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Received
8 December 2021

Accepted
29 March 2022

Published online
31 May 2022

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The Dynamics and Future of Qanun in the Welfare of the People of Aceh

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Abstract: After two decades of implementation of the special autonomy in Aceh, with Islamic Sharia becoming part of its legal system, some of Aceh's problems prevailed, especially those related to people's welfare. Whether the special autonomy granted to Aceh can improve the welfare of the people remains questionable. As a legal instrument in Aceh, the Qanun seemed to be unable to improve the people's welfare. Despite having enacted Qanun Number 11 of 2013 on Social Welfare, Aceh is still one of the ten poorest regions in Indonesia. This raises questions about the effectiveness of the Qanun in improving the welfare of the people. As such, this study is important to be carried out to find out the relevance of Qanun in improving the welfare of the people in Aceh. This study aimed to answer these questions: (1) What are the roles of Qanun in Aceh's special autonomy era? (2) What is the future of Qanun in creating welfare in Aceh? The purpose of this study was to (1) describe the role of Qanun in Aceh's special autonomy era, and (2) predict the future of Qanun in creating welfare in Aceh, as well as provide recommendations to solve problems related to the ineffective implementation of Qanun. This study used a qualitative approach, and the type of this research was normative-juridical. The focus of the study was the special autonomy in Aceh and the role of Qanun in improving the people's welfare. Data were taken from primary and secondary legal materials using literature reviews. A triangulation was used to check the validity of the data, and the interactive model was used to analyze the data. This study found that Aceh already has several Qanuns regulating matters related to the welfare of the people. However, to attain a prosperous future for the people of Aceh, more Qanuns regulating various aspects of the economy are needed.

Keywords: Special Autonomy in Aceh; Qanun; Welfare; Islamic Sharia

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I. Introduction

Indonesia became a sovereign country in the form of the Unitary State of the Republic of Indonesia after declaring its independence on August 17th, 1945. Over time, the form of governance changed. One of the changes was the formation of regional autonomy. Regional autonomy granted authority to a region to regulate and manage its regional affairs. This is stated in the 1945 Constitution (UUD 1945) (Diniyanto, 2016; Diniyanto, Muhtada, et al., 2021; Fauzi, 2019; Jati, 2012; Luluardi & Diniyanto, 2021; Muhtada & Diniyanto, 2018; Sanur, 2020; Sufianto, 2020).

There are two types of regional autonomy in Indonesia, the usual autonomy and the special or specific autonomy. Almost all regions in Indonesia have the usual regional autonomy, except for these five regions that have the special or specific autonomy: the Capital Region of Jakarta (DKI), the Special Region of Yogyakarta (DIY); Aceh Province; Papua Province; and West Papua Province. These five regions were granted special autonomy status following their respective circumstances. DKI Jakarta province was granted the special autonomy status as the capital city of the country, Yogyakarta province due to its governmental system that had existed before Indonesian independence, Aceh province due to its resilience and fighting spirit rooted in the Islamic sharia way of life, while Papua and West Papua for the protection and improvement of the welfare of their people (Annafie & Nurmandi, 2016; Baharudin, 2016; Suharyo, 2016).

The five special or specific autonomy regions are interesting to be studied further. The authors of this study are interested in studying the special autonomy in Aceh Province. As stated earlier, one of the reasons for the implementation of special autonomy in Aceh Province was due to the way of life of the majority of people in Aceh, which is based on Islamic sharia. These characteristics are legalized by the existing constitution and laws and regulations.

The Special Autonomy of Aceh Province has a strong legal basis, namely: (1) the 1945 Constitution Articles 18, 18A, and 18B, (2) Law No. 44 of 1999 on Implementation of Special Privileges of Aceh Special Province, (3) Law No. 18 of 2001 on Special Autonomy for Aceh Special Province as Nanggroe Aceh Darussalam Province (revoked), and (4) Law No. 11 of 2006 on the Government of Aceh. As such, operationally the prevailing legal basis of the Special Autonomy in

Aceh is Law No. 11 of 2006 on the Government of Aceh (Law No. 11 of 2006).

The law does not define that Aceh Government comprises of a Governor and his subordinates. According to article 1 paragraph 4 of the law, the Government of Aceh is a provincial government in the Unitary State of the Republic of Indonesia based on the 1945 Constitution of the Republic of Indonesia that organizes government affairs, which are carried out by the Aceh Regional Government and the Aceh Regional People's Representative Council following their respective functions and authorities.

