

**THE NON-MUSLIM UMMAH VIEW
TO THE LOCAL REGULATION OF PEKANBARU CITY
NUMBER 02 OF 2016
CONCERNING THE PLENARY MOSQUE IN SIYASAH DUSTURIYAH
PERSPECTIVE**

THESIS

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2019

STATEMENT OF THE AUTHENTICITY

In the name of Allah (SWT),

With consciousness and responsibility towards the development of science, the author declares that the thesis entitled :

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Is truly the author's original work. It does not incorporate any material previously written or published by another person. If it is proven to be another person's work, duplication, plagiarism, this thesis and my degree as the result of this action will be deemed legally invalid.

Malang, 26th of August 2019

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Malang, 26th of August 2019

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
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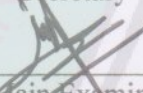
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MOTTO

لَا يَنْهَاكُمُ اللَّهُ عَنِ الَّذِينَ لَمْ يُقَاتِلُوكُمْ فِي الدِّينِ وَلَمْ يُخْرِجُوكُمْ مِنْ دِيَارِكُمْ أَنْ تَبَرُّوهُمْ وَتُقْسِطُوا

إِلَيْهِمْ ۗ إِنَّ اللَّهَ يُحِبُّ الْمُقْسِطِينَ [٦٠:٨]

The meaning : Allah does not forbid you to do good and be fair to those who do not attack you because of religion and do not expel you from your country. Surely

Allah loves those who are just.

[al-Mumtahanah/60: 8]



ACKNOWLEDGEMENT

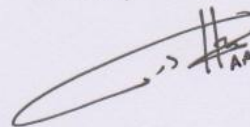
Alhamdulillah bini'matihi tatimmu shalihat, with all of His grace, mercy and guidance the thesis entitled **The Non-Muslim Ummah View to the Local Regulation of Pekanbaru City Number 02 of 2016 concerning the Plenary Mosque in Siyasa Dusturiyah Perspective** can be done very well. *Wasshalatu was salam 'ala Rasulillah*, for his teachings that taught us to live in the world, led our way from the darkness to the light in this life. May we are become one of those who will has his *syafaat* in the Judgment day. This thesis report would not have been completed without any contributions, motivations and supports from many people. Thus, my gratitude goes to people as follows:

1. Prof. Dr. Abdul Haris, M.Ag., as the Rector of the State Islamic University Maulana Malik Ibrahim Malang.
2. Dr. H. Saifullah, S.H., M. Hum., As Dean of the Sharia Faculty of the State Islamic University of Maulana Malik Ibrahim Malang.
3. Dr. M. Aunul Hakim, S.Ag., M.H., as the Head of the Constitutional Law Department of Sharia Faculty of Islamic University Maulana Malik Ibrahim Malang.
4. Dr. H. Saifullah, S.H., M.Hum., as a Main Examiner, and Nur Jannani, S.HI., M.H., as a Chairman of the examiner, and Dra. Jundiani, S.H., M.Hum., as a Secretary of the examiner. Thank you for your willingness and sincerity in time to provide input and improvements in this thesis.

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6. Dr. Saifullah, S.H., M. Hum., as a guardian lecturer. thank you very much, who has provided guidance, advice, and motivation during the course
7. All lecturers at the Islamic Faculty of the State Islamic University of Maulana Malik Ibrahim Malang which has delivered teaching, educating, guiding, and with sincere practice. May Allah give his reward that is worth him all.
8. All interviewers who have helped the author smooth the work up to the completion of this thesis and have provided information and knowledge so that the author can compile it in a paper to fulfill the final project.
9. Especially for my parents. Thank you, never ceases to provide prayer, compassion, educate, guide, support, and provide motivation and advice so that me always struggle in my studies.
10. All participants, thank you for support until I can finish this thesis well, hopefully we will meet later in the future.

Finally, the advantages of coming from God and all pure shortcomings came from the author. The author expects criticism and suggestions that are of a constructive nature so that they are able to improve and learn better.

Malang, 26th of August 2019
Author,



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TRANSLITERATION GUIDANCE

A. General

The transliteration guide which is used by the Sharia Faculty of State Islamic University, Maulana Malik Ibrahim Malang, is the EYD plus. This usage is based on the Consensus Directive (SKB) from the Religious Ministry, Education Ministry and Culture Ministry of the Republic of Indonesia, dated January 22, 1998, No. 158/1987 and 0543. b/U/1987, which is also found in the Arabic Transliteration Guide book, INIS Fellow 1992.

B. Consonants

Arabic	Latin	Arabic	Latin
ا	A	ط	Th
ب	B	ظ	Zh
ت	T	ع	‘
ث	Ts	غ	Gh
ج	J	ف	F
ح	H	ق	Q
خ	Kh	ك	K
د	D	ل	L
ذ	Dz	م	M
ر	R	ن	N
ز	Z	و	W
س	S	هـ	H
ش	Sy	ء	‘
ص	Sh	ي	Y
ض	Dl		

The hamzah (ء) which is usually represented by and alif, when it is at the beginning of a word, henceforth it is transliterated following its vocal pronouncing and not represented in writing. However, when it is in the middle or end of a word, it is represented by a coma facing upwards (´), as oppose to a comma (,) which replaces the “ع”.

C. Vocal, Long-pronounce, and Diftong

In every written Arabic text in the latin form, its vowels fathah is written with “a”, kasrah with “i”, and dlommah with “u, whereas elongated vowels are written such as:

Elongated (a) vowel = â for example قال beomes qâla

Elongated (i) vowel = î for example قيل becomes qîla

Elongated (u) vowel = û for example دون becomes dûna

Specially for the pronouncing of *ya' nisbat* (in association), it cannot represented by "i", unless it is written as "iy" so as to represent the *ya' nisbat* at the end. The same goes for sound of a diftong, *wawu* and *ya'* after fathah it is written as "aw" da "ay". Study the following examples:

Diftong (aw) = و for example قول becomes qawlun

Diftong (ay) = ي for example خير becomes khayrun

D. Ta' Marbûthah (ة)

Ta' marbûthah is transliterated as “t” if it is in the middle of word, but if it is *Ta' marbûthah* at the end of word, then it is transliterated as “h”. For example الرسالة للمدرسة will be *al-risalat li al-mudarrisah*, or if it happens to be in the middle of a phrase which constitutes *mudlaf and mudlaf ilayh*, then

the transliteration will be using “t” which is enjoined with the previous word for example فى رحمة الله becomes *fi rahmatillah*.

E. Auxiliary Verb and Lafadh Al-Jalâlah

Auxiliary verb “al” (لا) written with lowercase form, except if it located at the beginning of word, while “al” in lafadh jalâlah which located in the middle of two words or being or become *idhafah*, it removes from writing.

Study the following:

1. Al-Imâm al-Bukhâriy said ...
2. Al-Bukhâriy explains, in the prologue of his book ...
3. MasyâAllâhkânawamâ lam yasya” lam yakun.

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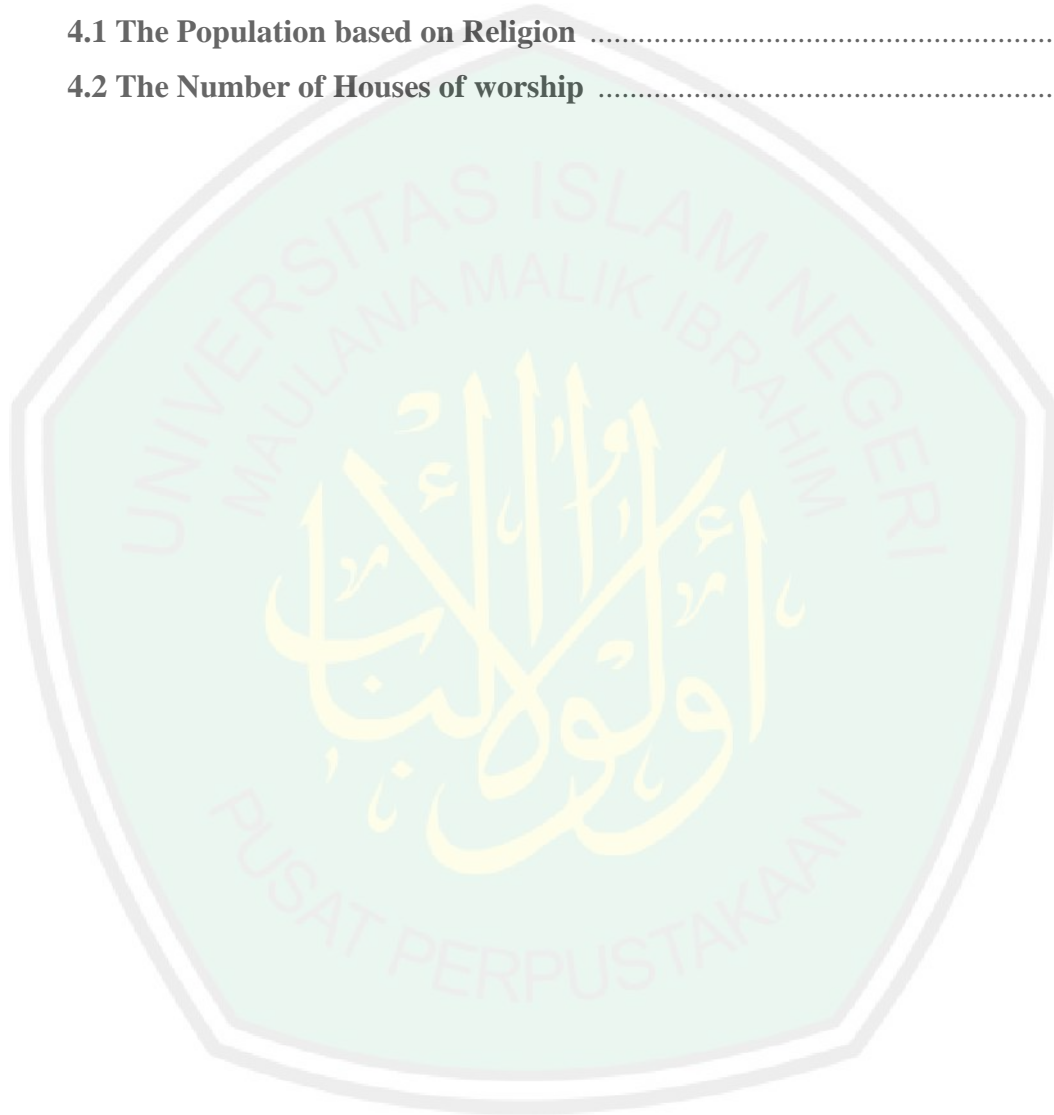
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ABSTRAK

Azkiah, Ayu. 15230013, 2019. **Pandangan Ummat Non-Muslim Terhadap Peraturan Daerah Kota Pekanbaru Nomor 02 Tahun 2016 tentang Masjid Paripurna Perspektif Siyasah Dusturiyah.** Skripsi, Jurusan Hukum Tata Negara, Fakultas Syari'ah, Universitas Islam Negeri Maulana Malik Ibrahim Malang. Pembimbing: **Dra. Jundiani, S.H., M.Hum.**

Kata Kunci : Masjid Paripurna, Peraturan Daerah, Siyasah Dusturiyah.

Peraturan Daerah Nomor 02 Tahun 2016 tentang Masjid Paripurna adalah kebijakan penetapan rumah ibadah paripurna yang dalam pembinaan dan pengelolaannya dibantu oleh pemerintah. Namun, peraturan daerah tersebut hanya diberikan kepada masyarakat muslim. Status rumah ibadah paripurna tidak didapatkan oleh masyarakat non muslim. Hal ini menimbulkan kegelisahan akademik penulis sehingga memunculkan pertanyaan dalam penelitian yakni bagaimana pandangan ummat non-muslim terhadap berlakunya peraturan daerah tentang masjid paripurna. Dan bagaimana peraturan daerah tersebut ditinjau dari siyasah dusturiyah.

Penelitian ini merupakan penelitian hukum empiris dengan menggunakan pendekatan yuridis sosiologis yang mendeskripsikan objek penelitian secara mendalam. Metode pengumpulan data yang digunakan adalah interview (wawancara) dan dokumentasi.

Hasil penelitian menunjukkan berlakunya Peraturan Daerah Nomor 02 Tahun 2016 tentang Masjid Paripurna dipandang variatif oleh masyarakat non-muslim. Secara umum, walaupun kebijakan tersebut hanya mengakomodir rumah ibadah umat Islam, namun mereka menghargai pemberlakuannya. Akan tetapi, masyarakat non-uslim tetap mempunyai harapan mendapatkan status rumah ibadah paripurna dari pemerintah. Sedangkan ditinjau dari siyasah dusturiyah, pemerintah belum menerapkan asas keadilan dan persamaan dalam menetapkan Peraturan Daerah nomor 02 Tahun 2016 tentang Masjid Paripurna. Hak dan kewajiban untuk membantu pemerintah mewujudkan visi sebagai kota metropolitan yang madani hanya berlaku terhadap masyarakat muslim dan tidak berlaku terhadap agama lainnya.

