

Qanun Sharia Financial Institutions and Social Change Engineering Effort in Aceh Community

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Abstract—The birth of Qanun Number 11 of 2018 concerning Islamic Financial Institutions is a form of engineering social change for the Acehnese people. How the engineering process and what factors support and hinder the engineering of social change in Acehnese society is the main focus of this research. The process of implementing the Qanun Sharia Financial Institutions as a social engineering tool for the Acehnese people is a method used by the Aceh Provincial Government to carry out social change. The goal to be achieved is to create a system of sharia-based financial institutions as mandated in Qanun Number 8 of 2014 concerning the Principles of Islamic Sharia which is the basis for the formation of the Qanun Sharia Financial Institutions. Through the implementation of the Qanun Sharia Financial Institutions, the local government wants to change the existing system in financial institutions operating in Aceh with a financial contract based on sharia principles. The factor that supports the implementation of the Qanun Sharia Financial Institutions is the sociological condition of the Acehnese community which has a very strong interaction with Islamic values. This condition will support the success of the process of institutionalizing and internalizing the values contained in the Qanun Sharia Financial Institutions. Meanwhile, the inhibiting factor that has emerged is the rejection of one of the Acehnese community entities in the Aceh Chamber of Commerce and Industry. The refusal to rely on economic considerations, namely claims that Aceh's export commodities will become uncompetitive, will hamper Aceh's exports. There also are obstacles to conducting foreign transactions with countries that do not yet have Islamic banks. The opposing power of the community who refuses can have a negative effect on the implementation of the Qanun Sharia Financial Institutions which will be effective in 2021.

Keywords—*Qanun sharia, financial institutions, social change*

I. INTRODUCTION

Qanun Number 11 of 2018 concerning Sharia Financial Institutions was born as a consequence of the implementation of Islamic Sharia in Aceh Province. The desire of the Acehnese people to implement Islamic Sharia is manifested in various areas of life, including the Qanun that regulates the scope of muamalah (civil law) is Qanun Number 11 of 2018 concerning Sharia Financial Institutions (LKS). This Qanun specifically

regulates the activities of bank financial institutions, non-bank financial institutions, and other financial institutions that do not yet have formal legality to carry out their operations based on sharia principles. The birth of the Qanun Sharia Financial Institutions is mentioned in the dictum, among others, to create a just and prosperous Acehnese economy under the auspices of Islamic Shari'a.

The birth of the Qanun Sharia Financial Institutions is inseparable from the desire of the Acehnese people to carry out all Acehnese community activities within the framework of Islamic Shari'a, including in the economic field. The presence of this qanun is expected by many parties to be able to improve the welfare of the Acehnese people. In general, the Qanun Sharia Financial Institutions binds Muslim community members. However, because Aceh consists of a pluralistic society, there has been a discussion surrounding the protection of non-Muslim Acehnese related to the attachment of non-Muslim communities to the Qanun. Meanwhile, the need for financial institutions is a need that cannot be separated from the life of modern society.

The efforts made by the Aceh provincial government in implementing the Qanun Sharia Financial Institutions can be seen as a form of social engineering, especially socio-economic engineering. Substantially, the Qanun Sharia Financial Institutions requires the transition of the existing financial institution system in Aceh Province to become a financial institution with sharia principles. This is as emphasized in Article 2 of the Qanun Sharia Financial Institutions which states that "(1) Financial institutions operating in Aceh are based on Sharia principles; (2) Financial contracts in Aceh use sharia principles". The implementation of the Qanun Sharia Financial Institutions which will be effective in 2021 is interesting to study, especially with regard to how the process of social change is expected to be realized through the Qanun Sharia Financial Institutions and the factors that influence the success and obstacles to the implementation of the Qanun Sharia Financial Institutions.

