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# 1 Dynamics of Implementing Islamic Law Through the Islamic Sharia Enforcement Committee in South Sulawesi

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## Abstract

The aim of this research is to determine the dynamics of enforcement of Islamic law in South Sulawesi. The method used is field research to find the phenomenon being studied regarding the enforcement of Islamic law. The research results show that the enforcement of Islamic law is very dynamic among society. There are still pros and cons in enforcing these regulations due to socio cultural factors and community culture. However, the majority of people want the enforcement of Islamic law to realize religious observance. Preparatory committee for the enforcement of Islamic law. Institutions in carrying out religious functions are very strong in fighting for the enforcement of Islamic law. The community's aspirations are widely accepted by this institution as a precursor to enforcing Islamic law. Several regions have implemented enforcement of Islamic law through regional regulations. This regulation certainly has a positive impact on society. It's just that there needs to be cooperation between the government and society so that enforcement of Islamic law can run optimally. The results of the research show the level of satisfaction among the community in implementing Islamic law because it has a positive impact on their lives and motivates them to practice an integrated religion through the application of Islamic law.

**Keywords:** Dynamics, Enforcement, Islamic, Law, Shariah

## A. Introduction

As a legal system, Islamic law cannot and cannot be equated with other legal systems which are generally formed and derived from societal habits and the results of human thought and human culture at one time in the future. (Tarrow, S. G, 2011). In contrast to other legal systems, Islamic law is not only the result of human thought influenced by human culture in one place at a time, but its basis was established by Allah through His latest revelation contained in the Koran and explained by the Prophet Muhammad his Messenger through his Sunnah which is now compiled. well in the hadith books. This basis is what fundamentally differentiates Islamic law from other laws that are born solely from habits and thoughts or are simply human-made. (Illy Hans Ferdinand, 2012)

3 The aim of Islamic law in general is to prevent damage to humans and bring benefits to them, directing them to the truth to achieve happiness in human life in this world and in the afterlife by taking everything that is useful, preventing and rejecting what is harmful, namely that which is not useful for life and human life.

Abu Ishaq al-syatibi formulated five objectives of Islamic law, namely, 1. preserving religion, 2. preserving the soul, 3. preserving the mind, 4. preserving offspring, 5. preserving property, which is usually called *maqashid al-khamsah*. (Nasir, 2014).

According to (Agustiansyah, 2017) the contribution of Muslims in the formulation and enforcement of Islamic law in Indonesia was clearly visible after Indonesia's independence. As a law that grows and develops in society, Islamic law has become part of the life of the Indonesian nation, which is predominantly Muslim. There is a tendency among Muslims to require Islamic religious education in schools which has been running since the sixties to prove that Muslims want to return to their identity as Muslims.

The development of Islamic law in Indonesia is also supported by the government's attitude towards Islamic law which is used as a means or tool to facilitate the implementation of government policies, for example in family planning programs and other programs. After Indonesia's independence, leading Islamic legal thinkers emerged in Indonesia regarding and

reforming Islamic law in the field of *muamalat* in Indonesia. (Darmadi, 2017). This idea then gave birth to an Islamic bank in the form of the Indonesian Muamalat Bank which operates according to the principles of Islamic law in lending, buying and selling, leasing and other things by paying attention to the banking laws and regulations that apply in Indonesia. (Mohammad Daud Ali, 1994)

The contribution of Muslims in the formulation and enforcement of law has recently become clearer with the promulgation of several laws and regulations related to Islamic law, such as Republic of Indonesia Law Number 1 of 1974 concerning Marriage, Government Regulation Number 28 of 1977 concerning the *waqf* of owned land. , Republic of Indonesia law number 7 of 1989 concerning religious justice, presidential instruction number 1 of 1991 concerning the compilation of Islamic law, Republic of Indonesia law number 38 of 1999 concerning zakat management, Republic of Indonesia law of 1999 concerning the implementation of the Hajj. (Cik Hasan Bisri, 1998)