The specificity of the Special Autonomy in Aceh can be seen in Article 16 paragraph (2) of Law No. 11 of 2006. There are at least five specificities of the Aceh Government as the following:

- (a) Implementation of religious life through the adoption of Islamic sharia for its follower in Aceh while maintaining the harmony of life among religious communities,
- (b) Implementation of customary life that is based on Islam,
- (c) Implementation of quality education and adding local content following Islamic sharia,
- (d) The role of ulema in determining policies in Aceh policy, and
- (e) Implementation and management of Hajj pilgrimage following the prevailing laws and regulations.

In addition to the above five privileges, the Special Autonomy in Aceh also has other specialties or specificities based on Law No. 11 of 2006. Those specialties or specificities can be classified into three dimensions: Terminological dimensions, Institutional dimensions, and the Financial dimension. The terminology dimensions can be seen from the unique terms such as (1) the Aceh People's Representative Council (DPRA), (2) Independent Electoral Commission (KIP), (3) Qanun of Aceh, (4) Aceh Revenue and Expenditure Budget (APBA), (5) Sagoe, (6) Banda, (7) Gampong, and (8) Keuchik (Djojosoekarto et al., 2008).

The institutional dimension can be seen from the institutions existed in Aceh, such as (1) Islamic Sharia, (2) Local Political Parties, (3) Aceh Sharia Court, (4) Ulema Consultative Assembly, (5) Wali Nanggroe Institution, (6) Mukim, (7) Aceh Regional Symbol and Banner of Splendor. The financial dimension includes (1) Additional Oil and Mining Revenue Sharing Fund, (2) Additional Natural Gas

Mining Revenue Sharing Fund, (3) Special Allocation Fund, (4) Part of government revenue comes from State-Owned Enterprises operating in Aceh, (5) Management of other revenue sharing funds (Djojosoekarto et al., 2008).

Looking at the dimensions of the Special Autonomy in Aceh, the Qanun is interesting to study. Antariksa (2017) stated that according to Kamus Besar Bahasa Indonesia dictionary, Qanun is a regulation, a law, a book of law. Qanun can also be interpreted as a king's order or command. Acehnese also sees Qanun as teaching or advice from parents. As a law, historically Qanun was made during the rule of Sultan Alaidin Riayat Syah II Abdul Qahar (1539-1571). Sultan Alaidin Riayat Syah II Abdul Qahar was the leader or early king of the Kingdom of Aceh Darussalam. This means that as a law or regulation of the government (kingdom) the Qanun has existed for a long time in the daily life of people in Aceh. One of the goals of the Qanun is to achieve prosperity (Antariksa, 2017, pp. 20–22; Fadli & Muammar, 2019, p. 79; Kamarusdiana, 2016, p. 154; Misran, 2012, pp. 8–10).

The Indonesian Government has adopted the Qanun into laws or regulations governing the people of Aceh. The Qanun was included in Law No. 11 of 2006. Law No 11 of 2016 Article 1 number 21 states that Qanun Aceh is a type of provincial regulation that regulates the implementation of government and the lives of the people of Aceh.

Based on the provisions of Qanun in Law No. 11 of 2006, it can be said that Qanun is a Regional Regulation (Perda). Article 7 paragraph (1) of Law No. 12 of 2011 on the Establishment of Laws and Regulations (Law No. 12 of 2011) states that the types and hierarchies of laws and regulations consist of:

- (a) Constitution of the Republic of Indonesia of 1945 (1945 Constitution),
- (b) Decree of the People's Consultative Assembly (Tap MPR),
- (c) Government Laws/Regulations in Lieu of Laws (UU/Perppu),
- (d) Government Regulations (PP),
- (e) Presidential Regulation (Perpres),
- (f) Provincial Regulations (Perda), and
- (g) District/City Regulations (Perda).

Based on the type and hierarchy of the laws and regulations, the regional regulation (Perda) is below the 1945 Constitution, Tap MPR, UU/Perppu, PP, and Perpres. It means that Aceh's

Qanun, which is at the regional regulation level, is also under the laws and regulations mentioned earlier. The Qanun is equal to a regional regulation, which means that it has a strong legal binding and can regulate various sectors within the scope of the regional authority. For example, the Qanun of Aceh has the power to regulate the territory of Aceh Province. Similarly, Qanun at the district/city level has the authority to regulate the district/city area. Thus, it can be said that Qanun has the power equal to the regional regulation to regulate various sectors in its territory.

