

## Advocacy Of Civil Issues And Strengthening Legal Literacy For Religious Extension Workers Through Preventive And Conflict Resolutions Approach

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| Received: 14-10-2023

|| Revised: 15-11-2023

| Accepted: 15-12-2023

| Published On: 16-12-2023

**Abstract:** This article discusses civil issue advocacy and efforts to strengthen legal literacy through preventive approaches and conflict resolution approaches. This research uses descriptive qualitative methods with phenomenological observative study techniques, where the author who is actually one of the Functional Islamic Extension Counselors is one of the elements actively involved at the time of the problem or event. The results of the analysis show that legal issues, especially civil ones, that occur in the community are very complex, ranging from disputes at the household level such as divorce cases, elopement, guardian *adhal*, inheritance to domestic violence cases. Likewise, cases whose effects involve more parties such as cases of disputes in determining the direction of Qibla, the legality of the status of waqf land, to cases of religious beliefs or splinter sects that often lead to horizontal conflicts. Using a preventive approach and a conflict resolution approach, the author tries to elaborate and offer solutions to overcome these problems. The preventive approach is the most effective way, because with this approach it is like the saying "it is better to prevent than to treat disease". So in essence, the preventive approach is a way to prevent conflict. At the same time, the resolution conflict approach is a method of solving problems where events or conflicts have occurred. Therefore, the method applied in this conflict resolution approach must be appropriate, fair and not open the gap for the next conflict. Overall, the results of this study show that Islamic Extension Counselors whose composition already exists in almost every sub-district are expected to further strengthen legal literacy. Because of the four functions (educational, informative, consultative and advocate), in general, extension workers avoid the function of advocates because of resistance factors. This study provides benefits for understanding the importance of strengthening legal literacy for Islamic extension workers.

**Keywords:** Advocacy, Civil Issues, Legal Literacy, Preventive, Conflict Resolution.

**Abstrak:** Artikel ini membahas tentang advokasi masalah perdata dan upaya penguatan literasi hukum melalui pendekatan preventif dan *resolusi conflict approach*. Penelitian ini menggunakan metode kualitatif deskriptif dengan teknik kajian observatif fenomenologis, di mana penulis yang *notabene* salah seorang Penyuluh agama Islam Fungsional merupakan salah satu elemen yang terlibat aktif pada saat terjadinya masalah atau peristiwa. Hasil analisis menunjukkan bahwa masalah hukum khususnya perdata yang terjadi di tengah masyarakat sangatlah kompleks, mulai dari perselisihan di tingkat rumah tangga seperti kasus perceraian, kawin lari, *wali adhal*, pembaggian harta waris hingga kasus KDRT. Begitu juga dengan kasus-kasus yang efeknya melibatkan lebih banyak pihak seperti kasus perselisihan dalam penentuan arah kiblat, legalitas status tanah wakaf, hingga kasus paham keagamaan atau aliran sempalan yang acap kali mengarah pada konflik horizontal. Dengan menggunakan pendekatan preventif dan *resolusi conflict approach* penulis mencoba mengarai dan menawarkan solusi untuk mengatasi masalah-masalah tersebut. Pendekatan preventif merupakan cara yang paling efektif, sebab dengan pendekatan ini ibarat kata pepatah "*lebih baik mencegah daripada mengobati penyakit*". Jadi intinya pendekatan preventif merupakan suatu cara untuk mencegah terjadinya konflik. Sedangkan *resolusi conflict approach* merupakan metode pemecahan masalah dimana peristiwa atau konflik telah terjadi. Oleh sebab itu metode yang diterapkan dalam *resolusi conflict approach* ini harus tepat, berkeadilan dan tidak membuka celah terjadi konflik berikutnya. Secara keseluruhan, hasil penelitian ini menunjukkan bahwa Penyuluh Agama Islam yang komposisinya telah ada di hampir setiap kecamatan diharapkan lebih meningkatkan penguatan literasi hukum. Sebab dari keempat fungsi (edukatif, informatif, konsultatif dan advokatif), pada umumnya penyuluh menghindari fungsi advokatif karena faktor resistensi. Kajian

ini memberikan manfaat bagi pemahaman tentang pentingnya penguatan literasi hukum bagi penyuluh agama Islam.

**Kata Kunci:** Advokasi, Masalah Perdata, Literasi Hukum, Preventif, Resolusi Conflict.

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## Introduction

The function of advocates so far still tends to be avoided by the majority of religious extension workers, because it may not be considered as the primary function and the challenge is undoubtedly greater. Therefore, according to the order, the choices are 1) educational functions, 2) informative functions and 3) consultative functions. Ideally, the moral and social responsibility to defend *mustadl'afin*, the people / fostered communities from various threats, disturbances, obstacles and challenges that harm the creed, interfere with worship and damage morals, is also part of the duties of the function attached to Islamic extension workers.