II. SOCIAL CHANGES IN ACEH COMMUNITY AND THE IMPLEMENTATION OF ISLAMIC SHARIA

The process of social change in Acehese society cannot be separated from the historical dimension. The history of the interaction of the Acehese people with Islamic law began when Islam first came to Aceh. Aceh was the first area in the Indonesian archipelago and Southeast Asia to be entered by Islamic da'wah in around 700 AD. This is because of the strategic position of the Aceh region which is located on an important trade route between India and China. Contact between the indigenous population and Muslim traders from Arabia, Persia, and India. It is indeed the first time this has happened in this area [1]. The ancient history of Aceh is traced to the first half of the 13th century AD. According to the *Chronicle of the Kingdom of Aceh*, the Kingdom of Aceh Darussalam was founded on Friday, the first day of Ramadan in 601 H (1205 AD) by Johan Syah who came from the Land of the Wind (Middle East). He has converted the Acehese people and married local women. Later he lived in the Kandjong area [2]. The process of Islamization continued until the 16th and 17th centuries. The Sultanate of Aceh became the largest kingdom in Sumatra. In the political realm, the Sultanate of Aceh controls most of the coasts on the island of Sumatra [2].

The strong Islamic nuance influences the political choices of the Acehese people. The deep and special connection between Islam and the people of Aceh became a strengthening and adhesive factor for the implementation of Islamic law in the lives of the people of the Veranda of Mecca. The implementation of Islamic law in Aceh arises because of the central government's political policy in the context of resolving the protracted conflict in the Aceh region. At the beginning of the birth of the new order, the DPRD – GR (Regional People's Representative Council – Gotong royong) drafted a Regional Regulation on the implementation of elements of Islamic Shari'a as the operationalization of Aceh's privileged status in 3 special fields, namely religion, education and culture. However, regional regulations for implementing Islamic law cannot be implemented because they are not approved by the Central Government.

The disappointment of the Acehese people was driven by the Free Aceh Movement (GAM) which was founded in 1970. From 1978 to 10 years the new order imposed increasingly repressive political and military policies by placing Aceh as a Military Operations Area (DOM) which made the lives of the Acehese people miserable. At this time the issue and agenda for the implementation of Islamic Shari'ah was completely submerged. GAM did not remain silent by building forces, so that guerrilla resistance against the Indonesian government continued until the end of the new order in 1998. After the new order ended, an order of reform was born in which policies that tended to be authoritarian were still in effect during the early days of the government during the Habibie, Abdurrahman Wahid and Megawati Soekarnoputri even though it was more declining compared to the New Order era. Meanwhile, during the leadership of President Susilo Bambang Yudhoyono, the

Civil Emergency was still enforced because of the GAM rebellion, although Aceh since the reform era has changed its special economic status to Nangroe Aceh Darussalam with the implementation of Islamic law.

In the reform era, the changing political climate has put pressure and at the same time a new space for the Acehese people to regain their basic rights. In the reformation era, the People's Consultative Assembly of the Republic of Indonesia, which represented the highest aspirations of the Indonesian people, issued MPR Decree Number 5 of 1999 and Law Number 44 of 1999 concerning the status of Aceh as special autonomy with the implementation of Islamic law in all aspects of life, education based on Islam and customs. which does not conflict with the Shari'ah [3].

In the vulnerable period of 1999-2002, when the separatist movement of the Free Aceh Movement grew stronger, the Central Government in Jakarta, supported by the House of Representatives, made a new breakthrough by enacting Law Number 44 of 1999 concerning the Implementation of the Privileges of the Province of the Special Region of Aceh. In 2001 the Central Government even enacted Law Number 18 of 2001 concerning Special Autonomy for the Province of the Special Region of Aceh as the Province of Nangroe Aceh Darussalam. In 2003, Presidential Decree No. 11 was issued regarding the Sharia Court in the Province of Nangroe Aceh Darussalam. After the TAP MPR and the two laws for Aceh were enacted, various Regional Regulations (Qanun, Perda) of Nangroe Aceh Darussalam Province were issued regarding the implementation of elements of Islamic Shari'ah (18 Qanun/Perda) and Governor Instructions (11 Instructions) which regulates various aspects of the implementation and application of Islamic law in the Veranda of Mecca (NAD, 2004). This reduced the armed resistance of GAM so that the Helsinki peace agreement was reached in 2005.