Qanun in Aceh also regulates issues related to Islamic Sharia. With the inclusion of Islamic Sharia in Qanun Aceh, it is commonly referred to as Perda Sharia. However, to keep it neutral, we use the term "Qanun" in this study instead of "Perda Sharia."

In addition to being a legal instrument, the Qanun also becomes legitimacy to act. Qanun can also be used as a legal instrument to achieve welfare. This is because it is impossible to achieve welfare without a legal basis as guidance. With the existence of Qanun, the Special Autonomy in Aceh will have the goodwill or legal-political base to improve the welfare of the people of Aceh. The question is, has the establishment and implementation of Qanun in Aceh resulted in the improvement of the people welfare?

A discussion on welfare cannot be separated from a discussion on poverty. More poverty means less welfare. In 2006 there were 16.73% of poor people, or equivalent to 848.44 thousand people in Aceh. In 2020, the number decreased to 14.99%, or equal to 814.91 thousand people. The number of poor people during the Special Autonomy in Aceh has declined over the past five years. Overall, from 2016 to 2020, poverty in Aceh has decreased. The figures only had a relatively small increase in 2017, from 16.73% to 16.89%. In 2018, the poverty rate in Aceh decreased to 15.97% and continued to decrease to 15.32% in 2019. These figures put Aceh among the ten poorest provinces in Indonesia (Arnani, 2021; Badan Pusat Statistik Provinsi Aceh, 2020, pp. 69–70; Sugianto, 2021; Taufiq et al., 2020).

The data revealed that the Special Autonomy in Aceh has no significant impact on the improvement of the welfare of the Acehnese. Additionally, Qanun Aceh as a legal instrument has not been able to become a significant tool to improve the prosperity of the people of Aceh, even though there is a Qanun on welfare, namely Qanun Number 11 of 2013 about Social Welfare.

Although the existing data showed the above figures, there are different perceptions and data in various literature. A study by Wahyu Ramadhani and Radhali entitled "Social Security for Homeless and Beggars (Study on the Implementation of Aceh Qanun 11 of 2013 on Social Welfare" provided an overview of the success of the Aceh Government in providing social security to homeless people and beggars (Ramadhani & Radhali, 2021). The study was limited to homeless people and beggars, while social welfare has broader issues as it involves various elements and levels of society.

Another study by Deni Setiawan, Khalida Ulfa, and Titin Purwaningsih entitled "Poor Aceh: The Impact of Special Autonomy as Effort Poverty Reduction (sic) in Aceh." This study concluded that special autonomy in Aceh has successfully reduced poverty in Aceh (Setiawan et al., 2020). However, as discussed earlier, the data and facts still include Aceh as among the ten poorest provinces in Indonesia. As such, the special autonomy in Aceh has not been effective in eliminating poverty in Aceh.

The two studies indicated that Aceh has managed to overcome the poverty issue. But in fact, Aceh is still in the top ten poorest provinces in Indonesia. This contradiction made it important to discover the actual welfare of the people in Aceh and how Qanun is implemented to improve their welfare. Therefore, in this study, the researchers propose two formulations of problems: ((1) What are the roles of Qanun in Aceh's special autonomy era? (2) What is the future of Qanun in creating welfare in Aceh?

The purpose of this study was to: (1) to describe the roles of Qanun in Aceh's special autonomy era, and (2) to assess the welfare of the people and the future of Qanun in creating welfare in Aceh.

II. Methods

This study used a descriptive method with a qualitative approach since this approach portrays a social event or phenomenon as it is and then describes it in a narrative model qualitatively. This is relevant to portraying social phenomena related to the dynamics and future of Qanun in creating welfare in Aceh. The type of research used in this study is doctrinal research with a normative juridical type. The researchers linked the laws and regulations on the special autonomy in Aceh to Qanun from the perspective of improving the welfare of the people (Benuf & Azhar, 2020;

Diniyanto, 2019b; Diniyanto & Suhendar, 2020; Hardani et al., 2020; Sonata, 2014).