Menghargai kebijakan pemerintah merupakan bentuk toleransi masyarakat non-muslim. Hal ini, demi menciptakan kedamaian antar masyarakat kota Pekanbaru. Namun berdasarkan siyasah dusturiyah, peraturan daerah tersebut dinilai belum memenuhi asas keadilan dan asas persamaan karena keberpihakan pemerintah hanya kepada sebahagian masyarakat kota Pekanbaru.

ABSTRACT

Azkiah, Ayu. 15230013, 2019. **The Non-Muslim Ummah View to the Local Regulation of Pekanbaru City Number 02 of 2016 concerning the Plenary Mosque in Siyasah Dusturiyah Perspective.** Thesis, Department of Constitutional Law, Faculty of Shari'ah, The State Islamic University Maulana Malik Ibrahim of Malang. Supervisor: **Dra. Jundiani, S.H., M.Hum.**

Keywords : Local Regulation, Plenary Mosque, Siyasah Dusturiyah.

The Local Regulation Number 02 of 2016 concerning the Plenary Mosque is the policy of establishing a plenary house of worship that is assisted by the government in fostering and managing it. However, these local regulations are only given to Muslim society. Status of plenary places of worship is not obtained by the non-Muslim ummah. This shows the author's academic anxiety so that raises a question in the research that is how the views of non-Muslims towards the enactment of local regulations concerning the plenary mosque. And how the local regulations are reviewed from siyasah dusturiyah.

This research is empirical legal research using a sociological juridical approach that describes the object of research in-depth. The data collection methods used were interviews and documentation.

The results showed that the enactment of local Regulation Number 02 of 2016 concerning the Plenary Mosque was seen as varied by the non-Muslim ummah. In general, although only based on the policy, only accommodating Muslim houses of worship, but they rebelled. However, non-Muslim ummah still have hopes of getting the status of a plenary house of worship from the government. While in terms of siyasah dusturiyah, the government has not yet established the principle of justice and approval in Local Regulation number 02 of 2016 concerning the Plenary Mosque. The right and obligation to help the government realize its vision as a civilized metropolitan city only applies to Muslim society and does not apply to other religions.

Respect for government policies is a form of tolerance for non-Muslim societies. This, to create peace between the people of the city of Pekanbaru. But based on Siyarah Dusturiyah, the local regulation is considered not to meet the principles of justice and the principle of equality because the government's partisanship is only for a part of the people of Pekanbaru.

مستخلص البحث

أيو، أدكية. 15230013، 2019. نظرة الأمة غير المسلمين إلى القانون المحلي لمدينة
باكناو رقم 02 لعام 2016 عن المسجد العام بوجهة نظر السياسة الدستورية.
البحث الجامعي، لقسم السياسة، في كلية الشريعة، بجامعة مولانا مالك إبراهيم الإسلامية
الحكومية مالانج. المشرفة: جونداني الماجستير.

الكلمات المفتاحية : والسياسة الدستورية، القانون المحلي، والمسجد العام.

إن القانون المحلي برقم 02 لعام 2016 عن المسجد العام هي البوليصة للمسلمين في بناء
مكان العبادة العامة التي تساعد الحكومة في تعزيزها وإدارتها. ومع ذلك، يتم قيام بهذا القانون
المحلي للمسلمين فقط، ولا يتم القانون المحلي بالأمة غير المسلمين. فانطلاقاً منها، شعرت الباحثة
بقلق المؤلف الأكاديمي بحيث يثير سؤالاً في البحث وهو كيف نظر الأمة غير المسلمين عن القانون
المحلي في بناء مكان العبادة العامة -المسجد العام- للمسلمين. وكيف تتم دراسة القانون المحلي عن
المسجد العام للمسلمين من وجهة نظر السياسة الدستورية.
هذا البحث هو بحث قانوني تجريبي باستخدام مدخل القانون الاجتماعي، ويوصف به
موضوع البحث عامق. وكانت أساليب جمع البيانات المستخدمة هي المقابلات ودراسة الوثائق.
ونتائج هذا البحث هي أن الأمة غير المسلمين تتنوع في نظر القانون المحلي برقم 02 لعام
2016 عن المسجد العام. فبشكل عام، لو كانت البوليصة الموجودة لمكان عبادة المسلمين فقط
بل تمرد الأمة غير المسلمين عنها. وفي وجه آخر، لا يزال الأمة غير المسلمين تأملاً لحصول على
مكانة العبادة العامة المكتملة من الحكومة. ونتائج بعدها، أن دراسة القانون المحلي في بناء المسجد
العام للمسلمين من وجهة نظر السياسة الدستورية هي بأن الحكومة لم تضع بعد مبدأ العدالة
والموافقة في القانون المحلي برقم 02 لعام 2016 عن بناء المسجد العام. الحق والالتزام بمساعدة
الحكومة على تحقيق رؤيتها كمدينة حضارية دينية لا ينطبق إلا على أمة المسلمين ولا ينطبق على
الأمة غير المسلمين.

احترام بوليصة الحكومة هو شكل من أشكال التسامح مع الأمة غير المسلمين. وهذا
الأمر لخلق السلام بين مجتمع المدينة باكناو. ولكن باستناد إلى السياسة الدستورية، فإن القانون
المحلي لم تضع بعد مبدأ العدالة والموافقة ومبدأ المساواة لأن تحزب الحكومة هو فقط لبعض المجتمع
بالمدينة باكناو.



CHAPTER I

INTRODUCTION

A. Background of Research

The government at every time and in every region always raises the idea to show the uniqueness of the government in the context of several objectives such as increasing popularity in the community, one of them by showing achievements in the field of development. This aims to last in a position as a regional government. In the context of the objectives as above, the government makes strategic efforts such as applying political or legislative policies.

In developing political or legislative policies, the regional government cooperates with the assembly at regional as stated in Act No. 23 of 2014 on Regional Government. Things like this are common in a government, so a new legislative policy is born. As indicated in a rule :

لا ينكر تغير الاحكام بتغير الزمان

The meaning: *the legal changed happened due to the change of time which is can not be denied.*¹

The government in making legislative policies needs to pay attention to the concept of equality before the law. The meaning of the concept of *equality before the law* is that all people are equal before the law without any exceptions. Prof. Ramly Hutabarat, a Professor of Constitutional Law at the Faculty of Law, University of Indonesia stated that the theory of equality before the law according to the 1945 Constitution is a link between rights and obligations that must function according to their respective positions. *Equality before the law* means that every citizen must be treated fairly by law enforcement officials and the government. In terms of constitutional law, every government agency, especially law enforcement officials, is constitutionally bound by the value of justice which must be realized in practice.² To that end, the Government must apply the theory of *equality before the law* in the making of lagilations that are below it based on the hierarchy of legislations.

Pekanbaru City in the era of leadership of Dr. H. Firdaus, ST. MT and H. Ayat Cahyadi, S. Sos (2014-2019) together with the Pekanbaru City assembly at regional in 2016 have succeeded in realizing one of the laws as outlined in the Pekanbaru Local Regulation Number 02 of 2016 concerning the Plenary Mosque.

¹ Muhammad Iqbal, *Fiqh Siyasaah, Kontekstualisasi Doktrin Politik Islam*, (Jakarta: Prenadamedia, 2014), Hal. 17.

²<https://www.hukumonline.com/berita/baca/1t4fd56cf069398/prof-ramly-dan-iequality-before-the-law-i>, diakses pada tanggal 25 Juli 2019.

The Local Regulation of Pekanbaru city Number 02 of 2016 concerning Plenary Mosque in addition to determining the status of the mosque at the city, sub-district and village levels in Pekanbaru City, this Local Regulation also contains high financing consequences.

Table 1. 1

The plenary mosque of Pekanbaru city

No	Name of mosque	Address
1	Agung Arrahman mosque	Jenderal Sudirman street of Pekanbaru city

source: Documentation of the Kesra bureau of Pekanbaru mayor's office in 2018

Table 1. 2

The plenary mosque of sub-district

No	Name of mosque	Address
1	Al-Muttaqin	Tuah Karya st., Tampan sub district
2	Al-Muamalah	Dahlia st., Sukajadi sub district
3	Al-Muhajidin	Jenderal st., Payung Sekaki subdistrict
4	Al-Kautsar	Neraca st., Marpoyan Damai sub district
5	Nurussalam	Taman Sari st., Bukitraya sub district
6	Al-Falah Darul Mukhtaqin	Sumatera st., Pekanbaru city
7	Nurul Ibadah	Indrapuri st., Tenayan Raya sub district
8	Al-Mukhlisin	Sutomo street of Sail sub district
9	Nurul Islam	Kulim street Senapelan sub district
10	Abidin	Sutomo Rintis street of Lima Puluh sub district
11	Al-Muhajirin	Umban Sari Atas street of Rumbai sub district
12	Istiqomah	Sembilang street Rumbai Pesisir sub district

Source: Documentation of the Kesra bureau of Pekanbaru mayor's office in 2018

As shown in first table, the stage of Pekanbaru city has a plenary mosque, second table is sub district street whole of Pekanbaru city has 12 plenary mosque(s) and stage of village of Pekanbaru has 83 plenary mosque(s). Overall, the plenary mosque is totally 96 mosque.

The determination of 96 of plenary mosque is a legitimate policy endangered by legislation that is the Local Regulation Number 02 of 2016 concerning the Plenary Mosque. Thereby, this policy is relevant to *siyasaah dusturiyah* that be primary and compass of government legality of Pekanbaru which decided the plenary mosque among the stage of cities, sub districts and villages in Pekanbaru city.

The decision of plenary mosque have the implication in financing habitually in operations mosque with reference from routine estimate of expenditure of local regulation. For instance, the salary of *mufti* in plenary mosque of Pekanbaru city, the salary of imam, *ta'mir*, security and cleaning service. Thereby, the Lounty Regulation Number 02 of 2016 concerning the Plenary Mosque in Pekanbaru city is not only limited to *siyasaah dusturiyah* but also has connected to *siyasaah maliyah*. Called as *Siyasaah Dusturiyah* because local regulation present the legality to the government of Pekanbaru to determine the house of worship status for muslim in Pekanbaru city as plenary mosque. *Siyasaah Maliyah* is the rule of region that has concequence of the use of government financial budget in Pekanbaru when give the protection that is the medium for muslim ummah. The capacity of donation of plenary mosque operations source from region expenditure estimate is varied to the levels. The

capacity of donation of plenary mosque operations is around \pm IDR. 17.000.000.000 ;- (seventeen million rupiah).

The fantastic donation expelled by the government of Pekanbaru based on legitimacy local regulation above is not used by others religious beliefs. Whereas local government belong to more than one group and it does not only belong to particular religious. When Islamic worship facilities get legality and operational funding, adherents of other religions cannot demand more, because Local Regulation Number 02 of 2016 as de facto is only calls about the plenary mosque.

Rely on based on the apostle's policy as a leader in Madinah showed a fair attitude among all religious believers. As stated in piagam madinah:

وانه من تبعنا من يهود فان له النصر والاسوة غير مظلومين ولا متناصر عليهم.

Chapter 16 " Indeed, the Jews who follow us are entitled to help and compensation, as long as (mukminin) are not oppressed and opposed by them."

The policy of Pekanbaru City Government regarding Local Regulation Number 2 of 2016 concerning the Plenary Mosque which has implications for the realm of *siyasa dusturiah* and *siyasa maliyah* that bring up two main issues, that are:

1. Local Regulation number 2 of 2016 gives legitimacy to the Pekanbaru City Government to establish the Plenary mosque.
2. Local Regulation number 2 of 2016 concerning the Plenary Mosque which only intend to the interest of the people of Pekanbaru.

Based on the questions above, the author is interested in conducting research in the form of a thesis with the title: THE NON-MUSLIM UMMAH VIEW TO THE LOCAL REGULATION OF PEKANBARU CITY NUMBER 02 OF 2016 CONCERNING THE PLENARY MOSQUE IN SIYASAH DUSTURIYAH PERSPECTIVE.

B. Scope and Limitation

The Local Regulation of Pekanbaru City Number 02 of 2016 concerning the Plenary Mosque contains many aspects. But so that this research can be directed and profound, then the author limits this research only to aspects of government policy and non muslims respond to the Local Regulation Number 02 of 2016 concerning the Plenary Mosque.

