

## Analysis The Use Of *Qawaid Fiqhiyyah* In The Decree Of The Fatwa Of Aceh Islamic Scholar Consultative Assembly (MPU)

**Liantha Adam Nasution**

Sekolah Tinggi Agama Islam Negeri Mandailing Natal

lianthaadam@stain-madina.ac.id

DOI: 10.23917/jtl.v3i2.18203

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Corresponding Author: **ABSTRACT**

**Liantha Adam**

**Nasution**

lianthaadam@stain-  
madina.ac.id

Aceh is a province that has privileges compared to other regions in Indonesia, the privilege of Aceh is to be able to carry out the aspirations and dreams of the Acehnese people so that they carry out Islamic Sharia properly and are protected by state laws that will create a civil society based on the Kaffah Islamic Sharia. In compiling the Rules and Implementation based on Islamic Shari'ah, the Acehnese government established an institution that houses Aceh's Islamic scholars and has the authority to provide Islamic legal considerations in drafting Qanun and legal rules in Aceh, the institution is Aceh Islamic Scholar Consultative Assembly (MPU). The study uses a normative approach that focuses on the study of laws/regulations issued by Aceh Islamic Scholar Consultative Assembly by looking directly at the rules and classifying Fatwa, Ijma'a, Qiyas, and Aceh Islamic scholar's views which will be deductively concluded. Based on the analysis of the legal products issued by Aceh Islamic Scholar Consultative Assembly, it is clear that the application of Qawaid Fiqh is considered and becomes a source of rules in decisions relating to Contemporary but the use of Qawaid Fiqh in several Fatwas and Decrees is not clearly stated in the Qawaid Fiqh used.

**Keywords:** Qawaid Fiqih, Fatwa, Islamic Scholar Consultative Assembly

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### INTRODUCTION

Aceh is an area that aspires to build a civil society based on the complete Islamic Shari'ah, which is interpreted by residents who are faithful, noble, ethical, maintain unity, tolerance, uphold the law, and free of religion..

All institutions under the auspices of the Aceh Government play a significant role in realizing the ideals of the region as a civilized city based on concrete Islamic law, regulating all forms of community policy and behavior, which are part of the main idea of Aceh government. The Islamic Scholar Consultative Assembly is a special institution in implementing special and binding rules based on Islamic Sharia, with some functions of the Islamic Scholar Consultative Assembly according to Aceh Qanun No. 2 of 2009 are (1) advising and directing the community according to Islamic values, and (2) implementing and maintaining the *fatwa* and *Ijtihad* made by Aceh Islamic Scholar Consultative Assembly (Bappeda Banda Aceh Kota 2012).

## **RESEARCH METHOD**

This research is a type of normative legal research with analytical descriptive nature that applies a statutory approach and a comparative approach (Marzuki 2014). The object of this research is the inventory of decrees and fatwas issued by Aceh Islamic Scholar Consultative Assembly 2003-2021, on the basis of these legal products being analyzed by comparing each regulation using indicators of consistency in the use of *Qaidah Fiqhiyyah* in its legal considerations.

## **RESULTS & DISCUSSION**

### **A. History Of Aceh Islamic Scholar Consultative**

Historically, in Aceh, Islamic Scholars have always occupied a certain place in the hearts of the people. The harmony between the ulama and the umara gave amazing success both in infrastructure development and spiritual mentality. If *umara* has the authority and is a policymaker (policy maker), then ulama are made partners who provide input and suggestions in making preparations and programs. If necessary, *Umara* conveys support so that the Islamic scholar can take part more and contribute to the benefit of the people (Thalal 2010).

History shows the close relationship between ulama and umara in building this culture and prosperity proved to be a necessity. The intimate relationship between umara and Islamic scholar in identifying the problems of the people, finding solutions and implementing them on a real level.

The Ulema Forum is one of the highest state institutions according to Qanun Al-Asyi, and is held by Qadhi Malikul Adil who is supported by four *Shaykhul* Islam, including Mufti Madzhab Syafi'i, Maliki, Hanafi, and Hambali. These institutions disappeared during the

battles against the Dutch and the Japanese, leading to the emergence of independent muftis who occupied important positions in society. The All Islamic Scholar of Aceh Association (PUSA), which existed in the early days of independence, was a similar unit. Islamic organizations such as PERTI, Nahdlatul Ulama, Al-Washiyah, Muhammadiyah, and others emerged when All Islamic Scholar of Aceh Association collapsed. As a result, Aceh Islamic Scholar Consultative Assembly Session in Banda Aceh on December 17 and 18 1965 decided to form Aceh Islamic Scholar Consultative Assembly which was the general chairman the first is Mr. H. Abdullah Ujong Rimba (Yadi 2012).

The Islamic Scholar Consultative Assembly included the leadership, working agencies, commissions, and special committees at that time. The Ifta Commission, the Research and Planning Commission, the Education, Teaching and Culture Commission, the Da'wah and Publishing Commission, and the Religious Wealth Commission formed the Commission at that time (Skretariat MPU Aceh 2021).

The issuance of Law no. 44 of 1999 concerning the Implementation of the Privileges of the Province of the Special Region of Aceh reaffirmed the position of the Religious Scholars Indonesian Council in Aceh Province. "The region can organize an agency whose members are Islamic scholars, the community, and the Islamic economic system," reads Article 9 paragraph (1) and (2).