The focus of this study was the special autonomy in Aceh, and specifically to examine the roles and the future of Qanun in improving the welfare of the people. This study was conducted for six months, from July to December 2021. This study used legal materials from primary and secondary sources. The primary legal material was laws and regulations relevant to the focus of the study and used by the researchers to assess issues relevant to the special autonomy in Aceh and the welfare of the people in Aceh. The secondary legal materials were obtained from literature sources relevant to this study. The study used literature reviews for data collection. The researchers collected data through literature reviews on primary and secondary legal materials. The data was then validated with a triangulation method. Triangulation is the process of cross-checking data between one data and another data and also confirming them with theory/concept. This study used interactive models for data analysis, namely by conducting data collection, data reduction, data presentation, and conclusions (Bachri, 2010; Miles et al., 2013; Miles & Huberman, 1994; Rijali, 2018).

III. Results and Discussion

A. The Roles of Qanun in the Aceh Special Autonomy Era

The implementation of the special autonomy in Aceh cannot be separated from the existence of the Qanun. As mentioned earlier, Qanun is the legal basis and an instrument for the welfare of society. Through Qanun, there is goodwill to improve the welfare of the people. The question is, has the welfare been improved? Before discussing this question further, first, it is necessary to elaborate on the existing Qanun in Aceh and its relevance to welfare.

In this study, the researchers did not discuss all Qanuns in Aceh, they discussed only those related to Islamic Sharia or what is commonly known as Sharia Regulation (Perda Sharia). Please note that the Perda Sharia is a regulation at the regional level that has an Islamic nuance. According to Muhtada (2014a), Perda Sharia is a term that refers to laws formed by local governments related to Islamic norms, either directly or indirectly. Muhtada (2014a) classified Perda Sharia into seven classifications, namely (1) the regulation on morality which includes liquor, narcotics, prostitution, and gambling; (2)

regulation on fundraising such as zakat, infaq, and sadaqah; (3) regulation on Islamic education, (4) regulation on Islamic economics such as on Islamic banking; (5) regulation on Islamic beliefs such as prohibitions on sects that are considered to be unsuitable; (6) regulation on fashion such as dress-code; and (7) Other regulations such as facilities for worship, Hajj services, and others (Buehler & Muhtada, 2016; Muhtada, 2014a, 2014b, 2018). The researchers added one more classification, namely Perda on institutions, for example, Islamic Sharia Court. Hence, the researchers stated that there are at least eight classifications of Perda Sharia.

The classification is very much related to welfare. Article 1 point 1 of Law No. 11 of 2009 on Social Welfare (Law No. 11 of. 2009) states that "Social Welfare is a situation when the material, spiritual, and social needs of citizens is met, to live properly and be able to develop themselves, so that they can carry out their social functions." Based on the definition of social welfare, it can be said that welfare is the fulfilment of economic (material), religious (spiritual), and human relation (social) needs. This is relevant to the eight classifications of the Perda Sharia. The material or economic needs are regulated by the Perda on Islamic economics and fundraising. The spiritual or religious needs are regulated by the Perda on Islamic education, beliefs, and others (houses of worship or the implementation of hajj). The social needs or human relations are regulated by Perda on morality, dress code, and institutions. Table 1 shows the detail of the classification.

Table 1. Welfare and Its Relevance to the Classification of Perda Sharia

No.	Welfare Aspect	Classification of the Perda Sharia
1	Material Needs (Economy)	Islamic economy and fundraising
2	Spiritual Needs (Religion)	Islamic Education, beliefs, and others (worship facilities and al-hajj pilgrimage)
3	Social Needs (Human relations)	Morality, dress code, and institutions

Source: Processed by the researchers

Aceh has created many Qanuns relevant to the classification of Perda Sharia and aims to provide welfare for the Acehnese. The number and types of Perda and/or Qanun in Aceh to the date of the study reach hundreds. The number of legal documents uploaded to Aceh Legal Documentation and Information Network (JDIH) was 972, comprising 333 Perdass (Qanun), 609

Governor Regulations (Pergub), 3 Regent Regulations (Perbup), and 1 Mayor Regulation. Other legal products were Laws (6), Verdicts (2), Governor's Instructions (4), Circular Letter (1), Legislative Program (1), Academic Manuscript (1), Governor's Decree (2), and Legal Article (1). Based on the Legal Documentation and Information agency, there are 959 documents. The number of Perda/Qanun is 329 documents (P. Aceh, 2021a, 2021b). See Table 2 for details.