C. Statement of Problem

Based on the description above, the formulation of the problem in this research is:

1. How do non-Muslim view to the Local Regulation of Pekanbaru City Number 02 of 2016 concerning the Plenary Mosque?
2. How is the review of Siyasaah Dusturiyah regarding the Local Regulation of Pekanbaru City Number 02 of 2016 concerning the Plenary Mosque?

D. Objective of Research

Based on the research questions formulated above, the purposes of this research are as follows:

1. To find out the background of birth and implementation of the Local Regulation Pekanbaru City Number 02 of 2016 concerning the Plenary Mosque and its implementation by the Pekanbaru City Government.
2. To find out how the views of adherents of religions other than Islam towards the implementation of Local Regulation Pekanbaru City Number 02 of 2016 concerning the Plenary Mosque.
3. To find out the siyasah dusturiyah view of the Pekanbaru city government policy towards the implementation of the Local Regulation Pekanbaru City Number 02 of 2016 concerning the Plenary Mosque.

E. Significance of Research

Based on the purpose of the research, the researchers divided the benefits of the research as follows:

1. Theoretically, the results of this research are expected to be useful as reference material, especially for the development of knowledge related to local government policy. It is also expected to be a source of reference for those who will continue their research with a sustainable theme.
2. Practically, this research is expected to be useful for legal practitioners, especially as a reference or a source of consideration in forming a policy such as the application of local regulations.
3. For the author, as a requirement to get a Bachelor's degree and also to apply the discipline of Islamic constitution studied in the Study of

Constitutional Law at the Faculty of Sharia State Islamic University Maulana Malik Ibrahim in the form of research.

4. For the academic community, it is expected to be one of the references regarding the discussion of local regulations and can also increase knowledge and insight knowledge for students of the State Islamic University Maulana Malik Ibrahim of Malang, especially students of the Sharia Faculty.

F. Operational Definition

To avoid doubts and misunderstanding in interpreting the title of the research, the author needs to explain the operational definition in this research.

The operational definitions in this research are:

1. The Non-Muslim Ummah View.

The Non-Muslim ummah view is the opinion of the people of the city of Pekanbaru who have a religion other than Islam, namely Christianity, Protestantism, Hinduism, and Buddhism. In this research the views of non-Muslims in the city of Pekanbaru on the entry into force of Local Regulation Number 02 of 2016 concerning the Plenary Mosque.

2. The Local Regulation Number 02 of 2016 concerning the Plenary Mosque.

The Local Regulation Number 02 of 2016 concerning the Plenary Mosque is a policy of the Pekanbaru city government in realizing the vision of the Pekanbaru city.

3. The Plenary Mosque.

The Plenary Mosque is a mosque facilitated by the government. In this case, the plenary mosque not only functions as a place of worship, but also as a place for community activities such as studying, community empowerment, and coaching the younger generation.

4. Siyasah Dusturiyah

Siyasah Dusturiyah is one of the concepts in Islamic national law (Fiqh Siyasah) which examines the fundamental principles for government in running its government.

G. Structure of Discussion

The writing of this thesis consists of five chapters, each chapter can be broken down into sub-chapters that are relevant to the discussion of the chapter and the issues to be discussed. Broadly speaking, the discussion in this research consists of 5 (five) chapters with the systematic discussion as follows Siyasah Dusturiyah is one of the concepts in Islamic national law (Fiqh Siyasah) which examines the fundamental principles for government in running its government:

Chapter I : Introduction

The introduction contains the background of research, scope and limitation, statement of problem, objective of research, significance of research, operational definition, and structure of discussion. The background of the problem explains the author's basis for conducting research. Then from this background, the authors limit the research points and are summarized in the

statement of the problem that will be the focus of this research. The statement of the problem relates to the most important part that explains the results to be achieved in the research, namely the research objectives. In addition to setting research objectives, author describe the benefits of research that contains the usefulness and contribution of the results of this research. After describing the significance of research, it is also important for author to explain the operational definitions so there are no errors in the interpretation of the title of this research. In the final section, this section explains the systematic writing that briefly describes the writing sequence that is in this research.

Chapter II : Review of Related Literature

The literature review contains sub-sections of previous research and literature review. Previous studies include several studies that have been used as references for the authors to do this research. While the theoretical framework contains conceptual concepts that will be used to analyze problems. In this research, the author reviews the understanding and authority of the Local Government and the assembly at regional (DPRD) as the parties involved in the making of local regulations. Also, the authors also study the concept of *siyasah dusturiyah* and *siyasah maliyah* as a theory to analyze the view of non-Muslims to the Local Regulation Pekanbaru city Number 02 of 2016 concerning the Plenary Mosque.

Chapter III : Research Methods

The research method is a method that the author uses to examine the problem so that this research is more directed and systematic. In this case

include : the type of research, research approach, research location, data types and sources, data collection technique, and data analysis technique.

Chapter IV : Findings and Discussion

Research Results and Discussion is the presentation and analysis of research data. This chapter describes the response of non-Muslims in Pekanbaru City to Local Regulation Number 02 of 2016 concerning the Plenary Mosque. Furthermore, it is analyzed using siyasah dusturiyah and siyasah maliyah concepts.

Chapter V : Conclusion and Suggestions

Closing is the last chapter that contains conclusions and suggestions. The conclusion is a short answer from the formulation of the problem in research. While the advice is a suggestion or input to the parties concerned related to the theme under research.



CHAPTER II

REVIEW OF RELATED LITERATURE

A. Previous Research

The works of research, articles, journals, or theses that the authors make reference to in this research are:

1. M. Nasir Agustiawan in a thesis entitled “*Peraturan Daerah Bernuansa Agama di Indonesia Perspektif Fiqh Siyasa*” Sunan Kalijaga State Islamic University of Yogyakarta.

Religious Nuance Regulations in Indonesia Fiqh Siyasa's perspective by M. Nasir Agustiawan discusses the background of Indonesia's general religious regulation and its impact on religious harmony in Indonesia. The results of this research explain that there is no discriminatory regional nuances of religion. The regional regulations

must be universal and acceptable throughout the religion. Regulations are a means to achieve prosperity and happiness in the community of society and protect society from any comfort from life inconveniences.

2. Muhammad Irham Roihan in a thesis entitled "*Analisis Peraturan Daerah Bernuansa Syari'ah dalam Tatanan Hukum di Indonesia*" Indonesian Islamic University of Yogyakarta.

Thesis research written by Muhammad Irham Roihan discusses the existence of sharia nuanced local regulations in the legal order of Indonesia. The results of this study is that the existence of sharia nuanced local regulations in the legal order of Indonesia can be judged from three aspects, namely: Historical viewpoint's, the source of law and content material, and the viewpoint of legislation hierarchy.

3. Ali Fikri in his thesis entitled "*Penerapan Perda Syari'ah dan Respon Gereja di Kabupaten Pemekasan*" Sunan Kalijaga State Islamic University Yogyakarta.

The research of this thesis discusses the movement of the formalization of Islamic Sharia into the form of Islamic Sharia-based Local Regulation contained in Pemekasan District called the Salam Gate. The salam gate is a manifestation of the unrest of the clergy and public figures in Pemekasan District who saw social symptoms that began to subside from religious teachings. The results of this study explain the Christian response to the emergence of the Salam Gate (the Islamic Society Development Movement) which is a product of Islamic

law. Although the legal policy in terms of politics only accommodates the interests of the Islamic ummah, however, the Christian community did not overlook the existence of the legal product, as long as there was no structural discrimination and harassment for the Christian community as a minority religion in the Pemekasan District.

4. Abdurrahman Supardi Usman in a thesis entitled “*Eksistensi Perda-Perda Syariat di Kabupaten Takalar (Analisis Yuridis, Politis dan Konstitusional)*” Alauddin State Islamic University of Makassar.

This research discusses the existence of local regulations in Takalar District where the majority of the population is Muslim. The author analyzes the existence of sharia regulations in Takalar Regency with Friedman's conception of law and its suitability with institutions. The theoretical implication of this research is to present a new perspective related to Sharia Local Regulations. That it is true positivistically the Sharia Local Regulation is not known in the association of national law. However, Local Regulations with nuances and departing from Sharia norms are also true for their existence and real existence. Also, it presents a new perspective on the Sharia Local Regulation (shades) baseline in the Takalar Regency not only from Islamic teachings but also from the acculturation and culture of Makassar-Islamic civilization. The practical implications of this research are to provide recommendations for the District Government. Takalar so that the enforcement of Local Regulations in Takalar

Regency can be carried out comprehensively to all levels of society as stipulated in the scope of its validity, not partial and not merely sporadic.

Table 2.1

Previous Research

No	Name	Tittle	Similarity	Difference
01	M Nasir Agustiawan	<i>Peraturan Daerah Bernuansa Agama di Indonesia Perspektif Fiqh Siyasa</i>	The similarity of this research is the object of research related to local regulations in Indonesia that have religious nuances in terms of Siyasa Fiqh.	The focus of this research discusses the relevant local regulations regarding Syari'ah authority in Indonesia. While the research of the author examines the problem of local regulations with nuances of Islamic religion in the city of Pekanbaru, namely Local Regulation number 02 of 2016 concerning the Plenary Mosque.
02	Muhammad Irham Roihan	<i>Analisis Peraturan Daerah Bernuansa Syari'ah dalam Tatanan Hukum di Indonesia</i>	The similarity of this study is a discussion object regarding local regulations nuanced by Islam.	The focus of this study is an analysis of local regulations that are nuanced in Islamic religion (Shari'ah) in terms of legal order in Indonesia. Whereas the

				research that I did was related to the Local Regulations with the nuances of Islam, namely the Local Regulation of the City of Pekanbaru Number 02 of 2016 concerning the Plenary Mosque which was reviewed by the perspective of Siyasa Fiqh.
03	Ali Fikri	<i>Penerapan Perda Syari'ah dan Respon Gereja di Kabupaten Pemekasan</i>	The similarity of the object of this research is to study related local religious regulations (Islam) and the response of non-Muslims regarding the local regulations.	This research discusses the specific response of one other religion namely Christianity (church) in Pemekasan District to the application of local regulations nuanced to Islamic religion. Whereas the research of the author discusses the view of non-Muslim ummah (several religions other than Islam) to the application of local regulations with the nuances of Islam, namely Local Regulation number 02 of 2016 concerning the Planery

				Mosque in Pekanbaru City.
04	Abdurrahman Supardi Usman	<i>Eksistensi Perda-Perda Syariat di Kabupaten Takalar (Analisis Yuridis, Politis dan Konstitusional</i>	This research equation is the object of research examining the sharia-nuanced local regulations in an area where the majority of the population is Muslim.	The focus of this research is on the existence of Sharia Local Regulations in Takalar Regency in terms of Juridical, Political, and Constitutional. While the author's study discusses the views of non-Muslims towards sharia-based local regulations in Pekanbaru City in terms of Siyasa Dusturiyah.

B. Literature Review

1. Local Regulation

In the framework of exercising the authority to take care of the interests of the community, the Government together with the Assembly at Regional establishes Local Regulations.³ Local regulations are one of the instruments for regional governments in carrying out their duties and authorities based on the regional autonomy system which gives authority to manage and manage their households.⁴ Local

³ Sirajuddin, dkk., *Hukum Administrasi Pemerintah Daerah : Sejarah, Asas, Kewenangan, dan Pengawasan Penyelenggaraan Pemerintah Daerah*, (Malang: Setara Press, 2016), Hal. 185

⁴ Yunani Hasyimzoem, dkk, *Hukum Pemerintahan Daerah*, Ed.1, Cet.1, (Jakarta: Rajawali Pers, 2017), Hal. 146

Regulations are the main pillars that underlie the realization of regional autonomy. Local regulation has regulatory characteristics, specifically regulating relations between local governments, local communities, local stakeholders such as the business world.⁵ Article 18 paragraph (6) of the 1945 Constitution states that regional governments have the right to stipulate local regulations and other regulations to carry out autonomy and assistance tasks. Based on these provisions, the local regulation is one of the supporting elements of the implementation of regional autonomy.⁶

Based on the type and Hierarchy of statutory regulations in Article 7 paragraph (1) of Law Number 12 of 2011 concerning the Formation of Statutory Regulations, Local Regulations are in the sixth sequence. The composition of local regulations is under the Constitution, TAP MPR, UU, PP, dan PERPRES, therefore the contents of local regulations must not conflict with the laws above.⁷

The contents of the statutory regulations are affirmed in Article 6 paragraph (1) of Act. Number 12 of 2011 concerning the Formation of Legislation⁸ :

- (1) *Materi muatan Peraturan Perundang-undangan harus mencerminkan asas:*
a. *pengayoman;*

⁵ Sirajuddin, dkk., *Hukum Administrasi Pemerintah Daerah : Sejarah, Asas, Kewenangan, dan Pengawasan Penyelenggaraan Pemerintah Daerah*, (Malang: Setara Press, 2016), Hal. 185

⁶ Yunani Hasyimzoem, dkk, *Hukum Pemerintahan Daerah*, Ed.1, Cet.1, (Jakarta: Rajawali Pers, 2017), Hal. 146

⁷ Yunani Hasyimzoem, dkk, *Hukum Pemerintahan Daerah*, Ed.1, Cet.1, (Jakarta: Rajawali Pers, 2017), Hal. 148

⁸ Article 6 paragraph (1) of Act. Number 12 of 2011 concerning the Formation of Legislation.

