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Renewal Islamic Law in Aceh (Concept and Application of Legal Thought Abuya Muhammad Waly Alkhalidy)

by Muhammad Jamil

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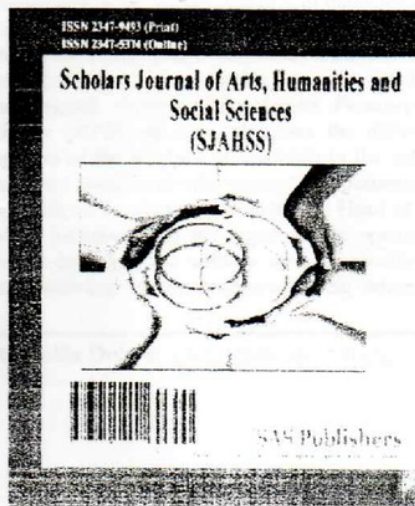
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Renewal Islamic Law in Aceh (Concept and Application of Legal Thought Abuya Muhammad Waly Alkhalidy)Nawir Yuslem¹, Muhammad Jamil², Nazaruddin³¹Professor, State Islamic University of North Sumatra, Indonesia²Lecture, State Islamic University of North Sumatra, Indonesia³Student of Doctoral Program, State Islamic University of North Sumatra, Indonesia***Corresponding Author:**

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Abstract: The renewal of Islamic law in Aceh as a Concept and application of fikh thought of abuya Muhammad Wali became the formulation of the problem to be answered in this research. How is the methodology of the formulation of Abuya Muhammad Wali, and how the contribution of the juristic thought of Abuya Muhammad Wali to the change of Islamic law in Aceh. The method used in data searching is library research by reading the books by Abuya Muhammad Wali (as primary data) and books written about Abuya Muhammad Wali (as secondary data) thoughts, opinions that assess ideas, views, typology Or the legal style of Muhammad Wali regarding the issue of Islamic law reform in Aceh. In analyzing the data, use content analysis. The results of his research are firstly, as a whole, the concept of reform of Islamic law in Indonesia, running somewhat slowly compared to other Muslim countries, especially in the countries of the Middle East, North Africa, India and Pakistan. Secondly, the method of *istinbāt* Abuya Muhammad Wali in formulating a law mostly uses the *qawli* method, and few use the approach *ta'li* and *istiṣlahi*. In the process of law-making, Abuya Muhammad Wali is not always consistent with the *istinbāt* method he uses. Hence, in establishing a law, he sometimes looks at the main source of Islamic law, namely by looking at the direct texts of the *Qur'an* and *Sunnah* (nass of *Al-qur'an* and *Sunnah*). If he does not find it in his second nass, he will look at what can be understood from both. If not found, then he turned to other postulates in use. Thirdly, the contribution of Jurist Muhammad Wali's jurisprudence to the reform of Islamic law in Aceh had an impact on the post-independence and post-conflict Acehness community practice. The result is a fatwa abuya Muhammad Wali gives a big influence in the renewal of Islamic law, among others is Abuya fatwa about the death feast, and *kenduri maulid*, where this fatwa denied and straightened the fatwa of Abu Daud Beureueh which assume the festivity of death and *kenduri maulid* is a heresy do. The impact of Abuya Muhammad Wali's thought has influenced the practice of the people of Aceh until now. Then the fatwa abuya Muhammad Wali about the method of the procedure of the Friday sermon implementation in accordance with local wisdom. This fatwa also had a major influence on the change of Islamic law since post-independence until today. The phenomenon of Aswaja's post-conflict resurrection and tsunami is marked by the change of procedure of the Friday sermon implementation at Baiturrahman Mosque of Banda Aceh by Aswaja group is an indicator of the influence of fatwa Abuya Muhammad Wali, passed on by relay by his students who have become scholars all over Aceh.

Keywords: Islamic Law, Abuya Muhammad Waly Alkhalidy, Concept and Application.