The development of Islamic law enforcement in South Sulawesi is very dynamic because society is very varied in responding to these ideas. However, the obsession with enforcing these rules has dominated the desire of the majority Muslim community to be able to practice their religion well. Several regions have made regional regulations relating to religion. The aim of making regional regulations is to further increase discipline in practicing religion. As an autonomous institution, the preparatory committee for enforcing Islamic sharia certainly takes a role in enforcing Islamic sharia to create a more Islamic social order in order to find a better life. (Abd Aziz, 2015)

The people of South Sulawesi certainly want a regulation to protect them. It is hoped that this regulation will have a positive impact on their lives so that it can trigger an increase in religion. The application of Islamic law is the desired solution so that the state system can run optimally. The application of Islamic law is certainly very easy to implement because the people of South Sulawesi have very high religious motivation. The preparatory committee for the enforcement of Islamic law has always promoted the enforcement of Islamic law because it is supported by elite circles of society and the government. (Karsono,

Bambang,2018). However, this idea is not an easy matter because it has attracted challenges from various groups who do not want the implementation of Islamic law for reasons of maintaining diversity. (Isnaeni, Hendri F. 2017)

#### A. Method

This research is field research which is categorized as qualitative research. Therefore, this research seeks to uncover and discover theories and paradigms for enforcing Islamic law in south Sulawesi. Considering that the object of this research focuses on the study of Islamic law regarding the social culture of the people of South Sulawesi to enforce Islamic law through religious institutions, this research is also categorized as phenomenological research in the form of a case study or case study to discover the community's obsession with upholding Islamic law. The data found is processed to find conclusions about the dynamics of society in enforcing Islamic law. (Irwansyah, 2021)

#### C. Results and Discussion

##### 1. Dynamics of Islamic Law Enforcement

The demand by some people in South Sulawesi, seen from sociological terms, to uphold Islamic law, is thought to be a direct result of the Muslim community's high and obsessive commitment to the Islamic religion, as well as belief in the pillars of faith in the Islamic creed. Sharia is one of the popular terms used in society to denote God's laws that have developed in Indonesia, including South Sulawesi. (M., Nur Hidayat, & Kasim, M, 2023).

The majority of people in South Sulawesi are Muslim. This aspect of the majority has become an identity that influences law in government and society. Apart from that, the concept of obedience is also known for the Bugis community and compliance for the Makassar community, which is a whole norm that includes how a person must behave towards fellow humans and towards reciprocal social practices, and causes the movement dynamics of society. (M. Metin Coşgel, Richard N. Langlois, and Thomas J. Miceli, 2020)

Islamic Sharia has become the philosophical basis of society, the historical background, the basis and core of cultural dynamics, normative ties, so that it has become the basis for statutory regulations. Until the Dutch

colonialists came and effectively defeated the kingdoms of Gowa, Bone and Luwu at the beginning of the 20th century, the position and existence of Islamic Sharia in South Sulawesi was still recognized as fundamental. According to historical facts, the implementation of Islamic Sharia has encouraged the development of society in South Sulawesi, so that the development of South Sulawesi society towards civil society can only be achieved by enforcing and implementing Islamic Sharia in totality. On this basis, the will of the Islamic Ummah emerged and strengthened to implement Islamic Sharia. (Qodir, Z, 2012).

