementing entertainment. It is hoped that this *qanun* can overcome the growing entertainment-related issues in Langsa city. The policies of the Langsa City Government mentioned in the Langsa City *Qanun* Number 3 of 2016 concerning the implementation of Entertainment in Langsa City has several important points, including:<sup>28</sup>

### **Dayah Ulama's View on the *Qanun* of Langsa City Number 3 of 2016**

The establishment of the *Qanun* of Langsa City Number 3 of 2016 concerning the implementation of Entertainment in Langsa City follows the concept

of legislation and has been carried out following existing regulations; in the formation of *qanun* they have gone through 5 stages, start from the planning, drafting, discussion, determination and the last is the invitation stage.<sup>29</sup> However, there are still aspects of the *qanun* formation process in Langsa City that have not been fully optimized.

*Qanun* Langsa City Number 3 of 2016 concerning the Implementation of Entertainment in Langsa City, The focus of this study encompasses all types of performances, games, or gatherings, regardless of their name or form, that are enjoyed by the public, particularly billiard house games, karaoke, and internet cafes. The intended billiard house is a business that provides a place and facilities to play billiards as a basic business and can be equipped with food and drink services. Then karaoke is a business

<sup>28</sup> JDIH Provinsi Aceh, "Peraturan Daerah Nomor 3 Tahun 2016," accessed February 21, 2024, <https://jdih.acehprov.go.id/>.

<sup>29</sup> Ansarullah Ansarullah, Purnama Eddy, and Efendi Efendi, "Kepastian Hukum Program Legislasi Kabupaten/Kotaterhadap Pembangunan Hukum Di Daerah," *Jurnal Suara Hukum*, vol. 4, no. 2 (2022), pp. 408-34, <https://doi.org/10.26740/jsh.v4n2.p408-434>.

that provides services for singing accompanied by musical instruments and food and drink services with or without song guides. meanwhile internet cafes, is the type of the business that provides internet services to the general public.<sup>30</sup> At the same time, other types of entertainment in the *qanun* do not exist in Langsa city even though the *qanun* mentioned several types that included in the category of entertainment because in making and issuing a legal product regulation, it must be adhere to the guidelines for the process of creating Indonesian legislation.

According to the results of an interview with Tgk. Salahuddin Muhammad, S.Ud, led by dayah Bustanul Malikussaleh, also the chairman<sup>31</sup> of the Ulema Consultative Assembly (MPU) Langsa City , supported this *Qanun*, he deeply regret that in the formation of the *qanun*, there was no involvement of *ulama* elements, either incorporated in the MPU or *dayah* institutions, to facilitate the functioning of regional government. In fact, considering Law No. 44 of 1999 concerning the implementation of the privileges of the province of the Special Region of Aceh, which put *ulama* in an honorable role in society, nation, and state life. For example, scholars in Aceh have a special place in providing views, suggestions, and inputs to establish a policy. Aceh *Qanun* Number 13 of 2017 concerning Procedures for Granting Consideration to the Ulema Consultative Assembly, stated that the Ulema Consultative Assembly in the future, abbreviated as MPU, is the Aceh Ulema Consultative Assembly, and the District/City Ulema Consultative Assembly. The Aceh Ulema Consultative Assembly in the future, referred to MPU Aceh, is an assembly whose members consist of Muslim scholars and scholars who are partners of the Government of Aceh and the DPRA and the District/City Ulema Consultative Assembly in the future referred to

as the District/City MPU is an assembly whose members consist of Muslim scholars and scholars who are partners of the Regency/City Government and the DPRK. From the understanding of the contents of the *qanun*, We can understand that the MPU, or *ulama*, serves as a partner to the Aceh government and local districts/cities, consisting of *ulama* and Muslim scholars from Aceh and its towns/ districts, which at the same time MPU is a unifying forum for Acehnese scholars who are independent and partners of the Government of Aceh can determine fatwas that are taken into consideration for government policies. Likewise, When considering the functions of the MPU institution where its function is following article 139 of Law Number 11 of 2006 concerning the Government of Aceh, the MPU functions to determine its fatwa, it can be one of the government's considerations in issuing local government policies in the fields of governance, development, the development of its society and its economy. Furthermore, article 4 of Aceh *Qanun* Number 2 of 2009 concerning MPU also stated that MPU functions to provide considerations and advice or guidance to local governments in the socio-cultural and community fields based on Islamic teachings.