INTRODUCTION

The recent phenomenon in Aceh concerning the struggle of preachers (transfer of management of the Friday prayer execution) at the Baiturrahman mosque during the Friday prayer service by a number of Islamic organizations is interesting to be studied and investigated further. The *Majelis Permusyawaratan Ulama (MPU)* of Aceh discusses the differences of opinion of the scholars of madhhab in the activities of religious *muzakarah* (discussion) that occurred recently in Aceh, in the Aceh MPU Hall. The Head of the Aceh MPU Secretariat, in his report at the opening of the event, conveyed the activity aims to provide a broad understanding to the people of Aceh, namely to the

differences of opinion of the scholars of the school. "Like the Azan issue twice during the Friday prayer, the preacher holds a stick, and preaches Friday sermon." In addition, this *muzakarah* can create peaceful and cool conditions in the activities of worship in Aceh by showing mutual respect, and respect in religious life. And ensure the practice of worship in the Great Mosque has a strong foundation or theorem.

The above problem is based on the understanding of most of the *dayah* (islamic school) in Aceh who following *Syafi'iyah* (One of the scholars of Islamic law which states one element for the validation of Friday prayers is the presence of *muwālat* in the

recitation of khutbah, khutbah done in tandem between the pillars of the Friday sermon). The problem that has occurred in the Great Mosque of Banda Aceh recently is the presence of preachers who when reciting the sermons harm the *muwālat* of the sermon on Friday sermons by reading the wills in non-Arabic languages. Where *muwālat* khutbah is one of the criteria (terms of the sermon) that must be fulfilled in the framework of the validity of the Friday sermon. The understanding of the ulama and the majority of these peoples was inspired and based on the *fatwas* (opinion) and suggestions of ordinances by Abuya Muhammad Wali in his monumental book *al-Fatawa*. The contents of Abuya Muhammad Wali's suggestion are: That is, first the preacher (the giver of the sermon) should give a speech or give prior advice from the Indonesian language, as well as public speeches in advance to explain useful advice with any language (other than Arabic) after the speech before the khatib doing harmonious The sermon as it should be, do not mix it with speech".

Here it can be concluded that the presence of Abuya Mudawali and his book had a major influence on the changing form of the worship of the Acehese community, which before his presence, the things which the writer conveyed above have not changed.

Muhammad Wali Alkhalidi (1917-1961 AD) is widely known by all the people of Aceh and Indonesia as one of the great scholars who diligently explore various fields of Islamic studies such as the science of *fiqh* (Islam law), *kalam* (tauhid), logic (mantiq), and tasawuf. His works both in *kalam*, *fiqh*, and *tasawuf* (Islam meditation), are generally descriptive with a sociological approach to the various problems that developed in Aceh and that developed in the Islamic world in general. Nevertheless, he also has a great interest and ability in studying and contributing to the development and renewal of Islamic law especially in Aceh.

Muhammad Wali educated many ulama cadres who then spread to all corners of the region in Aceh and outside Aceh to develop *Islamic Shari'ah* (way of Islam) to the community. These movements and activities have succeeded in changing the patterns and procedures and improving the quality of worship (the relationship with God), and *mua'amalah* (relationship with humans). It is said to be a movement, because Muhammad Wali managed to organize one of the great potentials that became the determinant factor of the change of Islamic law. The movement starts from teaching and answering questions and problems in the limited *balee* (small house for discussion), then develops into a renewal movement. On that basis, Muhammad Wali is aptly referred to as the designer, change thinker and reformer in the development of

Islamic law in Aceh. The appearance of Muhammad Guardian figure can not be separated from the socio-culture of academic at that time. There are three main things that always remembered by the name of Muhammad Wali. Firstly, it was his role in developing Shafi'iyah fiqh and educating ulama cadres in Aceh; secondly, the figure of ulama who supported the government of the DI / TII (rebel) group with their fatwas. Third, intellectual development to Saudi Arabia (Mecca) when performing Hajj. Apart from that his struggle in developing religion and printing of great scholars is highly appreciated. The clerics who participated in the high forum of Acehese scholars at Baiturrahman Great Mosque which is the mosque of Acehese pride has given the title to Abuya Muhammad Wali as 'Arif billah' ulama.

Even his struggle in printing ulama cadres was appreciated by the central and regional governments. His work was also recorded while guarding the atmosphere of the Acehese people during the DI / TII rebellion, with his fatwa forbidding the ikot people in the rebellion because it was regarded as a bughah against the legitimate government at that time led by president Sukarno (first president of Indonesia), even he who gave the title to President Sukarno with *ulil amri dharuri bi al-syaukah* and the proposal was accepted by acclamation by all scholars all over Indonesia who attended the Cipanas Palace in 1957 AD.

