



"Case Study Role of Islamic Law in the Perspective of sociological the Community Langsa"

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ABSTRACT: Human from birth has been equipped with the instinct to live together with other people, because it will be arise a desire for orderly life, which regularly organized according to a person not necessarily for others. Of the need for such guidelines was born the norm or rules which essentially arises from a view of the value of human behaviour which is the benchmark (foundation) behaviour are considered appropriate and is derived from normative or philosophical thought. The norm has been maintained for years, even ingrained in the communities themselves, so it is used as the handle legal norms, worldview, way of life for the community. However, why do people sometimes forget that these norms as though it was opposed by their own.

The goal is how customary systems are confirmed in law and society is able to adopt the customs and religions that have been confirmed in a law, and the role of the clergy.

This study is taking area in Langsa heterogeneous, targeting the younger generation of students, where they will be as the user in performing the customary Shari'ah. Studies used descriptive analytical writing with qualitative methods.

The obtained was lack of transparency, seemed stiff even as though the law only blunt the sharp downward but upward. This is because umaro not have the ability to be a good role model to the community, and still is need for learning.

Key word: norms, umaro, students, Shari'ah, worldview.

I. BACKGROUND

Human, from birth has been equipped with the instinct to live together with other people, because that would arise a desire for orderly life, which is organized according to a person not necessarily regularly for other people that will cause a conflict. That situation must be avoided to maintain the integration and integrity of the community. Of the need for such guidelines was born the norm or rules which essentially arises from a view of the value of human behaviour which is the benchmark (foundation) behaviour are considered appropriate and is derived from normative or philosophical thought, which apply the scientific method in social life. As the law of gravity is revealed, then even this method will reveal the underlying law society, the Comte said the process is called Sociology or "community-based studies. along with the development of science and people's behaviour patterns, then by a process of specialization. The pattern of behaviour in society is always related to the norms. These norms are maintained by the community has been for years. In fact, this pattern had become a habit and binds the community itself with the customary norms. Turner, give the explanation, it literally is a habit that refers to the tradition of the public trust, institution, nor artifacts that are passed from one generation to the next. The belief in tradition or customary norms they contain legal rules which have been agreed by the community. So it grows a branch of sociology that is Sociology of law is a branch of science legal sciences that many study the process of norm or rules (law) as well as the habits of certain patterns of behaviour.

Sociology of law is a relative knowledge as always prioritizes the study of something that happened and might happen. Social action is an absolute reality, while its relevance to compliance with social norms or the law is a relative reality. Therefore Soerjono Soekanto, said that the sociology of law is a social science study of applicable law in society and behaviour and social phenomena that cause the birth of law in society. Behaviour norm in society has rules on which to base guidelines for good or bad. That behaviour will have a

value (consciousness) and the public will judge the behaviour. Behaviour that is ingrained in people's lives is often called the traditional order, customary norms, Customary laws as the law is not written. Kusumadi Pudjosewojo said that customs is behaviour by and within a society have been used as customary. And customs that there is a 'bold,' there is a 'thin,' and always 'thicken' and 'low.' Rules of human behaviour in society as intended earlier, is customary rules. But from the rules of behaviour, there are also rules of behaviour that is the rule of law. According A.G. Pringgodigdo, customary rules are some aspects of human life that grew out of the business people in a particular region in Indonesia as a social group to organize the order of the behaviour of members of society. Van Vollenhoven, formulate a question that customary law is the law that is not rooted in regulations made by the Dutch government or other power tools. Supomo, gives the sense that the common law as the *nonstatutair* law mostly customary law and a small part of Islamic law. Therefore, Christian Snouch Hurrgronje called "*Islam is a religion of the law in the full meaning of the word*".

Sociology of law combines two terms that originally used separately, that is sociology and law. In the terminology is meant by the law here is not law as a science, but the law as a form rules social norms, ethical behaviour, regulations, laws, policies, and so serves to set human life in society, acting for himself or others, and behaviour or the behaviour of other doings related to the life of the nation. Van Appeldoorn in Iman Jauhari said sociology of law as a legal reality. Law as a symptom of society, so as the overall habits of law in society, is the object of the science of law. Max Weber gives an approach as an interpretative understanding, which is the study of law 'traditional' prescriptive that only the range of 'what approach' and 'how to apply' or in other words by explaining the cause, development and effects and social behaviour. Therefore, by studying the sociology of law is to investigate the behaviour of people in the legal field. Thus, the sociology of law that the sociology of law is more precisely a social science study of applicable law in society and behaviour and social phenomena that caused the birth of law in society. Its presence may be preceded by legal and otherwise by law in society, as well as symptoms of law is a social phenomenon. The interrelationship that is important to be studied in sociological and philosophical.