As Islamic extension workers who are required to provide guidance services in various socio-religious fields, what cannot be avoided is the function of advocacy in law enforcement efforts which should be a particular concern and concern. Although – as its duties and functions – Islamic extension workers are not in place if they are too concerned in the realm of criminal law, but in relation to civil matters really need advocacy and assistance.

How many cases in the community often do not get mitigation and advocacy from religious extension workers to the realm of justice or peace with a conflict resolution approach. Call it related to civil matters such as household conflicts, fasakh (*kebulu'*), wali fasiq, wali '*Adbal*, splinter and deviant flows, disputes in determining the direction of Qibla or the beginning of the month to the recording of the deed of pledge of waqf land. Mainly related to problems that lead to crime such as racial issues, economics, politics and social justice to apostasy efforts, it will undoubtedly be the most formidable challenge for extension workers. Therefore, it is understandable that religious extension workers take a relatively safe path by choosing educative, informative and consultative functions. Even religious counselors in particular and Muslims in general, are often powerless to see Muslims being treated unfairly in international politics, except for humanitarian actions, such as in the case of intimidation of Palestinians, Rohingya, Uighurs, Indians and so on.

In relation to mitigation and advocacy for law enforcement, basically Islamic Extension Counselors have a very vital role. Because as we all know, that 'Penyuluh' comes from the word 'suluh' which means lighter, where the Ministry of Religious Affairs gives the title as the spearhead. If examined more deeply, the duties and functions of Islamic Extension Counselors are closely related to the mission of nubuwwah (prophethood) as the word of *Allah Subhaanahu wa Ta'aala* surah al-Ahzab 45-46:

يَا أَيُّهَا النَّبِيُّ إِنَّا أَرْسَلْنَاكَ شَاهِدًا وَمُبَشِّرًا وَنَذِيرًا. وَدَاعِيَا إِلَى اللَّهِ بِإِذْنِهِ وَسِرَاجًا مُنِيرًا.

It means: "O Prophet, verily We sent you to be witnesses, and bearers of glad tidings and warnings. And to be an advocate to the religion of God with his permission and to be an illuminating light." (Q.S. Al-Ahzab (33): 45 – 46).

So, in an effort to reinforce the duties and functions of Religious Extension Workers who are able to carry out the mandate as advocacy and law enforcement agents, in this short paper the author raises the theme "*Advocacy of Civil Issues and Strengthening Legal Literacy for Religious Extension Workers through a Preventive Approach and Conflict Resolution Approach*".

Based on the background of the above problems, the main problems to be discussed in this study are: How do Islamic Extension Counselors carry out advocacy functions in the community in mitigating civil problems and strengthening literacy in the legal field with a preventive and conflict resolution approach?

## Result and Discussion

### Advocacy, Civil Service and Understanding of Religious Extension Law

Civil law is known as a legal provision that regulates the rights and obligations of individuals with legal entities. It must have first known civil law in Indonesia still using the Dutch bahasa, namely *Burgerlijk Recht*. Then the civil law was codified and known as *Burgerlijk Wetboek* (BW), then translated into the Civil Code or Civil Code.<sup>1</sup> Many times civil law is identified as the antithesis of criminal law. This means that criminal law governs the relationship between society and the state and relates to public law. While civil law is just the opposite, which regulates the relationship between legal subjects that exist in society and relates to private law.

Civil law is divided into two, namely material civil law and formal civil law. Civil law material relates to material regulated in civil law, while formal civil law relates to civil proceedings or anything that regulates how the implementation of civil law enforcement itself, such as conducting a lawsuit in court. In addition, formal civil law is also known as civil procedural law.<sup>2</sup>

### Understanding and scope of civil law

Among the scope of civil law in a broad sense is legal material as stated in the Civil Code (BW), namely all the main laws that regulate individual interests. In addition, the *Wetboek van Koophandel* Commercial Law Code (WVK) and a number of laws called other additional laws such as regulations in the Civil Code, as well as a number of additional laws such as the Capital Market Law, the Law on PT, and so on.

Civil law in a broad sense basically includes all matters included in material private law, namely all basic laws or material laws that regulate individual interests, including laws contained in the Civil Code or BW, KUHD, and also those regulated in several other regulations, such as regarding commerce, cooperatives, bankruptcy, and so on.

Civil law in the narrow sense is civil law as contained in the Civil Code only. Civil law in the narrow sense is interpreted as the opposite of commercial law. Where this one civil law is civil law as it is in the Civil Code. So that written civil law as stipulated in the Civil Code is civil law in the narrow sense. While civil law in a broad sense is included in the civil law in the Civil Code and also commercial law in the KUHD.