LITERATURE REVIEW

The Formative Period of Islamic Jurisprudence refers back to the early time of the Muslim community, during this period, the *Fuqaha* were more concerned with issues of authority and teaching than the theory and methodology [1]. Progress in theory and methodology occurred with the arrival of the *Mujtahids* of the *Tabi'in*, also led by a *Fuqaha* Muhammad ibn Idris asy-Shafi (767-820 AD), who codified the basic principles of Islamic law in his book *al-Risala*. This book builds on the four roots of the law (*Qur'an*, *13 nah*, *ijma*, and *qiyas*), by deciding and establishing that the primary Islamic texts (*Qur'aan and as-Sunnah*) must be understood according to the rules of purpose of the derived interpretation From scientific research based on the power of Arabic (research and interpretation on the basis of hermeneutics) [1].

Secondary sources of rules and rules of law are developed and perfected over the ensuing centuries, primarily comprising the legal preferences (*istihsan*), the laws of the Prophets before the Islamic Shari'ah (*syar'u man qablana*), continuity (*istishab*), the analogy of benefit (*Maslahah al-Mursalah*), prevent and decrease losses (*Shad al-Zariah*), customs (*al-Urf*) and opinions of *Sahabah (al-Aqwal al-Saabi)* [2].

A number of major legal institutions developed by the Fuqaha, during the classical Islamic period, known as the golden age of Islam, one such institution is *Hawala*, the transfer of the informal value system, mentioned in *Fiqh* texts at the beginning of the 8th century. *Hawala* itself then influenced the development of institutions in general law and civil law such as '*Aval*' in French law and '*Avallo*' in Italian law [3] European commenda (used in the Islamic *Qirdal-Hasan*) used in European civil law is also derived from Islamic law [4].

Waqf in Islam, developed during the 7th century AD, has a central resemblance to the Law of the Trust (English: Trust) [5]. For example, every *Waqf* is required to have *Waqif* (donor), *mutawilli* (receiver of the mandate), Qadli (judge) and beneficiary (Nazir) [5]. The Law of Amanah developed in England at the time of the Crusades, during the 12th and 13th centuries, was introduced by Crusaders who may have been influenced by the *Waqf* institutions they acquired in the Arabian Peninsula (Middle East) [6].

Al-Lafif in the Islamic system is a twelve-member Body / institution taken from the surrounding area and vows to tell the truth, bound to give unanimous decisions about things that they personally see or hear, binds to the judge to resolve the truth about fact in the case, between ordinary people, and obtained as a right by the plaintiff. One characteristic. The jury in Britain in Islam is called Lafif, deficiency is a written law directing the jury to be called and directing the bailiffs to hear the confession. According to Professor John Makdisi, no other institution in the various legal institutions studied currently contributes all these characteristics to the Jury in England. It is thus possible that the Lafif concept might have been introduced to England by the Normans, who conquered both the English and the Sicilian Dynasties, and later developed into a jury in modern England [7].

Some other ideas are based on common law institutions and may have been adapted from the same legal institutions in Islamic law and Islamic jurisprudence, which were introduced to England by Normandy after the conquest of England and the Sicilian dynasty by Crusaders during the Crusades.

In particular, the United Kingdom regulates that "debt" should be protected by contract, while in Islam it is known as '*al-Aqad*'. In Britain the so-called assize of novel disseyns is identical to the term al-Istihqaq, and English Jurors are identified with Lafif al-Islam.

British legal institutions, such as the scholastic method, as the licensing body to teach law, known as the Inns of Court law school in England and the

"*Madrasah*" in Islam, and also the European Commenda in Islam Qirad al-Hasan Of Islamic law [7]. The precedents of legal methodology and reasoning with the analogy "*Qiyas*" are similar in both Islamic and general law systems [8]. This influence has led some scholars to suggest that Islamic law may have laid the foundation for common Law as an integrated whole [7].

Muslims have responded in various ways to the power of modernity, this response across the lines of tradition, sect, and school. They influence the way Sharia is interpreted by individuals in their personal lives, and the extent to which Sharia is implemented in the public sphere by the state. The movement of this diverse movement can be called collectively as the Contemporary *Shariah* [9].