In the Congress of the South Sulawesi Islamic Ummah which was then inaugurated a forum for struggle called the Preparatory Committee for the Enforcement of Islamic Sharia which fought for the implementation of Islamic Sharia through the formation of a Political House in the form of constitutional Special Autonomy within the framework of the Unitary State of the Republic of Indonesia. (Taufik Amal, Adnan and Samsu Rizal Panggabean, 2004)

The struggle of the Preparatory Committee for the Enforcement of Islamic Sharia to enforce Islamic Sharia through Special Autonomy in South Sulawesi received a huge response of support from the people of South Sulawesi. Furthermore, the demand for the implementation of Islamic Sharia in South Sulawesi can be said to have become a political fact that must be immediately realized in the form of policy, because at least, the Regional People's Representative Council of South Sulawesi Province based on its letter number 160/309/Regional People's Representative Assembly/2001 has recommended that demands for the implementation of Islamic Sharia in South Sulawesi be immediately followed up in accordance with the existing constitutional mechanisms. (Rahmawati. 2018).

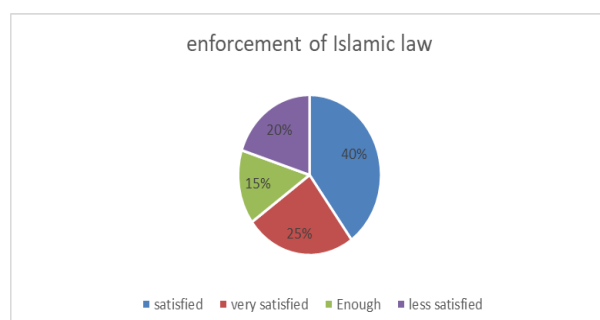


Figure 1: Dynamics of Islamic Law enforcement

The picture above shows that the enforcement of Islamic law in South Sulawesi gives satisfaction to the community. Islamic law is considered a solution for creating a better life. The sense of social satisfaction is always overshadowed by freedom to practice religion, so that Islamic law is considered a guideline in organizing life through the role of religion. However, there is still a sense of dissatisfaction in the enforcement of Islamic law because the level of readiness is not yet mature, so there needs to be improvement through better formation. Enforcement of Islamic law is very easy to implement because people consider that Islamic law is a part of life that cannot be separated from religious teachings. (S. Sarib, & Mokodenseho, S, 2023).

## 2. Obsession of the Preparatory Committee for Enforcement of Islamic Sharia in Enforcement of Islamic Sharia

According to (Zulfadhli, 2015) The Preparatory Committee for the Enforcement of Islamic Sharia, abbreviated by its popular name the Preparatory Committee for the Enforcement of Islamic Sharia, became phenomenal in 2000 as a Political Islam movement that is interesting to observe. By taking advantage of the momentum of regional autonomy and local political empowerment from the political policies issued by President Abdurrahman Wahid during the post 1999 election reform period.

the Preparatory Committee for the Enforcement of Islamic Sharia moved to fight for Indonesia's ideals of Islamic Sharia in a country based on Pancasila and the 1945 Constitution. The nature of the organization is in the form of a Committee, namely a collection of various Islamic organizations and Islamic figures in South Sulawesi. The Preparatory Committee for the Enforcement of Islamic Sharia formed a Political Islam alliance with the main agenda of realizing the totality of sharia in South Sulawesi, perhaps even obsessively implemented at the level of the Indonesian national government. (book of the Preparatory Committee for the Enforcement of Islamic Sharia, 2003)

This obsession received an enthusiastic response among some ulama, intellectuals, community figures and among young people, not only because it was initiated by young figures such as Abdul Aziz Qahar Muzakkar, who was obsessed

with implementing Islamic law as a solution in people's lives. (Patmawati, 2016)

There are four reasons, said Mansyur Semma, that several components of society welcome this obsession, first; there is a similarity in ideology and Islamic ideals that the Preparatory Committee for the Enforcement of Islamic Sharia wants to fight for. The second; they believe in Islamic law as a solution for the present and future, especially in overcoming crises. The third; They believe that upholding Islamic law is an obligation for a Muslim. And fourth; Society needs a new culture, namely Islamic culture. Because the current culture is really destroying the foundations of humanity and living a noble life. Veinberg, (Sandra. 2014)

If you pay attention to various documents and statements from a number of elite members of the Preparatory Committee for the Enforcement of Islamic Sharia, whether in the form of writings or political statements, it shows that they want to unite religion and state, as a unity between sharia and dawah. In fighting for their ideas, activists from the Preparatory Committee for the Enforcement of Islamic Sharia used structural channels in fighting for the formulation of sharia in the form of regional regulations or constitutive political rules and

decisions. (Anwar Saihu, M., H., Suhada, A., & Aziz, L. F. B., 2021).

