



**The Practice of Wearing Hijab among Female Students of Al-Aziziyah
Samalanga Islamic Institute, Bireuen: Study of Islamic Law
and Legal Politics**

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Abstract: This study discusses the practice of wearing hijab among students of the Islamic Institute of Al-Aziziyah Bireuen. This research is an empirical legal study that employs an Islamic legal approach, specifically the *maṣlahah* theory and legal politics. Utilized data collection methods include literature reviews, interviews, and observations. The findings of this study indicate that there are divergent opinions among fiqh scholars concerning the issue of *niqāb*. Guarantees of protection and comfort in interacting with the general public encourage the use of *niqāb*. The practice of wearing *niqāb* by Al-Aziziyah students is carried out on an essential awareness and upholds the values of adherence to the recommendations of Shari'a and regulations set by the educational institution where they study. Al-Aziziyah Islamic institute students use the *niqāb*, without judging it as a compulsion, let alone rebelling against the requirements for wearing the *niqāb*. They even feel the benefits of using the *niqāb* as part of the identity of a Muslim woman. This study also concludes that, from a legal standpoint, the Aceh Qanun regarding Muslim attire and *tawṣiyah* from the Ulama Consultative Council is a government policy intended to protect and advance the community. It is especially to be better and more dignified, as the primary objective of Islamic law is to improve humanity.

Keywords: Hijab, niqāb, student of Al-Aziziyah, Islamic law, legal politics.

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Abstrak: *Kajian ini membahas tentang praktik pemakaian hijab pada mahasiswi Institut Agama Islam al-Aziziyah Bireuen. Studi ini merupakan penelitian hukum empiris dengan menggunakan pendekatan hukum Islam khususnya teori masalah dan politik hukum. Teknik pengumpulan data yang digunakan adalah studi literatur, wawancara dan observasi. Penelitian ini menyimpulkan bahwa walaupun persoalan niqāb masih terjadi perbedaan pendapat di kalangan ulama fikih. Jaminan perlindungan dan kenyamanan dalam berinteraksi di lingkungan masyarakat umum memperkuat sikap mereka menggunakan niqāb. Praktik penggunaan niqāb oleh mahasiswi Al-Aziziyah dilakukan atas dasar kesadaran dan menjunjung tinggi nilai-nilai ketaatan terhadap anjuran syari'at dan peraturan yang ditetapkan oleh lembaga pendidikan tempat mereka belajar. Mahasiswi Institut Agama Islam Al-Aziziyah menggunakan niqāb, tanpa menilai sebagai keterpaksaan, apalagi melakukan protes terhadap peraturan menggunakan niqāb. Bahkan mereka telah merasakan manfaat dan kemaslahatan menggunakan niqāb menjadi bagian dari identitas seorang muslimah. Penelitian ini juga menyimpulkan bahwa Qanun Aceh tentang busana muslimah dan tausiyah dari Majelis Permusyawaratan Ulama dari sudut politik hukum merupakan kebijakan pemerintah untuk melindungi dan memposisikan masyarakat terutama perempuan lebih terhormat dan bermartabat, karena tujuan utama syariat Islam adalah untuk kemaslahatan manusia.*

Kata Kunci: *Hijab, niqāb, mahasiswi Al-Aziziyah, hukum Islam, politik hukum.*

Introduction

Pesantren (Islamic boarding school) is an original educational institution in Indonesia that teaches its students the values of Islamic law. The development of *pesantren* (*dayah* in Acehnese terms, *surau* known in Minangkabau) over time illustrates its essential role in society. It is not only a matter of religious education, social skills, leadership, and, more importantly, the cultivation of good moral values exemplified by the *kiyai* or *teungku*. The principle adopted is to maintain the good old traditions and adopt the new, better ones.¹ It is therefore not unexpected that Islamic boarding schools in Indonesia teach moderate Islamic law.

