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## **The Function Of Sharia-Based Regional Regulations On Education And Social Services In The Regions**

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### **Abstract**

*Through access to regional autonomy, the desire of various regions to formulate Islamic law into their laws and regulations in order to fulfill rights and obligations and respond to various problems of society becomes more open. Therefore, the purpose of this research is to reveal how the function of Sharia Regional Regulations in the implementation and fulfillment of basic service duties of local government, especially from the aspects of education and socio-culture in Gorontalo Province. This type of research includes normative legal research supported by empirical data, which examines comprehensively and analytically the primary and secondary legal materials, using statute approach and case approach. The result of the research indicates that the existence of these regional regulations is one of the provisions ensured in Law no. 23 of 2014 on Local Government and Government Regulation Number 38 of 2007 on the Division of Government Affairs, between the Provincial Government and Regency/Municipal Government. The regional regulations drafted and compiled by the Gorontalo provincial government actually assure harmony of life, security, and order. As it is in the field of one's religious education. The existence of the Regional Regulation of Reading and Writing Al-Qur'an in Gorontalo is able to embody the desire of students to develop their education to higher level, as a condition for entering the next school level. Meanwhile, from the socio-cultural aspect, the existence of Regional Regulations on the Prohibition of Gambling, Prostitution, and Liquor, helps the government create order and tranquility in people's lives, maximize regional potential and development, especially with regard to local wisdom. Therefore, the Regional Government requires to implement and maximize the provisions of sharia regional regulations in order to support development, especially those related to basic services in various aspects, in order to maximize the regional potential and local wisdom.*

## 1. Introduction

The existence of Regional Autonomy (OTDA) in this state has become an important and fundamental thing to be implemented nationally. The existence of the OTDA does not only ensure convenience in terms of time and budgeting (efficiency and effectiveness) of government administration, but also as a basis for implementing and aiming democracy, as well as an instrument to achieve prosperity and welfare of its people. In the initial condition, the flow of governmental power starts from the regions to the central government, so the ideal form since the enactment of such a policy, direction and dynamics of power runs the other way, which is from the central to the regional.<sup>3</sup>

In the OTDA, Regional Regulations can take care of government issues, which are the regional authority, that is regulation (substance) and the way of administering government affairs on regional tasks, as the Regional Government has full authority to regulate how to carry out assistance tasks in its territory. Regional Regulations can also regulate the elaboration of higher level of regulation or legislation, in order to embody participation in public services, as well as facilitate policy making at the local level for sustainable development. Therefore, the authority of a region to compile regional regulation is a form of independence in administration of the state order.<sup>4</sup>

As stipulated in Article 18 paragraph (6) of the 1945 Constitution which reads: "*The regional authorities shall have the authority to adopt regional regulations and other regulations to implement autonomy and the duty of assistance*". In addition, it is also contained in Law Number 23 of 2014 on Regional Government in Article 236 paragraph (1) and (2). Other provisions also exist in Law Number 12 of 2011 on the Formulation of Laws and Regulations, which also states that Regional Authorities can make regional or local regulations.

The Regional Regulation in question is in accordance with the uniqueness of the region and also its diversity. It is stated in Article 18A Paragraph (1) of the 1945 Constitution of the Republic of Indonesia that *the authority relations between the*

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<sup>3</sup> Jazim Hamidi, et.al. (2012). *Teori dan Hukum Perancangan Perda*. Malang: UB Press. p. 4

<sup>4</sup> Ibid. p 6

*central government and the regional authorities of the provinces, regencies and municipalities, or between a province and its regencies and municipalities, shall be regulated by law having regard to the particularities and diversity of each region.*<sup>5</sup> Apart from that, it should also be noted that Article 29, wherein *the State guarantees all persons the freedom of worship, each according to his/her own religion or belief.* Therefore, every person in observing and carrying out worship must be given with freedom, including an area where the majority is Muslim, which is then regulated in order to maximize the process of worship without disturbing minority rights. The Constitution of the State of Indonesia has given its juridical legitimacy to the formalization of Islamic law so that it is transformatively integrated into the political system and constitutional law in Indonesia. This argument is built on the basis of the juridical normative provisions in Article 29 paragraph 1 of the 1945 Constitution of the Republic of Indonesia, which affirms that *the State shall be based upon the belief in the One and Only God.* It means a limited recognition that Islamic law is included as a sub-system of the national law of the Republic of Indonesia.<sup>6</sup>