This suggests that the Preparatory Committee for the Enforcement of Islamic Sharia wants to urge the unification of religion and the state in Indonesia. In Islamic political thought, the union of religion and state is a separate school of thought; where the state is placed as an instrument in implementing the principles of Islamic law formally, not substantially. (Mustapha, A. R., & Gamawa, A, 2018).

On April 15, 2001, the Preparatory Committee for the Enforcement of Islamic Sharia issued a Muharram Declaration which, among other things, refused to allow the Regional People's Representative Council of South Sulawesi to concretely follow up on demands for the enforcement of Islamic Sharia through special autonomy for the province of South Sulawesi, asking the People's Representative Council of the Republic of Indonesia and the central government to enact a Law. The Special Autonomy Law, with the threat that if this aspiration is not accommodated, concrete steps will be taken towards a referendum with the option of Special Autonomy or independence. (Jumriani, J., Nurwiantoro, N., & Setyawan, E. D, 2020)

Table 1. Demographic enforcement of Islamic Law

Demographic Information	Frequency	Percentage
South Sulawesi:		
1. Luwu	15%	1,5
2. Makassar	14%	1,4
3. Maros	14%	1,4
4. Bulukumb	17%	1,7
5. Barru	15%	1,5
6. Gowa	12%	1,2
7. Bone	13%	1,3

By paying attention to the presentation in the picture above, it shows that the demographics of Islamic law enforcement through the application of Islamic law show very dynamic numbers. This happens because society applies this part of religious teachings which must be implemented in life. The numbers shown in the picture show the community's support in advancing their region through sharia mechanisms and religious guidance. Enthusiasm raises their enthusiasm to always

synergize with the government in advancing religion through the implementation of Islamic law.

The obsession with implementing Islamic Sharia by the Preparatory Committee for the Enforcement of Islamic Sharia has produced results in various districts, even though a legal umbrella does not yet exist. For example in Maros; Employees of the Regent's office and other government offices have made Muslim clothing mandatory for women, and for men every Friday

they are required to wear a skullcap in sturdy clothes, they are required to pray in congregation at the office, all of this is based on the Regent's circular dated October 21, 2002. (Maulina, Putri, 2019)

According to (Sayuti, A. M., Abdullah, A. G., & Asnawi, N, 2021) Bulukumba Regency is more advanced one step further, by issuing four Regional Regulations with nuances of Islamic Sharia, namely; Regional regulations on Muslim women's clothing, reading and writing the Koran, free from alcohol and payment of zakat. by making Bulukumba district a pilot area for the application of Islamic law. According to This obsession with enforcing Islamic Sharia by the Preparatory Committee for Enforcement of Islamic Sharia echoed for approximately five years with various activities and demands for various components of society to support it, sometimes even threats of coercion, marked by bombings and anarchy in the name of religion.

### 3. *Enforcement of Islamic Sharia in the Psychological Context*

Sociology in a simple sense is the science that studies living together in society, and investigates the bonds between humans that control this life. Sociology aims to understand events in society and then try to bring about improvements in life together. Because sociology studies humans as members of society, sociology is related to aspects that influence life in society, such as law, economics, politics and religion. In South Sulawesi, the majority of Islamic religion is definitely related to Islamic law as one of the legal components of the Islamic religion. (Jawahir Thontowi, 2002)