¹Hanun Asrohah, "The Dynamic of Pesantren: Respon Toward Modernity and Mechanism in Organizing Transformation," *Journal of Indonesian Islam* 5, No. 1 (2011), p. 66-90. Ronald Lukens-Bull, "The Traditional of Pluralism, Accomodation, and anti-Radicalism in the Pesantren Community," *Journal of Indonesian Islam* 2, No. 1 (2008), p. 1-15.

The practice of covering *'awrah* (the intimate body parts, for both man and woman, which must be covered with clothing) or wearing the hijab is one of the facts that may be observed in *pesantren*'s life. "Hijab" is a term in Islamic law that is used to conceal women's bodies. Women were created by Allah SWT as gentle creatures, hence it is unfortunate that some of them engage in defamation by exposing their bodies. Therefore, Islamic law mandates the hijab for the avoidance of sin and the betterment of human life.²

The command to wear the hijab is contained in verse 53 of surat al-Aḥzāb. One form of hijab is the *niqāb* (face covering),³ namely a woman's face covering or often known as a veil in Indonesian. Hijab in the form of *niqāb* is used by some Muslim communities, including students of the Al-Aziziyah Islamic Institute. They have diverse educational backgrounds; some have attended *Salafiyah* (traditional) boarding schools, modern boarding schools, and public schools, as the education system in Aceh and Indonesia is composed of these three systems.⁴

Due to the rules imposed by the *pesantren*, students educated in the *Salafiyah* Islamic boarding school background and some modern Islamic boarding schools are accustomed to using the *niqāb*. In contrast, female students who attended public schools and some modern Islamic boarding schools that do not enforce the *niqāb*'s usage guidelines are not accustomed to wearing one. This difference impacts on the different perceptions of female students who have never used the *niqāb* when pursuing their education at the Al-Aziziyah Institute of Islam Samalanga. This is an intriguing observation on the Al-Aziziyah campus, where some female students do not wear the hijab and others do. Based on the above conditions, the focus of this study is on the arguments of Al-Aziziyah female students who wear the hijab, as well as the analysis of Fiqh and sociological viewpoints on the wearing of the hijab.

The study of hijab, especially the *niqāb*, is very significant to be studied in-depth, significantly when it is associated with the practices carried out by Al-Aziziyah campus students. No specific research has been conducted on the use of the *niqāb* by the academic community on a dayah-based (traditional Islamic school) campus. A study was conducted by Mutiara Sukma Novri concerning the meaning of the face-veil (*cadar*) at the Umar bin Khattab Mosque, Pekanbaru. The results of this study indicate that the meaning of face-veiled

²Ratna Wijayanti, "Jilbab sebagai Etika Busana Muslimah dalam Perspektif al-Qur'an," *Cakrawala* 12, No. 2 (2017), p. 151-170. Kuntarto, "Konsep Jilbab dalam Pandangan Para Ulama dan Hukum Islam," *An-Nidzam* 3, No. 1 (2016), p. 35-62.

³ Mahmud Yunus, *Kamus Arab-Indonesia* (Jakarta: Haida Karya Agung, 1990), p. 464.

⁴Eka Srimulyani, "Islamic Schooling in Aceh: Change, Reform, and Local Context," *Studia Islamika* 20, No. 3 (2003).

women in the recitation of the Umar bin Khattab mosque as a religious commandment comprises *sunnah* law and is believed to be mandatory. The veil can also provide comfort for them and, at the same time, a fortress to avoid immoral acts.⁵ In addition, research conducted by Toha Andiko focused on the policy prohibiting the use of the veil in universities.⁶ Based on existing studies, this study focuses on the study of the practice of *niqāb* as an official rule in higher education, especially in boarding school-based campuses or Islamic boarding schools, with a *maṣlahah* (benefits) perspective and legal politics.

This research is an empirical legal study that employs an Islamic legal approach, specifically the *maṣlahah* theory and legal politics.⁷ The data was gathered through a review of the relevant literature, interviews and observations. The data obtained from the opinions of *fiqh* scholars was then analysed in conjunction with actual data gained through interviews with students of the Al-Aziziyah Islamic Institute, Samalanga, Bireuen.

