


Implementation of Aceh Qanun Number 11 of 2018 in Southeast Aceh Regency Perspective Maşlahah Al-Mursalah

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Article Info	ABSTRACT
Keywords: Aceh Qanun, Sharia Financial Institutions, Maslahah Al Murlah.	Study This For describe implementation related Aceh Qanun Regulation Number 11 of 2018 concerning institution Islamic finance in frame study implementation of qanun in perspective maşlahah For explore and prove benefit of the qanun. Methodology study This use the approach used is approach juridical sociological, where in context law is effort understand something reality with look at the law as formal legal rules that are still in effect in form nas or those who have become product thinking man from results understanding to nas Good in the form of jurisprudence and laws. Primary data sources is through the interview process with subject study through technical sampling. While secondary data is covering from documents obtained from sources library consisting of from books, journals, research related to Aceh qanun institutions Islamic finance and concepts maşlahah. Research results show that part public feel maşlahah or the benefits from this qanun, while There is some of it Again Not yet feel benefits and knowledge about implementation of institutional regulations Islamic finance.
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INTRODUCTION

The Government of the Republic of Indonesia issued Law no. 18 of 2001 concerning Autonomy Special Especially for the Special Region of Aceh Province as Province Nanggroe Aceh Darussalam. The law becomes base formation Court Sharia, organization area, Baitulmal, police sharia, Aceh Traditional Council (MAA), party area and so on. Regulation areas issued by the government province is attitude response to policy regulation from government center For emit rule implementation Islamic law in Aceh Province so that it can be implemented regulation Islamic (Bahari, 2012)law. So that with existence regulation area about implementation Islamic law then rise Lots idea in form regulation areas in Aceh such as law family (marriage and inheritance), economics, *jinyah* (law criminal) and law *religious* (worship and morals) (Sukran, 2021).

The authority of the members of the Council in Aceh to issue various qanuns regarding rule implementation Islamic law himself in 2001 after ratification regulation autonomy special to Aceh Province. Implementation of the qanun on permission power from regulations at the

center For Province in very broad terms, namely guidelines in Article 1 paragraph 10 of 1999 are explained that operate life in accordance Islamic guidance. The meaning of sharia like this is what will happen stipulated in Aceh's qanuns, however in implementation Islamic law with Lots sufficient field wide and there are various opinion about it.

Implementation qanun regulations in Aceh Province as law positive of course it is very complicated, especially located in the hierarchy qanunization related aspects related laws direct with Islamic law. In one side give birth to development to progress in aspects implementation law with have system Islamic law is absorbed in level law positive, so that with by itself aspect Islamic law is recognized as an integral part of law positive. However on the other hand it causes problem even rejection from part public to enforcement Islamic law in Aceh, some of which the community is non- Muslim, so that should be government Can to protect and nurture all over people religious. So that things complicated This considered contradictory with system implementation law in Indonesia that uses the appropriate with law pattern social. However, in the aspect other enforcement Islamic law Alone recognized its legitimacy based on provision applicable formal juridical law.

Regulation legally determined in different qanun rules fully with provision in Law no. 21 of 2008 which is still open opportunity use *dual banking system* in Indonesia. Principles *single banking system* This has reaping pros and cons in society, because considered has dwarf choice banking that should be in demand by the public. For That Still parties who try sue existence principle *single banking system* in Aceh Province as principle single banking.

Preparation and implementation Constitution Number 11 of 2018 concerning institution true Islamic finance based on principles in script academics who have listed, the Aceh government has desire strong in realize welfare for all over appropriate society with sharia. With perspective *maṣlaḥah al mursalah* explain implementation Islamic law is in accordance with benefits people. Experts principles jurisprudence define that the benefit of the poor is kindness together in sharia shaped A law, although No There is the argument so that creation kindness in the middle people.

Najmuddin Al Thufi have an opinion that *maṣlaḥah al mursalah* in his book "*Syarh al Arba'in an- Nawawiyah* is benefit can be interpreted interesting benefits and rejection mudharot. Another meaning of benefit namely uses that provide kindness with goals and objectives which brings goodness, so that the benefit of the poor This No There is the evidence that prohibits and commands it, is like form the most appropriate pencil used For write.