In legal science, sociology has received great attention, not only as an approach in involving legal phenomena, but also as an object of study as a social phenomenon in studying, forming and enforcing law in society, thereby forming a scientific discipline, namely legal sociology, a study that studies relevant societal phenomena. with the law, controlling society with the law, an empirical study of the law, the concept of a study that studies the phenomenon of society in relation to the law, the control of society with the law, an empirical analysis of the law. (Mursyid Djawas, et.al. 2022).

the concept of a study that studies the phenomenon of society in the light of the law, the

control of society with the law, Impirical analysis of law, the essence of a study that studies the phenomenon of society regarding the law, controlling society with the law, impirical analysis of the law, the interaction of controlling society with the law or legal control of society as well as regarding legal patterns, legal behavior, legal reasoning, and the effectiveness of law in society. (Abdullah Ahmed An-Naim, 2022)

Thus, in the study of the sociology of Islamic law, the law functions as social control in the sense of obtaining behavior, which is considered to be a safeguard, so that society as well as individuals are able to act as groups related to laws that contain sanctions for violations. Law also functions as a tool for making changes to society, especially in modern era life which requires modern changes according to the demands of life itself. Law as social engineering requires various legal instruments that use written statutory regulations to further increase the degree of certainty. (Pelu, I. E. A. S., Asfia, H., Tarantang, J., & Supriadi, A. (2022).

Since the reform era, there have been major and fundamental changes regarding social studies in Indonesia, especially in the fields of politics and Islamic law. When discussing political life, it cannot be separated from religion, especially Islam, with the birth of political parties based on Islam and having participated in the 1999 elections, the idea The enforcement of Islamic law is being increasingly voiced by political elites, for example the United Development Party, the Crescent Star Party, the Prosperous Justice Party and other Islamic affiliated parties, which are being responded to by a group of Islamic organizations at both the central and regional levels. provenance in various regions of Indonesia. (Syahrul Rahmat, 2019)

Investigations by experts in legal sociology and modern cultural anthropology have produced evidence that law exists everywhere, where there is a society there is law, regardless of whether the society is modern or primitive. There are values and customs practiced by the people which they received from their ancestors, both in the form of norms and laws which originate from the beliefs religion they adhere to. In Indonesia, the values in the form of norms and laws are of course from the growing Islamic religion. since centuries ago, because the majority of Indonesia's population



is Muslim. (Preparatory Committee for the Enforcement of Islamic Sharia, 2003))

The sociological approach in enforcing Islamic law in South Sulawesi has become a way of life for Islamic communities and has had a positive impact on structuring national and state life in a pluralistic society in various frames of life, from ethnicity to religion. In the framework of national law and legislation, the existence of Islamic Sharia apart from being an integral part of national law.

As a filter for national law, and as the main raw material in the consolidation and unification of national law, even Islamic Sharia as an independent law that is differentiated from national law, even sharia Islam as an independent law differentiates national law from Islamic issues and becomes Islamic civil law for one of the judicial institutions, namely the religious court which is equivalent to the general court. In this way, Islamic law will remain upheld in people's lives, because Islamic law is a way of life for humans to find goodness. (Ayub, S. I., & Jafar, I, 2021).

#### D. Conclusion

The dynamics of Islamic Sharia Enforcement by the Preparatory Committee for the Enforcement of Islamic Sharia are not something new and not something that has not been implemented. In the sociological approach of Islamic law, the term Islamic law is more popular in South Sulawesi, it has been implemented by Muslims, especially in the frame of vertical worship and has been adhered to by the plural Indonesian society in the frame of horizontal worship as ethics in national and state governance because the Shari'a is a guide to life for society. .

Sociologically, the people of South Sulawesi have implemented Islamic law through several agreed regional regulations. It's just that the dynamics of Islamic politics are experiencing ups and downs in line with political developments adopted by the government in power. The old order viewed Islamic law as the potential to regulate society in the field of spiritual life, but within the framework of nation and state development. The aim of enforcing Islamic law is of course to organize a better and more prosperous society based on the religion adhered to.

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