### A Brief History of Civil Law

Civil law in the Netherlands originally came from civil law originating from France, which was compiled based on Roman law *Corpus Juris Civilis*, which at that time was considered the most perfect law. The private law that applies in France is contained in two codifications called civil law and *Code de Commerce* or commercial law. During the French rule of the Netherlands, namely from 1806 to 1813, both codifications were enforced in the Netherlands which was still used continuously until 24 years after Dutch independence from France, namely in 1813.<sup>3</sup>

Then in 1814, the Netherlands began to compile the Civil Code or known as the Dutch State Code, based on the codification of laws compiled by J.M Kemper which is also called *Ontwerp Kemper*. However, the writer Kemper died in 1824 before completing his task. Then finally continued by Nicolai who occupied the position of Chief Justice of the High Court of Belgium.

### Civil Law case examples

Examples of civil law are actually often found in everyday life. Because, this one violation of the law is actually a very common offense committed. The violation of the case has characteristics, for example:

<sup>1</sup> <https://www.gramedia.com/literasi/contoh-hukum-perdata/>

<sup>2</sup> *Ibid.*

<sup>3</sup> *Ibid.*

### 1. Marriage Law

The first civil law is no less important and also exciting, namely the law of marriage. In a marriage itself there is a law that regulates between husband and wife. The legal regulation of marriage is regulated in Law No. 1 of 1974. Basically, the status of marriage law has a law that is no less important. Among them are regulating marriage that can be carried out based on religious law, marriage will be based on agreement, the minimum age of marriage for women and also for men.

### 2. Inheritance Law

The next example of civil law that is no less important and always warm to discuss is inheritance law. In the law of inheritance will regulate the distribution of one's estate to his children. Which rules of inheritance law will regulate matters of will, namely about who has the right to receive and reject inheritance, unmanaged estate, *fidei-commis*, *legitieme portie*, inheritance rights under law, about inheritance distribution, executor-testamentair and bewindvoerder.

### 3. Family Law

Who would have thought that family law also has its own legal rules. Of course, you will also not realize and understand what these rules look like. This example of civil law regarding family law will regulate relationships within the family and also regulate relationships with wealth that is already owned. The laws to be reviewed will generally pertain to the laws of heredity, parental power, guardianship, maturation, missing persons, and curatele.

### 4. Divorce Law

The next example of civil law is divorce law, where this one law we often find in everyday life. Who would have thought that divorce cases that might have become natural are included in examples of civil law. We all know that divorce is forbidden and not allowed in religious regulations. Not only Islam, but also other religions such as Catholicism or Christianity also prohibit divorce. Even so, divorce that occurs in real life cannot be avoided. Of course, divorce that occurs also has laws that regulate it.

### 5. Defamation Law

Reported in several law books, examples of civil law that we now often see and also hear because of freedom of expression through social media, namely defamation law. Of course, without the need to mention the case, you must already understand the problem of defamation. Defamation cases are often experienced by those who are actually public figures or influencers. We often see this on television news shows, namely about defamation and similar cases. Where trivial cases such as giving negative comments in the comments column of social media to very big problems and ending up in civil law.

## Identification of civil issues and extension functions

Law enforcement is the main pillar of a nation's civilization that must be played by every individual in society. In order for social justice to be upheld and there are no hotspots that trigger horizontal conflicts, preventive approaches and *conflict resolution* approaches need to be carried out by religious extension workers so that people's lives remain peaceful and sentausa. Please note, that the inherent function of extension workers is to provide guidance or religious counseling and development and the main task of religious extension workers includes four elements of activities, namely: *first* Preparation of guidance or counseling, *second* Carrying out guidance or counseling, *third* Monitoring, evaluation and reporting of the results of the implementation of counseling guidance and *four* Religious and development consultation services.<sup>4</sup>

In carrying out the task of guidance and counseling, it is actually a heavy task that requires competence and expertise in mastering the material or message to be delivered to the target, delivery methods and quality communication skills, including the quality of knowledge and moral quality. If studied, there are actually a number of requirements that must be owned by religious extension workers,

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<sup>4</sup> Candy PAN RB Number 9 of 2021 concerning the Functional Position of Religious Extension.

including religious extension workers should have an attractive personality, and a sense of high dedication in their duties.

In addition, religious counselors must have confidence that the fostered group as a foster person has a high probability of gaining the ability to develop as well as possible if provided with conditions and opportunities that support it. Religious counselors should also have concern for human values. Learning from the role of extension workers, religious extension workers should also have the ability to communicate well with the ignited, be open, tenacious in their duties, have love for others and like to cooperate. Then religious counselors should have a person who is liked by others because it can be accepted by the surrounding community.