The legal system in Muslim-majority countries of the 21st century can be classified; *Sharia* in secular Muslim countries; Muslim countries like Mali, Kazakhstan and Turkey have declared themselves to be secular. Here, religious interference in state affairs, law and politics is prohibited [9].

In Muslim and non-Muslim countries in Western affiliated countries, *Sharia*'s role is limited to personal and family matters. Nigeria's legal system is based on the common law of the United Kingdom and the constitution guarantees religious freedom with the separation between church and state. But eleven northern states have adopted *Sharia* law for those who practice Islam [9]. Similarly in Malaysia, Malaysia's legal system is based on English common law, *Sharia* law applies only to Muslims, and is restricted to family law and religious celebrations. While the Constitution declares Islam as the official religion, with ceremonial rulers as the head of Islam in the countries. Respectively, other religions can be practiced freely, albeit with a restriction on da'wah to Muslims.

Muslim countries with sources of law adhere to the principle of mixing: Muslim countries including Pakistan, Indonesia, Afghanistan, Egypt, Sudan and Morocco have a very sharia-influenced legal system, but also surrender the supreme authority to the constitution and rule of law. These countries make democratic elections, although some are also under the influence of authoritarian leaders. In these countries, politicians and lawyers make laws, not religious experts. Most of these countries have modernized their laws and now have a legal system with a significant difference when compared to the classical *Shariah* [10].

Muslims claim to use classical *Sharia*: Saudi Arabia and some Gulf states have no constitution or legislature. Their rulers have limited authority to amend the law, as they are based on *Sharia* as interpreted by their scholars. Iran with several characteristics, but also

has a legislative parliament in a manner consistent with Sharia [10].

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According to Jan Michiel Otto, Professor of Law and Governance in Developing Countries at Leiden University, Anthropological research shows that people in local communities often do not clearly distinguish whether and to what extent norms and practices are based on local, tribal, or religious traditions. Those who hold a confrontational view state, *Shari'a* tends to regard many of the unwelcome practices of *Shari'a* religion and cultural customs, less the religious authorities have declared otherwise. Otto's analysis appears in a paper commissioned by the Dutch Ministry of Foreign Affairs [9].

3
The *Shari'a* continued to undergo fundamental changes, beginning with the reign of Caliph Abu E. 20 (632-634 AD) and Umar (634-644 CE), during the period of the Companions of the Prophet (saw) where they became the source of con- 3 tations on religious and community matters [11]. During the reign of Muawiya ibn Abu Sufyan ibn Harb, 662 AD, Islam made an urban tran- 3 or- mation, and raised issues that had not or were not covered by Islamic law [11]. Since then, changes in Islamic societies have played an ongoing role in the development of Sharia, mentioned in the branches of *Fiqh* and al-Qanun respectively.

Among Muslims, customary law needs to be adapted to *Sharia*, since they can not be part of customary law or tri- 10 uruf unless they are generally accepted as Sharia. In addition, Noel James Coulson, professor in Islamic law from the University of London, states that the tribe as a whole has the power to set standards adopted by followers of members of the community. This Tribal Law (*Uruf*) 3 understood not only as a representative group now, but as a historical entity embracing the past, present, and future generations [12]. So, meanwhile, every law must be rooted in both the *Qur'an* and the *Sunnah* without contradiction, tribal life brings a sense of participation. Such participation is further reinforced by the words of the Prophet Muhammad which states, My Community will never agree with the mistakes [13].

FINDINGS AND DISCUSSIONS

When seen from the history of the life of Abuya Muhammad Wali, he was active in the society after independence, at that time, Abuya was involved in the community as the guardian of the Acehese people, so that a book was born which contained the answers to the legal problems of Acehese *fiqh*. This gives a very strong and very big influence in the practice of *fiqh* of Aceh society since post-independence until now.

According to the analysis of Mumtazul Fikri in his writings that in the post-independence era there was

a friction between religious creed especially between the sacred and the profane. This is tapered by the position of the profane who occupy government positions, while the sacred began to be marginalized with a typical *pesantren dayah education* (Islamic school). Especially when the emergence of a joint decree issued by Abu Daud Beureueh and Abu Hasballah Indrapuri about the slaughter of death and some other informations. While the tradition has been practiced by the people of Aceh since long, especially by the sacred.