Constitutionally, the application of Islamic law in Aceh found its legitimacy based on Article 18B paragraph (1) of the 1945 Constitution which reads: "The state recognizes and respects regional government units. special or special nature regulated by law". The status of the region with special autonomy granted to the Province of Aceh is based on the reasons stated in the dictum considering Law Number 18 of 2001 concerning Special Autonomy for the Province of the Special Region of Aceh as the Province of Nangroe Aceh Darussalam (State Gazette of the Republic of Indonesia of 2001 Number 114 Supplement to the State Gazette Republic of Indonesia Number 4134) is that one of the unique characteristics that are natural in the history of the struggle of the Acehese people is the existence of high resilience and fighting power that is sourced from a view of life, social and community character with a strong Islamic culture so that Aceh becomes a capital area for the struggle in seize and defend the independence of the Unitary State of the Republic of Indonesia.

As a region that is given special autonomy, Aceh Province is given the authority to regulate the administration of government based on Islamic Sharia through Qanun or

Regional Regulations. Based on Article 125 of Law Number 11 of 2006 concerning the Government of Aceh, the Islamic Shari'ah implemented in Aceh includes *aqidah*, *sharia* and *morals* which will be further regulated by Aceh Qanun.

Further arrangements relating to the scope of the implementation of Islamic Sharia are regulated in Qanun Number 8 of 2014 concerning the Principles of Islamic Sharia in Article 2 (1) "Islamic Sharia covers all aspects of community and apparatus life in Aceh, the implementation of which includes: a. *Aqidah*; b. *Sharia*; and c. *Morals*. (2) The 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'* (judicial); f. *tarbiyah* (education); and g. *defense of Islam*". (3) "The implementation of Islamic Sharia in the field of *Morals* as referred to in paragraph (1) letter c includes: a. *broadcast*; and b. *da'wah*".

The application of Islamic Sharia which has been in force in Aceh Province since 2001 is one form of social change that cannot be avoided by community entities. Social change can occur, including through legal instruments. Roscoe Pound introduced the concept of law as a social engineering tool. How the law becomes a driving factor towards societal change (*law is a tool of social engineering*). The notion of *social engineering by law* was also put forward by Soerjono Soekanto who stated that law is a tool to change society, in the sense that law is used as a tool by *agents of change*. *Agent of change* or pioneer of change is a person or group of people who gain the trust of the community as the leader of one or more social institutions. Ways to influence society with an orderly and pre-planned system are called *social engineering or planning* [4]. Theories about law and social change try to show patterns of legal development in line with the development of society [5].

Steven Vago who defines social change: "*In its most concrete sense, social change means that large numbers of people are engaging in group activities and relationships that are different from those in which they or their parents engaged in previously. Society is a complex network of patterns of relationships in which all the members participate in varying degrees. These relationships change and behavior changes at the same time. Individuals face new situations to which they must respond. These situations reflect factors such as new technologies; new ways of making a living, changes in place of residence; and innovations, new ideas, and new social values. Thus, social change means modifications in the way people work, rear a family, educate their children, govern themselves, and seek ultimate meaning in life. It also refers to a restructuring of the basic ways people in a society relate to each other with regard to government, economics, education, religion, family life, recreation, language, and other activities*" [6]. In the most concrete sense, social change means that many people engage in different group activities and relationships than they or their parents did before. Society is a complex network of relationship patterns in which all its members participate to varying degrees. These relationships change and behavior changes at the same time. Individuals face new

situations to which they must respond. This situation reflects factors such as new technology; a new way of earning a living, a change of residence; and innovations, new ideas, and new social values. So, social change means modification in the way people work, raise families, raise children, organize themselves, and seek the ultimate meaning in life. It also refers to the restructuring of the basic ways people in a society relate to one another with regard to government, economy, education, religion, family life, recreation, language, and other activities.

Law is one of the most effective instruments for social change, as Vago states:

"Acknowledgment of the role of law as an instrument of social change is becoming more pronounced in contemporary society. Many sociolegal scholars consider law as a desirable, necessary, and often effective means of inducing social change" [7]. Recognition of the role of law as an instrument of social change is becoming more prominent in contemporary society. Many sociolegal scholars regard law as a desirable, necessary, and often effective way of promoting social change.