- b. kemanusiaan;
- c. kebangsaan;
- d. kekeluargaan;
- e. kenusantaraan;
- f. *bhinneka tunggal ika*;
- g. keadilan;
- h. kesamaan kedudukan dalam hukum dan pemerintahan;
- i. ketertiban dan kepastian hukum; dan/atau
- j. keseimbangan, keserasian, dan keselarasan.

The contents of the legislation must pay attention to the diversity of the population, religion, ethnicity, class, special conditions of the region and culture in the life of the nation and state based on the motto of the Indonesian Unity in Diversity.⁹ Thus, in the implementation of local regulation-making, the material content must be based on predetermined principles.

2. Religious Pluralism

Religious pluralism is an attitude of acknowledging, appreciating, respecting and even developing or enriching plural situations. The term pluralism comes from the word plural, which means a form or more than one. The definition of pluralism in this context includes the understanding of: **first**, the existence of several groups of people in a society that come from different races, religions, political choices, and beliefs; **second**, a principle that these different groups can live together peacefully in a society.¹⁰ Pluralism in general, does not only arise due

⁹ Yunani Hasyimzoem, dkk, *Hukum Pemerintahan Daerah*, Ed.1, Cet.1, (Jakarta: Rajawali Pers, 2017), Hal. 154

¹⁰Umi Sumbulah, dan Nurjanah, *Pluralisme Agama Makna dan Lokalitas Pola Kerukunan Antarumat Beragama*, (Malang: UIN-Maliki Press, 2013), Hal. 31-32.

to the diversity (plurality) of the community, the diversity in the field of life and the structure of society which consists of various tribes and religions. In reality what is more important than diversity in building true ties of diversity in the bonds of civilization (*genuine engagement of diversities within the bounds of civility*). It is said that pluralism is a necessity for the safety of humanity, which among others can be done through the mechanism of supervision and balance among a society.

Basically, in each religion, some elements have in common, such as the dimensions of humanity, a sense of humanity, justice, concern for the bad environment, helping people who are marginalized, such as the poor, women, children, and parents. The elements of similarity are not relative, but are absolute, namely absolute in their basic ideas, but relative in their implementation and implementation. Although pluralism originates from the West, as long as it relates to the spirit of religion, the momentum of humankind to apply is equal to the universalized human rights concept, so it should be acceptable to all religious communities.¹¹

Religious pluralism in creating harmony requires the involvement of all elements of society. Harmony should be the awareness and responsibility of all parties. However, the party that has the imperative power to do so is the government. This does not mean that the other party does not have an important role, but it must be understood

¹¹Umi Sumbulah, dan Nurjanah, *Pluralisme Agama Makna dan Lokalitas Pola Kerukunan Antarumat Beragama*, (Malang: UIN-Maliki Press, 2013), Hal. 34

together that the government should carry out its duties optimally for the development of harmony in the community it dreams of. This is because the main task of the government is to manage the country well in various dimensions of life.¹²

The complex dynamics of community life require a wise attitude. The role of the government is to protect the community in matters of religion. This role has a significant meaning in the framework of building a peaceful and peaceful life. The existence of religious pluralism is not just a phenomenon of Islam but occurs in all religions globally and even every civilization has pluralism such as schools, thoughts, philosophies and political streams. In the social history of the development of Muslims, religious pluralism as an attitude towards plurality is a treasure that embodies in Islam. Pluralism also means that minority groups in society can participate fully and equally with the majority group while maintaining their unique identity and differences. Pluralism must be protected by the state and law for the sake of creation.¹³

In terms of ethnicity, language, religion, and so on, Indonesia is one of the most diverse countries in the world. This was realized very well by our founding fathers, so they formulated this concept of

¹²Ngainun Naim, *Islam dan Pluralisme Agama Dinamika Perebutan Makna*, (Yogyakarta : Aura Pustaka, 2014), Hal.219.

¹³Aris Kristianto, *Pluralisme Agama di Indonesia (Studi tentang Tipologi Pluralisme Agama Nonindifferent pada Keputusan Fatwa MUI Nomor 7 Tahun 2005)*, (Sunan Ampel State Islamic University of Surabaya), Hal. 296

pluralism with the slogan "*Bhineka Tunggal Ika* (Unity in Diversity)". The emergence of the Youth Oath in 1928 was an awareness of the need to realize this pluralism which was also intended to foster unity in the face of Dutch invaders, which was the emergence of Youth Oaths in 1928. then known as the forerunner to the emergence of Indonesian nationality insight.¹⁴ Indonesia is the largest Muslim country in the world. Besides Islam, four other major world religions are also represented and legally recognized: Protestantism, Catholicism, Hinduism, and Buddhism.¹⁵

The Indonesian people live in a plural society, so away is needed so that people of different backgrounds can coexist in an atmosphere of harmony, peace, and prosperity. Harmony, peace, and prosperity are the desires of every human being.¹⁶ Harmony, peace, and prosperity are the desires of every human being, so in realizing it, it is important to create religious pluralism in a society with a basis of tolerance. Tolerance means being willing to understand others patiently and gracefully without disturbing each other among religious believers based on respect for the beliefs and sincerity of others. That is, understand that every person has the right and legal right to have any belief regardless of agreeing or disagreeing with that person's belief or religion, but may

¹⁴Nur Achmad (ed), *Pluralitas Agama Kerukunan dalam keragaman* (Jakarta : Kompas, 2001), Hal. 12-13.

¹⁵H.A. Mukti Ali, dkk, *Agama dalam Pergumulan Masyarakat Kontemporer*, (Yogyakarta: Tiara Wacana, 1997), Hal. 114

¹⁶ Umi Sumbulah, dan Nurjanah, *Pluralisme Agama Makna dan Lokalitas Pola Kerukunan Antarumat Beragama*, (Malang: UIN-Maliki Press, 2013), Hal. 1

not demean or harass the person.¹⁷ Therefore, to achieve the dreams and desires of each of these people, it is necessary to create a condition that forms a building of tolerance for religious harmony that is essential.

3. Fiqh Siyasah

The word *fiqh* is from is derived from the word *fuqaha-yafqahu-fiqhan* means “understand deeply”. Muhammad Iqbal in his book explains the meaning of *fiqh* was a real effort of the scholars (mujtahidin) to dig up the laws of *syara'* to be practiced by Muslims. While the word *siyasah* is derived from the word *sasa* which meanis organize, manage, and rule or government, politics and policy-making. This suggests that the goal of *siyasah* is to organize, manage, and make policy on something that is political nature to include something.¹⁸

Siyasah according to language is understood to governing, making policy, management, and control.¹⁹ Whereas *siyasah* understanding according to the term is :

تَدْبِيرُ مَصَالِحِ الْعِبَادِ عَلَى وَفْقِ الشَّرْعِ

The meaning : *The public affairs of mankind in accordance with the syara'.*

¹⁷ Aris Kristianto, *Pluralisme Agama di Indonesia (Studi tentang Tipologi Pluralisme Agama Nonindifferent pada Keputusan Fatwa MUI Nomor 7 Tahun 2005)*, Hal. 300

¹⁸ Muhammad Iqbal, *Fiqh Siyasah, Kontekstualisasi Doktri99n Politik Islam*, (Jakarta: Prenadamedia, 2014), Hal. 03.

¹⁹ Jubair Situmorang, *Politik Ketatanegaraan dalam Islam (Siyasah Dusturiyah)*, (Bandung: Pustaka Setia, 2012), Hal. 16

Jubair Situmorang in his book entitled *Constitutional Politics in Islam* concluded that siyasah contained several interpretations, namely²⁰:

- a. Regulation of community life;
- b. Control of state life;
- c. Creation of the benefit of human life in the state life;
- d. Formulation of legislation aimed at controlling the lives of citizens;
- e. Interpretation of relations between countries;
- f. Strategies for achieving welfare state.

So, fiqh siyasah is an aspects of Islamic law that addresses the arrangement and management of human life in the state to achieve the benefits of humanity.²¹ Fiqh Siyasah can be landed as the root of a tree that sustains stems, twigs, branches and leaves, resulting in fruit that can be enjoyed by the people. Fiqh siyasah has the concept of government, namely: *siyasah dusturiyyah*, *siyasah maliyyah*, dan *siyasah dauliyah*.

a. **Siyasah Dusturiyyah**

According to the language *dusturi* means basic, basic, and coaching. According to the term, *dustur* is a set of rules governing the basic and cooperative relationships among fellow members of a community in a country.²² Prof. H. A. Djazuli explained in his book

²⁰Jubair Situmorang, *Politik Ketatanegaraan dalam Islam (Siyasah Dusturiyyah)*, (Bandung: Pustaka Setia, 2012), Hal. 19

²¹ Muhammad Iqbal, *Fiqh Siyasah, Kontekstualisasi Doktrin Politik Islam*, (Jakarta: Prenadamedia, 2014), Hal. 04.

²²Jubair Situmorang, *Politik Ketatanegaraan dalam Islam (Siyasah Dusturiyyah)*, (Bandung: Pustaka Setia, 2012), Hal. 19

entitled *Fiqh Siyasah*, that in the curriculum of the Faculty of Sharia the term *fiqh dusturi* is used, which is meant by *dusturi*.²³

الدستور: القواعد الأساسية للحكم في أية دولة كما تدل عليها قوانينها ونظمها وعاداته.

“*Dustur are the basic principles for any state government as proven in its laws, regulations, and customs.*”

Abu A’la al-Maududi defines *dustur* with :

صك ينطوى على القواعد الأساسية التي يقوم عليها نظام دولة.

“*a document that embodies the fundamental principles that are the foundation of a nation's order*”.

From these two definitions A. Djazuli concluded that the words *dustur* are the same as *constitution* in English, or the *Constitution* in Indonesian.²⁴ Thus the *dusturiyah* doctrine is part of the *fiqh siyasah* which addresses the issue of state law in line with Islamic law.²⁵

Siyasah dusturiyah is a discussion of state regulation and legislation in terms of conformity with the principle of religious principles and is a realization of the benefits of society to meet its needs in the state.²⁶ *Siyasah dusturiyah* is part of *fiqh siyasah* which deals with state legislation in this regard as well as among other

²³A. Djazuli, *Fiqh Siyasah: Implementasi Kemaslahatan Umat dalam Rambu-Rambu Syari’ah*, (Jakarta: Kencana, 2009), Hal. 52.

²⁴A. Djazuli, *Fiqh Siyasah: Implementasi Kemaslahatan Umat dalam Rambu-Rambu Syari’ah*, (Jakarta: Kencana, 2009), Hal. 53.

²⁵Jubair Situmorang, *Politik Ketatanegaraan dalam Islam (Siyasah Dusturiyah)*, (Bandung: Pustaka Setia, 2012), Hal. 20.

²⁶A. Djazuli, *Fiqh Siyasah: Implementasi Kemaslahatan Umat dalam Rambu-Rambu Syari’ah*, (Jakarta: Kencana, 2009), Hal. 47.

constitutional concepts, legislations, (how to formulate laws), democratic institutions and laws that are important pillars of the legislation.

According to 'Abdul Wahhab Khallaf, the principles laid down by Islam in the formulation of the law are guarantees of human rights of every member of society and equality before the law, without distinction of social start-up, wealth, education, and religion. The government in formulating a rule or law to have the force of law, in its formulation must have its basis or policy. With a strong foundation, the law will have the power to bind and regulate the people in the country concerned.²⁷ In addition, this research also discusses the concept of legal state in siyasah and reciprocal relations between the government and the citizens as well as the citizens' rights that must be protected.²⁸ The *fiqh siyasah dusturiyah* is the relationship between the government (leader) on the one hand and the people on the other side and the institutions that are in society. *Siyasah dusturiyah* regulates relations between citizens with one state institution with citizens and other state institutions within a country's administrative boundaries.²⁹

²⁷ Muhammad Iqbal, *Fiqh Siyasah, Kontekstualisasi Doktrin Politik Islam*, (Jakarta: Prenadamedia, 2014), Hal. 178-179.