Religious counselors need to be sensitive to the interests of the ignited, have dexterity of thinking and be intelligent. So as to be able to understand the ignited will. Religious counselors should also have a complete personality, maturity of soul and like to learn, especially science related to their duties. As for religious extension workers who are in charge of religious formation or religious counselors, of course, these extension workers must have religious knowledge, noble morals and actively carry out religious teachings correctly and consistently. The role of religious extension workers in the development of Islamic society, a great scholar named Ibn Al-Muqaffa said, whoever wants to become an imam who is upright in soul and as a religious imam in society, then he should start first educating himself and straightening himself in behavior, in his speech. Educating others through their behavior will be more successful than educating verbally. The educator of himself is more entitled to heights and virtues than the educator of others. In line with Ibn Al-Muqaffa, there is even more detailed advice from a scholar named Al-Qalqasyandy in Nisa that:

He reminded educators to strive to have the main qualities of an educator. According to Al-Qalqasyandy an educator must be sensible, have sharpness in understanding and have officer nature. When he speaks, the meaning he speaks of is already imagined in his heart, his words are clear and easy to understand, logical and systematic.<sup>5</sup>

How many civil problems that even almost lead to criminal problems have not been touched and received special attention for Islamic extension workers. Call it for example the problem of disputes between residents in determining the direction of Qibla and the status of their waqf land, problems with splinter sects or religious understanding, problems with guardians who refuse to marry prospective brides or *guardians 'adhal*, problems with the division of inheritance and most often the problem of divorce because it is triggered by the practice of Domestic Violence (KDRT).

### **Domestic Violence as a Crucial Problem**

The rise of domestic violence (KDRT) is an issue that seems to never be obsolete and is like a vicious circle in the midst of the reality of patriarchal culture that is still deeply rooted in society.

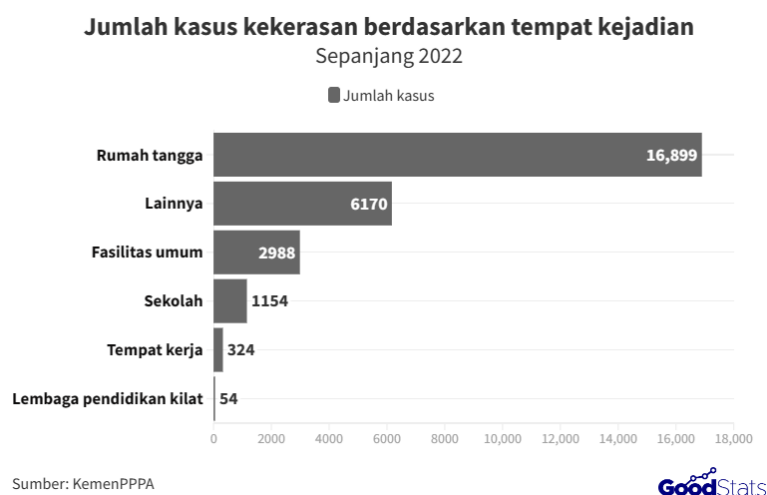
According to the Annual Records of Komnas Perempuan, especially related to domestic violence in 2022 are as follows:

The number of cases of gender-based violence against women (KBGTP) throughout 2021 reached 338,496 cases, up from 226,062 in 2020. Based on the Ministry of PPPA's report, households are the locations where violence occurs the most. Throughout 2022, the Ministry of PPPA received 16,899 complaints of domestic violence. Then, the number of victims of domestic violence in 2022 also reached 18,142 victims.<sup>6</sup>

In other words, of the 18,142 cases in which victims came directly to take care of their own handling of their cases, nearly 60% did so in religious courts. This means that women victims of domestic violence always rely on the Religious Court and its judges to escape the bondage of violence against them.

<sup>5</sup> Khaerunnisa, [http://: Da'wah method.com](http://Da'wahMethod.com), Access, April 13, 2023

<sup>6</sup> [https://goodstats.id/article/teknologi-ai-semakin-marak-ini-sederet-negara-dengan-investasi-ai-terbesar-di-dunia-3ITdj?utm\\_campaign=read-infinite&utm\\_medium=infinite&utm](https://goodstats.id/article/teknologi-ai-semakin-marak-ini-sederet-negara-dengan-investasi-ai-terbesar-di-dunia-3ITdj?utm_campaign=read-infinite&utm_medium=infinite&utm)



Number of violence cases by location | Goodstats

This data was followed by other locations reaching 6,170 cases, public facilities with 2,988 cases, schools with 1,154 cases, workplaces reaching 324 cases, and flash education institutions with 54 cases. When viewed based on perpetrators of violence, husband/wife relationships occupy the position with the highest number, reaching 4,893 perpetrators of violence throughout 2022.