In fact, however, there are pros and cons, in which the implementation of several regional regulations, especially those with precepts of sharia, is considered to cause problems. It is due to the concern that religious diversity will lead to discrimination between minorities and majority. In addition, some constitutional law experts consider that the sharia local regulations to be incompatible with Indonesian constitutional law. Meanwhile, several parties are concerned about the presence of regional regulation with religious background raises various problems, including being a political commodity, has the potential to be discriminatory and suffer the loss of public trust. In addition, many common people have stated that the application of regional regulations based on religion often discriminates against women and religious minority groups. Regional regulations regulating morality, for example, often assumes women as main subject and perpetrator of adultery and can certainly disrupt the life system and erode people's trust in the government.

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<sup>5</sup> Nggilu, N.M. (2020). Tinjauan Yuridis Pengaturan Sanksi Pidana Dalam Peraturan Daerah Provinsi Gorontalo. *Lambung Mangkurat Law Journal*, 5 (2), 109-121

<sup>6</sup> Rahmatunnair, (2012). Paradigma Formalisasi Hukum Islam di Indonesia, *Jurnal Ahkam* 12 (1): p. 45

Ideologically, it is stated in the Basic of the State (Pancasila), which is that the Indonesian state is not a religious state, but also not a secular state either, as the state must protect and foster all followers of religion without discrimination. Based on this concept, a political basis for national law was created that the law in Indonesia is based on civilized religious tolerance, which means that no public law should be based on a certain religious teaching.<sup>7</sup> Furthermore, based on the principle of nationality, each material contained in the Regional Regulation must reflect the pluralistic nature and character of the Indonesian state and maintain the principle of the Republic of Indonesia, which is the principle of Unity in Diversity (Bhinneka Tunggal Ika). It means that the content of the Regional Regulation must pay attention to the diversity of the population, religion, ethnicity, and class as well as the special conditions of the region and culture. In other words, that each material referred to in the Regional Regulation must not contain discriminatory things based on background, among others, religion, ethnicity, race, class, gender, or social status.

However, in the consideration of other areas such as Aceh, the juridical basis that becomes the legal protection for the implementation of Islamic law in that area is listed in Law no. 11 of 2006 on the Aceh Government. From a legal theory view, the regulation means *lex specialist* in the Regional Government Law. Thus, the implementation of Islamic law in Aceh Province is guided by the legal protection that mandates specificity in the implementation of Islamic law, which is then elaborated through the Aceh Qanun (Regional Regulation).<sup>8</sup> The philosophical basis for implementation of Sharia Regional Regulation in Aceh is the theory of constitution and accommodation. Theory of Constitution is a transformation of the value of religious law into laws and regulations at the regional level, as an obligation based on the state constitution (obligation by constitution). This theory was built on the argument that the 1945 Constitution of the Republic of Indonesia structurally places religion in high position, as previously stated. Meanwhile, the accommodation theory was built on the argument that the state has the obligation to accommodate all legal

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<sup>7</sup> Ummu Salamah & Reinaldo Rianto, (2014). Perda Syariah Dalam Otonomi Daerah, *Jurnal Ilmu Syariah*, 2 (2) : p. 245-254

<sup>8</sup> Masykuri Abdillah. (2013). Hubungan Agama dan Negara dalam Konteks Modernisasi Politik di Era Reformasi, *Jurnal Ahkam*. 12 (2): p. 253.

sub-systems in formalization of regulations at the regional level, which is Islamic law.<sup>9</sup>

Meanwhile, the existence of sharia regional regulations in Gorontalo Province, is often linked to the social and cultural factors of the Gorontalo people, which is inseparable from Islamic law. It is reinforced by the saying of Gorontalo Province as a religious and cultured area through the slogan "*Aadati hula-hula'a to Sara'a, Sara'a hula-hula'a to Kuru'ani*" (Syara'-based customs, Al-Quran-based Syara'). The regional desire to formulate law, especially Islam through the product of laws and regulations, is certainly an important issue and matter to discuss. According to Lukman Syaefuddin, Islamic values as well as customary values have grown and developed in the interactions of the Indonesian people for hundreds of years, so that this value can be absorbed into laws and regulations as long as it benefits the people. This sociological reason indicates that there is an aspirational level in the social life order of the community, in order to form a regional regulation with the precepts of sharia.<sup>10</sup>