In the context of the Acehnese people, social change can be seen from the way the Aceh Provincial Government uses law as a tool to carry out social engineering. The goal to be achieved is to create a system of sharia-based financial institutions with the implementation of Qanun Number 11 of 2018 concerning Islamic Financial Institutions (Qanun Sharia Financial Institutions). Through the implementation of the Qanun Sharia Financial Institutions, the local government wants to change the existing system in financial institutions operating in Aceh and financial contracts in Aceh based on sharia principles. Financial institutions that are regulated within the scope of this Qanun Sharia Financial Institutions are, among others, regulated in Article 7 of the Qanun Sharia Financial Institutions which limits the scope which consists of: a. Islamic banks, b. Islamic non-bank financial institutions, and c. other financial institutions. Sharia Banks as referred to in paragraph (1) letter a include: a. Islamic commercial banks, b. sharia business unit, c. Islamic people's financing bank. Non-Islamic bank financial institutions as referred to in paragraph (1) letter b include but are not limited to: a. sharia insurance, b. Islamic capital market, c. sharia pension fund, d. sharia venture capital, e. sharia pawnshop, f. sharia financing cooperatives and the like, g. sharia financing institutions, h. sharia factoring, i. Islamic microfinance institutions, j. Islamic financial technology, k. other Islamic non-bank financial institutions. Other financial institutions as referred to in paragraph (1) letter c include: a. non-formal financial institutions, b. non-formal pawnshop institutions.

All financial institutions mentioned in Article 7 of the Qanun Sharia Financial Institutions are required to use sharia principles in their operations. This is in order to strengthen the implementation of sharia economic development in Aceh as stated in Article 4 of the Qanun Sharia Financial Institutions. The Aceh provincial government's efforts in realizing a sharia economic system through law are in line with what was stated

by Vago and E. Barkan who argued that law is a desirable, necessary, and often effective way to encourage social change in contemporary society. In this context, the Qanun Sharia Financial Institutions is mobilized by the state to achieve the objectives to be realized. The use of law as an instrument of social change is considered more effective because the law is accompanied by sanctions and there are law enforcement officers who are highly relied upon to carry out social change. The advantages that law has as a social sub-system are what other social sub-systems do not have. So that the use of law as an instrument of social change can force people to submit to the behavior patterns desired by the authorities with sanctions and law enforcement officers who will take action against people who do not follow the behavior patterns that are intended to be formed through the rule of law. The pattern of behavior that will be formed through the Qanun Sharia Financial Institutions is how all Acehese people in carrying out activities in financial institutions must comply with sharia principles, in line with the mainstream application of Islamic law in Aceh Province.

The process of social change carried out by law according to Vago requires processes, namely:

"As an instrument of social change, law entails two related processes: (1) the institutionalization of patterns of behavior and (2) the internalization of patterns of behavior. Institutionalization of a pattern of behavior refers to the establishment of a norm with provisions for its enforcement (such as desegregation of public schools), while internalization of a pattern of behavior means the incorporation of the value or values implicit in a law (for example, the belief that integrated public schools are "good" [7].

As an instrument of social change, the law requires two related processes: (1) institutionalization of behavior patterns and (2) internalization of behavioral patterns. Institutionalization of a behavior pattern refers to the formation of a norm with provisions enforcement (such as desegregation of public schools), while the internalization of a pattern of behavior means the incorporation of values or values implied in a law (for example, the belief that integrated public schools are "good").

The process of social change carried out through Qanun Sharia Financial Institutions, refers to Vago and E. Barkan's view is carried out in two processes, namely; first, the institutionalization of behavior patterns through development Determination of norms with provisions for enforcement is carried out by the Provincial Government of Aceh through the legislative process as regulated in Qanun Number 3 of 2007 concerning Procedures for Formation of Qanun, especially in Chapter IV. In general, the mechanism for establishing Qanun in Aceh is the same as the mechanism for establishing regional regulations. The institution that is given the authority to make regulations is the People's Representative Council (DPR) which is domiciled at the city and provincial levels. Thus, Qanun is a product of regulations made by institutions that

have authority and legality. The pattern of enforcement of the rules that have been made is carried out by providing supervision and administrative sanctions.