Table 2. Types and Number of Legal Documents in Aceh

No.	Type of Documents	Total
1	Laws	6
2	Regional Regulations/Qanun	333
3	Governor's Regulations	609
4	Regent's Regulation	3
5	Mayor's Regulations	1
6	Other Legal Products	8
7	Decision	2
8	Governor's Instructions	4
9	Circular Letters	1
10	Legislative Program	1
11	Academic Manuscripts	1
12	Governor's Decree	2
13	Legal Articles	1
Total		972

Source: Aceh (2021)

Of the many documents, the researchers focused the study on the Qanuns. The researchers found Qanuns that control (1) morality, (2) fundraising, (3) Islamic education, (4) Islamic economy, (5) beliefs, (6) Moslem clothing, (7) institutional, and (8) others. This is relevant to the eight classifications contained in the Perda Sharia. Table 3 shows the detailed classifications.

Table 3 shows the Qanuns related to welfare as classified into the eight classifications. The Qanuns enrich the dynamics of the Special Autonomy in Aceh. Interestingly, the Qanuns in Aceh's special autonomy era are relevant to the core indicators or definition of the fulfilment of people's welfare. This is because the Qanun regulates many issues on material, spiritual, and social, which are indicators or definitions of the fulfilment of people's welfare. Of course, some obstacles related to material (economic) welfare remain to be problematic, since Aceh is still one of the ten poorest areas in Indonesia, as stated

Table 3. Classification of Perda Sharia in Aceh

No.	Classification	Name of Qanun/Perda Sharia
1	Morality	Qanun of Aceh Number 8 of 2018 on Facilities to Prevent Drug Abuse
2	Fundraising	Qanun of Aceh Number 10 of 2018 on Baitul Mal
3	Islamic Education	a. Qanun of Aceh Number 11 of 2014 on the Provision of Education Operation b. Qanun of Aceh Number 9 of 2018 on the Provision of Dayah Education
4	Islamic Economy	a. Qanun of Aceh Number 11 of 2008 on Sharia Financial Institution b. Qanun of Aceh Number 9 of 2014 on the establishment of Aceh Syariah Bank (revoked) c. Qanun of Aceh Number 5 of 2015 on the Amendment of Legal Status of Mustaqim Sukamakmur Regional-owned Rural Bank to become a Limited Liability Company (PT) Mustaqim Sharia Rural Bank Bank of Aceh.
5	Belief	a. Qanun of Nanggroe Aceh Darussalam Province Number 11 of 2002 on the Implementation of Islamic Sharia in Aqidah, Ibadah, and Islamic Syiar. b. Qanun of Aceh Number 8 of 2016 on Halal Products System.
6	Moslem Clothing	Qanun of Nanggroe Aceh Darussalam Province Number 11 of 2002 on the Implementation of Islamic Sharia in Aqidah, Ibadah and Islamic Syiar
7	Institution	a. Qanun of Nanggroe Aceh Darussalam Province Number 10 of 2002 on Islamic Syariah Court System b. Qanun of Aceh Number 9 of 2008 on the Management of Customary Life and Traditions c. Qanun of Aceh Number 10 of 2008 on Adat Institution d. Qanun of Aceh Number 2 of 2009 on Ulemas Consultative Assembly e. Qanun of Aceh Number 7 of 2015 on the Division of Governmental Affairs relating to Islamic Sharia between Aceh Provincial Government and Regency/City Governments
8	Others	a. Regional Regulation of Aceh Special Province Number 5 of 2000 on the Implementation of Islamic Sharia b. Qanun of Aceh Number 6 Year 2014 on Jinayat Law c. Qanun of Aceh Number 7 Year 2013 on Law of Jinayat Procedure d. Qanun of Aceh Number 8 Year 2014 on the Basic of Islamic Sharia e. Qanun of Aceh Number 5 Year 2020 on the Implementation and Management of Al-Hajj and Umrah pilgrimage f. Qanun of Aceh Nomor 4 of 2016 on the Guidance to Keep Harmony Among Religious Followers and Establishment of Religious Facilities

Source: From various sources

earlier in this study. On the other hand, there were many Qanuns that regulate the spiritual (religious) and social (human relation) aspects. This phenomenon indicates that many Qanuns contributed to welfare from spiritual and social perspectives.

B. Welfare and the Qanun in Aceh

It can be said that the existence of Qanuns in Aceh enriches the implementation of the special autonomy in Aceh. The Qanun contributes to various sectors regulated by it. The researchers noted three points about the Qanun, namely (1) many Qanuns are relevant to the Perda Sharia, (2) more Qanuns regulate issues related to Islamic Sharia, and (3) only a few Qanuns regulate issues related to the material or economic sector.