²⁸ Muhammad Iqbal, *Fiqh Siyasah, Kontekstualisasi Doktrin Politik Islam*, (Jakarta: Prenadamedia, 2014), Hal. 177.

²⁹ A. Djazuli, *Fiqh Siyasah : Implementasi Kemaslahatan Umat dalam Rambu Rambu Syariah*, (Jakarta: Kencana, 2009), Hal. 31

In carrying out their duties as officials of the state apparatus, policies made by the government must contain certain elements, including :

1) Principle of justice

Justice is the second principle of the operational principles of Islamic state administration. In the realm of constitutional law, the principle of justice implies that a constitution created by a country must position its citizens in accepting rights and giving obligations equally. The constitution made must guarantee that every individual is guaranteed and his rights are fulfilled. The principle of justice aims to eradicate every action that revokes the rights of others to access natural resources in a country. It is difficult to form a prosperous and prosperous society without justice in it.³⁰ The content of the meaning of justice refers to the meaning of the equitable situation and the existence of equal rights.

Justice is something that must always be fought for and upheld properly, then the balance of the world order of life will be maintained and maintained. Conversely, if justice cannot be enforced, then the balance will not be achieved and the order of world life will be shaken.³¹ The government as head of state

³⁰Jubair Situmorang, *Politik Ketatanegaraan dalam Islam (Siyasah Dusturiyah)*, (Bandung: Pustaka Setia, 2012), Hal. 33

³¹Muhammad Iqbal, *Fiqh Siyasah, Kontekstualisasi Doktrin Politik Islam*, (Jakarta: Prenadamedia, 2014), Hal. 238.

must carry out its obligations properly. If the government implements its authority, then the government is also entitled to get the rights that must be fulfilled by its people, according to Al-Mawardi, the right of the government (head of state) over its people is of two types, namely: the right to be obeyed and the right to obtain moral support as long as the head the country runs the government well.

One of the Islamic jurists who developed more fully about justice theory was Abu Hamid Al-Ghazali.³² Al-Ghazali links the principle of justice with a system of power that has implications for the welfare (prosperity) of society. According to him, bankruptcy is the most fundamental value in every policy made and carried out by a government. Justice is connected with state stability, prosperity, and people's loyalty to the government.³³ Jhon Rawls also explained the theory of social justice as “*the difference principle dan the principle of fair equality of opportunity*” the difference principle and the principle of fair equality of opportunity”. Social and economic justice must be regulated so that it provides the greatest benefit for all people. According to Rawls, the situation of inequality

³²Abu Hamid Al-Ghazali, his full name is Muhammad bin Muhammad bin Muhammad bin Ahmad Ath-Thusi. *Born in Thus 450 H and died in 505 H. Al-Ghazali's famous work in the field of Islamic law is Al-Mustashfa min Usul Fiqh.*

³³Jubair Situmorang, *Politik Ketatanegaraan dalam Islam (Siyasah Dusturiyah)*, (Bandung: Pustaka Setia, 2012), Hal. 78.

must be given rules so that it benefits everyone and everyone is given equal opportunities in life.

2) The principle of equality

The principle of equality means that each individual has the same degree as a citizen without considering the origin, race, religion, language, and social status. The equation in the realm of Islamic constitution is the constitutionality (*qanuniyyah*) equality, not (*fa'liyyah*).³⁴ That is, the equality taught by Islam is that laws must guarantee the equality of all people, even though they have differences, both physically, intellectual capacity, and wealth.

The principles of justice and the principle of equality between men are closely intertwined. Islam does not differentiate people based on skin color, ethnicity, language, and race, but based on their fear of Allah SWT ;

يَا أَيُّهَا النَّاسُ إِنَّا خَلَقْنَاكُمْ مِنْ ذَكَرٍ وَأُنْثَىٰ وَجَعَلْنَاكُمْ شُعُوبًا وَقَبَائِلَ لِتَعَارَفُوا ۗ
 إِنَّ أَكْرَمَكُمْ عِنْدَ اللَّهِ أَتْقَاكُمْ ۗ إِنَّ اللَّهَ عَلِيمٌ خَبِيرٌ [٤٩:١٣]

Therefore, no one is entitled to obtain special treatment before the law. The Prophet Muhammad SAW taught that the destruction of a nation begins with discriminatory attitudes in law enforcement.

³⁴Jubair Situmorang, *Politik Ketatanegaraan dalam Islam (Siyasah Dusturiyah)*, (Bandung: Pustaka Setia, 2012), Hal. 36

Besides, this study also discusses the concept of state law in the investigation and reciprocity relationship between governments and citizens and the rights of citizens to be protected. The problem in the jurisprudence is the relationship between the government (leaders) on the one hand and the people on the other and the constitutions within its society. *Siyasah Dusturiyah* regulates the relationship between a citizen and a state agency with a citizen and a state agency within the administrative boundaries of a country.³⁵

b. *Siyasah Maliyyah*

Siyasah Maliyyah jurisprudence if translated into Indonesian, has the meaning of Islamic Economic Politics. Political Islamic Economics is a legal policy made by a government concerning economic development to ensure the fulfillment of the needs of the community by making the values of Islamic Sharia as a measure. The policy is a law that regulates the relationship between the state and the community, individuals with communities, individuals with individuals in economic activities.³⁶

The main principle of the country's production and expenditure in the Islamic world is to create prosperity and to help the people out of their misery and in the interests of their own country. Achieving the well-being of the people is a significant step forward in the

³⁵A. Djazuli, *Fiqh Siyasah : Implementasi Kemaslahatan Umat dalam Rambu Rambu Syariah*, (Jakarta: Kencana, 2009), Hal. 31

³⁶Andri Nirwana, *Fiqh Siyasah Maliyyah (Keuangan Publik Islam)*, (Banda Aceh: SAERFIQH, 2017), hal. 2.

welfare state. According to Ibn Taimiyah, funds collected in Bayt al-mal (state treasury building) must be guaranteed by the authorities and used for public purposes. In this case, the distribution and distribution of state money must fulfill a sense of justice.³⁷

Siyasah maliyah has several important categories in the form of state expenditure and expenditure, including :

1) Legal development

Legal development is an important thing in managing the orderliness of a country. Law enforcement in a country is not only for the security of the soul of every member of its society but also for the creation of economic stability and people's welfare. In principle, legal development must be able to protect every member of the society and create equality between fellow society members.

2) Infrastructure development

State expenditure can be used for the construction of physical infrastructure and other social facilities. This is important to support the economic growth and development of a prosperous society. Therefore, the government must provide an allocation of expenditure funds for social facilities for society activities.³⁸ The regulation of public facilities must state that

³⁷Muhammad Iqbal, *Fiqh Siyasaah, Kontekstualisasi Doktrin Politik Islam*, (Jakarta: Prenadamedia, 2014), Hal. 333-334.

³⁸Muhammad Iqbal, *Fiqh Siyasaah, Kontekstualisasi Doktrin Politik Islam*, (Jakarta: Prenadamedia, 2014), Hal. 340.

these public facilities are guarantees to the people. According to Abu Yusuf, the regulation of public facilities is divided into two forms ;

- a) Arrangements regarding the procurement of public facilities that are not yet available,
- b) Arrangements regarding public facilities that have been available.





CHAPTER III

RESEARCH METHODS

The research method is a way to do something using the mind carefully to achieve the goal of searching, recording, formulating, analyzing, and compiling reports. The function of the research method is a tool to find out the problem to be studied.³⁹ The method used by the author in this research is as follows :

A. Type of Research

The type of research used in this research is *empirical juridical* (empirical law). Empirical legal research that is legal research that looks at legal phenomena in the middle of society or social facts it is in society.⁴⁰ The

³⁹ Zainuddin Ali, *Metode Penelitian Hukum*, (Jakabrta: Sinar Grafika, 2015), hal. 21.

⁴⁰ Bahder Johan Nasution, *Metode Penelitian Hukum*, (Bandung: CV. Mandar Maju, 2016), hal. 124.

purpose of conducting empirical legal research is to find out the implementation of the law and the process of law enforcement. This research is called empirical research because the implementation of this research was conducted in Pekanbaru on the views of non-Muslims about the existence of Local Regional Pekanbaru City Number of 2016 concerning the Plenary Mosque which was analyzed based on Siyasa Dusturiyah's review.

B. Research Approach

The research approach is an issue that is related to the way a person reviews and how he approaches it by his scientific discipline. If the research approach method that author use is a *sociological juridical* approach. The sociological juridical research approach is a research approach method by identifying and conceptualizing the law as a real and functional social institution in a real-life system.⁴¹

The approach used by the authors in this research is qualitative. Qualitative research is a research process and understanding based on a methodology that investigates a phenomenon. This approach uses theories and observations made by the author as a reference, not in the form of numbers. This research approach is a scientific method as a descriptive analysis process that produces written or oral data from research subjects. This approach will produce descriptive data that is trying to understand the relationship between events with people around in a particular study. The author researches by observing the implementation and views of non-Muslims on the existence of

⁴¹Soerjono Soekanto, *Pengantar Penelitian Hukum*, (Jakarta: Penerbit Universitas Indonesia (UI-Press), 1986), hal.21.

Local Regulation Number 02 of 2016 concerning the Plenary Mosque in Pekanbaru City, then analyzed using the concepts that exist in the fiqh of siyasah namely siyasah dusturiyah and siyasah maliyah.

C. Research Location

The research location is the place (location) used for research. Determining the location of research is a very important stage in qualitative research. If the research has been established, it means that the object and purpose of the study have been set so that it makes it easier for the writer to conduct research. The research location can be in a certain area or a certain institution in society.

In this research, to obtain data and information by the problems that have been described, the location of the study was conducted in Pekanbaru city.

D. Data Types and Sources

1. *Primary Data* is that data obtained directly from the first data source.⁴²

In this case, the first data source was obtained from the Mayor and assembly at regional (DPRD) as the main role in the establishing of the Local Regulation of Pekanbaru City Number 02 of 2016 concerning the Plenary mosque.

2. *Secondary data*, namely data sources that provides descriptions of primary legal material.⁴³ Books and various other scientific works that write well about the Local Regulation of Pekanbaru City Number 02 of

⁴²Amiruddin dan Zainal Asikin, *Pengantar Metode Penelitian Hukum*, (Jakarta: PT RajaGrafindo Persada, 2006), hal. 30.

⁴³Amiruddin dan Zainal Asikin, *Pengantar Metode Penelitian Hukum*, (Jakarta: PT RajaGrafindo Persada, 2006), hal. 32.

2016 concerning the Plenary Mosque, and on the policies of Pekanbaru City government. And the books Fiqh Siyasah that deals siyasah dusturiyah and siyasah maliyah.

E. Data Collection Technique

In general, in research, there are three types of collection tools, namely the study of documents or library materials, observations or observations, and interviews.⁴⁴ In this research, the author used two data collection methods :

1. Interview

Data collection by interview (interview) is a way or technique to obtain ways or techniques to obtain information verbally to achieve certain purposes.⁴⁵ The interview is one method of collecting data to get information by asking questions directly to respondents. This interview aims to obtain true and accurate information from established sources. Interviews were carried out to the parties involved in making Local Regulation Number 02 of 2016 concerning the Plenary Mosque and several non-Muslim society leaders in Pekanbaru City.

2. Documentation

Documentation is a method of collecting data by viewing or recording an available report. This documentation is a concrete data that author can use as a reference to assess the existence of data review regarding

⁴⁴Soerjono Soekanto, *Pengantar Penelitian Hukum*, (Jakarta: Penerbit Universitas Indonesia (UI-Press), 1986), hal.21.

⁴⁵Burhan Ashshofa, *Metode Penelitian Hukum*, (Jakarta: PT Rineka Cipta, 2004), Hal. 95.

the views of non-Muslims towards Local Regulation of Pekanbaru City Number 2 of 2016 on the Plenary Mosque.

F. Data Analysis Technique

After the research data is collected, it will continue to organize data at the following stages :

1. *Editing* is data that has been collected and then carefully checked again. Editing is the process of researching back notes, files, and information compiled by data seekers.⁴⁶ The first data processing obligation is to re-examine the data seeker's records to find out the data obtained is quite good and ready to be processed.⁴⁷ The examination includes aspects of the completeness of the source of information, the clarity of meaning, the suitability and harmony between one and the other, the relevance and uniformity, as well as the unity of the group of data obtained.
2. *Classifying*, namely the stages of compiling and systematizing data that has been obtained into a particular category. The purpose of this data classification is to facilitate author in the analysis activities.
3. *Verifying*, namely the stage of reexamining the data collected in order to guarantee its validity. In the qualitative research that is tested is the data obtained. After getting the validity of the data, then the data is poured in the draft concept as a basis for analysis. The data validity testing technique has several criteria that function to carry out an

⁴⁶ Amiruddin dan Zainal Asikin, *Pengantar Metode Penelitian Hukum*, (Jakarta: PT RajaGrafindo Persada, 2006), hal. 168.