Then on 25 *Rabiul Akhir* 1422 H (24-27 June 2001 AD) in Banda Aceh, an Aceh-wide Islamic Scholar Conference was held to elect/form the Islamic Scholar Consultative Assembly management. The Islamic Scholar Consultative Assembly of Nanggroe Aceh Darussalam Province was formed on the night of 17 Ramadan 1422 H (3 December 2001 AD) with an oath, and was independent, in collaboration with the Aceh Government and Aceh People's Representative Council (DPRA) for the solemn period 2001-2006. The Islamic Scholar Consultative Assembly of Aceh's position as an equal partner with the Aceh Government in governance and development, particularly the development of Islamic Sharia, was confirmed and strengthened by Law no. 11 of 2006 concerning the Government of Aceh and Qanun No. 2 of 2009 concerning The Islamic Scholar Consultative Assembly (Skretariat MPU Aceh n.d.).

## **B. The Position Of Aceh Islamic Scholar Consultative Assembly**

Aceh Islamic Scholar Consultative Assembly as it is known, is an institution legally established and authorized. Aceh Islamic Scholar Consultative Assembly has many legal

foundations as an agency that has legal authority to oversee Aceh's Islamic scholar, namely: (Skretariat MPU Aceh n.d.)

1. *Qanun* of Nangroe Aceh Darussalam Province No. 9 of 2003 concerning the Relationship between Islamic Scholar Consultative Assembly Work Procedures with the Executive, Legislative and Other Institutions;
2. *Qanun of Aceh* No. 2 of 2009 concerning Aceh Islamic Scholar Consultative Assembly;
3. Governor Regulation No. 33 of 2008 concerning the Organizational Structure and Work Procedure of the Secretariat of the Aceh Specialist Institutions;
4. Governor of Aceh Decree No.: 451.7/465/2012 dated 15 June 2012 regarding the Appointment of Aceh Islamic Scholar Consultative Assembly Management Period 2012 - 2017;
5. Aceh Islamic Scholar Consultative Assembly Decree No. 6 of 2012 concerning Aceh Islamic Scholar Consultative Assembly Rules of Procedure.

In the Indonesian constitution, the Islamic Scholar Consultative Assembly is legally regulated in Article 18 B paragraph 1 of the Constitution of the Republic of Indonesia, which stipulates that the state trusts and respects regional government agencies specifically organized by the State (Manan 2005).

Article 3 of the Regional Regulation Number 3 of 2000 concerning the Establishment and Work Procedure of Aceh Islamic Scholar Consultative Assembly clarifies the role of the Islamic Scholar Consultative Assembly as an independent institution that cooperates with the regional government and Regional People's Representative Assembly (DPRD). Regional People's Representative Assembly, not as a component of regional government administration. In accordance with Articles 4-6 of Regional Regulation No. 3 of 2000, Islamic Scholar Consultative Assembly's mission is to convey input, considerations, directions, advice, and suggestions, both to local governments and local communities in formulating regional policies from the perspective of Islamic Sharia. In addition, the Islamic Scholar Consultative Assembly is tasked with realizing an Islamic government in an area that is honest, clean, and authoritative (Jalil 2007).

### **C. Tasks Of Aceh Islamic Scholar Consultative Assembly**

The Islamic Scholar Consultative Assembly carries out its responsibilities and missions in accordance with Islamic Sharia and valid statutory regulations. The tasks of Aceh Islamic Scholar Consultative Assembly are as follows: (Majelis Permusyawaratan Aceh 2009)

1. Delivering opinions, considerations, and suggestions to the Aceh Government and Aceh People's Representative Council in ratifying regulations according to Islamic law;
2. Making fatwas based on requests or not, regarding government issues, development, community development and the economy based on Islamic law;
3. Mediating differences of opinion in society regarding religious issues;
4. Carrying out supervision of the implementation of government and regional regulations in accordance with Islamic law;
5. Carrying out studies, development, transliteration, writing, publication, and documentation of manuscripts related to Islamic law;
6. Carrying out the cadre of Islamic scholars;

#### **D. Procedure For Establishing The Fatwa Of Aceh Islamic Scholars Consultative Assembly**

The stages of forming the Aceh Islamic Scholar Consultative Assembly Fatwa begin with Mustafi's problems or questions. Then the problem was accommodated by the Islamic Scholar Consultative Assembly leadership. After that, the Formulation Committee (PANMUS) was formed (Sayuti 2018).

The next stage is heard at the Islamic Scholar Consultative Assembly Plenary Session which is guided by the chairman or deputy chairman which must be witnessed by all Islamic Scholar Consultative Assembly members. After going through the trial process, the legal product of the fatwa is issued. For submission of fatwas related to regional regulations, it is stated in writing to the Aceh government and/or Aceh People's Representative Council. In addition, *fatwas* related to community problems are expressed through the mass media (Majelis Permusyawaratan Aceh 2009).

#### **E. Fatwa Assembly Of Islamic Scholar Consultive Assembly**

*Fatwa* is defined as an opinion made by a mujtahid in answering a non-binding question posed by a *mustafti*. Individuals, institutions, or community groups can become *Mustafti*. Although the *fatwa* product does not have to be followed by the *mustafti*

because it does not have binding power, the *fatwa* has a crucial position in Islamic law because it is an argument by the *fuqaha* (Islamic legal experts) regarding the legal position of a new issue that is present in the community (Riadi 2013). The legal products of the Aceh Islamic Scholar Consultative Assembly in the form of decrees, *fatwas*, considerations, and Islamic lectures. Aceh Islamic Scholar Consultative Assembly is very active in responding to the dynamics of law in society which can be seen from various legal products and in particular the *fatwa* issued by Aceh Islamic Scholar Consultative Assembly. Based on the results of a review of the website of Aceh Islamic Scholar Consultative Assembly Secretariat on its legal products, it can be concluded that the decrees and especially the *fatwas* made by Aceh Islamic Scholar Consultative Assembly in 2003-2021. The following table shows the results of the association related to the decrees and *fatwas* of Aceh Islamic Scholar Consultative Assembly: (Skretariat MPU Aceh 2003)