Table 3 clearly shows that the classification of Perda Sharia is relevant to the Qanun, although the Qanun is more academic and has a higher level. The Qanun also regulate issues that have been regulated in Perda Sharia. This means that there is some correlation between the Qanun and Perda Sharia. The similarity lies in the sectors that they regulate. Both directly and indirectly regulate sectors related to Islamic values.

The Qanun regulates more issues related to Islamic Sharia. Table 3 clearly shows that the majority of Qanun regulate matters related to Islamic Sharia. This finding is relevant to the special autonomy in Aceh since one of the reasons for the grant of the special autonomy in Aceh and the specificity of its special autonomy is the Islamic Sharia, as stated in Article 16 paragraph (2) of Law No. 11 of 2006. This means that the establishment of Qanun in Aceh, the majority of which regulates issues related to Islamic Sharia, is relevant and synergic with the specificity of the special autonomy in Aceh.

There are not many Qanuns that regulate material or economic issues. This is a separate finding that can be seen in Table 3. Only a few Qanuns regulate the material or economic sector compared to those that regulate the spiritual or religious and social or human relations sector. The smaller number of Qanun that regulate material or economic sectors significantly affects the welfare of the Acehnese. For example, more Qanun that regulates assistance or support for Small and Medium Micro Enterprises to reduce unemployment and increase income is needed. After all, welfare is related to material (economic), spiritual (religious), and social (human relations) issues.

As discussed earlier, the Qanun seems to try to fulfil the spiritual needs (religion) and the social needs (human relations). The religious needs are addressed by many Qanuns on Islamic education, beliefs, and others. The social needs are addressed by Qanuns that deal with morality, fashion, and institutional issues.

Unfortunately, on the material needs, the researchers only found four Qanuns (one of them was revoked) that regulate fundraising and Islamic economics and one Qanun that regulate social welfare. The four Qanuns that regulate fundraising and Islamic economics are (1) Qanun of Aceh Number 10 of 2018 on Baitul Mal; (2) Qanun of Aceh Number 11 of 2008 on Islamic Financial Institutions; (3) Qanun of Aceh Number 9 of 2014 on the Establishment of Bank Aceh Sharia, which was replaced with (4) Qanun of Aceh Number 5 of 2015 on The Change of Legal Form of Regional-owned Companies of Mustaqim Sukamakmur Rural Bank Into a Limited Liability Company of Mustaqim Aceh Sharia Rural Bank. The Qanun that regulates social welfare is Qanun Number 11 of 2013 on Social Welfare (Qanun No. 11 of 2013).

The definition of social welfare in Qanun No. 11 of 2013 is almost the same as the definition of social welfare according to Law No. 11 of 2009. Social welfare, according to Article 1 paragraph 11, is a situation when the material, spiritual, and social needs of citizens are met to live properly and be able to develop themselves so that they can carry out their social functions. Although Aceh has a Qanun that regulates welfare issues, Aceh is still one of the ten poor regions in Indonesia.

Therefore, it is necessary to encourage the issuance of more Qanuns that regulate economic affairs, as Aceh still has a high poverty rate. With the issuance of these Qanuns, Aceh's economy can be improved, and the poverty level can be reduced. Qanuns in the economic field can be issued to encourage, for example, Micro, Small, and Medium Enterprises, digital industry, natural resource management, and others. The question is, how is the future of Qanun in Aceh's special autonomy? In the future, Aceh, with its special autonomy status, must make more economic-related regulations to complement the religious and social-related regulations and improve the three welfare elements: economic, religious, and social elements.

Implementation of Islamic Sharia is not just a matter of law like Jinayah (Islamic criminal law). The application of Islamic sharia is not merely related to institutions. The application of Islamic sharia must also lead to the promotion of social welfare. Legal instruments, such as the Qanun, must become a tool that improves the prosperity of the Aceh people.

As mentioned earlier, the Qanun in Aceh uses the classification of Perda Sharia. Many Qanun in Aceh regulates institutional issues and the

implementation of Islamic sharia. It is the time for the Qanun to be more productive and regulate issues related to economic fields, such as Micro, Small, and Medium Enterprises, digital industry, natural resource management, and others.

Qanun on Islamic Economy can be, for example, on the development of Micro, Small, and Medium Enterprises (MSME) based on Islamic principle for the grassroots people. It can also be done through the formulation of Qanun on the establishment and management of the Regional Owned Enterprises (BUMD) that conduct business in an Islamic principle and generate profit as well as give benefit to the Acehnese.