The scope of the simplest of the study of the sociology of law is discussing social phenomena associated with the life of the community in relation to the unlawful act, action obeying the law, action to take legal actions in the police, prosecution and courts, interpretation of society against the law, and as a product interpretation of society. According to Tan Kamello, that the consciousness of society that the primary value in carrying out the law. The Consciousness of society in obeying the norms without lured with the legal sanctions, such as willingness to tithe. His main offerings are a variety of rules, norms, and regulations that are in a society that has been agreed as the law. His main offerings are a variety of rules, norms, and regulations that are in a society that has been agreed as the law. From the above description the author will take the red thread to be the formulation of the problem as follows: (1). How does the process of customary norms to become law in society? (2). Re-actualizing Indigenous in public relations in Langsa? (3). How does the implementation of sanctions for violators of Islamic law in Langsa in a sociological perspective?

B. Process of Customary Norms to Become Law in Society

1. Study of Theory and Islamic Law.

Basically the study of Islamic legal theory meaningful *fiqh* (Jurisprudence) law is the law sourced and supplied from Islamic law contained in the *Qur'an* and the *Hadith* the Prophet (*Sunnah of the Prophet*) that was developed through the *ijtihad* of the scholars. No one of scholars who say that *ijma* 'is part of Islamic law, the reason is if there is a problems which are not found in these two sources (*Qur'an* and *Hadith*), then the legal reference is the fatwa scholars.

2. Approach Paradigmatic.

According to Thomas S. Khun, a mention as the dominant paradigm, includes elements of beliefs, values, rules, ways and allegations that belongs to a certain community members. Therefore point paradigmatic approach is:

- a. Sociology of law duty to study and critique existing paradigms that guide the legal profession and legal norms on which the legal system of society.
- b. Studying the legal reality, identifying the difference between reality with the prevailing paradigm and make recommendations for change in the behaviour or norms.
- c. Propose new paradigms.

3. Theory of Legal System Friedman:

The legal system has a wider coverage than the law itself. The word "law" often refers only to the rules and regulations. While the legal system distinguishes between the rules and the legislation itself, as well as the structures, institutions and processes that fill it. Therefore, the working of the law in a system according to Friedman is determined by three elements, namely the legal structures (legal structure), the substance of the law (legal substance), and the culture of law (legal culture).

4. Paradigm of Sociology of Law.

Since the past, would be impossible to define what the legal definition because of space-scope is very broad, it all depends on how people interpret or give meaning to the law, regardless of whether it is right or wrong. The meaning given in the law are as follows:

- a. Law as a science, the knowledge systematically arranged on the basis of the power of thought.
- b. Law as a discipline, which is a system of teaching on the reality or the symptoms encountered.
- c. Law as rules, the guideline or benchmark attitude acts or behave appropriate or expected.
- d. Law as a social institution (social institution) which is a set of rules-rules all levels that range at a basic need in people's lives.
- e. Law as a legal order, namely the structural and process-rules the legal norms applicable in a particular time and place as well as a written form.
- f. Law as a officer, that is individuals who are among those who are closely related to law enforcement.
- g. Law as a ruler's decision, which is the result of a process involving discretionary decisions based on the law but also based on personal judgment.
- h. Law as the governing process is a process of reciprocal relationships between the constituent elements of the state system.
- i. Law as a means of social control system that includes all the processes whether planned or not, which aims to educate, encourage, or even force the community citizens in order to comply with the rules and value-rules.
- j. Law as acts or behave steady stance, namely behave repeated in the same way that aims to achieve peace.
- k. Law as a tangle of values that is a tangle of abstract conceptions in man of what is considered good and are considered bad.

According to Marc Galanter, a paradigm that serves as a lens, through which a person will be able to examine the legal symptoms carefully.