Abana as the chairman of the Dayah Aceh Ulema Association (HUDA) Langsa City and also the leader of Dayah Futuhul Muarif Al 'Aziziyah Langsa City (Tgk. Murdani Muhammad), emphasized that *Amar Ma'ruf Nahi Mungkar* must be present in the formation of *Qanun* in Aceh, Given that Aceh is a region that upholds Islamic law, it must be present in every aspect of life in Aceh. The chairman of HUDA Langsa also added that the formation of *qanun* must follow the name *qanun*, which is a legal provision based on *fiqh* obtained through *ijtihad ulama* or *fuqaha'*, which serves as a rule or law for a particular region. Moreover, this must involve scholars in its formation. Meanwhile, in the formation of the Langsa City *Qanun* Number 3 of 2016, there was no involvement in the formation of the *Qanun*. In terms of the integrity of the *Qanun* of Langsa City Number 3 of 2016, this is very crucial for the sake of cleaning Langsa city from

<sup>30</sup> *Qanun* Kota Langsa number 3 of 2016 article 1 (10) and (17).

<sup>31</sup> Tgk. Shalahuddin Muhammad, Director of Dayah Bustanul Malikussaleh Gampong Birem Puntong Kec. Langsa Baro-Kota Langsa and head of MPU Kota Langsa, Personal Interview at Langsa, 2023.

gambling and the violence caused by Entertainment that invites violence and gambling, which is clearly prohibited in Islam.<sup>32</sup>

The leader of Dayah Hiyadhul 'Ulum Al 'Aziziyyah Tgk. Muhammad Yusuf said that he strongly supports the publication of *qanun* Langsa City Number 3 of 2016 so that the entertainment in Langsa city remains in the line of Islamic law and away from things caused the immoral acts, which is very clear immoral acts violate Islamic law, and far from Islamic values and could certainly cause discomfort to the people of Langsa city.<sup>33</sup>

### **Dayah Ulama's Rejection of Qonun Langsa City Number 3 of 2016**

The intention behind the creation of Qanun Langsa City Number 3 in 2016 was not approved by the dayah scholars in Langsa City. A small number of them sharply criticized this *qanun*, including the following points:

Tgk. Dr. T. Wildan MA, Chairman of Dayah Raudhatul Jannah, argued differently from the opinion that previous scholars of Langsa city had given:

"Talking about *qanun* or *Perda*, then we must look at the procedures and techniques in making the *qanun* and what the benefits of the *qanun* are, such as this *qanun*, there are benefits not made the *qanun* to the community and the makers of entertainment, take billiard for example, Billiard entertainment falls under the category of both entertainment and sports. While billiards is indeed classified as a sport, it raises the question of why it is offered in shops or stalls as a business. Therefore, I do not agree with the establishment of this *qanun*."<sup>34</sup>

<sup>32</sup> Tgk. Murdani Muhammad, Leader of Dayah Hiyadhul 'Ulum Al 'Aziziyyah Gampong Sungai Pauh District. West Langsa-Langsa City, Personal Interview in Langsa, 2023.

<sup>33</sup> Tgk. Muhammad Yusuf, Leader of Dayah Hiyadhul 'Ulum Al 'Aziziyyah Gampong Sungai Pauh District. West Langsa-Langsa City, Personal Interview in Langsa, 2003.