Aurat and Hijab: Islam Law Provisions and Social Considerations

According to Islamic law, “*awrah* is a body part that must be covered according to Islamic law.⁸ This understanding is in line with the principles of Islamic teachings, but is still general, without any clear boundaries on which body parts that must be covered. From the concept of “*awrah* proposed by Wahbah al-Zuhaylī, specific areas of the human body must be covered in accordance with Islamic law and cannot be exposed.⁹

According to Lois Ma'luf, a *niqāb* is a head covering that a woman places on the tip of her nose and that conceals her face.¹⁰ The *niqāb* referred to in this study is a head covering that was placed by a student at the Al-Aziziyah Samalanga Islamic Institute on the tip of her nose and partially covered her face.

The use of the *niqāb* has existed before Islam was prescribed. This condition was expressed by Abdul Halim Abu Syuqqah in *al-Niqāb fī Syarī'ah*

⁵ Nova Yohana Mutiara Sukma Novri, “Konstruksi Makna Cadar Oleh Wanita Bercadar Jamaah Pengajian Masjid Umar Bin Khattab Kelurahan Delima Kecamatan Tampan Pekanbaru,” *JOM FISIP* 3, no. 1 (2016): 1–12.

⁶ Toha Andiko, “Larangan Bercadar di Perguruan Tinggi Perspektif Sadd al-Dzarī'ah,” *Madania* 22, no. 1 (2018), p. 113–30.

⁷ Juhaya S. Praja, *Teori Hukum dan Aplikasinya* (Bandung: Pustaka Setia, 2014); Lexi J. Moleong, *Metode Penelitian Kualitatif*, cet. xxiv (Bandung: Remaja Rosda Karya, 2007), p. 49.

⁸ Departemen Pendidikan dan Kebudayaan, *Kamus Besar Bahasa Indonesia* (Jakarta: Balai Pustaka, 2008), p. 122.

⁹ Wahbah al-Zuhaylī, *al-Fiqh al-Islāmī Wa Adillatuh* (Suriah: Dār al-Fikr bi al-Damsyiq, n.d.), p. 640.

¹⁰ Lūis Ma'lūf, *al-Munjid fī al-Lughah wa al-'Alām* (Bayrūt: Maktabah Syarqiyah, 1984), p. 829.

al-Islām, that the *niqāb* was part of one type of clothing worn by some women during Jahiliyyah period.¹¹ This clothing model lasted until Islam came and the Prophet did not question the model, but at the same time did not oblige, encourage, or recommend the *niqāb* to women. This is not the same as the *ummahāt al-mukminīn* (the wives of the Prophet). In particular, they are ordered to wear the hijab inside the house and cover their entire body and face when they depart.

In the early days of Islam, few women donned the *niqāb* because it was not a common practice among Muslim women. Abdul Halim conveyed this opinion in his book *Tahrīr al-Mar'ah fī 'Aṣr al-Risālah*.¹² Presently, the use of the *niqāb* has become common and has been noted in many countries.

Scholars have different opinions on whether a woman's face is part of the *'awrah* (body part that must be covered), or exposed. This distinction affects the legal standing of *niqāb* use. Al-Haskafī, one of the Hanafis, said:

والمرأة كالرجل، لكنها تكشف وجهها لا رأسها، ولو سَدَّكَتْ شيئًا عليه وَجَافَتْهُ جاز، بل يندب.

The woman *'awrah* while performing prayer is comparable to that of men. Nevertheless, a woman's face is exposed while her head is covered. If a woman wears something on her face or covers it, such actions are permitted and even recommended.¹³ This opinion indicates that wearing the *niqāb* is allowed but not advised. Furthermore, Alauddin said that the woman's entire body is *'awrah*, except for the face and her palms inside. Other *riwāyah* mention that the outer palms are also *'awrah*. Similarly, the female voice is also a component of the *'awrah*. The face, inner and outer palms are not parts that must be covered when in the presence of other women. It differs from the situation in front of men. Faces and hands of women should be covered if the possibility of slander exists.¹⁴

وجميع بدن الحرة عورة إلا وجهها وكفيها، وقدميها في رواية، وكذا صوتها، وليس بعورة على الأُشبه، وإنما يؤدي إلى الفتنة، ولذا تمنع من كشف وجهها بين الرجال للفتنة.