5. Sociology of Law and Customary Law.

If customary law is identified with common law, the identification is mainly done empirically or with an inductive method. If the customary law has been record, than the test carried out empirically. Ter Haar theory, known as the "Beslissingen Leer" starts on the assumption that the onset and maintenance of customary law either: (a). decision by authorities and the law; (b) the decision of the community citizens. In essence, theories or conceptions of customary law can be highlighted the following matters:

- a. The development of the science of customary law and customary law study paves the way for the growth of legal theories which are sociological.
- b. Study of customary law is a bridge that connects purely juridical approach with a purely sociological approach.

Daniel S. Lev, describe fully how customary law as a system developed from the Dutch colonial political strategy, said:

"Generally speaking it is the law of the approximately 90 percent of the community, Indonesian customary law, as has been known for nearly a century, is fundamentally a Dutch creation, or say trade, not from Indonesia, but that an understanding of the customs, myths about the customs, as understood at the time, and the relationship between indigenous and State authority is the handiwork of the Netherlands, rather than the people of Indonesia. The extent to which customary law was transferred from the hands of Indonesia with evidenced in the drama that was made about the wisdom of customary law by leading scholars of Leiden, corneles van Vollenhoven.

6. Qanun Islamic Shari'a.

Syari'at (*as-shariah*) literally means drinking water sources (*maurid al-ma'li al istiqa*) or a straight road (*at-tariq al mustaqim*). According to A.A. Fyzee means the road to the springs, the road to a cascaded or road must be followed by Muslims. According to Imam Shafi'i, found shari'ah can be defined an inner and outer regulations for Muslims which is based on the revelation of gods and conclusions (deductions), which can be interpreted in the Revelation of God and so forth. The regulations that were born about the way humans relate to God and fellow beings other than humans. According Muchsin, referred to are all provisions that comes from God and His Apostle, which contains commands, prohibitions and recommendations covering all aspects of human life. Or it could be said that the Shari'ah is the way of life of Muslims. meanwhile, according to the Aceh

Provincial Regulation No. 5 of 2000 on the Implementation of Shari'a. What is meant is the guidance of the teachings of Islam in all aspects of life.

a. Receptio theory in complexu

Prof. Mr. Lodewijke Christian Willem van den Berg in his *Muhammadansch Recht* (Principles of Islamic Law) stated that, "Islamic law is necessary for the people of Islam natives although with some deviations. This opinion is in accordance with Regeerings Reglement (Statute 1884 NO. 129 in the Netherlands jo. S.1885 No. 2 in Indonesia, especially regulated in article 75, article 78 jo. Article 109 of the RR), at that time known as Receptio in complexu, Article 75 paragraph (3) RR stipulates: "In the event of a civil dispute between the Indonesian Muslim by Hakim Indonesia must be treated Gonsdienstig Wetten Islamic law and customs." Paragraph (4) of Article 75 RR, stated: "Law Invite religion, customs and habits were also used for them by Judge Europe in court Huger Beroep, that in the event of a civil case between sesame Indonesian or their equivalent Indonesian people, then they are subject to the judge's decision religion or then they are subject to the decision of the religious judge or the head of their society under the laws of their religion or provision old."

b. Receptie Theory.

Cornelis van Vollenhouven have criticized Article 75, 78 and 109 RR Stbl. 1885 No. 2, so that the Christian Snouck Hoergronje turning to *Wet op de Staats Inrichting van Nederlands Indie* or *Indische Staats Regeling* or I.S. in 1925, that the new Islamic law are considered valid as a law if it comply two requirements, namely First: Norma Islamic law should be accepted in advance by customary law. Second: Even if accepted by the customary laws, norms and rules of Islamic law it also must not conflict or may not have otherwise provided by the statutory provisions Indies.

Concept of Thought:



C. Re-actualizing Indigenous Peoples in the Law in Langsa.

1. Community Diversity Langsa.

Basically Koentjaraningkrat, said that the community in question is the unity of human life that interact according to a certain customs system that is continuous, and which is bound by a sense of shared identity.

2. The term Ethnic Identity.

According to Yinger in Haralambos (2000), the ethnic group is a broader segment, that seen by the others different in some characteristics language, religion, race, and the progenitor of the culture. The members perceive themselves as such, and they perception in development activities around them (real or mystical) origin or culture together.

Anthropologically, Barth (1969) assumes that the ethnic group as a community that: (1) are biologically capable of breeding; (2) having the same cultural values and aware of the sense of community in a form of culture; (3) establish its own network of communication and interaction; (4) determine traits own group that received by other groups and can be distinguished from other population groups. Ethnicity refers to a large family that could be categorized as a community or identity, establish with certain elements.