Such desire is not merely for OTDA access, but reflection of a religion in society in order to address various problems, so that it is necessary to present the description and analysis of what the benefits of Regional Regulations are especially from the aspects of education, socio-culture, and all matters regarding rights and obligations in the region. Based on the description above, the researcher is interested in taking the title "The Function of Sharia-Based Regional Regulations on Education and Social Services in the Regions (Case Study of Gorontalo Province).

## **2. Problem Statement**

Based on analysis and description of problems related to the existence of sharia-based regional regulations that are considered to trigger various problems above, the researchers took the object of study as to what the function of sharia regional regulations is for the implementation of basic government service tasks in Gorontalo Province, especially from the educational and socio-cultural aspects, in responding to conflicts over the existence of sharia-based regional regulations.

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<sup>9</sup> Abdul Halim. (2013). Membangun Teori Politik Hukum Islam di Indonesia, *Jurnal Ahkam*. 13 (2)

<sup>10</sup> Muhammad Alim. (2010). Perda Syariah dan Hubungannya Dengan Konstitusi, *Jurnal Hukum*, 17 (1), p. 135

### 3. Method

This research is included in the type of normative legal research, supported by empirical data<sup>11</sup>. The applied research model is in the form of a comprehensive review of primary and secondary legal materials, which are analyzed by statute approach that is related to the legal basis used by Law No. 23/2014 and Government Regulation No. 38 of 2007 on the Division of Government Affairs between the Government, Provincial Government, and Regency/Municipal Government, and uses a case approach regarding the existence of sharia-based regional regulations implemented in Gorontalo.

### 4. Discussion

According to M. Solly Lubis, quoted in his book *Suprin Na'A*<sup>12</sup>, there are 3 (three) foundations for the formulation of laws and regulations, which are:

- a. philosophical (basic philosophy or ideas or views and become ideals when formulating policies (governance) in a plan or draft of regulations.
- b. juridical, constitutes a legal provision as a basis for the drafting of a law and regulation.
- c. political, is the line of a political policy as the next basis for determining policy and direction of governance in a state.

In line with it, Rosjidi Ranggawidjaja stated that a good rule has at least 3 bases, namely philosophical, sociological and a juridical foundation as follows:

- a) *grondslag* philosophy means a philosophy and a state way of life and contains values and morals as well as ethics.
- b) *sociologische* means the conviction and legal awareness of community groups, so that the prepared laws and regulations can be observed by the community.
- c) *juridische gelding*, which is based on a law as the basis for determining authority and drafting regulations.

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<sup>11</sup> Soerjono Soekanto, *Pengantar Penelitian Hukum*, Jakarta: Universitas Indonesia, p. 51

<sup>12</sup> Suprin Na'a, (2004). *Perda dalam Perspektif Ilmu Perundang-undangan*, Palu: Tadulako University Press, p.75-76

Meanwhile, Law Number 12 of 2011 stipulates that the content of the regulations contains the principles:

- Protection;
- Humanity;
- Nationality;
- Kinship;
- Archipelagic;
- Unity in diversity (Bhineka tunggal ika);
- Justice;
- Equality in law and government;
- Legal order and certainty; and/or
- Balance, harmony, and conformity.

Referring to Made Suwandi,<sup>13</sup> that the effort to maximize the ability of local governments in implementing autonomy, philosophically requires knowledge of basic elements that make up the government as a government entity. There are at least 7 (seven) basic elements, i.e. (1) Government authority/affairs; (2) Institutional; (3) Personnel; (4) Finance; (5) Representatives; (6) Community services; and (7) Guidance and supervision, as important targets in reviewing regional governance in the effort to achieve democratization and welfare at the local level. Furthermore, Government Regulation No. 38 of 2007 on the Division of Government Affairs between the Government, Provincial Government, and Regency/Municipal Government, compiles and divides (government) affairs by using 3 criteria, which are externalities, accountability, and efficiency. This path is taken so that all matters have clarity on who and what is the Central, Provincial and Regency as well as Municipal Authorities.