Conflicts between the sacred and the professions that took place after the independence of the Republic of Indonesia are still left to this day. Abu Daud Beureueh and Abu Hasballah Indrapuri have not yet become part of Aceh's charismatic clerics in the perspective of the sacred. This fact is strengthened by the circulation of posters of collections of photographs of Acehese *ulamas* (teacher) from the era of the sultanate of Aceh to the modern era in recent years. The poster is printed in large quantities and displayed in homes and shops throughout Aceh. Uniquely, from 124 photographs of Acehese *ulamas* (teacher) found on the poster, Abu Daud Beureueh and Abu Hasballah Indrapuri are not included. This issue was warm in Aceh about the cause of Abu Daud Beureueh not included in the poster, and how the criteria of the charismatic cleric in question. In addition, the majority of Acehese people in the practice of *fiqh* still refers to the fatwa and the legal rulings of Abuya Muhammad Wali, especially in the matter of the festivity of death and read *al-qur'an* to *mayyit* (death body).

This fact is among the evidence that the conflicts of the sacred and the profane still occur even decades after the independence of the Republic of Indonesia. And this conflict continues to widen through the post-tsunami and conflict periods through the *Wahabi-Aswaja* issue. This can be identified also when there is a seizure of the order management of the Friday prayers, especially in the Great Mosque of Baiturrahman Banda Aceh. Because this mosque includes a mosque whose governance framework *jum'atnya* different from most mosques in Aceh and this mosque became an icon or pride of the people of Aceh.

The method of execution of the Friday sermon advocated by Abuya Mudawali in his book *al-Fatawa*, so that no doubt its validity is: That is, first the preacher (the giver of the sermon) should give a speech or give prior advice from the Indonesian language, as well as public speeches in advance to explain useful advice with any language (other than Arabic) after the speech before the khatib doing harmonious. The sermon as it should be, do not mix it with speech".

The result of interview author with Tgk. Muhammad Amin, mentions that before abuya dispensed fatwas and suggestions as such, the practice is still banned with advice in *ajam* (non-Arabic), but nothing beyond the period of two light prayer rallies. Therefore, according to the author's analysis, abuya Muhammad Wali looks at *ihityat* (caution) in issuing a *fatwa*.

According to the writer's opinion, when looking at the facts about differences in fatwas issued by the sacred and the post-independence profane, one can summarize the following: (1) the root cause of this difference is the Dutch divide et impera policy in the colonial period; (2) Hurgronje is the figure behind the split in Aceh, his recommendation to make the ulama and Islam the accused of a prolonged war in Aceh; (3) post-independence, Aceh scholars split into two groups, namely the conservative, static, and exclusive sacred, and profane people who embraced a dynamic, inclusive contextual Islam.; (4) this conflict shows that the academic tradition of Islam in the post-independence period began to lead to the profane-contextual. This fact is corroborated by the existence of two different models of Islamic education, both in terms of vision and mission of the institution, the learning model until the curriculum is taught. First, the transformative educational institution founded by Abu Daud Beureueh. Second, *Dayah* Darussalam Labuhan Haji with a conservative Islamic education model founded by Abuya Muda Waly.

There are several factors behind the change in the implementation of Islamic society in Aceh, first, the arrival of foreign nations that intervene in education in Aceh. Historically, Acehnese have been in contact with foreign nations for a long time, especially Arab and Middle East. But the learning culture and intellectual climate between Aceh, Arab and the Middle East is not much different. Even the *Jamiah* (people) Masjid Raya Baiturrahman more or less follows the academic tradition of *Jamiah* al-Azhar Cairo, Egypt. While the Dutch colonial expansion in Aceh has changed the education of Aceh. The Netherlands introduced secular public schools that are very contradictory to the well known *dayah* education model in Aceh. In addition, post tsunami and conflict, Aceh is flooded with humanitarian assistance in various aspects such as education. And after the tsunami and conflict, several new educational models became known in Aceh, including Fatih Bilingual School in Aceh. Therefore in the post-independence and tsunami conflict period the change of Islamic academic tradition became profane-contextual. Second, the development of multimedia and information technology. Like a rushing stream, the development of multimedia and information technology is not unstoppable. This is done by the sacred (Aswaja) in Aceh who began to adjust to the use of multimedia

media and technology in the learning process. Third, unresolved conflicts in the post-independence period. Conflict between the sacred and the profane in the post-independence period has had an influence in the post-conflict period. Where contestation between these two groups leads to the transformation of profane-contextual academic tradition. Without realizing it, the two groups are mutually creative to develop themselves to be superior in teaching Islam and can be more accepted by the people.