Barth in Christ (2003): ethnic categories provide an organizational vessel that may be given varying amounts and forms of content in different sociocultural system ... The critical focus of this point of view Becomes the ethnic boundary that defines the group, not the culture stuff that it encloses.

Barth Hearts Christ (2003) provides vessel ethnicity categories of organizations that can be given various amounts and forms of content in different socio-cultural system ... critical focus of this viewpoint becomes the ethnic boundary that defines the group, not the cultural stuff that it encloses.

In the Law on the Governing of Aceh in Chapter XXVIII, written in paragraph (1) is the Acehnese are individuals who were born in Aceh or own lineage Aceh, both in Aceh and outside Aceh and acknowledge him as the Acehnese.

This study is basically targeted at researchers take in Langsa society, particularly among the younger generation of students. The author takes the direction research is expected that the adult human being to the level of academic and scientific thinking that can provide insight into the future, especially in the cultural values of the valuable and precious that must be maintained for the sake of the nation's progress and benefit of the people. Adult, meaning that they are legally related to age, sociological issues related to his thoughts (psychological). In general, public image Langsa is a universal society, pluralistic and heterogeneous. Langsa multiethnic society consists of various ethnic groups, the ethnic Acehnese, Javanese, Minang ethnic, ethnic Batak/Mandailing, ethnic Gayo, ethnic Nias, and the Malays. Universally community Langsa is divided in several social layers: (1) bureaucrats (ruler); (2) *Ulama*; (3) Merchant; (4) Community. System structure of the urban community is not unlike the people of Aceh in general. However, in the presence of two state universities in Langsa, then increased number of ethnic from the outside of Langsa (Aceh) or from outside the province. as the ethnic Batak Mandailing ethnic, ethnic Simelue, Riau Malays, ethnic Minang, ethnic Gayo Alas and some other ethnic groups. Instinctively they cannot be separated from the cultural values they have, which is to realize the ideals and enforce identity, as an indigenous ethnic holding.

3. Types of Research.

The method used in writing this paper uses research methods 'juridical sociological.' Research 'sociological juridical' is research using primary data obtained directly from the field. This study used a qualitative method with descriptive type. in this position, the selection of research subjects and informants, as suggested by Patton (1994), namely the selection of research subjects and informants by using the method of selecting intentionally (purposive). Interview techniques in research qualitative approaches are divided into three categories, namely (1) the interview by way of informal talks (informal conversational interview), (2) a general interview directional (general interview guide approach), and 3) open interviews are standard (standardized open-ended interview).

Referring to this study, the researchers in a paper writing will be sort of people who are directly involved based on his experiences, opinions, feelings and knowledge. Danandjaja (1984) said observation is how to view an event from outside to inside and then describe exactly like what we see. Hope in this process, researchers can understand the setting and empirical data (primary data) and then do a comprehension and me to reflect on the subject of research as the unit of observation. In addition, the researchers conducted participant observation by observing the behaviour wide range of subjects related to their experiences and views, listening to the words, phrases that are relevant to identity.

In the survey, interviews using key information, in this case the authors take public figure consists of (1) bureaucrats (Department of Islamic Law) which is the formal structure of those directly involved and the key in the implementation of Islamic law; (2) *Ulama*, the person who has been maintaining the patterns and behaviour of society as per the norm of Islam; (3) Traditional leaders, which figures would uphold customary; (4) intellectuals (academics); and (5) the youth and user in using the customary norms of behaviour.