In the concept of autonomy, there is the principle of decentralization or delegation of authority, and it was recorded in 1903 during the Dutch colonial period called the

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<sup>13</sup> Made Suwandi, *Hubungan Pemerintah Pusat dan Pemerintah Daerah*, Conference Pemerintah Daerah antara Indonesia dan Jepang, IPDN Jatinaror-Sumedang 26-27 Oktober 2010.

decentralization law.<sup>14</sup> According to Fadillah<sup>15</sup>, decentralization means the implementation of all matters that were originally the authority of regional governments to regulate and manage government within the framework of the Republic of Indonesia. Meanwhile, in implementing the decentralization principle, according to Utang Rosidin,<sup>16</sup> it has the main objective, which is political and economic goals. Politics aims at the regional level to channel political participation for the embodiment of national political stability, and the economy is aimed at effective and efficient development for the welfare of the people in the regions.

In addition, there is also the principle of *Deconcentration*, which, according to Utang Rosidin<sup>17</sup>, is a central government affair. Not all matters are left to the local government in order to maintain the integrity of the Republic of Indonesia. Therefore, in order to implement the principle of deconcentration, cooperation is required in terms of accepting the delegation of authority by the government to the Governor as the representative of central government, and/or to vertical agencies in an area to be implemented<sup>18</sup>. Another principle is the *Assistance Task* which, according to Johan Jasin<sup>19</sup>, is a reflection of decentralization and deconcentration system as a form of governments' assignment procedures to regions and/or villages. From the above definition, it can be understood that the assistance task is carried out so that the Provincial Government goes to the regency or municipal and regency or municipal to the village, in order to carry out the given government affairs, with the obligation to be accountable for the implementation of its duties to the assignor.

Referring to the principle of Deconcentration, which is to delegate part of the central government affairs to vertical agencies in the regions, all social affairs can be carried out, especially through the formation and enforcement of sharia-based regional regulations by the Governor as the person in charge and representative of the Central

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<sup>14</sup> Bungaran Antonius Simajuntak, *et.al.*, (2010), *Otonomi Daerah, Etnonasionalisme, dan Masa Depan Indonesia: Berapa Persen Lagi Tanah dan Air Nusantara Milik Rakyat*, Jakarta: Yayasan Pustaka Obor Indonesia, p.2

<sup>15</sup> Fadillah Amin, (2019), *Penganggaran Di Pemerintah Daerah Dalam Perspektif Teoritis, Normatif, Dan Empiris*, Malang: UB Press, p. 14.

<sup>16</sup> Utang Rosidin, (2015), *Otonomi Daerah Dan Desentralisasi*, Bandung: Pustaka Setia, p. 76.

<sup>17</sup> *Ibid.*, p. 78

<sup>18</sup> Arifin Tahir. (2013), *Kebijakan Publik (Teori Dan Aplikasi)*, Yogyakarta: Deepublish, p. 138.

<sup>19</sup> Johan Jasin. (2016), *Hukum Tata Negara Suatu Pengantar Jilid 2*, Yogyakarta: Deepublish, p. 47



Government. It aims to ensure the principle of order and legal certainty as the goal of the formation of regulations. It refers to Article 9 as well as Article 10 Paragraph (2) of the Regional Government Law, where for the administration of affairs, the central government can make it alone or delegate it to the regions and it is carried out by the Governor. The details can be explained in the provisions of law Number 23 of 2014 on Regional Government, Article 9 states as follows:<sup>20</sup>

1. Governmental affairs e.g., Absolute, Concurrent, and General Government affairs.
2. In relation to absolute governmental affairs in Paragraph (1), it is fully part of the authority of Central Government.
3. Concurrence as referred to in paragraph 1 is divided into the Central Government affairs as well as provincial and regency as well as municipal government affairs.
4. Concurrent affairs that are part of the Region are the basis for OTDA implementation.

Article 11 paragraph:

1. Concurrent-related affairs in Article 9 paragraph (3) are regional authorities consisting of Mandatory Government and Optional Government Affairs.
2. *Mandatory Government Affairs* in paragraph (1) consist of Government related to *Basic Services* as well as those *unrelated to Basic Services*.
3. Related to Mandatory Government and related to Basic Services in paragraph (2) are mandatory government affairs and part of the substance as Basic Services.