Due to that, in study This will discussed whether implementation of the qanun Already in accordance with welfare together as well as give solution problem related institution Islamic finance in Aceh. Analyzing How its implementation in Southeast Aceh Regency. With thus, will looks there is a gap between study This with study previously. From the exposure background behind problem, as general study there is problem study as the following, namely : How implementation of Qanun Number 11 of 2018 concerning institution Islamic finance in Southeast Aceh perspective *maṣlaḥah al mursalah* ?

Study This aim For elaborate and describe effectiveness enforcement Islamic banking regulations in Aceh and their impact justice for public against the qanun, which is details depicted in goals following : For know about implementation of Aceh Qanun Number 11 of 2018 concerning institution Islamic finance in Southeast Aceh Regency. For analyze implementation of Qanun No. 11 of 2018 concerning Islamic financial institutions with perspective *maṣlaḥah*. With Thus, research This it is hoped that it can useful in development Islamic economics and practice related the new thing that will be research is very necessary For develop ability academic, good for readers, researchers other.

RESEARCH METHODS

Study This is type study field research, researchers will collect data with method come to direct to field, community, group or institutions that become object study For learn in a way intensive about various research problems. Research methods is factor important in give directions and as guidelines in understand something object research, so that with method can expected research conducted will walk with good and smooth. With method study can expected researchers will get results that are weighty and can be accounted for answer. In case This method interpreted as something method For solve existing problems with collect, organize, clarify and interpret data.

In connection with issues raised in study This is implementation of Aceh Qanun number 11 of 2018 concerning institution Islamic finance in Southeast Aceh Regency in perspective *research* This implemented in Southeast Aceh Regency, Aceh Province starting from July to December 2023. Informant in study This is Bank Syariah Indonesia (BSI) Kutacane, Majelis Southeast Aceh Ulema Council (MPU), Head The Office of the Regent of Southeast Aceh and the community. With technique data collection through interviews, observations and documentation. While technique data analysis was performed analysis in a way qualitative that is with method analyze data without use calculation numbers but use source relevant information For complete the data compiled by the compiler want. In the research this, after researchers obtain data through method interview, then researchers analyze with use technique data analysis qualitative with use inductive, namely method thinking that departs from facts special occasions and events concrete For Then generalized.

RESULTS AND DISCUSSION

Maslahah mursalah are words that are introduced from Arabic in form nature- *mausûf*, consisting of from two words, namely *masalahah* and *murlah*. Before described understanding benefit mursalah in a way special, especially formerly seen understanding benefit in a way general. In general etymological, *masalahah* originate from the word *wrong* which mean Good (Louis, 2020). That word intended For show If something or somebody become well, no corruption, right fair, pious and honest. Or by alternative For show condition of being pregnant virtues the.

In the sense rational, *maslahah* means because, how or good purpose. *Maslahah* it can also be said as something problem or part from something profitable business kindness or something For kindness (Khalid, 2025). Form plural is problem and usually the word differentiated in a way antagonistic dichotomy with the word *mafsadah* (plural *mafsadât*), which means bad or damaged (Louis, 2020) and sometimes against with the word *sayyî'ah* (evil) (Raghib, 2020). In the Qur'an the word *jadian* from root word *salaha* of course often used, but in form benefit No found its use. However, the most frequent used is the word *sâlih* - active participle or *fa'il* from the word *salaha*. For example the word of God in letter Ali ' Imran verse 114.

يُؤْمِنُونَ بِاللَّهِ وَالْيَوْمِ الْآخِرِ وَيَأْمُرُونَ بِالْمَعْرُوفِ وَيَنْهَوْنَ عَنِ الْمُنْكَرِ وَأُولَٰئِكَ مِنَ الصَّالِحِينَ (114)

"They believe to Allah and the day the end, they order to those who are *ma'ruf*, and prevent from the *Munkar* and hasten to (do) various things virtue ; they That including pious people."

Temporary that, in a way terminology there is a number of the formulation put forward circles intellectual Islamic law regarding meaning *maslahah*. Even though between One different editorials, from aspect substance and essence still make sense. In principle, that's fine is take benefits and rejection harm or misfortune, in frame look after the goals of the legislator (Hamid, 2020). Next seen from substance and existence or form welfare intellectual Islamic law has polarize welfare the become three category, namely *benefit mu'tabarah*, *maslahah mulghah*, and *maslahah mursalah*.