Most domestic violence cases handled by religious courts are "hidden" in divorce cases filed by wives. The reason for the wife to ask for divorce is generally economic neglect by the husband, an act that according to Law Number 23 of 2004 concerning the Elimination of Domestic Violence is a form of domestic violence. Komnas Perempuan understands that "the increase in divorce cases in religious courts is one of the common symptoms that continues to increase from year to year"

The Religious Court or Shar'iyah Court in Aceh is one of the law enforcement institutions that is closely related to the enforcement of the various laws above. Although the category of crimes or criminal acts remains the authority of the District Court, the Komnas Perempuan report, one of which was compiled from the Religious Court, shows that the Religious Court is the first door to the disclosure of various domestic violence that was previously neatly closed in the middle of the household. Therefore, although it does not directly prosecute the crime, the Religious Court has a strategic role in uncovering the violent events that occurred. The main thing that is also the obligation of the Judge is his legal mandate as the party in charge of deciding cases. Judges cannot merely rigidly refer to legislation that has limitations in capturing every spectrum of complex domestic violence events, but are also required to create, analyze, and skillfully construct *holistic* arguments (comprehensive and broad) from the various national legislation available.

Although the case he is trying is a civil case, divorce for example, in order to fulfill the justice of the victim, the Judge should investigate every possible criminal act that occurred behind the divorce event. If later indications of a criminal act are found, then criminal proceedings can begin from here. Thus, the quality of the judge's decision not only meets the standards of civil settlement but also encourages and opens new justice for women victims of domestic violence. In Law Number 4 of 2004 Article 28 paragraph (1) it is stated that:

Judges are obliged to explore, follow, and understand the legal values and sense of justice that live in society. The excerpt of this article, clearly shows that the Judge not only obeys written legislation, but he can do legal discovery (*rechtsvinding*) in deciding a case by exploring every dynamic that develops in society, including the main thing is the actual events that underlie a case.<sup>7</sup>

The Religious Court or Shar'iyah Court in Aceh as an instrument of seeking justice, is expected to resolve family disputes that can prevent further divisions in the family. The implementation of

<sup>7</sup> *Ibid.*

Religious Courts is also different from General Courts because Religious Judges also have the duty to reconcile and find solutions outside the court before deciding procedurally. Therefore, a more empathetic and familial atmosphere is an important factor to be considered in resolving cases in the Religious Courts.

Empathy from the Judges is very likely to emerge if the Judges understand the root of the problem which often cannot be seen from the conditions that occurred at that time. Tracing the chain of events behind a person coming to a religious court requires mastery and *holistic* analytical skills. Various laws and regulations that apply nationally can also help judges to strengthen this ability, for example Law Number 23 of 2004 concerning the Elimination of Domestic Violence which mentions various forms of violence, understanding of the household, the impact of domestic violence that is threatened with criminal penalties, and so on will strengthen the judge's judgment in deciding a case that empathizes with The suffering of victims without abandoning the principle of *equality* in processing cases.

### **Functions and *Capacity Building* of Religious Extension Workers**

The main task of Islamic extension workers is to conduct and develop religious guidance or counseling activities and development through the language of religion. While the function of religious extension workers:<sup>8</sup>

#### 1. Informative and Educational Functions.

Islamic Extension Counselors position themselves as preachers who are obliged to preach Islam, convey religious information and educate the public as well as possible in accordance with the guidance of the Qur'an and the Sunnah of the Prophet.

#### 2. Consultative Function

Islamic extension workers provide themselves to think about and solve problems faced by society, both personal, family or community problems in general. Religious counselors must be willing to open their eyes and ears to the problems faced by the people. Religious counselors become a place to ask questions and a place to complain for the community to solve and solve problems with their advice. So in this case religious counselors act as psychologists, confiding friends and friends to share.

#### 3. Advocative function.

Islamic Extension Counselors have a moral and social responsibility to carry out defense activities for their people / target communities against various threats, disturbances, obstacles and challenges that harm the creed, interfere with worship and damage morals. The function of religious extension advocates so far has not been able to be entirely played by religious extension workers, where many cases that occur among Muslims are often not defended. For example, in casuistics related to politics, social justice (eviction), even to apostasy efforts related to marriage. So that the problems faced cannot be solved properly. In fact, often a religious counselor is powerless to see Muslims being treated unfairly by other groups, except for humanitarian assistance, for example in the case of Rohingya Muslim refugees in Aceh.

Because the target of Islamic counseling is Islamic community groups consisting of various socio-cultural backgrounds, mapping the target group of Islamic Extension Counselors is important to make it easier to choose an approach method and determine guidance or counseling materials that are relevant and really needed by the target group.<sup>9</sup>

### **Target Groups of Religious Counselors**

The formation of each group and the determination of the target program are carried out by decree of the head of the religious extension working group. This is done as a form of how religious

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<sup>8</sup> Secretariat General of the Ministry of Religious Affairs of the Republic of Indonesia, *Technical Guidelines for the Implementation of Religious Extension Functional Positions and Credit Scores*, Nursery Project for Prospective Education Personnel of the Personnel Bureau, 2003, p. 4.