**Table 1.**

**Set of Decrees and *Fatwas* of Aceh Islamic Scholar Consultative Assembly**

No	Decree Number/Fatwa	Year	Activity
1	Decree 451.7/805/HF/VIII/2003 August 17, 2003	2003	Fertilizer from Feces (Fatwa on the law on producing, using, and selling fertilizer made from human waste).
2	Fatwa No. 06 of 2003	2003	Fatwa Regarding Crowd Conditions
3	Decree 01 of 2004	2004	General election
4	Decree of Islamic Scholar Consultative Assembly 02 of 2004	2004	Request of Permission to Build an HKBP House of Worship in Sabang
5	Fatwa No 04 of 2004	2004	Religious sects Indonesian Islamic Da'wah Institute
6	Fatwa No. 06 of 2004	2004	The law quotes verses from the Qur'an on wedding invitations, ta'ziah books, and gratitude cards for attending a wedding.
7	Decree No. 03 of 2005	2005	Fatwa regarding the protection of land rights, lineage rights of orphans, and the rights of wives and mafqud heirs due to the earthquake and tsunami.
8	Fatwa No. 5 of 2005	2005	<i>Thariqat naqsyabandiyah</i> Prof. Dr. H. Kadirun yahya
9	Fatwa No. 6 of 2005	2005	Aqiqah Slaughter Time

No	Decree Number/Fatwa	Year	Activity
10	Fatwa No.07 of 2055	2005	Exchange and Sale of Waqf Assets
11	Decree No. 1152 of 2005	2005	About Regional Head Election and Muslim Dress
12	Fatwa No. 02 of 2006	2006	Population Administration
13	Fatwa No. 2 of 2007	2007	Bokashi Fertilizer
14	Fatwa No. 04 of 2007	2007	Guide to Identifying Heretical Sects
15	Fatwa No. 01 of 2008	2008	Thariqat Naqsyabandiyah in Kenuun Ubi Aceh Tamiang
16	Fatwa No. 03 of 2008	2008	Aqidah, Sharia, and Morals
17	Fatwa No. 5 of 2008	2008	Transfer of Waqf Land Status.
18	Fatwa No. 02 of 2009	2009	Free Marriage
19	Fatwa No. 3 of 2009	2009	Permissive Marriage Law
20	Fatwa No. 06 of 2009	2009	Understanding <i>Bid'ah</i> and <i>Syubhat</i>
21	Fatwa No. 01 of 2010	2010	Unregistered marriages
22	Fatwa No. 02 of 2010	2010	Terrorism
23	Fatwa No. 03 of 2010	2010	Characteristic of <i>Tahriqat Mu'tabarrah</i>
24	Fatwa No. 05 of 2010	2010	Shallowing of aqeedah and apostasy
25	Fatwa No. 08 of 2010	2010	Strengthening Sharia Economics and Multi-Level Marketing Practices
26	Fatwa No. 03 of 2011	2011	Sales of Zahra, Hasanah, and PT MPM. Partnership Packages
27	Fatwa No. 04 of 2011	2011`	Characteristics of <i>Aqidah Ahlussunnah Wal Jamaah</i>
28	Keputusan 05 of 2011	2011	Fatwa and Islamic Lecture on Maintaining the Glory of Islam
29	Fatwa No. 07 of 2011	2011	Civet coffee
30	Fatwa No. 12 of 2012	2012	Place of Implementation and Friday <i>Ta'addud</i>
31	Fatwa No. 13 of 2012	2012	Immunizations and Vaccinations
32	Fatwa No. 06 of 2013	2013	Stunning, poisoning, shooting animals using firearms and their relation with halal, healthy, and hygienic
33	Fatwa No. 07 of 2013	2013	Status of Waqf Assets in the Perspective of Islamic Fiqh
34	Fatwa No. 09 of 2013	2013	Zakat on Palm Oil, swiftlet nests, and mining products
35	Decree No. 02 of 2014	2014	Characteristics of Leaders according to Islamic Sharia
36	Fatwa No. 03 of 2014	2014	General Election Based on Islamic View