The word *mursalah* is a passive participle or *ism al- maf'ûl* from the word *arsala* which is the verb (fi'l) *sulâsi* shaped *rasala*. In a way etymological *mursalah* means *absolute* (Louis, 2020) which means let go or free. So the word *maslahah mursalah* in a number of literature mentioned with benefit *mutlaqah* and there are also those who call it with *munâsib Mursal*, even there are also those who call it with term *istislâh* (Qayyib, 2019).

With thus If both words juxtaposed in form benefit *mursalah* or *al- maslahah al- murlah*, in form or as characteristic *mausûf*, meaning is let go or free from information that shows may or No may done. In a way definitive can understood that benefit *mursalah* is A method *istinbat law (legal theory)* which is based on to benefits that are not get legality special from text about its validity or No There are also arguments that firm and clear state its invalidity (Amir, 2021).

main purpose lowered The Shari'a brought by the Messenger of Allah is For welfare life human, not For make difficult and burdensome. Allah SWT said in Surah Al-Baqarah verse 185:

..... يُرِيدُ اللَّهُ بِكُمُ الْيُسْرَ وَلَا يُرِيدُ بِكُمُ الْعُسْرَ ۗ

"...God wills convenience for you, and not want difficulties for you...."

Maslahah Mursalah is very important concept in Islam, especially in context system *sharia* economics. This is Because There is connection close between objective Islamic economics with draft *Maslahah Mursalah*, who is basically refers to achievement welfare. Study of *Maslahah Mursalah* is very important Because be one of foundation For determine possible laws No explained in a way explicit in the Koran and Hadith, especially as response

to change social, progress technology and development economy. With understand Masalah Murlah, scholars and ulama can formulate law appropriate law with Islamic principles and achieve welfare society, while still consider the context of times and changing situations.

Islamic financial institutions are institutions that carry out activities in the sector banking sector non- banking Islamic finance, and the sector finance other in accordance with Sharia principles. In the sector banking, there are sharia banks that run his business based on Sharia principles. Sharia banks can shared into two types, namely Sharia Commercial Banks and Sharia People's Financing Banks, as well as sharia business units. On the other hand, sharia institutions non-bank finance is institutions operating in the fields of capital markets, insurance, pension funds, venture capital, pawnshops, cooperatives, financial institutions financing, factoring receivables, institutions finance micro, and various service finance others whose implementation in accordance with Sharia principles. Sharia principles are guide main in all activity institution Islamic finance for ensure suitability with Islamic teachings.

The existence of institutions Islamic finance in Aceh is not let go from Commitment political regions and centers relatively Islamic. Awareness collective sharia transactions, increasingly show trend joyful, not only among public Muslims, but also non-Muslims. Growth and development national halal industry (tourism, fashion, culinary, hospitality, cosmetics and others) is sufficient push optimal realization and implementation of the LKS Qanun.

According to TA Manan at least there is three argumentation the main thing that has been used, both by Acehnese and non-Acehnese as justification on giving right For apply Islamic law in general full to Aceh: First, Islam is identity main Acehnese society and culture. Second, Sharia Once implemented in Aceh during the sultanate era, so There is precedent historical. Third, the implementation sharia has So A demands political from the people of Aceh since the period of colonialism and rejection For give right apply sharia to the people of Aceh will ensure the rebellion in Aceh continues continued. Qanun Number 11 of 2018 was born aim For realize welfare to Acehnese society is oriented towards the concept Maqashid Syariah with guarding al- Kulliyatu al- Khamsah That Alone (Manan, 2018).

Principles The Maqashid Syariah can We look at the articles contained in Qanun No.11 of 2018. First, on the basis of preamble considering Qanun no. 11 of 2018 As contained in point a considering that the Qur'an and As-Sunnah are base The main religion of Islam that brings grace for all over nature and has become belief as well as handle life Acehnese society. Basis for consideration is analyzed with draft Maqashid Syariah which places Hifz Din (Maintaining Religion) in order First then Qanun no. 11 of 2018 makes runway maintaining religion as the core of the birth of the Qanun.