<sup>34</sup> Tgk. Dr. T. Wildan, MA, Leader of Dayah Raudhatul Jannah Gampong Sukarejo District. East Langsa-Langsa City, Personal Interview in Langsa, 2023.

The results of this interview is understandable; he does not agree with the *Qanun* of Langsa City Number 3 of 2016 regarding the implementation of Entertainment in Langsa City because when it comes to granting permits, it must follow several steps that have been made and given by the state, such as identifying the type of entertainment, especially determining the types of Entertainment to be held. This could include music events, theatrical performances, art festivals, exhibitions, circus performances, etc. Moreover, identify the location or specify where and when the entertainment event will be held. for example, in a performance hall, sports arena, park, or other outdoor venue. Ensure that all necessary permits are obtained from local authorities. This may involve city or county authorities, police, fire, and other departments according to the types of event and location. The safety and security of entertainment events meet applicable safety and security requirements. This may include the maximum capacity of the building, the use of fire extinguishers, evacuation routes, security checks, and other measures to protect event attendees. Land use permits, i.e., if the entertainment events will be held on private land or owned by other parties, be sure to obtain a land use permit from the property owner. The existence of special permits, such as certain entertainment events, concerts or performances with foreign artists, may require special licenses or additional approvals from the relevant agencies. There are fees and taxes, including those required for licensing and related expenses, which have been paid in accordance with local government regulations. If these measures are fulfilled, permission should be given without the *Qanun* establishing it. The Islamic values must also be seen and upheld.

Furthermore, T. Wildan also added that the Langsa City *Qanun* Number 3 of 2016 was a few years after the Langsa City *Perwal* (Mayor Regulation) Number 40 of 2020 was created, which became a derivative of the Langsa City *Qanun* Number 3 of 2016. With the *Perwal*, it can be understood that the Langsa city government

aims to establish guidelines for granting permits to host entertainment events and to regulate the licensing of business operators wishing to provide entertainment in the Langsa city area. However, the *Perwal* has a negative social impact on certain communities or groups, leading to social injustice, exclusion, or discrimination produced by the *qanun* and *Perwal*. For example, when granting permits to entertainment organizers, a recommendation from the Ulema Consultative Assembly (MPU) of Langsa City is required, and this cannot be very easy to get by entertainment organizers in Langsa city.<sup>35</sup>

The next interview is presented by Tgk Wildan, followed by Tgk Khalil Shaleh, SHI, the leader of Dayah Al Huda Malikussaleh in Kota Langsa.<sup>36</sup> Here, he added that the development of Langsa City or changes in the application of Islamic sharia is very significant, and it is necessary to remember that Islamic sharia can be differently interpreted by people and governments in different regions. Langsa city itself may have certain policies or rules related to the application of Islamic law, such as granting permits for entertainment operators, which refers to the orderly regulations in granting permits, but do not be rigid in granting these gifts, so that rules must be made in the form of *qanun*. Due to Aceh's designation as a region that upholds Islamic law principles, any actions that violate Islamic law cannot be carried out, both in Aceh generally and in Langsa City specifically. So, if we refer to the name entertainment, then the basic principles of Entertainment must exist, such as Entertainment is allowed in Islam must maintain moral purity, not violate ethical norms, and not lead to sinful acts or religious prohibitions. The Entertainment must also not contain elements that are contrary to the teachings of Islam, such as spreading hatred, insulting other religions, or encouraging acts of violence. All forms of Entertainment that are expressly prohibited in

the Quran and Hadith of the Prophet (peace be upon him), such as gambling, liquor, and adulterous behavior of course are not allowed. The extravagant Entertainment that encourages *riya* (pretending to be good only for human praise) should also be avoided.