The second step is the process of internalizing the pattern of behavior that is to be created through the Qanun Sharia Financial Institutions, namely by combining the values implied in the Qanun Sharia Financial Institutions. The internalization process is closely related to legal socialization and communication. In functioning the law as *a tool of social engineering social engineering* or tool, the process of socializing the legislation is very important so that the law or rule of law is truly effective [8]. The socialization process has been running for a period of time since the promulgation of the Qanun Sharia Financial Institutions, namely in 2018. The transition process is carried out for three years as stated in the transitional rules for the Qanun Sharia Financial Institutions which states that financial institutions operating in Aceh must comply with the Qanun Sharia Financial Institutions no later than three years from this qanun. invited. With the socialization process, it is hoped that the community will know, understand and be able to internalize the values contained in the Qanun Sharia Financial Institutions. In addition, so that the community is able to adapt to the goals desired by the Qanun Sharia Financial Institutions, namely the implementation of a financial system based on Islamic principles.

III. FACTORS AFFECTING THE PROCESS OF SOCIAL CHANGE IN ACEH COMMUNITY THROUGH QANUN SHARIA FINANCIAL INSTITUTIONS

The use of law as a tool of social engineering must pay attention to four main principles as stated by Adam Podgorecki [5]. This is done so that the effectiveness of the regulations made will achieve maximum results. The four principles are:

- Mastering well the situation at hand.
- Making an analysis of existing judgments and placing them in a hierarchical order. The analysis here includes assumptions about whether the method to be used will not lead to an exacerbating effect.
- Verifying hypotheses such as: whether the method used will lead to the desired goal.
- Measurement of the effect of existing regulations.

Mastery of the situation includes the sociological conditions of the Acehese people, which in this case is the main consideration for the formation of the Qanun Sharia Financial Institutions. Sociologically, the people of Aceh are very closely related to Islamic values. The values and principles of Islam are firmly entrenched in the hearts and minds of the Acehese. Local Acehese traditions are built on Islamic law. The substance of customary law was developed and enriched by adopting laws and traditions that were practiced during the Aceh Sultanate period, especially when Sultan Iskandar Muda ruled Aceh in the 17th century [9]. The people of Aceh believe that Islam is a core entity of their culture, and cannot be

separated from community life. The most popular local wisdom in this case is “*hukom ngeun adat lagee substance ngeun sifer*”. This is almost similar to what is known in Minangkabau as “*customs of basandi syara', shara'basandi kitaullah*”. Generally it means that Islam and *adat* cannot be separated, and it is accepted that *adat* is considered part of the local religious tradition [10]. One of the most influential genes of Indonesian law is religious law. Religion and religion are very difficult to dichotomize in the context of the society and culture of the archipelago. Since ancient times in the era of the kingdom, religious concepts are often brought into the concept of law and values forming the social order of society [11]. The same thing happened with the people of Aceh. There is a close relationship between *adat* and Islam as well as substance and nature. So that sociologically the birth of the Qanun Sharia Financial Institutions is in line with the traditions of the Acehnese people which are thick with Islamic values. Sociological conditions that are in line with the Aceh Government's efforts to implement Islamic law through Qanun will provide support for the success of the value institutionalization process. This carrying capacity can accelerate the process of achieving goals as desired by the Qanun maker.