D. Implementation of Sanctions for Perpetrators of Abuse Shari'a Law in Perspective of Indigenous Peoples In Langsa.

Langsa is the province of Aceh, which is result of the expansion of East Aceh district. In 2013, Langsa inhabited by about 157 011 people, consisting of 77 966 male psyche, and 79 045 female soul and Sex Ratio of 98.63 percent, the majority are ethnic Aceh. Langsa an expansion area of East Aceh district, it is located approximately 400 km from the city of Banda Aceh, the capital of Aceh province. Langsa previously exist Administrative City in accordance with Government Regulation No. 64 of 1991 on the establishment of Administrative. Langsa then assigned the status of a city by Act No. 3 of 2001 dated June 21, 2001. Langsa have surrounded the area spanned by the district of East Aceh and Aceh Tamiang. Langsa divided into five (5) sub-districts, namely (1) the District Langsa city; (2) District of East Langsa; (3) District of West Langsa; (4) the District Langsa Baro; and (5) District of Langsa Lama. Therefore, the region including the region of Aceh province, the applicable law is the law of privilege province. This means that people living in "*Earth seramoe Mecca*" imposed Islamic law, which has been summarized in Qanun Islamic Shari'a. Islamic law is the law that was enacted in Aceh which is reincarnation of customary law, which was born out of the social norms of society. Historically, social norms derived from religious teachings, legends, folklore, and myth is a form of legitimacy or endorsement of the most effective. Religion is a symbolic universe that gives meaning to human life and gives an explanation of the most perfect and comprehensive of all reality.

William R. Bascom in Danandjaja, a professor emeritus in the science of folklore at the University of California, said that the function of customs, legends, folklore, there are four, namely (a) as a projection system which is a tool reflection wishful thinking; (B) as a validation tool institutions and cultural institutions (value norm and culture legitimate); (C) as a child's education (pedagogical device); and (d) as a means of coercion and supervisors that the norms of the community will always be followed members of the collective. Furthermore, Pospisil analyze the legal community that the law is an activity within the framework of a culture that has the function of social control (attribute of law). Each of the elements of universal culture will incarnation a form of culture.

Koentjaraningkrat, culture form divides into three, namely: (1) The form of culture as a complex of ideas, ideas, values, norms, rules and etc; (2) Being a complex culture as well as the activity pattern of human action in society; (3) The form of culture as objects of human work. So it is a customary embodiment of culture form as a complex in the form of ideas, ideas, values, norms, customs rules which is the thinking of society. Indigenous is a habit that is run by the community and maintained as well as the transfer from one generation to the next. in Indonesian dictionary, the meaning of the customary habit. Bushar, giving the idea that custom is binding and have legal consequences. Customary law is termed *godsdiensstige Wetten*, or "laws of religion, the institution of the people, customs, institution original." Van den Berg in the theory of reception in complexu, said that the customs and laws of society is the reception the whole of the religion professed by a group of community it, Law (custom) are the proceeds round of the (law) the religion professed by the community group, so the law of Islam is Islam class society.

Cultural values as a guide that gives direction and orientation to life, is very common. Instead, the norm in the form of the rules to act is specific, whereas the formulation is more highly detailed, clear, and unambiguous. Special norms may classified by institutions of the existing society. In order for human relations within a society materialize as expected, then formulated the norms of society. At first, these norms are formed unintentionally, however, over time the canon was made consciously.

In sociological concept of institution (institution) are systems that become the vehicle through which people were to interact according to patterns of official. Cultural value system often also be a way of life or world view for people who hold them. But the term view of life should be separated from the concept of the cultural system. a view of life that usually contain most of the values of a society, which selectively chosen by the individual and the community groups in society. Deliar Noor (1983), said that the intended value is characteristic. Eduard Sprangler, distinguishing values of economic, social, political theory (science), aesthetics and religion in human life. Sutan Takdir then split and clicking the affiliate-sixth of the value, namely: (1) an affiliate between religious values and aesthetic so that there expressive aspects of culture; (2) between value theory (science) and economics in order to obtain the progressive aspect, and (3) the political and social values (solidarity) so that common aspects of the organization of culture. Everything is intertwined, but Sutan Takdir, shows a society that aspect of his expressive strong. But it found a higher aesthetic pressure again, such that "religious values and experience can even exceedingly oppressed by the number of beauty as well as games rites and ceremonies."

This can be seen ritual on the island of Bali, that assessment will be breeding religion more highlighted in the celebration of rites ritual, but on the other hand, contrary to the public that have expressive very strong, and in it was found the pressure of religious values are higher, such as "religious values" will get a spot on the value of the community itself, as we saw in Aceh Province, in particular Langsa. So, with the norms of the people of Aceh that have been selected valuable religion (Islam) it is inappropriate to be used as reference material in making customs regulations. Indigenous communities are desired be based indigenous religions namely Islam. Therefore, People of Aceh is hard to distinguish which is where religious customs, meaning that Islam has become a way of life, ingrained even the breath of the people of Aceh. Narrated by Nurzalin (2012), that was the one region Indonesia Aceh who first received the teachings of Islam. Soon after his arrival, Islam becomes the new system for the people of Aceh replace the system of values and cultural influence of Hinduism, Buddhism and animism that were previously developed in Aceh. Islamic values are then fused in various activities of the Acehnese, so no one any part of social interaction that escaped or not rated by an Islamic perspective.