⁴⁷ Bambang Sunggono, *Metodologi Penelitian Hukum*, (Jakarta: {PT RajaGrafindo Persada, 1998), Hal. 129

inquiry in such a way that it reaches the level of research confidence. And demonstrate the degree of confidence in the findings with evidence by author.

In this research, the examiners conducted a credibility test through extended observations of several plenary mosque objects in the city of Pekanbaru regarding the location and status of the mosque. And researchers conduct data checks with source triangulation techniques. Testing the response data of non-Muslims was conducted by one of the Pekanbaru city staff and the religious harmony forum (FKUB) members who are Muslim.

4. *Analising*, Analyzing, namely analyzing data that has been verified to obtain certain conclusions :
 - a. The results of interviews with several non-Muslims such as the assembly at regional (DPRD), Members of the Forum for Religious Harmony (FKUB), and Staff of the Ministry of Religion regarding the existence of the Local Regulation Pekanbaru city Number 02 of 2016 concerning the Plenary Mosque, then analyzed into one conclusion.
 - b. Conclusions from the interview on views of the non-Muslim to the Local Regulation Nounber 2 of 2016 concerning the Plenary Mosque were analyzed based on fiqh siyasah (siyasah dusturiyyah and siyasah maliyah).

5. *Concluding*, which is the stage of drawing conclusions that have been processed after analysis to obtain answers from the results of the research done.





CHAPTER IV

FINDINGS AND DISCUSSION

A. Overview of Research Objects

1. The Profile of Pekanbaru City

In the past, the city was only a small hamlet named *Payung Sekaki* which is located on the edge of the Siak River. This simple hamlet came to be known as the Senapelan Hamlet. The village is growing rapidly, especially after the old (weekend) market location moved across on June 23, 1784. A new market was created which was synonymous with the term "pekan baru", a name that until now was used to refer to Pekanbaru City.⁴⁸ The new town was officially established on the 21st of Rajab on the year 1204 H on June 23, 1784

⁴⁸<http://ciptakarya.pu.go.id/profil/profil/barat/riau/pekanbaru.pdf>. Diakses pada tanggal 26 Juli 2019.

M by Sultan Muhammad Ali Abdul Jalil Muazamsyah under the rule of Sultan Yahya which was later designated as the birthday of Pekanbaru City.

On January 20, 1959 M issued a Decree No. Dec 52/1 / 44-25 which establishes Pekanbaru as the capital of Riau Province as well as Pekanbaru obtaining the status of Pekanbaru Second Level Regional Municipality.⁴⁹ Aside from being the capital of Riau Province, Pekanbaru City is also the largest city in Riau Province. The city of Pekanbaru grew rapidly with the increase in development activities which also led to an increase in population activity in all fields, which in turn increased the demands and needs of the community for the provision of urban facilities and utilities and other needs..

The rapid development of Pekanbaru City to date with a government system that makes the City of Pekanbaru a civilized metropolitan city. The Pekanbaru City Government in 2012-2017 carried out the mandate as a public servant and built the city and city community based on the regional vision, namely: *The realization of Pekanbaru City as a Center for Trade and Services, Education, and the Malay Cultural Center, Towards a Prosperous Community Based on Faith and Taqwa* (based on Local Regulation number 01 of 2011 concerning the Regional Long-Term Development Plan (RPJPD) of Pekanbaru City in 2005 - 2025), to achieve the vision of the region, the

⁴⁹<http://pekanbaru.go.id/p/hal/sejarah-pekanbaru>. Diakses pada tanggal 27 Juli 2019.

regional head of the 2012-2017 service period developed a vision, namely the realization of Pekanbaru as a Madani Metropolitan City. This vision presents the strong desire of the regional head supported by all levels of society to build the city of Pekanbaru into a modern city, an independent city, resilient and competitive, based on religious values and Malay culture and supported by adequate infrastructure.

The term Madani in the Pekanbaru city government vision has three important meanings, namely⁵⁰:

- Madani which means the advancement of civilization and development,
- Madani which means strengthening civil society, and
- Madani in the sense of people and society that are strong and religious-based.

2. Percentage of Religious Society in Pekanbaru City

The majority of people in the city of Pekanbaru embrace Islam. In addition to Islam, some other religions that are also adopted by the Pekanbaru people are Christianity (Protestantism), Catholicism, Buddhism, Hinduism, and Confucianism. Quoted from the Central Statistics Agency (BPS) of Riau Province, the percentage of people based on their religion is as follows :

⁵⁰ Firdaus, *Membangun Kota Metropolitan Madani*, (Sumedang : IPDN Press, 2015), Hal. 3

Table 4.1**The Population based on Religion**

No	Religion	Total (Person)	Percentage
1	Islam	1 080 345	89,73 %
2	Christianity (Protestantism)	51 834	4,31 %
3	Catholicism	22 758	1,89 %
4	Hinduism	4 020	0,33 %
5	Budhaism	44 769	3,72 %
6	Confucianism	310	0,03 %
Total		1 204 036	

Source: Riau Province Central Statistics Agency in 2015

Judging from the history of its founding, the people of Pekanbaru are predominantly Malay ethnic groups. Malay society is always identified with a Muslim community that strongly holds religion and cultural customs. The consistency of Malay religion can be seen from their implementation of daily deeds, including worship held in mosques. Besides, the formation and formation of community character can be formed through the mosque. However, along with the rapid development of the city of Pekanbaru, the population of various religions is also growing, as in the table above.

The increasing population of different religions affects the increasing number of houses of worship in the city of Pekanbaru. The following is the number of houses of worship in the Pekanbaru city :

Table 4.2**The Number of Houses of Worship**

No	Houses of Worship	Total	
1	Mosque	714	
2	Private Mosque	417	
3	Crurch	Catholique	37
4		Protestant	144
5	Budish Temple	108	
6	Hindush Temple	9	
7	Kelenteng	9	
Total		1.438	

Source: Riau Province Central Statistics Agency in 2015

From the table above it is known that the number of houses of worship in Pekanbaru is 1,438 houses of worship. The mosque which is a place of worship of Muslims has the most number, namely 714 and 417 mushallas. However, the Mosque Information System (SIMAS) of the Ministry of Religion of the Republic of Indonesia has a list of mosques in the city of Pekanbaru, namely, there are 860 mosques, both with waqf status and certificates of ownership. (SHM).⁵¹

3. Background of the Establishment of Pekanbaru City Regulation Number 02 of 2016 concerning the Plenary Mosque

The mosque is a house or building where Muslims pray.⁵² The mosque is very important in establishing the pattern of community life based on Islamic law. In the time of the Prophet, the mosque was a

⁵¹http://simas.kemenag.go.id/index.php/profil/masjid/page/850/?kabupaten_id=86. Diakses Pada tanggal 27 Juli 2019

⁵² Kamus Besar Bahasa Indonesia (KBBI)

place of community activity in the field of education, economics, social, and other religious activities that helped to advance science.

Plenary Mosque is a term popularized by the Pekanbaru City government to realize the vision of Pekanbaru City as a metropolitan city that is civilized (Madani). The Plenary Mosque in the concept of Pekanbaru city government is a place of worship that can be used as an example in the management of mosque management because it has complete facilities and infrastructure in the field of Idarah, Imarah, and Ri'ayah activities.

Pekanbaru City Government wants to maximize the function of the mosque through a program of guidance and development of City, Sub-district and Kelurahan plenary levels as a pilot mosque for other mosques in Pekanbaru. This is not an easy thing for the Pekanbaru City Government to apply, so it is hoped that the support and cooperation of the people of Pekanbaru City in rebuilding the mosque's role by reviving mosque activities will become a very strong force for the realization of civil society. The expected civil society is people who are devout in worship, know, establish harmonious, civilized, law-abiding, clean, harmonious and peaceful relations. Through the Pekanbaru City Vision, the government invites the community to support the Plenary Mosque Development Program to create a harmonious and peaceful community life that has high knowledge.

Without the support and assistance from any community programmed by the Government, it will not be implemented well.

B. Exposure and Analysis

1. The Non-Muslim View to the Local Regulation Number 02 of 2016 concerning the Plenary Mosque

Based on the results of research conducted by author of several respondents, it was found some information related to respondents' knowledge of the Pekanbaru city government policies namely Local Regulation Number 02 of 2016 concerning the Plenary Mosque as well as the views given to the formation of the local regulation.

Local Regulation Number 02 of 2016 concerning the Plenary Mosque at the beginning of its formation process many disputes occurred, because this local regulation focuses on places/houses of worship for the Islamic Ummah. This is evidenced by the data obtained through an interview with one of the regional secretary staff of the city of Pekanbaru who participated in the process of making this local regulation namely Budi Hidayat :

*“This is quite tough too, yesterday, more than a year. Because of the dynamics of the plague, turmoil from other people”.*⁵³

The dynamics in the process of making this local regulation, due to this local regulation assists houses of worship that are given plenary status and are only devoted to Muslims. Disputes that occur in the process of making local regulations are not a problem for Mr.

⁵³ Budi Hidayat, *wawancara* (Pekanbaru, 1 Januari 2019).

Ruslan Tarigan, S.Pd., M.H. assembly at religion Pekanbaru City as deputy chairman of the special committee Local Regulation Number 02 of 2016 concerning the Plenary Mosque :

“...I think the city of Pekanbaru is heterogeneous and we think positive thinking, I think instead we encourage local wisdom here as long as we uphold tolerance. And also at that time, it was colossal-colossal that all the mosques in the village were given their letters to the city government, it was theirs. So that the city government gave its maintenance budget including funding from the mosque's Katib, both from security, there were seven who were paid at the time....”⁵⁴

The rules of this area are considered something that can serve as an example for the development of other religious houses. The presence of the plenary mosque facilitated the implementation of worship activities (*Mahdah and Ghairu Mahdah*) as well as the construction of other activities, as presented by Mr. Ruslan Tarigan, S.Pd., M.H. :

“fellow children of this nation, whose name is positive activities to build faith in the character of our children are very supportive....”

The birth of this local regulation is considered as a necessity for Muslims to work together with the government in increasing the religiousness of the community as the majority. This author gets from the interview with Mr. Lukas Debataraja, S.H. who is a member of the Religious Harmony Forum (FKUB) Pekanbaru city:

“so I see this we are from non-Muslims, I am a Catholic Perda this may be to complete the needs of the people. Why do I say

⁵⁴ Ruslan Tarigan, S.Pd., M.H. (agama Katolik), *wawancara*, (Pekanbaru, 04 Februari 2019)

that, because our people, especially in Indonesia, are in the majority? So maybe if there is usually a person who is usually represented, donated or for the mosque or what it might still only pay attention to some people. To anticipate this, people who want to worship are given a local regulation on community cooperation with the government that the problem of financing the maintenance problem is given by the government. This means that it invites the term to invite people to be diligent in worship that is the point. In terms of what are our houses of worship or what are we, only a few are non-Muslims. So it might be seen from the situation of the people”⁵⁵

The enactment of Local Regulation Number 02 of 2016 concerning the Plenary Mosque was also responded by Mrs. Korri Simanjuntak who is a staff of the Ministry of Religion in the field of Development of the Catholic Community's Education Workforce. Mrs. Korri Simanjuntak responded that the birth of this local regulation was not something to be questioned, because for her Catholicism taught to be tolerant. As a minority religion, its existence is recognized in Pekanbaru alone is an award.

“We are not concerned about the existence of this regulation, because we don't speak the majority. We are here in the minority, so be permitted to build a place of worship is already extraordinary for us. We are taught in our religion to be mutual tolerance, so it is not a big problem for us”⁵⁶.

The response of Mrs. Korri Simanjuntak to tolerance was related to Local Regulation Number 02 of 2016 concerning the Plenary Mosque which was devoted to fostering houses of worship for

⁵⁵ Lukas Debatara, S.H. (agama Katolik), *wawancara*, (Pekanbaru, 25 Januari 2019).

⁵⁶ Korri Simanjuntak (agama Katolik), *wawancara*, (Pekanbaru, 24 Januari 2019).