Qanun No. 11 of 2018 concerning Sharia Financial Institutions was born For delete prohibited practices in Islam in the form of usury, gharar, and maisir are frequent happen in society. According to Wasilul Chair who quoted Abd alRahman al Jaziri, usury can defined as addition reward on loan in term time certain, good loan the used For consumption personal and objective exploitative. In the context of this, usury covers all form addition or profits earned from use of capital that is prohibited by sharia, either the amount A little or big. In language English, usury often translated as "*usury*," which refers to additional money or

profits earned from the capital obtained through contradictory ways with Sharia principles. The basis for the above considerations in gave birth to Qanun No. 11 of 2018 concerning Islamic financial institutions, can it was concluded that the Qanun really took into account that objective existence law namely For realize welfare based on Maqashid sharia. All principle Islamic economics and finance shows that the goal is For realize welfare in life society. The benefits has two properties, namely :

1. Benefit is of a nature subjective, in the sense that each individual become determinant for himself Alone in determine whether something actions is something benefit for himself or no. However criteria benefit This is determined by the Shari'a and its nature binding, for example about flowers, though That Good according to himself, but Because sharia set it forbidden, because equalized with usury, then evaluation individual the become fall.
2. Individual benefit will consistent with public interest draft This different with the concept of Pareto optimum, namely optimal state where somebody No can leave level satisfaction or his welfare without cause decline satisfaction or the welfare of others.

Many experts Islamic economics which states objective from establishment of a Sharia Bank, among others mention that the goal There is four, namely :

1. Increase quality life social economy poor society.
2. Minimize gap social economy.
3. Increase quality and activities business and improve chance work and income public.
4. Increase participation public in the development process especially in field economy finance.

Goals the intended For overcome problem economy the majority of the people big No Want to relate with institution finance conventional Because assume that bank interest is usury. Apart from the four objective above, Abdurrahman as quoted by Muhammad as saying about six objective establishment institution finance sharia- based, especially sharia banks, namely :

Based on the provisions above, then need known that all the stated purpose in that qanun is welfare Acehnese society. Therefore, the problem become the size used writer For know implementation of Qanun for for Acehnese people, especially the residents of Southeast Aceh Regency. Every something What only those that contain the benefits in it Good get usefulness, goodness, and For reject harm, then all That called masalah. For guard purity method the benefit of the poor as runway Islamic law, then must has two dimensions important, namely side First must submissive and compliant with what is contained in the texts (al-Qur'an and al-Hadith) are good in a way textual or contextual. Second side must consider existence need human beings who always develop in accordance his time. Second side This must become considerations that are careful in formation Islamic law, because when two sides on No valid in a way balanced, then in results istinbath the law will become very stiff in one side and too follow air lust on the other hand. So that in matter This need existence correct terms and standards in use benefit mursalah Good in a way methodology or the application (Syafaat, 2020)The purpose of the Qanun is benefit For institution finance in

Southeast Aceh which provides kindness, with thus so objective the determination of the Aceh Qanun has in accordance with Maqashid Syariah that is implemented in activity man daily life, and institutions Islamic finance supports activity public in activity business and transactions based finance on sharia, namely benefit For people human. With other missions, institutions Islamic finance will can create balance economy and help overcome problem public (Lucky, 2021).

Based on results interview to one of institution finance Sharia pawnshop, Supriadi said reason pawnshop changed status to sharia due to the status of Qanun which is also as results from product law positive in Indonesia of course have base clear juridical so that own authority and certainty law. With base juridical said, the presence of Qanun Number 11 of 2018 concerning institution Islamic finance in Aceh has legitimate legality, institutions pawnshop be one of institution incoming finances to in the Qanun of the institution Islamic finance in Article 7, so that Pawnshops in Southeast Aceh must also switch to sharia for obey regulations in Aceh Province.

Transition institution finance to sharia in Aceh is a strategy to make it easier public transacting at an institution finance without usury and all economic instruments that are not in accordance with provision Islamic law. He add with the existence of institutional Qanun Islamic finance becomes breakthrough beginning resurrection institution compliant finances all of it to sharia concept. If not implement this Qanun so institution finance must leave from Aceh and close its operations in a way comprehensive.