### The Influence of Dayah Ulama on the Qanun of Langsa City Number 3 of 2016

*Dayah ulama* in Langsa city influences religious control in society; All activities conducted by the ulama can address various problems faced by the community. Likewise, the role held by *dayah ulama* to convey Islamic sharia in Langsa City specifically and in Aceh generally is a solution in life even though there are challenges faced by dayah or *teungku ulama* both from within Muslims themselves and from outside Islam. Conducted by the Langsa city *ulama*, who are members of the Dayah Aceh Ulema Association (HUDA) Langsa city, who conducted a friendship with the Langsa City government, in this case, The Mayor of Langsa should review and monitor cafes and coffee shops that present live music, stop online games that disturb the youth, and address violations of Islamic law to protect the city and its residents from immoral acts. In the meeting, Mayor Langsa welcomed and strongly supported the request from HUDA Kota Langsa, said *ulama* or MPU are scholars who issue fatwas and umara who will carry it out, so that the prohibition on Entertainment that brings immoral existence such as live music and others is to carry out MPU fatwas. Basically, the issue of prohibition on Entertainment is the fatwa of MPU Aceh Number 12 of 2013 concerning cultural arts and other Entertainment in the view of Islamic Sharia.<sup>37</sup>

Hafifuddin said that the role of *ulama* there are four roles or functions inherent in *ulama* as follows: *tabligh* (conveying), *tabayyun* (explaining), *tahkim*

<sup>35</sup> Tgk. Dr. T. Wildan, MA.

<sup>36</sup> Tgk. Khalil Shaleh, SHI, Leader of Dayah Al Huda Malikussaleh Gampong Sungai Pauh District. West Langsa-Langsa City, Personal Interview in Langsa, 2023.

<sup>37</sup> "Pj Bupati Larang Live Musik di Bireuen, MPU Dukung dan Beri Apresiasi," Serambinews.com, accessed February 21, 2024, <https://aceh.tribunnews.com/2023/03/06/pj-bupati-larang-live-musik-di-bireuen-mpu-dukung-dan-beri-apresiasi>.

(issuing laws), and *uswah* (exemplary). <sup>38</sup> *Ulama* in terms of their network, if the *ulama dayah* or *teungku* has the same school and understanding as the *Ulama* or *teungku* in their regional place. So if they have differences in madhhab or understanding, even in *furu' masail* only, society does not accept them. The community is very attached to the *dayah* or *teungku* because the *dayah ulama* has more religious knowledge than the community itself.

In Langsa city, the existence of *ulama* or *teungku* has a very large influence and has the government's support. From a political perspective, leaders in society play a crucial role in supporting scholars. The leaders often use clerics as advisors. It is well known that if there are politicians who will run as legislative or executive candidates, they will come to see clerics. Some of their missions are indirect for reasons of friendship. However, some openly seek support in order to be selected. As community leaders, scholars will also be present in various community disputes. In social life, conflicts and disputes inevitably occur, ranging from problems in the household to severe conflicts, all involving scholars as peacemakers. The involvement of clerics as peacemakers is still very much needed in society, and his influence is very strong. The scholars urged all levels of society to preserve the peace that has flourished in Aceh.

## Conclusion

In-depth research revealed various views of *dayah* scholars were found on the *Qanun* of Langsa City Number 3 of 2016 concerning implementing Entertainment in Langsa City. Most *dayah ulama* approved and supported the *qanun*, while a small number opposed it, citing concerns that the procedure for its determination did not include the *ulama*. In addition, some scholars argue that there is no need for the *qanun* because either *qanun* or not the same and do not heed Islamic

law because the government will not be able to stem the existence of electricity, either gambling or violence arising from the existence of entertainment business actors in Langsa city, such as billiard entertainment, karaoke and internet cafes, which result in the emergence of gambling and violence that is clearly forbidden in Islam. The influence of *dayah ulama* on the *Qanun* of Langsa City is significant and supported by the Langsa city government. Therefore, the opinions expressed by *dayah ulama* in society are considered fatwas that must be followed. Their views, including those on Qanun Number 3 of 2016 concerning Entertainment Organizers issued by the Langsa City government, carry significant weight.

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