Muslims. This attitude was shown based on the teachings of the Protestant religion which he professed. This was also carried out by Mr. Kawit, S.Ag. who responded to the existence of this local regulation based on the darma contained in Hinduism as the religion he professed :

“...we as citizens, we always support our cause because in the teachings of Hinduism there is this darma religion and state darma. That state darma that we darma it is good, we must be either the same as the state or we in the local government, we must whatever is made by our government also supports not we ignore it because of what, the local regulation is not as long as it makes sure members of the council including members its members include those commissions. So for the Paripurna mosque because there are predetermined rules, we as different religious communities, we always support them. Later we conflict, we are not even supported by us, because we live in an area.....”⁵⁷

Besides, Mr. Kawit, S.Ag. also stated that as a society we need to support policies endorsed by the government. The formation of this local regulation is because the majority of the people of the city of Pekanbaru are Muslim :

“.....representatives of Hindus in Pekanbaru, what we support the existence of this regulation. But with that, if yesterday there was "how come only the mosque was finished in full" because what is now in the city of Pekanbaru is the majority of Muslims. So yes, if others want to propose, yes maybe from the people themselves. If the mosque is automatically visible because we already know that it is a Muslim here. So, we are the same even though we other people support the existence of local regulations because it's already the City Government's decision”.

⁵⁷Kawit, S.Ag. (agama Hindu), *wawancara*, (Pekanbaru, 25, Januari 2019).

The difference in the use of houses of worship for each religion is the reason for Mr. Dapot Sinaga, S.E. does not mind the existence of government policies related to Local Regulation Number 02 of 2016 concerning the Plenary Mosque :

“.....But on one side like this, the mosque and the church are different, the difference is where we once a week if the mosque is every day, every hour there are people, there are so many people, so many hours. If we were on Sunday, we would go home at ten o'clock when the church closed. Hahaha, for example, it starts at seven o'clock, seven o'clock for children right until two o'clock, until two o'clock operating hours. So, for example, it doesn't have to be like a Muslim place with a mosque. Now, once a week, once a week the church is opened. After that the week is opened, Monday to Saturday it closes. Well, most weeks or Sunday mornings or Saturday evenings are cleaned, so why are they being refined because their guards don't even have at least some of them? And we also like this if the priest in the church is where the priest is paid, his salary. There is an organization from the center, so the pastors have been paid every month.....”⁵⁸

The existence of regional unity is valued by non-Muslims. Communities of various religions maintain religious pluralism for peace. Basically, in each religion, some elements have in common, such as the dimensions of humanity, a sense of humanity, justice, concern for the bad environment, helping people who are marginalized, such as the poor, women, children, and parents. The elements of similarity are not relative, but are absolute, namely absolute in their basic ideas, but relative in their implementation.⁵⁹

⁵⁸ Dapot Sinaga, S.E. (agama Protestan), *wawancara*, (Pekanbaru, 29 Januari 2019).

⁵⁹ Umi Sumbulah, dan Nurjanah, *Pluralisme Agama Makna dan Lokalitas Pola Kerukunan Antarumat Beragama*, (Malang: UIN-Maliki Press, 2013), Hal. 34

Local Regulation Number 02 of 2016 concerning the Plenary Mosque which was legalized by the Pekanbaru city government also has implications for budget financing provided by the government. The establishment of 96 plenary mosques requires a large number of funds to assist in the construction of each mosque. This is stated in Article 12 paragraph (1) of Local Regulation number 02 of 2016 concerning the Plenary Mosque :

“sumber pembiayaan dalam rangka pembinaan dan pengelolaan masjid paripurna dapat bersumber dari Anggaran Pendapatan dan Belanja Negara, Anggaran Pendapatan dan Belanja Daerah Provinsi Riau dan Anggaran Pendapatan dan Belanja Kota Pekanbaru”.⁶⁰

The substantial funding for assistance in fostering and managing houses of worship is also only felt by Muslims in Pekanbaru city. Of the 96 plenary mosques each mosque has 7 parts that are paid by the government, namely: *High Priest (imam besar), Imam Rawatib, Ta'mir, Cleaning Service 1, Cleaning Service 2, Security Guard 1, and Security Guard 2*. Mr. Depot Sinaga, S.E. as a member of the assembly at regional (DPRD) BANGGAR (Budget Agency) supports the budget expenditure that has been set by the government regarding the plenary mosque:

“.....I am a member of the DPRD which is also a member of the BANGGAR (Budget Agency) of Pekanbaru City, yes, we mean everything, what is the use of the budget or the budget proposal proposed by the Pekanbaru mayor, we have to have approval from the DPRD, well, one of me is what is non-

⁶⁰Article 12 paragraph (1) of Local Regulation number 02 of 2016 concerning the Plenary Mosque (Supplement to the Regional Gazette of Pekanbaru City Number 2).

Muslims who participated in the Agency Yes, the budget is validated and supported and budgeted is the budget for the Plenary Mosque”⁶¹

Local regulations legalized by the government relating to budgeting must be implemented properly and correctly so that mistakes do not occur. To achieve the government's expectations related to Local Regulation Number 02 of 2016 concerning the Plenary Mosque, the government as a public official who wins over the people is obliged to run the government as well as possible. Policies that have been legalized must be implemented based on existing provisions. Financing of the refinement of the mosque which has been refined must meet the stipulated provisions. Besides, local governments must consider the community's expectations, especially about established policies.

Local Regulation Number 02 of 2016 concerning the Plenary Mosque is a government policy that is expected to realize the vision of the city of Pekanbaru as a metropolitan city of civilization (madani). The existence of local regulations aimed at places of worship for Muslims to build civil society is also a hope for non-Muslim communities so that the government provides a complete place of worship for other religions. The hope of having a perfect place of worship for religions other than Islam was conveyed by Mrs. Nengah Susanti, S.Ag. :

⁶¹Dapot Sinaga, S.E. (agama Protestan), *wawancara*, (Pekanbaru, 29 Januari 2019).

“our hope, ask city Government to be generalized in proportional care. We also will not, for example, the mosque five times we are our intention once. We don't need to keep going on because we also understand that there are many mosques especially in the plenary, if we only have one it is not possible every year, at least it will be five years or once every three years so that there is attention from the government, the government is to us”⁶²

Besides, Mr. Dharmaji Chowmas, S.Sc., S.Ag. also expressed hopes related to the plenary places of worship for non-Muslim houses of worship :

“.....our hope, the plenary mosque will not only reach the plenary mosque, if this works, the government will also have to start a new program, the government will start thinking of at least every religion there is one place of worship they serve as examples, for example, the plenary temple, the plenary church, and yesterday I there is also heard that not all plenary mosques use ABDN, but the rest is non-governmental.....”⁶³

Pekanbaru City Government Local Regulation Number 02 the of 2016 concerning the Plenary Mosque at the beginning of the formation process there was a turmoil from non-Muslims because this local regulation is specific to Muslims. At present, the existence of this local regulation is not something that is disputed by some religions. Non-Muslims from several religions quite support government policies related to this local regulation. The community maintains religious pluralism for the peace of the city of Pekanbaru. An understanding of tolerance towards this policy is in favor of the Muslim community as the majority. They hope that this policy can be

⁶² Nengah Susanti, *wawancaara*, (Pekanbaru, 16 Januari 2019).

⁶³ Dharmaji Chowmas, S.Si., S.Ag., *wawncara*, (Pekanbaru, 16 Januari 2019).

implemented well so that it can become an example if the government provides equal opportunities to make several houses of worship of other religions also have a plenary status.

2. Analysis the Non-Muslim Ummah View to the Local Regulation Number 02 of 2016 concerning the Plenary Mosque in Siyasaah Dusturiyah Perspective

Act. Number 23 of 2014 concerning the Regional Government is the initial idea of the implementation of Regional Autonomy which aims to improve the social welfare of the community with the main characteristics of the participation of the whole community and the disclosure of information of local government organizers to the community. The existence of Regional Autonomy provides the opportunity for local governments to regulate their household affairs. Local governments are competing to develop their respective regions by forming policies that help improve regional development. As carried out by the city government of Pekanbaru to realize one of the visions of the city of Pekanbaru as a civilized metropolitan city, the Pekanbaru city government issued a policy namely Local Regulation Number 02 of 2016 concerning the Plenary Mosque.

Local Regulation Number 02 of 2016 concerning the Plenary Mosque is one of the policies that is expected to realize the vision of the city of Pekanbaru as a metropolitan city that is civilized. The government established 96 plenary mosques to assist in the aspect of

fostering the Faith and Taqwa (increasing religious life) of the people of Pekanbaru. This is summarized in the vision of the Plenary Mosque in Article 6 of Local Regulation Number 02 of 2016 concerning the Plenary Mosque:

Visi Masjid Paripurna :

*“Terwujudnya Masjid Paripurna sebagai pusat pembinaan masyarakat menuju negeri yang Baldatun Thayyibatun wa Rabbun Ghafur⁶⁴ Tahun 2021”.*⁶⁵

This rule of thumb is in the realm of dusty knowledge, as local regulations give the government legality to establish the status of Muslim houses of worship in the city of Pekanbaru as a mosque. *Siyasah dusturiyah* discusses the rules and laws of the nation by the principles that underpin the community's commitment to meet its needs in the country.⁶⁶ Community involvement in the state depends on government policy. Pekanbaru City Government wants to realize its vision as a civilized metropolitan city. However, the government in realizing the vision of the city of Pekanbaru by forming a policy that is in favor of some groups, not in favor of all levels of society.

Houses of worship that are designated as plenary places of worship only apply to mosques (houses of worship) of Muslims.

Pekanbaru city is a city where the majority of people are Muslim.

⁶⁴*Baldatun Thayyibatun wa Rabbun Ghafur* is a country that is safe, fertile, just and prosperous under the blessing of Allah SWT. Local Regulation number 02 of 2016 Article 1 concerning the Plenary Mosque (Supplement to the Regional Gazette of Pekanbaru City Number 2).

⁶⁵Local Regulation of Pekanbaru City number 02 of 016 concerning the Plenary Mosque. (Supplement to the Regional Gazette of Pekanbaru City Number 2).

⁶⁶A. Djazuli *Fiqh Siyasah : Implementasi Kemaslahatan Umat dalam Rambu-Rambu Syari'ah*, (Jakarta : Kencana, 2009), Hal.47.

However, to build a civilized city, the government needs to consider all levels of society with diverse ethnic, cultural and religious backgrounds. This is so that there is no discrimination against minority communities. The government is carrying out its duties as an official of the state apparatus, every policy made by the government must consider several elements, such as justice and equality.

The principle of justice means that the constitution or regulations made by a country must position citizens in accepting rights and giving obligations equally. Forming the city of Pekanbaru into a civilized metropolitan city requires the participation of all Pekanbaru city people. The government needs to promote justice in building and fostering society to achieve civil society. In fostering the community to increase faith and piety (religious), the government must provide rights to the community fairly and equally. All communities are required to carry out obligations towards their country or region.

Pekanbaru city government established Local Regulation Number 02 of 2016 concerning the Plenary Mosque with the hope of realizing a metropolitan city that is civilized. The designation of a plenary house of worship only applies specifically to Muslims, even though the people of Pekanbaru city follow different religions. Creating a civil metropolitan city requires the participation of all people from various religions without exception. All communities

must assist the government in realizing the regional vision. However, the government must also give rights to the whole community fairly without discriminating among ethnic, cultural and religious groups. The government must consider establishing houses of worship for all religions in Pekanbaru. justice is something that must always be fought for and upheld properly so that the balance of community life will be maintained.⁶⁷ It is difficult to form a prosperous and prosperous society without justice in it. This, to avoid discrimination against a group and maintain religious pluralism in the city of Pekanbaru.

The principle of justice will help the government to foster community in building a civil metropolitan city. Abu Hamid Al-Ghazali associating justice with the government's power system will have implications for the welfare (prosperity) of society. Justice is the most basic thing in every policy made and carried out by a government. Justice is connected with state stability, prosperity, and people's loyalty to the government.⁶⁸

In addition to the principle of justice, one of the things the government considers in setting policy is the principle of equality. The principle of equality means that each individual has a degree as a citizen without considering the origin, race, religion, language and

⁶⁷Muhammad Iqbal, *Fiqh Siyarah, Kontekstualisasi Doktrin Politik Islam*, (Jakarta: Prenadamedia, 2014), Hal. 238

⁶⁸Jubair Situmorang, *Politik Ketatanegaraan dalam Islam (Siyarah Dusturiyah)*, (Bandung: Pustaka Setia, 2012), Hal. 78

social status.⁶⁹ The government has the authority to develop and developing regions. One of the regional development is by establishing a policy as implemented by the Pekanbaru city government. Determination of local regulations related to the realization of the vision of the city of Pekanbaru must involve the entire community without discriminating social status, ethnicity, and religion.

The designation of a plenary house of worship must also be given to the community besides Islam, as is known in the city of Pekanbaru there are six religions whose existence is recognized: Islam, Christianity (Protestantism), Catholicism, Hinduism, Buddhism, and Confucianism. If the government builds a plenary house of worship to achieve the vision of the city of Pekanbaru by fostering and increasing the faith and piety of the people, the government must build a house of worship for all religions in the city of Pekanbaru. Realizing the development of an area cannot be applied only to a majority community. The development of an area must involve the entire community. Although religions other than Islam are a minority religion, the government needs to consider establishing a place of worship for non-Muslims. This, avoiding discriminatory attitudes in law enforcement because no one has the right to obtain special treatment before the law.