<sup>9</sup> <http://anis-purwanto.blogspot.com/2012/04/peranan-penyuluh-agama-dalam-formation-people.html>, downloaded on Sunday, June 9, 2019 at 12.45 WIB.

extension workers carry out assistance and counseling that occurs directly or indirectly. Because in this case, both related to the routine of religious activities within the community itself, religious counselors in the sub-district also have a role in carrying out their functions from the ministry of religion to foster and direct the community to be able to carry out their daily religious routines properly and in accordance with Islamic religious guidance.

The target group of Islamic religious counseling in Indonesian society consists of:

1. The General Public, which includes: 1) Rural Communities and 2) Transmigration Communities.
2. Urban Communities, which include: 1) Housing Groups, 2) Dormitories/Rusunawa, 3) New Residential Areas, 4) Market Communities, 5) Vulnerable Area Communities and 6) Industrial Communities.
3. Particular Societies, which have criteria such as; 1) Young Generation such as Karang Taruna and Remaja mosque, 2) Community Education Institutions... such as Majelis Taklim, TPA and Ponpes, and 3) Remote Areas.

## Preventive And Resolution Of Conflict Approach

### Advocating Qibla Direction Disputes in Remote Areas

Facing Qibla is one of the legal requirements in prayer. For the people of Mecca and its environs this command did not matter, because they could easily carry it out. Because in performing prayers they can directly face the Kaaba. But for those who are far from Mecca there are certainly problems, apart from the differences of opinion of the scholars about whether it is enough to face the direction (jihah al-Kakbah) alone or whether it should face in the direction that is as close as possible to the actual position of the Kakbah (*'ain al-Kakbah*). The distance between Indonesia and Kakbah in Saudi Arabia is very far. As a result of the long distance, the slightest shift from the precise direction causes a far deviation. Whereas when accidentally shifted a few degrees in the place of prayer, it means that it may be that the direction has shifted far from the correct direction of Qibla. (If accidentally shifted a few degrees at the prayer place, it may have deviated hundreds of kilometers from the Kaaba. Yet it is realized that to pray in a completely straight position is a difficult one. This is because the movements in the prayer that are performed allow a person to move positions several degrees. So that the prayers that are done are no longer facing the Kakbah but to other places.

For the case in Indonesia, for example, deviating  $1^\circ$  or  $2^\circ$  degrees can shift hundreds of kilometers from the Kaaba. Moreover, if the prayer is only sufficient to face West (which should be towards the West obliquely to the North), it may be that the person concerned faces one of the countries in Central Africa. Of course, this problem has the potential to make us confused and uneasy. In this connection the author has empirical experience, namely:

In mid-March 2018, religious leaders and the people of Lubok Pusaka village complained to the writer, at KUA Kec. Step Kab. North Aceh. In his complaint, that the Tanah Merah hamlet community had been feuding. The reason is, in carrying out congregational prayers at the Jamik Ikhlas Makmur mosque with coordinate points  $04^{\circ} 50' 49.8''$  there are two groups facing different Qibla directions. These two groups claim each other that the direction of Qibla is more accurate than the other, so that every time one prayer time is entered, 2 pilgrims are led by 2 imams with different Qibla directions, and after each prayer they argue with each other. In response to this, the author immediately advocates and mitigates with a preventive approach and *conflict resolution approach*. Thank God *Lillaah*, thanks to the cooperation of all parties the dispute over the direction of the Qibla of the Jami' Iclhlas Makmur mosque ended wholly and peacefully.





The author together with the Falakiyyah Kankemenag team of North Aceh Regency calibrated the Qibla Direction of the Ichlash Makmur Mosque after previously conducting counseling

### **Conflict Resolution Approach Of Deviant Religious Sects**

Based on data and facts, there are a number of conditions that have the potential to cause conflict or internal religious tension in this case Islam, including: (1) the existence of beliefs that are considered heretical (not Islamic) both by the Islamic World and the Indonesian Ulema Council (MUI), such as the Ahmadiyya Jama'at, (2) the existence of religious beliefs that are different from the mainstream but the Islamic world still recognizes its existence, such as Shi'a sects, (3) the emergence of radical ideologies such as Jama'ah Islamiyyah (JI) and Jama'ah Ansharut Tawhid (JAT) and non-ideological such as the Islamic Defenders Front (FPI), and (4) the emergence of literalist or puritanical groups such as wahhabi/Salafi, who consider other groups heretical or heretical. With respect to the *Conflict Resolution Approach*, with this last group (literalists or puritans such as Wahhabi/Salafis), the author has empirical experience.