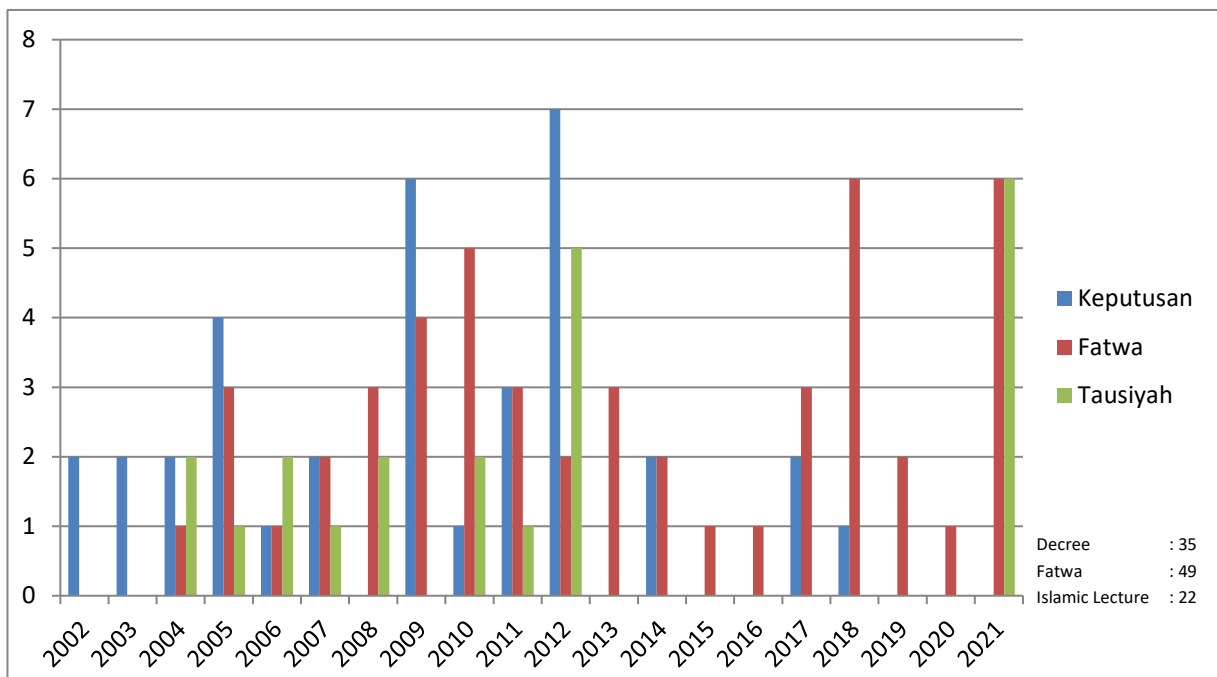
No	Decree Number/Fatwa	Year	Activity
37	Decree No. 07 of 2014	2014	Tourism in Islamic perspective
38	Fatwa No. 09 of 2014	2014	Understanding, thoughts, experiences, and broadcasting of Islamic teachings in Aceh
39	Fatwa No. 02 of 2015	2015	<i>Talak</i>
40	Fatwa No. 01 of 2016	2016	Online Gambling
41	Fatwa No. 02 of 2017	2017	The law of bathing place in public places is based on Islamic Sharia and Acehese customs
42	Fatwa No. 03 of 2017	2017	Utilization of unclean drugs and medical services in an Islamic perspective
43	Fatwa No. 04 of 2017	2017	The books of monotheism of MuAtabarah in Aceh
44	Fatwa No. 1 of 2018	2018	Implementation of Friday prayers in the Villa Buana Gardenia Gampoeng Lampasie Engking
45	Fatwa No. 2 of 2018	2018	Castration Law for Prostitutes
46	Fatwa No. 3 of 2018	2018	Qibla Direction Determination
47	Fatwa No. 4 of 2018	2018	Bitcoin in Muamalah according to Fiqh
48	Fatwa No. 5 of 2018	2018	Emergency concept and its implementation according to Islamic Sharia
49	Fatwa No. 6 of 2018	2018	The Spread of Fake News (Hoax) and its consequences
50	Fatwa No. 1 of 2019	2019	Multipurpose <i>Murabaha</i> according to Islamic Law
51	Fatwa No. 3 of 2019	2019	PUBG Game Law and the like based on Islamic Fiqh
52	Fatwa No. 1 of 2020	2020	Adoption of Children based on the perspective of Islamic Fiqh
53	Fatwa No. 1 of 2021	2021	Cash Waqf according to the Perspective of Islamic Sharia
54	Fatwa No. 2 of 2021	2021	The eviction of a community place of business located on state land based on Islamic law
55	Fatwa No. 3 of 2021	2021	The Law of Defending the Aqsa Mosque and the Status of Martyrs according to the Islamic Sharia view
56	Fatwa No. 4 of 2021	2021	Muslim leader who legalizes disobedience according to Islamic law



No	Decree Number/Fatwa	Year	Activity
57	Fatwa No. 5 of 2021	2021	Removal of graves according to the perspective of Islamic law
58	Fatwa No. 6 of 2021	2021	Moneylenders according to the Perspective of Islamic and Customary Law

Table 2.

Recapitulation of Legal Products issued by Aceh Islamic Scholar Consultative



F. Analysis Of The Use Of Islamic Theorem In The Fatwa Of Aceh Islamic Scholar Consultative Assembly

In general, fatwas are based on the Qur'an, Hadith, *Ijma'*, and *Qiyas*. These four are the sources of the arguments of Islamic law which are accepted by the majority of Islamic scholars. The majority of Islamic scholars agree that the four sources are valid as sources of *sharia* law. This is based on the words of Allah SWT in the Qur'an:

﴿ يَا أَيُّهَا الَّذِينَ آمَنُوا أَطِيعُوا اللَّهَ وَأَطِيعُوا الرَّسُولَ وَأُولِي الْأَمْرِ مِنْكُمْ فَإِنْ تَنَازَعْتُمْ فِي شَيْءٍ فَرُدُّوهُ إِلَى اللَّهِ وَالرَّسُولِ إِنْ كُنْتُمْ تُؤْمِنُونَ بِاللَّهِ وَالْيَوْمِ الْآخِرِ ذَلِكَ خَيْرٌ وَأَحْسَنُ تَأْوِيلًا ٥٩ ﴾ (النساء/4: 59)

“O you who have believed, obey Allah, and obey the Messenger and those in authority among you. And if you disagree over anything, refer it to Allah and the Messenger, if

*you should believe in Allah and the Last Day. That is the best [way] and best in result.”*  
(An-Nisaa/4:59)