⁶⁹Jubair Situmorang, *Politik Ketatanegaraan dalam Islam (Siyasah Dusturiyah)*, (Bandung: Pustaka Setia, 2012), Hal. 36

The principle of justice and the principle of equality between humans are closely related.⁷⁰ These principles discuss the concept of the rule of law in *siyasah* and the interrelationships between government and citizens and the rights of citizens who must be protected.⁷¹ In developing a policy for regional development the government must provide community rights fairly to all communities without any difference because regional development requires community participation. All communities in an area must fulfill their obligations to assist the government in the development and development of the region as the government gives the rights of the people as citizens.

Besides, the importance of upholding the principle of justice and the principle of equality is to maintain and guarantee religious pluralism between communities. The city government of Pekanbaru needs to reconsider setting up houses of worship for non-Muslims as well as establishing several places of worship for Muslims as the majority community as plenary mosques. At least the government has designated one or two houses of worship for non-Muslims. This is to equalize and uphold justice to all Pekanbaru city people despite religious differences to avoid social jealousy. Local government as a state apparatus that regulates the order of a region needs to preserve

⁷⁰Muhammad Iqbal, *Fiqh Siyasah, Kontekstualisasi Doktrin Politik Islam*, (Jakarta: Prenadamedia, 2014), Hal. 238.

⁷¹Muhammad Iqbal, *Fiqh Siyasah, Kontekstualisasi Doktrin Politik Islam*, (Jakarta: Prenadamedia, 2014), Hal. 177.

religious pluralism between communities to maintain national unity by providing policies that contain justice and equality between communities.

The principle of justice and equality is the basis in the formation of regulations. This principle is also contained in the content of the formation of laws and regulations in Article 6 paragraph (1) of Act. Number 12 of 2011 concerning the Formation of Legislation⁷² :

- (2) *Materi muatan Peraturan Perundang-undangan harus mencerminkan asas:*
- a. pengayoman;*
 - b. kemanusiaan;*
 - c. kebangsaan;*
 - d. kekeluargaan;*
 - e. kenusantaraan;*
 - f. bhinneka tunggal ika;*
 - g. keadilan;*
 - h. kesamaan kedudukan dalam hukum dan pemerintahan;*
 - i. ketertiban dan kepastian hukum; dan/atau*
 - j. keseimbangan, keserasian, dan keselarasan.*

Pekanbaru City Government and Assembly at Regional (DPRD) need to pay attention to the material contained in Article 6 of Law Number 12 of 2011 concerning Formation of Legislation in forming a local regulation. The Pekanbaru city government should consider establishing a plenary house of worship that applies only to places of worship for Muslims. Indonesia as a state of the law in regulating national and state life must be grounded in law. Indonesia

⁷² Article 6 paragraph (1) of Act. Number 12 of 2011 concerning the Formation of Legislation.

has a diverse society, there are diverse populations, religions, ethnicities, groups, special conditions of the region and culture in the life of the nation and state. It is important for the government in forming a local regulation to pay attention to the content of laws and regulations such as one of the material contained in Article 6 of Law 12 of 2016 concerning the Formation of Laws and Regulations, namely Unity in Diversity, is the watchword of the unity of the Indonesian people. For the sake of maintaining the unity and peace of the Indonesian nation in the state.

The Pekanbaru city government should consider establishing a plenary house of worship that applies only to places of worship for Muslims. Indonesia as a state of the law in regulating national and state life must be grounded in law.

Local Regulation Number 02 of 2016 concerning the Plenary Mosque does not only contain the establishment and construction of a mosque as a place of worship which is the center of religious activities. But there are also financing and financial management for activities and officers in the fields of Idarah, Imarah and Ri'ayah determined by the Mayor's Decree. Article 12 paragraph (1) of Local Regulation number 02 of 2016 concerning Plenary Mosque :

“sumber pembiayaan dalam rangka pembinaan dan pengelolaan masjid paripurna dapat bersumber dari Anggaran Pendapatan dan Belanja Negara, Anggaran Pendapatan dan

Belanja Daerah Provinsi Riau dan Anggaran Pendapatan dan Belanja Kota Pekanbaru”.⁷³

The main principle of the country's production and expenditure in the Islamic world is to promote the well-being of the people. Achieving the well-being of the people is a significant step forward in the welfare state. Funding provided for the construction and management of houses of worship is not obtained by other religions, because the plenary status is only given to mosques of Islamic houses of worship. The government as the regional head must prosper the entire community. Financial assistance for guidance and management must also be felt by non-Muslims. The large budget given by the government to the plenary mosque should be shared with other places of worship. At present the plenary mosque is 96, at least the government has reduced the number of refined mosques and has designated several other places of worship as plenaries. For the sake of creating justice and equality among all groups, the aid of houses of worship from the government is not only felt by Muslims as the majority community in Pekanbaru, but other non-minority Muslims can also feel.

According to Ibn Taimiyah, funds raised in Bayt al-mal (state treasury building) must be guaranteed by the authorities and used for public purposes. In this case, the distribution and distribution of state

⁷³Local Regulation of Pekanbaru City number 02 of 016 concerning the Plenary Mosque. (Supplement to the Regional Gazette of Pekanbaru City Number 2).

money must fulfill a sense of justice.⁷⁴ Government assistance to finance the construction and management of houses of worship must be given equally to all religions. If, the government sets several plenary status mosques which will be funded by the government. So the government must also churches (Catholique and Protestant), Budish temple, Hindu temple, and Konghucu temple.

Siyasah Maliyah has several important categories in the form of state expenditure, including⁷⁵ *Legal development, and Infrastructure development (public facilities)*. In principle, legal development must be able to protect every member of the community and create equality between fellow members of the community. This has become one of the foundations that the Pekanbaru city government must assist in guiding and managing the costs of all religions in the city of Pekanbaru. The existence of Local Regulation Number 02 of 2016 concerning the Plenary Mosque is something that can be appreciated in fostering and improving the religious community. However, it is better to have a new law that also establishes houses of worship of other religions to be perfected, such as the plenary mosque of Islamic places of worship.

Pekanbaru City Government has implemented the use of state expenditure for physical infrastructure and other social facilities as

⁷⁴Andri Nirwana, *Fiqh Siyasah Maliyah (Keuangan Publik Islam)*, (Banda Aceh: SAERFIQH, 2017), hal. 2.

⁷⁵Muhammad Iqbal, *Fiqh Siyasah, Kontekstualisasi Doktrin Politik Islam*, (Jakarta: Prenadamedia, 2014), Hal. 338.

instructed by *Siyasah Maliyah*. However, the allocation of funds related to increasing religious community is only valid for Muslims in Pekanbaru City. The basis for its enactment is Local Regulation Number 02 of 2016 concerning the Plenary Mosque, the background of the establishment of this regulation to achieve the vision of the city of Pekanbaru as a civilized metropolitan city. This plenary mosque was used as a social facility for the community as a center for activities to increase and foster faith and piety. The government should provide facilities to increase faith and piety throughout the community not only Muslims but also for non-Muslims because the people of the city of Pekanbaru do not share the same religion but adhere to different religions. Therefore, the government must provide an allocation of expenditure funds for public facilities for community activities as collateral for the people.

Policies based on justice and equality will guarantee the rights of all citizens in the state. If the fulfillment of the rights that the government gives fairly and evenly, the community will carry out its obligations to assist the government in realizing the vision of the city. Achieving the vision of the city as a metropolitan city that is civilized by increasing the faith and piety (religious) of the community, the government must foster all the people of the city of Pekanbaru from looking at the majority or minority.



CHAPTER V

CONCLUSION AND SUGGESTION

A. Conclusion

The discussion of the views of non-Muslims on Local Regulation Number 02 of 2016 concerning the Plenary Mosque in Siyasa Dusturiyah perspective, providing the following conclusions :

1. From the results of the research that has been described, Local Regulation Number 02 of 2016 concerning the Plenary Mosque is a step taken by the government to increase the faith and piety of the people of Pekanbaru to realize the vision of the city of Pekanbaru as a civilized metropolitan city. The stipulation of the local regulation gets varied views from the layers of society besides Islam. Although the rule of the area only accommodates Muslims as the majority community in

Pekanbaru, non-Muslims from Protestant (Christian), Catholic, Buddhist, and Hindu religions as minority residents perceive and respond to the application of this local regulation with an attitude of tolerance based on norms that have been taught in religion each. Respect for government policies that are inclined towards Muslim societies is one manifestation that they uphold tolerance to maintain religious pluralism. This, for the sake of creating peace between society.

2. In terms of the siyasah concept, the principle of justice and the principle of equality are the basis for the government in setting policy. If the government's goal is to build a plenary house of worship aimed at realizing a metropolitan civil society by fostering and increasing the faith and piety of the people, then the government should build a house of worship for all religions in the city of Pekanbaru. Realizing the development of an area cannot be applied only to a part of the majority group or the existing community. So, fostering and increasing faith and piety must be done to all Pekanbaru city communities without distinguishing elements of religion, ethnicity, culture, etc.

B. Suggestion

1. Preferably, the Pekanbaru city government needs to consider to add a policy Should, the Pekanbaru city government needs to consider to add a policy regarding a plenary house of worship which is also given to religions other than Islam. So that the formation and improvement of faith and piety also apply to non-Muslims.

2. Supposedly, the government in determining a policy must cover all levels of society so that there is no discrimination. Because the government is obliged to uphold justice and equality for the safety and comfort of the whole community.



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Ruslan Tarigan, S.Pd., M.H. (agama Katolik). *Wawancara*. (Pekanbaru. 04 Februari 2019).



APPENDICES



Photo with a member of Religious Harmony Forum (FKUB)

Name : Mr. Dharmaji Chowmas, S.Si., S.Ag. & Mr. Taslim Prawira, M.A.

Place : in the Office of Religious Harmony Forum at Pekanbaru City.

Date / Time : 16th January 2019 at 11.19 am.



Photo with a staff at the Regional Secretary of Pekanbaru City

Name : Mr. Budi Hidayat

Place : in the Office of Pekanbaru City Government.

Date / Time : 17th January 2019 at 08.57 am.



Photo with a staff of the Ministry of Religion
 Name : Mrs. Nengah Susanti, S.Ag. (a Hindu Community Advisers)
 Place : in the Office of Ministry of Religion Riau Province at Pekanbaru City.
 Date / Time : 24th January 2019 at 09.40 am.



Photo with a staff of the Ministry of Religion
 Name : Mrs. Korri Simanjuntak (the Filed of Development of the Catholic Community's Education Workforce)
 Place : in the Office of Ministry of Religion Riau Province at Pekanbaru City.
 Date / Time : 24th January 2019 at 10.20 am.



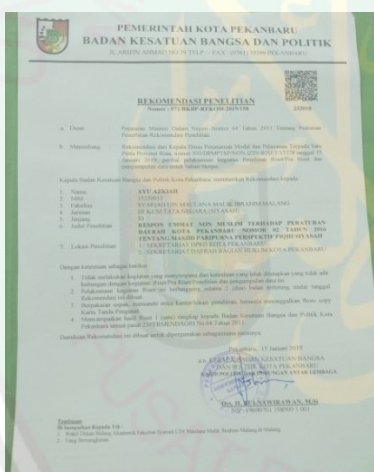
Photo with member of Religious Harmony Forum (FKUB)
 Name : Mr. Kawit, S.Ag., Mr. Drs. M. Nur Anan Domo, M.A.,
 Mr. Lukas Debararaja, M.A. & Mr. Eldi Putra, S.H.
 Place : in the Office of Religious Harmony Forum at Pekanbaru
 City.
 Date / Time : 25th January 2019 at 09.48 am.



Photo with Assembly at Regional (DPRD)
 Name : Mrs. Hj. Yurni & Mr. Dapot Sinaga, S.E.
 Place : in the Office of Assembly at Regional at Pekanbaru
 City.
 Date / Time : 29th January 2019 at 11.38 am.



Photo with Assembly at Regionl (DPRD)
 Name : Mr. Ruslan Tarigan, S.Pd., M.H.
 Palce : in the Office of Assembly at Regional at Pekanbaru City.
 Date / Time : 04th February 2019 at 10.10 am.



Research License



The Plenary Mosque of Pekanbaru City
(Masjid Agung Ar-Rahman)



The Plenary Mosque of Pekanbaru City sub-district
(Masjid Al-Falah Darul Muttaqin)

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Acknowledged by:

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