**Article 12 paragraph (1):**

*Mandatory Government Affairs related to Basic Services* (Article 11 paragraph (2)) includes the sector of:

- a. education
- b. health

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<sup>20</sup> Pasal 9 Undang-Undang. Nomor 23 Tahun 2014 tentang Pemerintahan Daerah

- c. public works/spatial planning;
- d. public housing affairs and residential areas;
- e. security, public order, and community protection; and
- f. social.

Apart from being regulated in the provisions above, Government affairs and becoming the Authority of the Regional Government are also contained in Government Regulation Number 38 of 2007 on the Distribution of Government Affairs between the Provincial Government, and the Regency and Municipal Regional Government, as regulated in several Articles as follows:

Article 6 paragraph:<sup>21</sup>

1. Provincial and Regency as well as Municipal governments, regulate and administer government affairs and are based on the criteria for division of functions as in Article 4 paragraph (1) that has become their authorities.
2. Such governmental affairs (in paragraph 1) consist of mandatory and optional affairs.

Article 7 paragraph:

1. Mandatory affairs as referred to in Article 6 paragraph (2) are mandatory government affairs, which are administered by the provincial government as well as regency/municipal regional governments, and are related to a basic service.
2. Related to the mandatory affairs in paragraph (1) in the form of; education, health, environment, public works, spatial planning, housing development planning, youth and sports, investment, cooperatives and small and medium enterprises, population and civil registration, employment, food security, women's empowerment and child protection, family planning and prosperous family, transportation, communication and informatics, land affairs, national unity and domestic politics, regional autonomy, general government, regional

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<sup>21</sup> Peraturan Pemerintah Nomor 38 Tahun 2007 tentang Pembagian Urusan Pemerintahan Antara Pemerintah, Pemerintahan Daerah Provinsi, dan Pemerintahan Daerah Kabupaten/Kota

financial administration, regional government employment, community and village empowerment, social, cultural, statistical, archival and libraries.

Considering that the process of forming a sharia regional regulation in Gorontalo is the need and desire of the Gorontalo people as a customary area, this regulation is a political product created and drafted by representatives of the people (politicians) together with the government (executive) as an implementation of provisions of Law no. 23/2014 and Government Regulation No. 38/2007. Based on previous research, this sharia-based regulation is unlikely to cause religious conflict as the scope of its regulation is specific to its adherents. With regard to the function of sharia regional regulations for basic services of the Gorontalo Province local government, it will be described by researchers that is more focused on the sector of Education and Socio-Culture.

### **1. Basic Service Functions in the Education Sector**

The existence of the Regional Regulation of Reading and Writing Al-Qur'an in the Gorontalo City, which has been enacted, and then for the Provincial level that discussion of the draft has also been annulled some time ago actually has advantages, as recognized by several community leaders, educators, religious leaders, and even legislators. They consider that the policy of implementing Regional Autonomy, which is elaborated through regional regulation products, is solely for the purpose of making public decisions and is an effort and responsive attitude indicated by the government in providing services and meeting the social interests of the community. It aims to embody development in various fields based on legal corridors and provisions.<sup>22</sup>

The view of religion that is not under the authority of regional government, accordingly, needs to be reviewed, as the existence of the Regional Regulation on Reading and Writing of the Qur'an actually has the aim of making the community better understand and master the reading of the Holy Verses of their religion. Furthermore, there are various lessons learned from the existence of a local

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<sup>22</sup> Achir, N & Kamba, S.N.M. (2020). Peraturan Daerah Bernuansyah Syariah dan Hubungannya Dengan Pelaksanaan Tugas Serta Kewajiban Pemerintah Daerah, *Jurnal Ilmiah Penegakan Hukum*, 7 (2), p. 126-132

regulation on eradicating illiteracy in the Al-Qur'an, which is implementing one's religious values through learning and deepening the holy book, which will then be implemented in one's life that also has an impact on their social relationships. Apart from containing an educational element, it can also be viewed that the existence of regional regulation does not interfere with anyone's interests, even its application is carried out in areas with the intended cultural and religious background.