Thus the customary community Langsa is customary Aceh which is identified with Islam. Legally community Langsa, Aceh is part of the community, then without exception customary law was adopted of customary law, Islamic Shari'a appropriate. All the people who live in Langsa, customarily had to hold on to the tradition of Aceh, which are summarized in customary law or the *Qanun*, which has been regulated by law. Acehnese customary law is customary law based on Islam, which has made awareness to its adherents. Tan Kamello, said that "awareness" of society-the one who is capable of forming the law, without the intervention of other parties. So basic and guidelines Aceh Sultanate era has always referred to the guidelines based on "*Adat bak Po Teumeureuhoom, hukôm bak Syiah Kuala. Kanun bak Putro Phang, reusam bak Laksamana.*

Aceh customary are sets of rules and norms of behaviour rules are believed as a guideline in life. Lombard, which is customary Aceh is a collection is divided into 4 sections with titles such customs (1) a set of rules (council) regarding the powers of the king, the palace organization, and so forth. The first part of this can be said with a valid reason comes from the reign of Sultan Iskandar. (2) A chronicle only mention kings one by one and have the text translated by Dulaurier, dated the end of the 18th century. (3) A ceremony administration depicting multifarious solemn parade of the celebration that occurred for one year; the third section can also be said to be derived from the reign of Iskandar Muda. (4) A detailed list of the various taxes and duties are collected from traders who arrived in the port of Aceh or leave it. This section consists of elements originating from the 17th century and from the 18th century. To interpret it required a cautious attitude. The main text in the text was obtained in 1919 for the India Office, and now resides in London at the India Office Library. After Islam was accepted as a new fad religion, Islam then take an important position in the overall life of the Acehnese. In fact, Islam is not only meant as a religion, but also as a system of life-world perspective (worldview) in assessing all the problems and the referral of all attitudes and decisions, other than that Islam is interpreted as part of the identity of the people of Aceh.

1. Role of Ulama.

Sheikh 'Abbas ibn Muhammad alias Teungku Chiek Kutakarang nineteenth century, in his book entitled "Tadzkiratur ar-Rakidin" (Warning To Those Who dwells Yourself) written in 1307 H (1889 AD), he said that: "Adat ban adat hukom ban hukom, adat ngon hukom sama kembee, tatkala mufakat adat ngon hukom nanggroe seunang hana goga. Ayuhal ikhwan yang budiman, raja lan alam lhee peukara, pangkat raja nyan lhee bagi, nyang mat lahi lam nanggroe lahi saja nyang pemerintah ateuh rakyat hukom adat uruf dumia, nyan keuh raja lam alam. Nang mat jabatan lahi saja, wajib ta ikout ban nyang suroh meunyoe meusaboh dengoen agama, perihal hana mesaboh ngon syara' bek ta iko ban nyan sabda. Kedua bagi raja nyang hukom batin, nyang perintah jaya agama, nyah keuh ulama ahlus-shariah, makan nyan neumat jalan agama, wajib ta ikot ban nyang suroh, soe han pateuh keunong bala."

It means "custom according to custom, according to the shari'ah laws of shari'ah law. Indigenous to the same shari'ah law are twin. Not when consensus was customary with domestic law glad no riot. O brother dear, king of the universe, there are three cases, kingship there are three kinds, which holds born in the country of birth who ruled over the people of the legal customs of the world, that the king of the universe held the post of birth only, shall we follow as he ruled if united by religion. The subject may not be united with Personality 'let's not take part as he said. The *Hadith* of the Prophet which to speak presented together meant: 'do not let us in immoral acts even though your neck will be slaughtered'. Second, the king who holds the inner law that govern religious path. The scholar of Ahlus-shari'ah, a place that hold a religious path. We must follow what he was told, who do not comply will receive reinforcements (disaster/calamity). "

In the sheikh mandate already mentioned that between customs and religion at first mutually different, which means that custom is custom, religion is a religion, but both of them are twins. This means that between tradition and religion are difficult to separate fused together, because Islam has united the Acehnese themselves even as the worldview of the Acehnese people themselves.