Of course, there is no guarantee that the many regulations on economic issues will bring welfare to the people in the region, as welfare is much influenced by various factors, for example, the management of economic resources (Diniyanto, 2021b; Muhtada, Diniyanto, et al., 2018; Muhtada, Sastroatmodjo, et al., 2018). There is also no definite linear relationship between the number of regulations in the economic field and welfare. A region with many regulations in the economic field may not be prosperous. Instead, those with fewer but good quality regulations may be more prosperous. However, at least the economic-related regulations can serve as a legal instrument to perform or carry out programs capable of improving the welfare of the people through the economic sector.

If there are no rules governing the economy, then there is no obligation that forces to carry out economic activities. It is different when many rules govern the economic sector. Local governments must carry out economic activities mandated by the laws and regulations. This is the reason that regulation is needed as an instrument to carry out the obligations of economic activities.

Moreover, Indonesia is a state of law, where regulation serves as the basis for carrying out state affairs, including economic activities. However, the government should not focus on issuing numerous regulations. Rather, it must make sure that the regulation issued are of good quality and focus on what is being regulated. The government must focus on the substance of the law. In addition, consistent and fair law enforcement or a suitable legal structure is also needed. Lastly, the society's culture in observing the regulations is also needed. The community culture is very important to enforce the regulation. A law-abiding society will lead to enforced regulations. This is what is referred to as a legal

system (Diniyanto, 2018, 2019a, 2021a; Diniyanto, Hartono, et al., 2021; Friedman, 1975).

If the legal systems are implemented through Qanuns that regulates economic issues, made in good quantity and quality, accompanied by consistent enforcement and implementation, and combined with the law-abiding characteristic of the Aceh people, then the Qanun will become an effective legal instrument to improve welfare in Aceh.

Besides encouraging the issuance of more Qanuns in the economic field, the Aceh Government should also encourage the issuance of Qanuns on welfare matters in Aceh. To promote the improvement of people's welfare, the Aceh Government also must prevent and solve other problems related to welfare. A study by Heru Cahyono stated that the implementation of the special autonomy in Aceh has not been able to improve the welfare of the people of Aceh. It can even be said that the special autonomy in Aceh fails to provide welfare for the people. The failure resulted from (1) inappropriate management of the special autonomy fund; (2) a significant number of corruption cases and abuse of budget, as well as development projects that are improper and not-pro-people (Cahyono, 2012).

The inappropriate management of the special autonomy fund in Aceh can be seen from various issues, such as (a) ineffective supervision and coordination of the management of the special autonomy fund, (b) improper planning, (c) low-performance output, and (d) domination and egoism in the management of the special autonomy fund (Cahyono, 2012). The inappropriate management of the special autonomy fund in Aceh was also caused by the distribution of funds that were not on target. This situation can be seen from the distribution of the fund that were not reflected by the outcome. Despite the disbursement of a large amount of the special autonomy fund, Aceh remains among the ten regions with the largest poor population in Indonesia. Additionally, aside from inappropriate distribution and management, the distribution of the special autonomy fund was also not well supervised. A study by Khairil Akbar et al. stated that between 2008 and 2012, the special autonomy fund in Aceh was not controlled and not monitored. Worse still, it was found that no system and institution supervised the special autonomy fund in Aceh (Akbar et al., 2021, pp. 106–109).

The many corruption or abuse cases are, for example, (a) unfair project bidding and bidding carried out by the inner circle of power; (b)

conspiracy between the provincial government and the legislature related to the Aceh Revenue and Expenditure Budget (APBA), such as the working/operational budget of the Governor, which tends to be wasteful; and (c) a large amount of funds disbursed to certain parties, especially those who support the political view of those in power (Cahyono, 2012).

The problem of corruption in Aceh is not a minor corruption case. There are at least two major corruption cases in Aceh during the special autonomy era, namely (1) Abdullah Puteh and (2) Irwandi Yusuf. Both cases are related to the special autonomy fund of Aceh, and both are former Governors of Aceh, the highest official in Aceh (Akbar et al., 2021).

Abdullah Puteh was a former Governor of Aceh who was convicted of corruption in the Rp10 billion helicopters procurement. Abdullah Puteh was sentenced by the Corruption Criminal Court to ten years in prison, a fine of Rp500 million and required to pay damages of Rp1.7 billion. The decision of the Corruption Criminal Court was later upheld by the Supreme Court's decision (Liputan6, 2005; Tempo.co, 2005).