The use of the argument in carrying out *Ijtihad* is strengthened in the hadith narrated by Abu Dawud in his Sunan Number 3119 of the Book of Justice, namely :

حَدَّثَنَا حَفْصُ بْنُ عُمَرَ عَنِ شُعْبَةَ عَنْ أَبِي عَوْنٍ عَنِ الْحَارِثِ بْنِ عَمْرٍو بْنِ أَخِي الْمُغِيرَةَ بْنِ شُعْبَةَ عَنْ أَنَسٍ مِنْ أَهْلِ جَمُوصَ مِنْ أَصْحَابِ مُعَاذِ بْنِ جَبَلٍ أَنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ لَمَّا أَرَادَ أَنْ يَبْعَثَ مُعَاذًا إِلَى الْيَمَنِ قَالَ كَيْفَ تَقْضِي إِذَا عَرَضَ لَكَ قَضَاءٌ قَالَ أَقْضِي بِكِتَابِ اللَّهِ قَالَ فَإِنْ لَمْ تَجِدْ فِي كِتَابِ اللَّهِ قَالَ فَبِسُنَّةِ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ فَإِنْ لَمْ تَجِدْ فِي سُنَّةِ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ وَلَا فِي كِتَابِ اللَّهِ قَالَ أَجْتَهُدُ رَأْيِي وَلَا أَلُو فَضْرَبَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ صَدْرَهُ وَقَالَ الْحَمْدُ لِلَّهِ الَّذِي وَفَّقَ رَسُولَ رَسُولِ اللَّهِ لِمَا يُرْضِي رَسُولَ اللَّهِ

*Has told us Hafsh bin Umar from Shu'bah from Abu 'Aun from Al Harith bin 'Amru son of Al Mughirah bin Syu'bah's brother, from a number of residents of Himsh who were part of the companions of Mu'adz bin Jabal. That the Prophet sallallaahu 'alaihi wasallam when he was about to send Mu'adz bin Jabal to Yemen he said: "How do you make a decision if there is a court that is presented to you?" Mu'adh replied, "I will decide to use the Book of Allah." He said: "uppose you do not find it in the Book of Allah?" Mu'adz replied "I will return to the sunnah of the Prophet sallallaahu 'alaihi wasallam." He said again: "If you do not find it in the Sunnah of the Prophet sallallaahu 'alaihi wasallam and in the Book of Allah?" Mu'adh replied, "I will ijti had using my opinion, and I will not reduce it." Then the Prophet sallallaahu 'alaihi wasallam patted his chest and said: "Praise be to Allah who has guided the messenger of the Prophet to do what makes the Messenger of Allah happy."*

According to the verses of the Qur'an and Hadith, the process of conducting *ijti had* in a case must pay attention to the arguments that will strengthen the Legal Argument and prevent mistakes in the legal *istinbat*.

The implementation of Islamic theorem in the decrees and fatwas of Aceh Islamic Scholar Consultative Assembly in terms of the considerations used in determining the decrees and fatwas based on the results of the collection can be seen in the following table:

No	Islamic Scholar Consultative Assembly's Fatwa Material	Islamic theorem						Note
		Qur'an	Hadith	Ijma'	Qiyas	Fiqh Rules	Islamic Scholar's Opinion	
1	Zakat management in Nanggroe Aceh Darussalam.	-	-	1	-	-	3	Islamic theorem Qur'an, Hadith, Qiyas and Fiqh Rules are not written
2	Diyat in the Context of Acehnese Society	2	1	-	-	1	2	Islamic theorem Ijma' and Qiyas are not written
3	Fertilizer from feces	1	1	-	-	1	1	Islamic theorem Ijma' and Qiyas are not written
4	Crowd Requirements	1	1	1	-	-	-	Islamic theorem Qiyas, Fiqh

No	Islamic Scholar Consultative Assembly's Fatwa Material	Islamic theorem						Note
		Qur'an	Hadith	Ijma'	Qiyas	Fiqh Rules	Islamic Scholar's Opinion	
								Rules and Islamic Scholar's Opinion are not written
5	General Election	3	-	1	-	-	-	Islamic theorem Hadith, Qiyas, Fiqh Rules and Islamic Scholar's Opinion are not written
6	Request of Permission to Build an HKBP House of Worship in Sabang	2	-	-	-	-	-	Islamic theorem Hadist, Ijma', Qiyas, Fiqh

No	Islamic Scholar Consultative Assembly's Fatwa Material	Islamic theorem						Note
		Qur'an	Hadith	Ijma'	Qiyas	Fiqh Rules	Islamic Scholar's Opinion	
								Rules Islamic Scholar's Opinion are not written
7	Religious sects Indonesian Islamic Da'wah Institute	-	-	-	-	-	-	Islamic theorem is not written
8	The law quotes verses from the Qur'an on wedding invitations, ta'ziah books, and gratitude cards for attending a wedding	13	3	-	-	6.	-	Islamic theorem Ijma' Qiyas Islamic Scholar's Opinion are not written
9	Protection of Land Rights, Lineage Rights of Orphans,	-	-	-	-	-	-	Islamic theorem is not written