2. Role of Ulil amri (government).

Referring to the opinion referred to ulil amri (government) has been mentioned in the Book of Qur'an Surah an-Nisa 'verse 59:

"O ye who believe, obey the Allah and Prophet, and *ulil amri (government)* among you. Then if you differ on anything, then give back it to Allah (the Qur'an) and Messenger (Sunnah), if you truly believe in Allah and the Last Day. That is (advantageous) and better in the end."

From commentary paragraph above, that *ulil amri (government)* is a ruler, people who were given a mandate to lead, a leader, or government *umara*. Appropriate legislation referred to the government of Aceh, are as listed in Chapter VIII, that which has been described ranging governor until the very bottom, the village or the village that is embodied in the Law of the Republic of Indonesia Year 2006. Sheikh 'Abbas ibn Muhammad alias Teungku Chiek Kutakarang in his book, that a king or government or ulil amri (government) ideally:

"*Ayuhal ikhwan yang budiman, raja lan alam lhee peukara, pangkat raja nyan lhee bagi, nyang mat lahi lam nanggroe lahi saja nyang pemerintah ateuh rakyat hukom adat uruf dumia, nyan keuh raja lam alam. Nang mat jabatan lahi saja, wajib ta ikout ban nyang suroh meunyoe meusaboh dengoen agama, perihal hana mesaboh ngon syara' bek ta iko ban nyan sabda.*"

From this sentence that the government or '*ulil amri (government)*' have a direct role in strengthening the implementation of Syari'a, in addition to traditional institutions. This is reinforced by the Law on Governing Aceh. The role and function in participating enforce implementation of Islamic law have been arranged and contained in the corresponding Article 127 (1), that the Aceh government and district/city governments are

responsible for organizing the implementation of Islamic law. Referring to Article 125 (1), that Islamic law is implemented in Aceh include *aqidah*, *Syar'iyah* and morality. Article 125 (2) of Islamic law as referred to in paragraph (1) includes worship, *ahwal-syakhsyah* (family law), *muamalah* (civil law), *jinayah* (criminal law), making up '(justice), *tarbiyah* (education), preaching, greatness, and the defense of Islam.

3. Contribution to the Community.

Religion is has the function of governing society so that people become peaceful, secure, peaceful taught according to the books of religious guidance. In the religious values are guidance and role models in the form of religious norms. Religious norm are the core of re-actualization (renewal of) the religious orders. In certain societies that are part of indigenous religious norms, like the people of Aceh, even been used as a worldview in him. Therefore people who already insert religion into customs, then between customs and religion has been fused into the communities themselves (Aceh).

From the results of field surveys by interviewing a random system with a system of limited questions about the implementation of Islamic law in of 42 people consisting of 38 students, four lecturers. Judging from the status there were 30 men and 12 women, and who live in Langsa 30 people, and 12 people living outside the city, but still in the city of Aceh. When viewed from the category of all ethnic background of a number of 38 students, there are 19 ethnic Acehnese people, and ethnic non Aceh as many as 19 people. Of the 38 students, who live in Langsa 30 people consisting of 12 Acehnese, and 18 ethnic non Aceh. If the view of the system of belief (religious) of 38 students, who embraced Islam 'brought up a religious family' as many as 32 people, 6 people raised in families 'adherence to mediocre.' If the view of all ethnic background, of 19 of Acehnese who grew up on the family 'obedient' as many as 18 people, one person was raised from families 'adherence to mediocre.'

Curiously, of 6 students who have grown up in a family that was mediocre they agree to accept the Islamic Shariah *khaffah* and said that the implementation of Islamic Shariah in the city is very good, but of the 32 people who grew up on the family 'obedient' to say precisely 19 people, said that the implementation of Islamic shariah 'too stiff', which states 'good' 10, which states 'tolerable or normal' two people, who missed one person. Bustami, said that the implementation of the Shariah is not 'too rigid' because socialization is long enough, even started launched in 2003, people are less concerned, not yet fully understand Islamic law, even as if going on denial, it is proved by the results of the survey that their treatment is addressed to officials from the Department of Islamic Shariah. Society looks as if it was apathetic, because the government uses a system of 'selective' and there is no commitment to what has been established by him. In fact, there are states 'indifferent' as many as 25 students, 4 students expressed their 'alternative', and 3 absent, meaning not found.