The emergence of several objections to the implementation of the Qanun Sharia Financial Institutions is one of the inhibiting factors for the implementation of the Qanun Sharia Financial Institutions. The objection was partly due to economic considerations. Kadin Aceh claims that conducting transactions for export purposes will be more expensive. Transactions with Islamic banks will make Aceh's export commodities uncompetitive so that it will hamper Aceh's exports, as stated by entrepreneurs who are members of the Aceh Chamber of Commerce and Industry. However, this has been denied by several parties stating that Islamic banks are very ready to welcome the qanun and have made various preparations [12]. The level of readiness of Qanun Sharia Financial Institutions, especially Islamic banks in welcoming the implementation of the Qanun Sharia Financial Institutions which will be effective in 2021, can be illustrated in the process of transferring assets of several conventional banks to sharia. Among them, PT Bank BRI Syariah Tbk (BRIS) stated that it had completed most of the transfer of assets of PT Bank Rakyat Indonesia Tbk (BBRI) in Aceh as part of the implementation of the Qanun policy on Sharia Financial Institution in Aceh [13]. The objections raised by the Aceh Chamber of Commerce and Industry can become one of the factors that hinder the implementation of the Qanun Sharia Financial Institutions if it is not followed up properly, as stated by Chambliss & Seidman that the institutionalization process is determined by three factors, namely: a) the effectiveness of planting new elements, including positive results from the use of human labor, tools, organizations and methods for embedding new institutions in society; b) opposing forces from society, including reactions from disadvantaged groups in society where this opposing power has a negative influence on the possibility of the success of the institutionalization process; c) the speed (term) of planting new elements, the length or

short time in which the planting effort is carried out and is expected to give results [5]. The opposing power of the people who feel disadvantaged in this case the Aceh KADIN can negatively affect the implementation of the Qanun Sharia Financial Institutions which will be effective in 2021. Therefore, the Aceh Provincial Government must be able to respond wisely to the concerns of the Aceh Chamber of Commerce and Industry claiming that Aceh's invalid. export commodities will become competitive so that it will hamper Aceh's exports and will experience obstacles to conducting foreign transactions with countries that do not yet have Islamic banks. Efforts to respond to these objections are very important to ensure that the legal institutionalization process in the community can run well. A persuasive step can be an alternative that can be taken so that the concerns that are feared by KADIN can be overcome.

Another factor that influences the process of social change in Acehnese society is globalization. In the social sciences, globalization is often described as an increase in connectedness around the world which manifests itself in four trends. First, the growth of competition between countries due to the increasing internationalization of the market. Second, the intensification of competition between countries that results in policies such as tax reductions for corporations; third, the growth of global networks between people, companies, and countries with the use of communication technology, leading to an increase in global interdependence. And lastly, the growing importance of global market networks leading to increased interdependence and insecurity of local markets, vulnerable to unpredictable changes in global politics and the world economy. (*In social science, globalization is often described as increasing worldwide interconnectedness that manifests itself in four trends. First, a growth in the competition between countries because of the increase of internationalization of markets. Second, the intensification of that competition between countries which results in policies such as reducing taxes for corporations; third, a growth in the global networking between people, companies and countries with the use of communication technologies, which leads to increased global interdependence. And finally, the increasing importance of globally networked markets which leads to an increasing interdependency and insecurity of local markets, vulnerable to unforeseen changes in global politics and the world economy* [14].

Anthony Giddens characterizes the globalization process as the intensification of worldwide social relations that link distant localities in such a way that local events are shaped by fairy events that take place many miles away and vice versa [15].

Indonesia cannot isolate and undoubtedly enter into a new narrative of law by introducing new legal concepts. Using scientific jargon regarding the causal relationship between two variables, the industrial revolution 4.0 is an independent variable and law is a dependent variable. An independent variable is something that affects the dependent variable; otherwise the dependent variable is something that is influenced by the independent variable [16]. The era of the

industrial revolution demands the law to be able to adapt itself to the pace of change in society. Therefore, the Aceh Provincial Government must be able to anticipate all possibilities that arise from the process of institutionalizing the Qanun Sharia Financial Institutions in the community. Technological advances bring countries without geographical boundaries. The law should be prepared to interact with situations that are constantly changing. The implementation of the Qanun Sharia Financial Institutions must be able to respond to the influence of globalization on society, especially in the Islamic finance sector which is the main focus of the implementation of the Qanun Sharia Financial Institutions.

In addition, the Qanun that is made must provide benefits to the community so that its effectiveness can be felt. The purpose of law based on the view of the utilitarian school assumes that the purpose of law is solely to provide the greatest benefit or happiness for the whole community. The treatment is based on the social philosophy that every member of society seeks happiness and the law is one of its tools. Jeremy Bentham argues that the existence of a state and law is solely for the true benefit, namely the happiness of the majority of the people [17].