In research here, there is indicator the benefits that will be presented, with objective For know indicator perceived benefits institution finance in Southeast Aceh:

1. Financial Institution Assets

Of the three institution successful financial interview everything state that implementing institutional Qanun Islamic finance can increase asset financial institutions. Financial Institution Capital

2. Financial Institution Opportunities

Party Sharia pawnshop says after the enactment of Qanun number 11 of 2018 Sharia pawnshops have enough opportunities big in scoop up customers as much as possible. With this Qanun Pawnshop Syria have chance for grow and provide appropriate services with sharia principles to The people of Southeast Aceh, especially in Aceh, are very concerned about Islamic law in all aspect life so that Islamic pawnshops utilize opportunity This.

3. Human Resources in Financial Institutions

Source Power humans also become indicator benefit in study this, aims For know chance what they get, rights and obligations individual in implementing institutional Qanun Islamic finance to comply with Law No. 13 of 2003 concerning employment.

Based on the findings above, researchers conclude that implementation of Aceh Qanun number 11 of 2018 concerning institution Islamic finance has give influence on public welfare institution finance in Southeast Aceh Regency.

Related with the scholars agree on the matter that Islamic law is implemented with Good will bring to welfare. And one of them principle implementation Islamic law is benefit (Fathurrahman, 2020). Even Imam al- Syatib state that wherever there is maslahah, then there is Allah's law. From here, it appears very connection close between sharia with thank you. Al-Ghazali explained that benefit is look after objective Islamic law, namely : preserving religion, soul, mind, descendants and property human beings. Five things the is primary needs in life human. With five things said, humans will get benefit, prosperity and happiness true, born inner, spiritual material, and the world of the afterlife. Because that, then every what is meant For maintain five things said, and each purposeful things For avoid it from the danger that threatens him, is called as benefit.

Seen from aspect quality and level interests, the scholars' divide welfare in three form in accordance with the impacts it causes, namely :

1. Ḍaruriyyah is the benefit that becomes base upright life base human, rising related with religion and the world, and if No There is so life man will lost pleasure. Maslahah This is all thing that guarantees realized and maintained Meaning from objective sharia. In the concept maqāsid al- Sha ṛ i ' ah fulfillment need somebody must prioritize the basic needs first before, because If No fulfilled will bring damage to a person, and after need This achieved, new may move to hajjiyyah and ta ḥ siniyyah.
2. Hajjiyyah, benefit This covers all issues that are needed by humans For remove difficulties and hardships faced, and for get convenience in life.
3. Taḥsiniyyah, welfare This its nature as complement For look after something good, like in good character and other beauty. So, if welfare the No able realize in life, no will impact on the emergence of difficulty life and destruction order life man.

Maslahah has five goals indicators which are impact or benefit from implementation sharia in life. Problems institution finance is something that is not can separated from life humans at the time this, because that, banking Can categorized in benefits that are daruriyah, which must exists and is very important. For That so must true, true Can bring in benefit For human beings. This is in accordance with Nugroho, Hidayah and Badawi's explanation that institution Islamic finance has three principle in operational that is :

1. Falah, the creation order public civilized citizens with fulfillment aspect physical, science and technology, as well as realization spiritual aspects of faith supported by the ecosystem finance sharia- based.
2. Maslahah, existence institution Islamic finance, especially in Islamic banks, is For give profit and create welfare for public.
3. Maqāsid al- Shari'ah, function institution Islamic finance for implement the objectives of sharia are guarding religion, guarding soul, guard reason, guard descendants and care assets. Islamic financial institutions in accordance with with principles, functions and objectives has meet five goals from Islamic law.

CONCLUSION

Level of implementation of institutional qanun Islamic finance in Southeast Aceh Regency gets support from government and society, though naturally there is something wrong satisfied to service, convenience and consideration that institution Islamic finance does not There is the difference with conventional. It cannot be denied that Still There is Southeast Aceh community who use institution finance conventional For needs personal especially transact to the North Sumatra region. From the side government and institutions Islamic finance also admits that it will Keep going do repair to system them. For perspective *maṣlaḥah al mursalah* regarding Aceh Qanun Number 11 of 2018 concerning institution Islamic finance finds that public feel its benefits. Because in principle this qanun in accordance with Islamic law, of course the people of Southeast Aceh understand Islamic law obligation in a way *kafah* including inside it prohibition usury which refers to Aceh Qanun number 11 of 2018, even though temporary part small related with services and facilities for the people of Southeast Aceh who are facing problem need the Not yet fully feel the benefits of the qanun.

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