The author agrees with Bustami, an apathetic public that attitude is caused by *ulil amri* (government) not yet fully understand the Shariah. The same thing, expressed by the Secretary of the Department of Islamic Shari'ah Langsa, that "raids carried out the implementation of Islamic law committed by the WH (Wilayahul Hisbah) found several violations that have been committed by mostly by the level of adult or already late baliq (college student), but its nature is still appeal. These violations typically lacking in dress perfectly fits the Shariah, and the offender usually do not want to receive or make a resistance. Penalties given by the officer is the parent have to pick up and make a written agreement that the offender was not to repeat his actions. Secretary of the Department added that back in the family culture too lax in implementing Islamic Shariah. "

Psychologist Carl Hovland, in understanding the attitudes by developing 'theory of learning' (learning theory), said that the assumption behind this theory is that the process of forming the attitude is the same as the formation of habits. People learn information and facts about the object attitude is different, and they also learn about feelings and values (awareness) associated with that fact. Thus, the process of learning the basic force for the formation of attitudes, through several processes, namely the association (association), meaning that there is a feeling negative (dislike) and there is a positive feeling (love), that as Muslims should have the awareness to love fully that Islam is norm for Muslims, especially in the community Langsa, on the students. Second, learning can also be done through the reinforcement (reinforcement), meaning that strengthen the foster awareness to implement the rule of law established by our conscience, as essentially custom packaged in norms to Islam. Third, punishment (penalty sanctions), it means that there is a sanction or a penalty if you do not to do the religious norms. Penalties can be tangible isolation (ostracism) of the community itself, so that people have supported entirely by consciousness in performing the customary norms.

However, in the Theory of Legal System, said that the legal treatment according to Friedman is determined by three elements, namely the legal structures (legal structure), the substance of the law (legal substance), and the culture of law (legal culture). So, in the case of violation of Islamic law, to prove that the legal culture, stagnated in Langsa. It is evident that there are forms of violations submitted in advance by the Secretary of the Department of Islamic Shariah. That is a legal culture "people's attitudes toward law and the legal system-Reviews their beliefs, values, ideas and expectations. In other words, it is that part of the general culture, which concerns the legal system." That is, the legal culture as human behaviour (in this community) for

the law and the legal system itself. the society attitudes regarding beliefs, values and ideas, as well as their expectations about the law and the legal system. Legal culture is part of the general culture of society.

At privilege in Aceh, affirmed in article 3 paragraph (2), one of which 'the organization of religious life'. By Article 4 paragraph (1), explained that "Implementation of religious life in an area established via the Shariah for devotees and the people." Thus, it is clear that this provision applies implementation of Islamic law for Muslims who are in a juridical fact Aceh province. However, in reality, it is precisely the implementation of Islamic law in Aceh (Langsa), it was only as a symbol, because the legal culture as a human attitude towards the law does not blend in conscience, or an imposition of a lady ruler.

That awareness was the one who would carry out the law, not forced, not because of sanctions, not because of fear of sin and so forth, but the value or the realization that that was the foundation in the renewal of society. Tan Kamello opinion, saying that the "awareness" of society-the one who is capable of forming the law, without the intervention of other parties.

E. Cover.

From the above description, the researcher would conclude the findings of the survey on the ground among others that:

1. Conclusions.

- a. In accordance edict of the scholars, that Islam is a doctrine that has been taught predecessors to be carried out and join with local custom. This means that the customs and teachings of Islam in Aceh is already united and make the character or worldview, a way of life for the people of Aceh in general, including in Langsa society, including the young generation of students.
- b. Government as *umara (ulil amri-government)*, should provide guidance and role models as figures as a good example to the community, not just the opposite, as if the law sharply downward and upward blunt.
- c. Society is less so appreciate the way the implementation of *Islamic Shariah*, especially in Langsa, this is due to lack of understanding of customs and Islam itself.

2. Suggestions:

- a. To establish and grow the *Islamic shariah* must start from the family in the hope the younger generation will understand the consciousness.
- b. The forms of rigidity in implementing *shariah* law, the need for a better method that is often held community approach through surveys, research so that one day more perfect observance without the intervention of any party.
- c. Awareness would be obtained if their psychological unification of society would be legal as a rule norm the offender would feel uncomfortable even be excommunicated (ostracism) by the communities themselves.

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