Irwandi Yusuf was a former Governor of Aceh who was also entangled in a corruption case. Irwandi Yusuf was sentenced by the Corruption Criminal Court to 7 years in prison and a fine of Rp300 million or a replacement (subsider) of 3 months of imprisonment. The High Court increased Irwandi Yusuf's sentence to eight years in prison and a fine of 300-million-rupiah or a replacement (subsider) of 3 months imprisonment. The Supreme Court at the cassation level reduced the sentence to seven years in prison and a fine of Rp300 million or a replacement (subsider) of imprisonment for 3 months (Maharani, 2020; Winata, 2020).

The next problem relates to development projects that are inappropriate and not-pro-people. For example, (a) the development is only felt by a certain group or small numbers of people; (b) few investors invest in the region due to conflict with the local people; and (c) high unemployment level (Cahyono, 2012). The inappropriate development projects that were not pro-people were also reflected in their less than desirable outcome. The special autonomy in Aceh was intended to develop the region and improve the welfare of the people. But Aceh was still in the top ten regions with the poorest population in Indonesia. The development was not appropriate as it was not in line with people's aspirations

(Adnan, 2021, p. 104; Maryati et al., 2018, p. 82; Nasrullah, 2021).

These problems require both preventive and solution-based approaches. Preventive-based approaches are taken to prevent the occurrence of problems that hampers the improvement of welfare. Aceh Government must create an effective and efficient prevention system so that the same problems will not reappear in the future. Prevention measures must also be carried out consistently to ensure no gap that can be exploited to create the same problem. Most importantly, prevention measures must be carried out on welfare issues so that the special autonomy in Aceh can bring welfare to the people of Aceh.

The solution-based approach is also important and must be carried out. A solution-based approach is an approach taken to solve problems accurately, correctly, and completely. The problems mentioned earlier required concrete solutions to implement and produce good results. The concrete solution must be precise, correct, and complete. Precise means that the solution is straight-to-the-target in solving the problem. Correct means that the solutions have legal bases and are rational so that they can be legally justified. Complete means the solution must be capable of solving the problem completely. As leaving unsolved problems will lead to new problems.

The two approaches (prevention and solution) should be carried out together by creating Qanuns related to Islamic economic issues. When all of the above approaches are carried out comprehensively and consistently, then the coveted welfare will be attainable for the people of Aceh.

In addition, it is also necessary to encourage other welfare-related regulations, such as regulation of the health sector (health services and guarantees). The Aceh government needs to evaluate the existing Qanuns to check whether the Qanuns are adequate to improve the welfare of the people. If they are not adequate, then Aceh Government can formulate revisions of the Qanuns that directly or indirectly relate to welfare, such as those in health services and guarantees, inclusive education, employment, and others.

IV. Conclusion

The roles the Qanun in Aceh's special autonomy era are important to study since the Qanun is one of the instruments to achieve one of the goals of

the special autonomy in Aceh, namely the welfare of the people.

Over time, many Qanuns in Aceh were issued to regulate (1) morality, (2) fundraising, (3) Islamic education, (4) Islamic economy, (5) belief, (6) clothing, (7) institution, and (8) others. The eight criteria are relevant to the welfare of the people and mapped based on the existing Qanuns.

This study found that many Qanuns were issued to regulate spiritual (religious) and social (human relations) matters, and only few were issued to regulate material (economic) issues.

The lack of Qanuns that regulate the economic issues is a problem.

Several steps need to be taken to solve this problem to ensure that the Qanuns improves the welfare of people in Aceh.

First, the Aceh Government needs to be more productive in issuing Qanuns regulating the economy. This means that the number of Qanun that governs the economy must be increased.

Second, the Qanuns in the economy must regulate various aspects of the economy.

Third, the Aceh Government must take a preventive approach on problems that hamper the improvement of the people's welfare. Appropriate, correct, and complete preventions are needed so that these problems will not reappear.

Fourth, the Aceh Government also must take solution-based approaches.

These approaches are needed to provide solutions to existing problems in achieving the coveted welfare of the people of Aceh.

The solution-based approaches must also be carried out appropriately, correctly, and completely to solve the problems and achieve the welfare of the people of Aceh.

Acknowledgment

This study was carried out with collaborative support between Pesantren Penelitian Al-Muhtada (PRM) and Insfre Indonesia. PRM is an educational institution that conducts religious and social research as one of its activities. Insfre Indonesia is a non-profit organization that conducts studies in the field of legal, democracy, governance, and social welfare.

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