No	Islamic Scholar Consultative Assembly's Fatwa Material	Islamic theorem						Note
		Qur'an	Hadith	Ijma'	Qiyas	Fiqh Rules	Islamic Scholar's Opinion	
	Rights of <i>Mafqud's</i> Wife and Heirs Due to the Earthquake and Tsunami							
10	<i>Aqiqah</i> Slaughter Time	-	-	-	-	-	-	Islamic theorem is not written
11	Exchange and Sale of Waqf Assets	-	-	-	--	-	-	Islamic theorem is not written
12	Population Administration	-	-	-	-	-	-	Islamic theorem is not written
13	Bokashi Fertilizer	-	-	-	-	-	-	Islamic theorem is not written
14	The law of buying and selling pigs/dogs and	1	3	-	-	-	1	Islamic theorem Hadist, Ijma' and

No	Islamic Scholar Consultative Assembly's Fatwa Material	Islamic theorem						Note
		Qur'an	Hadith	Ijma'	Qiyas	Fiqh Rules	Islamic Scholar's Opinion	
	eating the produce is haram, let alone being used for the cost of going on a pilgrimage (ONH).							Qiyas are not written
15	There are no restrictions on working or fishing on Saturdays	2	1	-	-	-	1	Islamic theorem Ijma', Qiyas and Fiqih Rule are not written
16	Exchange of Waqf Land Status	2	1	1	-	2	3	Islamic theorem Qiyas is not written
17	Free Marriage	-	-	-	-	-	-	Islamic theorem is not written

No	Islamic Scholar Consultative Assembly's Fatwa Material	Islamic theorem						Note
		Qur'an	Hadith	Ijma'	Qiyas	Fiqh Rules	Islamic Scholar's Opinion	
18	Permissive Marriage Law	2	1	-	-	-	-	Islamic theorem Ijma', Qiyas, Fiqh Rule and Islamic Scholar's Opinion are not written
19	Unregistered Marriage	4	5	-	-	2	-	Islamic theorem Ijma', Qiyas and Islamic Scholar's Opinion are not written
20	Terrorism	18	5	-	-	5	4	Islamic theorem Ijma' and Qiyas are not written



No	Islamic Scholar Consultative Assembly's Fatwa Material	Islamic theorem						Note
		Qur'an	Hadith	Ijma'	Qiyas	Fiqh Rules	Islamic Scholar's Opinion	
21	Characteristic of <i>Tahriqat Mu'tabarah</i>	7	4	-	-	1	2	Islamic theorem Ijma' and Qiyas are not written
22	Shallowing of Aqidah and apostasy	12	4	-	-	12	-	Islamic theorem Ijma', Qiyas and Islamic Scholar's Opinion are not written
23	Strengthening the sharia economy and the practice of Multi-Level Marketing	5	4	-	-	2	-	Islamic theorem Ijma', Qiyas and Islamic Scholar's Opinion are not written

No	Islamic Scholar Consultative Assembly's Fatwa Material	Islamic theorem						Note
		Qur'an	Hadith	Ijma'	Qiyas	Fiqh Rules	Islamic Scholar's Opinion	
24	Zahra, Hasanah, and Partnership Sales Practice Packages run by PT MPM	4	4	-	-	4	2	Islamic theorem Ijma' and Qiyas are not written
25	Characteristics of <i>Aqidah Ahlussunnah Wal Jamaah</i>	8	1	-	-	1	-	Islamic theorem Ijma', Qiyas and Islamic Scholar's Opinion are not written
26	Civet coffee	5	3	-	-	4	12	Islamic theorem Ijma' and Qiyas are not written
27	Characteristic of <i>Tahriqat Mu'tabarah</i>	7	4	-	-	1	2	Islamic theorem Ijma' and Qiyas are

No	Islamic Scholar Consultative Assembly's Fatwa Material	Islamic theorem						Note
		Qur'an	Hadith	Ijma'	Qiyas	Fiqh Rules	Islamic Scholar's Opinion	
								not written
28	partners of independent gems	4	2	-	-	6	-	Islamic theorem Ijma', Qiyas and Islamic Scholar's Opinion are not written
29	Preserving the Glory of Islam	10	2	-	-	4	3	Islamic theorem Ijma' and Qiyas are not written
30	Place of implementation and Friday <i>Ta'addud</i>	-	-	-	-	-	-	Islamic theorem is not written
31	Immunizations and Vaccinations	-	-	-	-	-	-	Islamic theorem is not written

No	Islamic Scholar Consultative Assembly's Fatwa Material	Islamic theorem						Note
		Qur'an	Hadith	Ijma'	Qiyas	Fiqh Rules	Islamic Scholar's Opinion	
32	Stunning, poisoning, shooting animals using firearms and their relation with halal, healthy, and hygienic	-	-	-	-	-	-	Islamic theorem is not written
33	Law of bathing place in public places	1	1	-	-	1	-	Islamic theorem Ijma', Qiyas and Islamic Scholar's Opinion are not written
34	Utilization of unclean drugs and medical services in an Islamic perspective	-	-	-	-	-	-	Islamic theorem is not written
35	The books of monotheism of	-	-	-	-	-	-	Islamic theorem

No	Islamic Scholar Consultative Assembly's Fatwa Material	Islamic theorem						Note
		Qur'an	Hadith	Ijma'	Qiyas	Fiqh Rules	Islamic Scholar's Opinion	
	<i>Muatabarah in Aceh</i>							is not written
36	Implementatio n of Friday prayers in the Villa Buana Gardenia Gampoeng Lampasie Engking	-	-	-	-	-	-	Islamic theorem is not written
37	Castration Law for Prostitutes	-	-	-	-	-	-	Islamic theorem is not written
38	Qibla Direction Determination	-	-	-	-	-	-	Islamic theorem is not written
39	Bitcoin in Muamalah according to Fiqh	-	-	-	-	-	-	Islamic theorem is not written
40	The concept of Emergency and its application	-	-	-	-	-	-	Islamic theorem is not written