Around the beginning of 2022, a community leader in Seureke village, Step sub-district, reported that there had emerged and developed a group of religious ideas and behaviors that claimed to feel the most right and most in accordance with the teachings of the Prophet and convicted other than his group of heretics by making propaganda through social media and formal educational institutions carried out by an unscrupulous junior high school teacher. Furthermore, on August 31, 2022, the author as PAIF followed up with community leaders, scholars and MUSPIKA to take a stand.



The co-author with Kesbangpol, community leaders and clerics, agreed that Muspika Plus should intervene and bring order to deviant sect groups

This exclusive group of people, approximately 5 people insist on maintaining the faith, but the majority of the community wants them to return to the previous belief, namely the belief of the majority of people who maintain traditions, do not heresy or mislead amaliyah and deep-rooted traditions.



Some members of deviant religious sects are being tried by MUSPIKA leaders and the community

So on September 1, 2022, Muspika Plus and religious/community leaders through the Step Sub-District gave directions on the importance of maintaining peace. Moreover, the conflict in Aceh is like fire in the chaff, there should no longer be the issue of SARA. Finally, this exclusive group was asked to sign agreements and statements not to act unsettlingly and return to the right path.

### Mediating and mitigating *the problem of wali 'adhal* and "elopement"

With regard to wali *'adhal*, scholars define it as a guardian who refuses to marry his bride to a sekufu man at her request. Sharia stipulates that the law of refusal of guardians without a valid reason in Shari'a to marry is haram based on the word of Allah Almighty:

فَلَا تَعْضُلُوهُنَّ أَنْ يَنْكَحْنَ أَرْوَاجَهُنَّ إِذَا تَرَاضَوْا بَيْنَهُمْ بِالْمَعْرُوفِ

It means: *"Then do not you (the guardians) prevent them from marrying again with their future husbands, if there is a willingness between them in a ma'ruf way."* (QS. Al Baqarah (2) : 232).

If the guardian turns out to be *adhal*, meaning that the reason for the refusal is not legally justified, then the marriage takes place with the guardian judge. Excluded if the reason for refusal is vital, such as the candidate for his child's sumi is not sekufu, then the judge cannot take over. Therefore, whether or not the reason for the guardian who is reluctant to marry will be proven by the hululu, the marriage registration officer from KUA, or the judge in the religious district court.<sup>10</sup>

The provisions in Article 23 paragraph (2) of the Compilation of Islamic Law mentioned above, if the wali nasab *adhol* or reluctant to become a guardian, the guardian of the new judge can act as the guardian of the bride. After the determination of the Religious Court regarding the guardian of *adhol*, the bride-to-be first submits an application for her guardian to the Religious Court where the applicant resides. If 28 judges are of the opinion that the guardian is indeed *adhol* and the applicant remains on his application, the judge will grant the applicant by appointing his *adhol* wali and appointing the Head of the District Religious Affairs Office, as the Marriage Registration Officer at the applicant's place of residence to act as the guardian of the judge.<sup>11</sup>

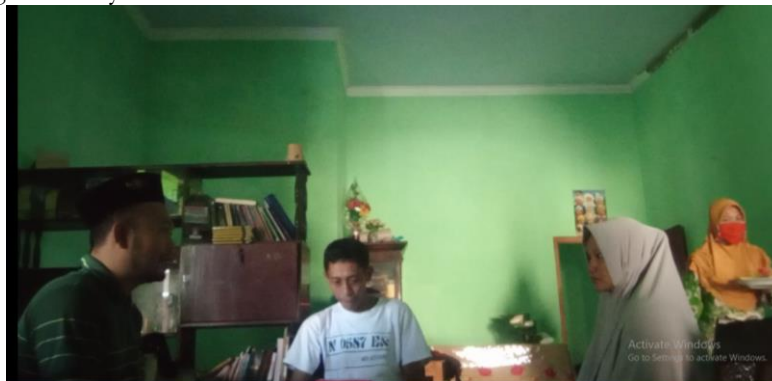
In this regard, the author has empirical experience. Once the author received information from the author's brother who is a Non-Civil Servant PAI at KUA Ngajum, Malang, East Java in mid-June 2020. That, there was a girl from Aceh who fled alone to the Ngajum area to ask for marriage from a man she knew through social media. Unfortunately, this girl ran to an entirely new area and there were no relatives or friends she had, so inevitably she went straight to the house of her dream man who happened to be a widower and lived together in one house. From here then the author asks, have they

<sup>10</sup> <https://islam.nu.or.id/nikah-keluarga/kapan-wali-nikah-pengantin-beralih-kepada-wali-hakim-LG17M>

<sup>11</sup> Basyir, Ahmad Azhar, *Islamic Marriage Law* (Yogyakarta : UII Press, 1999), p. 39.

entered into a marriage contract, who married it, what is the status of the guardian, and is the marriage recorded in KUA?