Here are some facts contributed by the scholars in the religious practice of the people of Aceh. First, the period of the sultanate of Aceh. The scholarly tradition of Acehnese scholars (*Ar-Raniry* and *As-Singkily*) has been able to reduce social and religious conflicts by blind followers and *wujudiyah As-Sumatrani*. Apparently *Ar-Raniry* understood that an ideology could not be broken only by physical violence by capturing or even 'removing' followers. But it is also necessary for scientific textual texts to be read by the claimant of science, so that the blind and exist salute will be rejected by itself without the need for physical clashes and casualties. Even the *fatwas* and books written by the Acehnese clerics during this period have been able to reduce the revolt against the Sultanate's position to the roots. This is related to the issue of the status of female leaders in Islam sued by *As-Sumatrani* followers and some uleebalangs in the Aceh Darussalam Sultanate. And the books of *Ar-Raniry* and *As-Singkily* have become a historical fact that Islamic academic tradition has contributed to peace in the period of the sultanate of Aceh Darussalam. Second, the Dutch colonial period. The conflict resolution of Aceh in this period is slightly different from that of other periods. Because it is very difficult to reconcile the conflict between the colonists and the indigenous people. Because the invaders are always looking for ways to expand and explore colony colonies, even though they must inflame even the lives of indigenous people, and this is what happened in Aceh. According to the authors, the only settlement of this period conflict is to take massive resistance and inflame the spirit of jihad of Aceh against Dutch colonialism. So in this case, *Hikayat Prang Sabi* (traditional history of war) with slick has taken the role. As an epic poetry, this work has been able to change the course of the Aceh war. From the war of the kingdom to the people's war, from the war defended the country into a religious war. Although the Sultan had been captured, the conquered areas of Aceh, the administration and the government were under Dutch control, but Aceh never once surrendered its power to the Dutch. And the spirit of *Hikayat Prang Sabi* continues to live in the souls of the Acehnese even though times have changed and the writers of those works have disappeared. The saga of *Prang Sabi* is the historical evidence that the Islamic academic tradition has contributed to maintaining the

sustainability of the faith and the peacefulness of the Acehnese even though living in the shackles of Dutch colonialism. Third, the post-independence period. As explained earlier in this period Acehnese ulamas are divided into 2 (two) classes, the sacred and the profane. The involvement of the profane people in the post-independence government made the sacred people alienate themselves through an inclusive *dayah* education model (Islamic school), so that both conflict conflicts can be minimized. One of the *dayah* who became the parent network of ulama (teacher) Aceh is *Dayah Darussalam Labuhanhaji*, South Aceh. And inclusive sacred academic traditions have created a network of *teungku* - my charismatic hall in Aceh, great *dayah* leaders with thousands of santri (student), including Teungku Abdullah Hanafiah Tanoh Mirah, Teungku Abdul Aziz Samalanga, Teungku Adnan Mahmud Bakongan, Teungku Prof. Muhibbuddin Waly, and others. The profane developed a progressive model of *madrasah* (Islamic school) education, mediating between conservative *dayah* education and secular Dutch education. In this period between the sacred and the profane, both focus more on the development of their respective educational institutions. While the ripples of conflict that occurs only at the bottom level, while the institution does not occur frontal conflict let alone to physical clashes. The existence of *dayah* and *madrasah* in this period shows that the rapid development of Aceh's intellectual world and its existence has been able to dampen potential religious conflicts that may occur. Fourth, the post-tsunami and conflict period. In this period, the conflict occurred between *Aswaja* (the sacred) and *Wahabi* (the profane). According to the writer's opinion, the contestation between these two Islamic schools has unknowingly generated significant competition despite the different *da'wah* (the spread of religion) land. Where *Aswaja dakwah* land is more focused on rural communities while *Wahabi* preaching land is more focused on urban communities. Even in recent years, *Aswaja* has begun to widen its missionary land to the urban community.