No	Islamic Scholar Consultative Assembly's Fatwa Material	Islamic theorem						Note
		Qur'an	Hadith	Ijma'	Qiyas	Fiqh Rules	Islamic Scholar's Opinion	
	according to Islamic Sharia							
41	The Spread of Fake News (Hoax) and its Impact	-	-	-	-	-	-	Islamic theorem is not written
42	Multipurpose <i>Murabaha</i> according to Islamic Law	-	-	-	-	-	-	Islamic theorem is not written
43	PUBG Game Law and the Like according to Islamic Fiqh	1	1	-	-	2	1	Islamic theorem Ijma; and Qiyas are not written
44	Cash Waqf According to the Perspective of Islamic Sharia	-	-	-	-	-	-	Islamic theorem is not written
45	Eviction of Community Business Places Located on State Land	1	1	-	-	-	-	Islamic theorem Ijma', Qiyas, Fiqh

No	Islamic Scholar Consultative Assembly's Fatwa Material	Islamic theorem						Note
		Qur'an	Hadith	Ijma'	Qiyas	Fiqh Rules	Islamic Scholar's Opinion	
	Based on Islamic Sharia							Rule and Islamic Scholar's Opinion are not written
46	The Law of Defending the Aqsa Mosque and the Status of Martyrs in the View of Islamic Sharia	1	1	-	-	-	-	Islamic theorem Ijma', Qiyas, Fiqh Rule and Islamic Scholar's Opinion are not written
47	Muslim Leaders Who Legalize Disobedience According to Islamic Law	-	-	-	-	-	-	Islamic theorem is not written
48	Removal of Graves According to	2	2	1	-	-	-	Islamic theorem Qiyas,

No	Islamic Scholar Consultative Assembly's Fatwa Material	Islamic theorem						Note
		Qur'an	Hadith	Ijma'	Qiyas	Fiqh Rules	Islamic Scholar's Opinion	
	the Perspective of Islamic Law							Fiqh Rule and Islamic Scholar's Opinion are not written
49	Moneylenders According to the Perspective of Islamic and Customary Law	1	1	1	-	-	-	Islamic theorem Qiyas, Fiqh Rule and Islamic Scholar's Opinion are not written
<b>Number of Islamic Theorem Used</b>		<b>120</b>	<b>57</b>	<b>6</b>	<b>0</b>	<b>55</b>	<b>37</b>	
<b>Number of Decrees and Fatwas Without Islamic Theorem</b>		<b>22</b>	<b>24</b>	<b>43</b>	<b>49</b>	<b>32</b>	<b>36</b>	

Analysis based on the table using the Islamic theorem Qur'an, Hadith, *Ijma'*, *Qiyas*, Fiqh Rules and the opinions of scholars, it can be seen that the decrees and fatwas issued by Aceh Islamic Scholar Consultative Assembly use the Islamic theorem Qur'an 120 Verse, Islamic theorem Hadith 57, Islamic theorem *Ijma'* 6, Islamic theorem *Qiyas* does not exist, Rules of Fiqh 55 and Opinions of scholars 37, and for decrees and fatwas that are not written



down the Islamic theorem but is used in the considerations found in Qur'an 22 Fatwa, Islamic theorem Hadith 24 Fatwa , Islamic theorem *Ijma'* 43 Fatwa, Islamic theorem *Qiyas* 49 Fatwa, Fiqh Rules 32 Fatwa and Islamic Scholars's Opinion 36 Fatwa.

The law is determined methodologically based on the academic formulation of the shari'ah sciences, in the order of Qur'an, Sunnah, *Ijma'*, and *Qiyas*. In addition, it is also carried out by considering the views of the madzhab Islamic scholars and fuqaha by studying their Islamic theorems and their Istidlal faces to obtain the strongest and most useful reasons for society. If the intended Islamic theorem is not found, then *ijtihad jam'i* is carried out.

In a slightly different formulation, it is stated that if it is not stated in the Qur'an or the Sunnah of the Prophet, the conclusion of a fatwa must not conflict with *ijma'*, *qiyas*, and other legal reasons, such as *istihsan*, *masalih mursalat*, and *sadd adz Dzaria'at* (Zuhroni 2012).

In accordance with the consistency of its commitment to upholding the law in accordance with the Islamic theorem-Islamic theorem it uses, as stated in the Aceh Islamic Scholar Consultative Assembly Decree and Fatwa, some have been described systematically, but many do not include the Islamic theorem/manuscript which is used as the legal basis and the basis for compiling arguments. arguments that are not strictly sequential as listed above. For example, the quotations from the Qur'anic texts do not include the names of the verses of the Qur'an, the hadith quotations do not include the Islamic theorem and its narrations, the status of the hadith is only mentioned briefly, as well as the hadith sanad, and finally the sources of hadith books are rarely listed. There are quotes from fiqh books, but only a few names of the authors are listed, and the Fiqh rules used are not detailed.