With regard to the important role of the holy book of Al-Quran for human life, thus an introduction to the it is absolutely necessary. The effort to introduce the Al-Quran is not only from the physical and historical aspects, but more important is how a Muslim may and is able to read and understand the meaning and significance contained in every item of its verses. It is because that the aspect of ability to read and write Al-Quran is the main thing that a Muslim should know and master.<sup>23</sup> Therefore, every Muslim absolutely has the ability to read and write it so that he can implement it in his daily life.

The reason for manifestation of values in the Al-Quran is that the Gorontalo Provincial Government has established religion as philosophical basis of regional development in order to preserve the culture of reading and writing Al-Quran through one policy, which is Government Regulation No. 6 of 2012 on Obligation of Reading and Writing the Al-Quran letters for the Muslim community. The purpose of regional regulation as stipulated in Article 3 points (a) and (b) that reads: "(a) improve understanding and ability on reading and writing the letters of the Al-qur'an and value the Al-qur'an to be put into practice in daily life and; (b) make it easier for people to read and write the letters of Al-Quran".

In this Government Regulation, there is Chapter 1 Article 1 verse 9, which explains that: "Education of reading and writing the letters of Al-Quran is a systematic effort in order to develop the ability to read, write and understand as well as put into practice the contents of the Al-Quran". Based on this explanation, it is possible to apply that every Muslim is able to master and understand as well as have the ability to read the Al-Quran so that he can apply it in social life. In fact, the regional regulations on

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<sup>23</sup> Muharam, Zulfison. (2003). *Belajar Mudah Membaca Al-qur'an dengan Metode Mandiri*, Jakarta: Ciputat Press. p. 1

education for the Al-qur'an for the Muslim community are aimed solely at eradicating illiteracy in the Al-Quran, as the holy book of Muslims is a source of knowledge and becomes a guiding principle in life for its people.

Furthermore, in Gorontalo Province, especially in the Gorontalo City area, an important requirement for a prospective student to enter junior high school or senior high school is the mastering or being able to read the Al-Qur'an well. Therefore, the existence of Regional Regulation on Reading and Writing the Qur'an indirectly motivates students to be able to complete their reading of the holy book. Moreover, another goal is to carry out their duties as God's servant and carry out worship perfectly in order to encourage their piety. Interestingly, with the existence of this regulation, all employees in Gorontalo City are able to read and master the Al-Qur'an as it becomes the provisions to be compulsorily implemented.

It is in line with the contents of Article 31 of the 1945 Constitution, as follows:

- Paragraph 1: Every citizen has the right to receive education.
- Paragraph 2: Every citizen has the obligation to undertake basic education, and the government has the obligation to fund this.
- Paragraph 3: The government shall manage and organize one system of national education, which shall increase the level of spiritual belief, devoutness and moral character in the context of developing the life of the nation and shall be regulated by law.
- Paragraph 4: The state shall prioritize the budget for education to a minimum of 20% of the State Budget and of the Regional Budgets to fulfil the needs of implementation of national education.
- Paragraph 5: The government shall advance science and technology with the highest respect for religious values and national unity for the advancement of civilization and prosperity of humankind.

It is clearly seen in the provisions of the Basic Law (Constitution) that the implementation of education is based on religion, it aims to support the encouragement in one's faith and piety, and create good morals for the improvement and welfare of society.

## 2. Social and Cultural Service Functions

In addition, Gorontalo as a province with the largest number of Muslims has an active role in materializing the welfare of community, by optimizing various potentials, not only through education but also from other aspects such as management of *zakat* for the community. This opportunity is considered capable of carrying out poverty alleviation, certainly through good and appropriate management and mechanisms in order to obtain maximum results. The potential for *zakat* that can be developed to alleviate poverty is productive *zakat*.<sup>24</sup> The majority of Indonesia's population is Muslim. One of the purposes of *zakat* is to help the underprivileged. As regulated in Law no. 23 of 2011 that mandates the Government to provide facilities to Baznas in order to manage *zakat*, *infaq*, and alms. Thus, *zakat* has the potential to help social problems in society, especially in improving welfare.<sup>25</sup>

Therefore, the provisions of the Regional Regulation in Bone Bolango Regency No. 11 of 2012 on the Management of the Amil Zakat Board, aims to prosper the community. It is in line with the government's mandatory basic service duties in the social sector, as a solution to poverty alleviation in the surrounding areas. The potential for *zakat* in society is quite large, thus if it is not managed properly, it can be detrimental. Therefore, a solution through the issuance of this regional regulation is an effort that is aimed at the interests of regional development and helping people's lives in a better direction.