The temporary news conveyed by the author's sister, that this girl named Lismah, ran away from home to ask for marriage from the man of her choice. Lismah also lacks family support (her mother and siblings because her father is gone), especially her biological brother who is entitled to be a marriage guardian, is very opposed. So in order to avoid slander, local leaders took the initiative to marry serially with all the shortcomings here and there. Unexpectedly, one month later, on July 13, 2020, there was news that the writer's father, who lived in the Tuban area of East Java, had passed away to Rahmatullah. So like the saying "while diving drinking herbs", after passing the mourning period when returning home, the box, the author also took the time to visit my brother's house in the Ngajum area, Malang, East Java while advocating for the case of Lismah. After the author opened the opportunity for consultation, Lismah said that she came from the Julok area of East Aceh. After graduating from Simpang Ulim High School (the area where the writer lives) Lismah continued her education at the pesantren branch of Dayah Bustanul Huda under the care of Tgk. H. Muhammad Ali, commonly known as Abu Paya Pasi for 4 years and has served or taught for 2 years.



The author mediated with the bride from East Aceh who "eloped" because her guardian did not want to marry (*wali 'adhal*).

Lismah is the last daughter of 4 siblings who generally in Acehese tradition is expected to be the heir of the house and land along with the yard that has been the residence of both parents who happened to live at that time lived her mother and brother number 3 who were *actually* combatants (former GAM members), in other words Lismah can be called a "mama's child". While Lismah's sister number 2 is a girl and is the closest confiding friend. His first brother was an alumnus of Dayah Bustanul Huda (a disciple of Abu Paya Pasi) who was devout and knew very well that he could not be a marriage guardian for his younger brother because he was "recorded as born out of wedlock". Then the writer asks, has Lismah tried to ask the combatant number 3 brother to be a guardian? Lismah replied, because this 3rd brother was the most opposed, then he had asked 3 times kindly, but still did not want to. In such a situation, Lismah who has more or less studied the Fiqh of the Shafi'i madhhab and heard the teachings of Abu Paya Pasi, then the 3rd brother has the status of fasiq and for the Lismah the guardian of his marriage can move to the Wali Hakim. The problem is not that easy, it turns out that the Penghulu and Head of KUA Kec. Ngajum did not necessarily want to become the Guardian Judge for the Lismah before there was a certificate from the East Aceh Religious Court (Shari'ah Court) that the guardian of his nasab had the status of *Wali 'Adhal*.

The closing question is also asked, is there a religious figure in his village who is respected, thankfully to be the spiritual teacher of his mother and brothers Lismah, and is there a Contact Person Number? Lismah replied that her name was Tgk. Ridwan, commonly called Abi Ridwan. After returning to Aceh, without delaying time, the writer also contacted the WhatsApp number of Abi Ridwan who turned out to be a leader of a pesantren or dayah tarekat, where his mother Lismah used to do suluk in the holy month of Ramadan. Abi Ridwan also welcomed the author and his wife and had invited Lismah's family to meet face to face at the dayah mushalla. In the forum, apart from the writer and wife, all of Lismah's family talked and told long stories full of familiarity and good ethics to find solutions, except for Lismah's brother number 3 who felt entitled to be the guardian of the nasab, he just kept silent while

endlessly smoking cigarettes in the corner of the room. After the author mediated, advocated and gave understanding to related parties in a familial manner, for the first time the mother of the Lismah was rejected once by the East Aceh Sharia Court and did not get a *Certificate of Wali 'Adhal*, because she did not succeed in presenting her child number 3. *Alhamdulillah*, no matter how hard the combatant brother Lismah was, he was still devoted and no longer opposed his mother to come together to the East Aceh Sharia Court and was willing to sign a statement that he was *Wali 'Adhal*. As a result, Lismah was married and officially registered at KUA Kec. Ngajum, Malang, East Java and now has a happy life and has a son and teaching activities at an orphanage foundation in Ngajum Village, Ngajum District, Malang District, Prov. East Java.

## Conclusion

Islamic Extension Counselors in carrying out their duties and functions as educators, informants, consultants and advocates are indeed a vital role. Therefore, in playing this role it will feel less if you have to override one of the four functions because it avoids resistance, such as in the field of law enforcement.

In addition to the above, the author should always keep up to date his knowledge by never being satisfied with the knowledge he has and the achievements of counseling that has been achieved. In this way, extension workers will always feel thirsty for knowledge and never feel allergic to constructive criticism. To realize the above conclusions, the following recommendations were submitted: Functional Islamic Extension Counselors should be *da'wah oriented* and not feel indifferent and resistant in advocating law enforcement issues in the community. The Ministry of Religious Affairs should issue curriculum modules based on *da'wah wasathiyah* (religious moderation), especially for Islamic Extension Workers.

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