**G. Analysis Of The Use Of Qawaid Fiqhiyyah In Aceh Islamic Scholar Consultative Assembly's Decrees And Fatwa**

Analysis of the Application of Qawaid Fiqhiyyah in the Decrees and Fatwas of the Aceh Islamic Scholar Consultative Assembly can be seen in the following table:

No	Rule	Implementation of Fatwa No	Total
1	Emergency conditions allow something forbidden	الضَّرُورَاتُ تُبَيِّحُ الْمَحْظُورَاتِ 5/08	1
2	The state of emergency is determined by the degree	الضرور انتقدر بقدرها 5/08,	1

3	Avoiding the path of damage ( <i>Mafsadah</i> ) as a way to avoid the damage	سد الذريعة Kep 6/04,	1
4	If there is a conflict between <i>maslahah</i> and <i>mafsadat</i> , then the most superior is prioritized	إذا تعارضت المصلحة والمفسدة قدم أرجحهما Kep 6/04,	1
5	Avoiding things that cause damage by prioritizing things that provide benefits	درء المفساد مقدم علي جلب المصالح Kep 6/04, 5/10, 2/11, 3/11, Kep 5/11	5
6	Harm must be removed	يزال الضرر 1/10, 2/10, 5/10,	3
7	<i>Dharar</i> of a specific nature must be covered to avoid <i>dharar</i> of a general nature (wider)	يتحمل الضرر الخاص لدفع الضرر العام 2/10,	1
8	A harm cannot be removed using another harm	الضرر لا يزال بالضرر 2/10,	1
9	Origin in worship is forbidden and ceases (until there is an Islamic theorem that commands)	الأصل في العبادة الحظر والتوقيف 3/10,	1
10	An obligatory thing cannot be perfect with that thing, then it is obligatory	ملا يتم الواجب الا به فهو واجب 5/10, Kep 5/11	2
11	The law of the means of an action is the same as the law of the act itself	للسائل حكم المقاصد 5/10, 2/11, Kep 5/11, 3/19	4
12		اقلال الضرر خير من اكنثار النافع 5/10,	1
13		الأصل في المعاملة الإباحة إلا أن يدلّ دليل على تحريمها 2/11,	1

	The original law in all types of <i>muamalah</i> is permissible unless there is an Islamic theorem that forbids it	تصرف الإمام على الرعية منوط بالمصلحة 3/11,	1
14	<i>Tasharruf</i> Imam towards the people is associated with benefit	سد الذريعة 1/10, 4/11,	2
15	Closing the road to Deviant Aqeedah	الأصل في الا عيان الطهارة والنجاسة عارضة 7/11,	1
16	The law of origin of objects is sacred, while impurity is not the original nature of objects	الأصل أن جواز البيع يتبع الطهار 7/11,	1
17	The original law regarding the permissibility of buying and selling an object depends on the sanctity of the object	اليقين لا يزال بالشك 7/11,	1
18	Confident is not lost with doubt	إذا تعارضت مفسدتان روعي اعظمهما ضررا بارتكاب اخفهما 2/10	1
19	If two <i>mafsadat</i> conflict with each other, the most harmful <i>mafsadat</i> is maintained by carrying out the <i>mafsadat</i> that causes the least harm.	الثواب على قدر المشقة 8/10	1
20	Compensation according to the level of difficulty (work)	ان الأصل في المعاملات الإباحة حتي يدل دليل علي خلا فه 8/10, 3/11,	2
21	The basic concept of <i>muamalah</i> fiqh is that it is permissible unless there is an Islamic theorem which states otherwise (forbidden).	إذا اجتمع الحلال و الحرام قدم الحرام 3/11	1
22	If gathering / <i>ijtima'</i> is lawful and unlawful, then the unlawful takes precedence		

		الأجر على قدر المشقة 2/11	1
23	The reward depends on the level of difficulty		
		الرخص لا تناط با لمعاص 2/11	1
24	Leniency is not associated with disobedience		
		نحن نحكم با لظواهر 2/11,	1
25	We punish with something <i>dhahir</i> (outward)		
		العادة محكمة 5/11,	1
26	Customs or traditions that can be used as the basis for determining the law		
		العبرة للغالب الشائع لا للنادر 2/17,	1
27	Recognized customs are customs that are often practiced, not those that are rarely practiced		
		الأصل فى الأشياء الإباحة يدل الدليل على تحريم 3/19	1
28	Everything is essentially permissible, unless there is an Islamic theorem that forbids it		
<b>Number of Fiqh Rules used</b>			<b>40</b>

The results of the analysis of the use of *Qawaid Fiqhiyyah* in the Decrees and Fatwas of the Aceh Islamic Scholar Consultative Council can be seen that its use is very important and considered and becomes the primary basis for the preamble in establishing new laws that are in the midst of society. The use of *Qawaid Fiqhiyyah* in Decrees and Fatwas contained 28 Rules, and the implementation of the use of Fiqh Rules contained in 40 Fatwas. If we look at the number of fatwas that use fiqh rules, not all fatwas clearly and in detail the fiqh rules used in legal considerations of fatwa.

## CONCLUSION

The Aceh Consultative Council plays an active role in answering and providing solutions to the community's problems by issuing Decrees, Islamic lecture, and Fatwas,

based on the results of the author's survey, that the Islamic Scholar Consultative Assembly since 2003-2021 has issued 35 Decrees, 49 Fatwas and 22 Islamic lectures.

The implementation of the use of fiqh rules in decrees and fatwas is still too general, and has not been clearly stated with specific and detailed rules, in the 49 Fatwa of Aceh Islamic Scholar Consultative Assembly 2003-2021 there are 40 applications of fiqh rules, but actually only 28 Fiqh rules used, and 12 of them were repeated. The use of *Qawaid Fiqhiyyah* in the formulation of decrees and fatwas of the Islamic Scholar Consultative Assembly is very influential. The role of *Qawaid Fiqhiyyah* is especially important, as a supporting Islamic theorem on issues that are not specifically stated in the Islamic theorem of the Qur'an specifically as a fatwa determination.

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