Based on the data, the total *zakat* collected each year from 312,536 *Muzakki* in Gorontalo Province is 5 billion Rupiah or even more. In fact, the potential for *zakat* in Gorontalo is far greater than that. It is because that another potential can be from *infaq*, with the assumption that this area is nicknamed as the Veranda of Medina, which is known as the Area of 1000 Mosques. Therefore, it is assumed that every Friday the cash income from *infaq* is an average of Rp. 2,000/person multiplied by

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<sup>24</sup> Andi Mardiana. (2014). Potensi Zakat di Provinsi Gorontalo. *Jurnal Al-Mizan*, 10 (1): p. 38

<sup>25</sup> Kasim. N.M., Kamba, S.N.M. (2020), Strategi Peningkatan Pemberdayaan Ekonomi Masyarakat Melalui Zakat di Desa Taluduyunu, *Jurnal Abdidas*, 1 (6): p. 504-507

the number of people praying for an average of 40 people per mosque, then it will be Rp. 3,840,000,000/year from the potential *infaq*.<sup>26</sup>

Moreover, in Gorontalo Province, there are also regional regulations on the Prohibition of Gambling, Prostitution, and Liquor, which function to regulate the structure of life in the socio-cultural aspect. Gorontalo is an area with condensed customs, in which almost every aspect of life has cultural and moral values, from speech to the implementation of ancestral behavior and habits. Therefore, the contents of regional regulation essentially contain custom (tradition) values as part of the culture of people's life in an area, in this case is Gorontalo, that is known as the Veranda of Medina (*Bumi Serambi Madinah*).

Other public problems regulated through the provisions of regional regulations that are considered as religious orders, such as regional regulations regarding the prohibition of gambling, prostitution, and liquor, should not be viewed and generalized as merely religious matters, but also social and community problems. The sharia-based regional regulation that was formed and initiated by Gorontalo Province did not violate the principle of its formation, as it contains social and community elements, which could embody sustainable development in its territory, especially in the humanitarian sector. The reason is that the Regional Regulations containing the substance of good behavior as referred to above, can actually assist local governments in minimizing negative actions in society, including creating security and order. With the existence of regional regulation in prohibiting gambling and liquor, it will at least reduce the crime rate, as recognized by the local government of Gorontalo City, which carries out routine operations in certain places that have the potential to become locations for immorality and gambling.

Another important consideration is the provisions of Government Regulation No. 38 of 2007 that divides government affairs using three criteria, which are externalities, accountability and efficiency. The formed regional regulations are able to maximize the development of Provinces and Regencies/Municipals in Gorontalo, especially in terms of clear accountability, as well as monitoring that can run optimally, effectively,

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<sup>26</sup> Ibid, p. 44

and efficiently. Based on the description and background of the formation of Sharia regional government in Gorontalo, in essence, it is based on the provisions of the laws and regulations concerning the obligations of the Regional Government to carry out basic service tasks to the community, and must be carried out by the regions.

## 5. Conclusion

Regional Regulations were formed based on the legitimacy of Law no. 23 of 2014 and Government Regulation 38 of 2007, including the existence of sharia-based regional regulation initiated by the Gorontalo Province regional government as a means of implementing regional autonomy. The regional regulation drafted by the Gorontalo Regional Government disregards no minority rights but ensures harmony of life, security and order as well as assures one's religious and moral education. Regional regulation actually has function as a medium to assist local governments in carrying out basic service tasks to the community, particularly in the educational and socio-cultural aspects. From the aspect of education, the existence of the Regional Regulation of Reading and Writing Al-Qur'an in Gorontalo is able to embody the desire of students in order to develop their education to higher level, as a condition for entering the next school level, which requires a good mastery of reading and writing the Al-Qur'an. Meanwhile, from the socio-cultural aspect, the existence of Regional Regulation on the Prohibition of Gambling, Prostitution, and Liquor, helps the government create order and tranquility in people's lives, as well as maximize the potential for regional development, particularly with regard to local wisdom.

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