The authors' assumption is due to *Aswaja's* concern about the development of *Wahabi* preaching in urban areas in recent years. Of course the urban *da'wah* will be different from the rural *da'wah*, so *Aswaja* need to adjust to the model of urban Islamic syiar as *Wahhabi* has practiced for a long time. The establishment of campus based *dayah*, multimedia *da'wah*, pengajian live streaming, *da'wah* via android, among education models and new *da'wah* media developed by *Aswaja* in this period. This contestation leads to further narrowing the potential gulf of physical conflict, as opposed to the opening of an academic paradigm in both schools. The existence of campus-based *dayah* and media proselytizing media shows that Islamic academic tradition has contributed to the

reduction of potential religious conflicts in Aceh, especially in the post-tsunami and conflict period.

So the conclusion of the authors of the above description is the contribution of Thought *Fiqh* Muhammad Wali to the practice of *fiqh* Aceh people is to look to the direction of the practice of Aceh post-independence and community practice post-conflict and tsunami. The result is a *fatwa* Abuya Muhammad Wali give a big influence, among others is *fatwa* Abuya about khanduri death, where this *fatwa* denied and straightened fatwa of Abu Daud Beureueh which assume khanduri of death is a thing that *bid'ah* done. So from the results of these two *fatwas*, the people of Aceh are divided into two groups of society, namely the sacred, the majority and the profane, the minority. Then the *fatwa* Abuya Muhammad Wali about the method of the procedure of the Friday sermon implementation in accordance with local wisdom. This *fatwa* also gives a big influence on the practice of *fiqh* Aceh people since post-independence until today. The phenomenon of the awakening of *aswaja* post conflict and tsunami is marked by the change of procedure of Friday sermon implementation at Baiturrahman Mosque Banda Aceh by *aswaja* group is an indicator of the influence of fatwa Abuya Muhammad Wali, which is continuously relayed by his students who have become scholars all over Aceh.

CONCLUSION AND RECOMMENDATION

Thought and formulation of Islamic law (*fiqh*) Abuya Muhammad Wali can be seen from the analytical method used by him when giving his *fatwa* (statement), namely the thought of Abuya Muhammad Wali about *ijtihad* (contemplation) to the main source of Islamic law (*al-qur'an and hadith*) is always open to anyone who has ability and criteria a *mujtahid* (expert), but due to the limitations possessed by the majority of scholars in the present, the possibility of reaching the *mujtahid* level is impossible. Therefore the solution pursued by *abuya* is to refer to the texts of the classic books composed by earlier scholars. Then the texts of the book are used to answer contemporary questions through the *ilhaq* method. The way Abuya Muhammad Wali in formulating his *fatwa* by answering each question submitted by the questioners, which is looking for answers in the text of the classic book, then assisted with the use of *al-Qawā'id al-Fiqhiyyah*, then included verses of the *Qur'an and hadith*, And accompanied by custom (local wisdom). Like the case of a testament in the sermon of the Friday sermon with the non-Arabic language and the case of obscenity. Contribution Thought *Fiqh* Muhammad Wali to the practice of *fiqh* Aceh people is to look to the direction of the practice of post-independence Acehnese society and the practice of society post-conflict and tsunami. The result is a *fatwa* Abuya Muhammad Wali give a big influence, among others is *fatwa* Abuya about khanduri death, where this

fatwa denied and straightened fatwa of Abu Daud Beureueh which assume khanduri of death is a thing that *bid'ah* (excessive) done. So from the results of these two fatwas, the people of Aceh are divided into two groups of society, namely the sacred, the majority and the profane, the minority. Then the fatwa abuya Muhammad Wali about the method of the procedure of the Friday sermon implementation in accordance with local wisdom. This fatwa also gives a big influence on the practice of *fiqh* Aceh people since post-independence until today.

It is necessary to study the concepts, methods, and substances of *fiqh* thought of Abuya Muhammad Wali in various other aspects, thus further clarifying the figure and contribution of his thoughts in the development of Islamic law especially in Aceh and generally in Indonesia. Field study of alumni and *pesantren or dayah* (islamic school) using Abuya Muhammad Wali's works as text books should be conducted, so that the influence of his thoughts can be understood empirically. In order to meet the needs of Indonesian Muslims for Islamic law (*fiqh*) responsive to modern issues, let the scholars and legal thinkers of Islam always be dynamic and formulate the law through various levels of *ijtihad* done continuously with full sense of responsibility. Studies of complex cases should be addressed openly by taking into account the opinions of various experts from various related disciplines

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