The measure of utility in Jeremy Bentham's view can be used as a basis for measuring the benefits of applying Islamic law through qanun for the people of Aceh. For this reason, legislation must strive to achieve four objectives: a) *to provide subsistence*; b) to provide abundant food (*to provide abundance*); c) to provide protection (*to provide security*); d) to achieve equality (*to attain equality*) [17]. Efforts to bring benefits to all Acehnese people are an important agenda that should not be missed. This is to answer the discourse that often arises, especially regarding whether the application of Islamic law in Aceh brings benefits or not.

The very important role of law in economic life is its ability to influence the level of certainty in human relations in society [5]. In this regard, Nyhart, as quoted by Satjipto Rahardjo, suggests several basic legal science concepts that have an influence on the development of economic life, including:

A. *Predictability*

Legal must be able to provide a definite picture in the future regarding current conditions or relationships. The Qanun Sharia Financial Institutions formulated must be able to provide certainty regarding the situation that will be created in the system of Islamic financial institutions implemented in Aceh. This predictive ability makes the Qanun Sharia Financial Institutions not just a regulation that stops at mere norms but can be realized.

B. *Procedural Capability*

All legal institutions, especially those related to legal dispute resolution procedures, must be able to work efficiently so that the expected economic life can reach the maximum level. The presence of the Qanun Sharia Financial Institutions must be able to guarantee the fulfillment of legal certainty,

especially with regard to legal procedures that must be followed in the event of a dispute within the scope of the relationship between Islamic Financial Institutions or their relationship with customers. Thus, procedural legal certainty is created for parties who feel aggrieved.

C. *The Codification of the Purposes*

Legislation can be seen as a codification of goals and objectives as desired by the state. A clear formulation with the help of good statutory techniques will help parties outside the government to understand the government's goals carefully, thus being able to adjust their actions in the direction provided by the legislation. The Qanun Sharia Financial Institutions must be able to clearly formulate the objectives to be achieved. Efforts to achieve goals are carried out in clear, sequential, and measurable stages. When tracing the objectives of the Qanun Sharia Financial Institutions, it is stated that the result to be achieved is the creation of a financial system based on sharia principles that is in line with the legal ideals of the Islamic Sharia Qanun.

D. *Balancing*

Desire to defend personal rights as a manifestation of commitment to the rule of law and human rights often has to conflict with the demands of economic development. Therefore, the Qanun Sharia Financial Institutions must be able to create a balance between the protection of personal rights and the economic development to be carried out.

E. *Accommodation*

Rapid changes will cause a long loss of balance, both in relationships between individuals and groups in society. This situation naturally calls for the restoration of this balance. The legal system created through the Qanun Sharia Financial Institutions must be able to regulate the relationship between individuals both materially and formally, providing an opportunity for the disturbed balance to adjust to the new environment as a result of these changes. In this case the Qanun Sharia Financial Institutions must provide an opportunity for the community to adjust to the new financial system created through the Qanun Sharia Financial Institutions.

F. *Definition and Clarity of Status*

In development where changes often occur, the new status through law can be formulated clearly and unequivocally. The definitions created in the Qanun Sharia Financial Institutions should not be multi-interpreted because it will create confusion for the public. The clarity of the status of conventional financial institutions in Aceh after the enactment of the Qanun is one of the problems related to this. Does the enactment of the Qanun automatically make conventional financial institutions not allowed to operate or does it still have the ability to operate with restrictions. So the Qanun must affirm the existence.

IV. CONCLUSION

The factor that supports the implementation of the Qanun Sharia Financial Institutions is the sociological condition of the Acehese community which has a very strong interaction with Islamic values. This condition will support the success of the process of institutionalizing and internalizing the values contained in the Qanun Sharia Financial Institutions. Meanwhile, the inhibiting factor that has emerged is the rejection of one of the Acehese community entities in the Aceh Chamber of Commerce and Industry. The refusal to rely on economic considerations, namely claims that Aceh's export commodities will become uncompetitive, will hamper Aceh's exports. There also are obstacles to conducting foreign transactions with countries that do not yet have Islamic banks. The opposing power of the community who refuses can have a negative effect on the implementation of the Qanun Sharia Financial Institutions which will be effective in 2021.

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