In this context, he advises women to cover their faces in the presence of the men who would malign them. The word of suggestion for women to cover their face and palms is regarded as a *sunnah*, not an obligation. Ibn Abidin also states that women are forbidden to reveal their faces for fear of being seen by

¹¹ 'Abd al-Halīm Abū Syuqqah, *al-Niqāb fī Syar'ah al-Islām* (Bayrūt: Dār al-Fikr, 2008), p. 48.

¹² 'Abd al-Halīm Abū Syuqqah, *Tahrīr al-Mar'ah fī 'Aṣr al-Risālah*, Juz'u 4 (Kuwait: Dār al-Qalām, 2002), p. 215.

¹³ Al-Hashkafī, *Durr al-Mukhtār* (Bayrūt: Dār al-Kutub Ilmiah, 2002), p. 189.

¹⁴ Alā' al-Dīn, *Dār al-Muntaqā* (Bayrūt: Dār al-Kutub Ilmiyyah, 1999), p. 81.

men, which leads to the emergence of slander. Moreover, men perceive lustful qualities in women's looks. In addition, men perceive the faces of women to have components of lust.¹⁵

تمنع من الكشف لخوف أن يرى الرجال وجهها فتقع الفتنة، لأنه مع الكشف قد يقع النظر إليها بشهوة.

Maliki scholars also have different views on the use of the niqāb due to the situation, time, place, and presence of women. Al-Zarqani mentions that the ‘*awrah* of women in front of Muslim men is the entire body (including the seductive chanting voice), except for the face and palms of the hand. The face and palms may be exposed if there is a need, such as testimony or (medical) treatment. However, if it raises concerns about defamation or promotes lust for those who see it, then the act of opening or revealing the ‘*awrah* is prohibited (*haram*). This idea was also conveyed by al-Fakihani and Qalsyani.¹⁶

وعورة الحرة مع رجل أجنبي مسلم غير الوجه والكفين من جميع جسدها، حتى دلائلها وقصتها .
وأما الوجه والكفان ظاهرهما وباطنهما، فله رؤيتهما مكشوفين ولو شابة بلا عذر من شهادة أو طب، إلا لخوف فتنة أو قصد لذة فيحر، كنظر لأمرد، كما للفاكحاني والقلشاني.

The same thing was conveyed by Ibn Arabi who stated that all women's bodies are ‘*awrah*, both body and voice. Women are not allowed to show their ‘*awrah* except for emergency conditions or urgent needs, such as testimony or treatment of their bodies.¹⁷

والمرأة كلها عورة، بدنّها، وصوتها، فلا يجوز كشف ذلك إلا لضرورة، أو لحاجة، كالشهادة عليها، أو داء يكون بدنّها، أو سؤالها عما يعنُّ ويعرض عندها.

Al-Hattab explained that if there is a fear of slander, then the woman must cover her face and palms. It is in line with the idea of Al-Qadhi Abdul Wahhab, and Shaykh Ahmad Zarruq in *Syarh al-Risalah*.¹⁸

¹⁵ Ibnu 'Ābidīn, *Durr al-Mukhtasar* (Bayrūt: Dār al-Kutub Ilmiyyah, 2000), p. 188.

¹⁶ Imām al-Khalīl, *Mukhtasar al-Khalīl*, (Bayrūt: Dār al-Kutub Ilmiyyah, n.d.), p. 176.

¹⁷ Ibnu 'Arabī, *Aḥkam al-Qurān*, (Bayrūt: Dar al-Kutub al-Ilmiyyah, 2002), p. 616.

¹⁸ Al-Ḥaṭṭāb, *Mawāhib al-Jalīl Syarḥ Mukhtaṣar Khalīl*, 3rd ed. (Bayrūt: Dār al-Kutub al-'Arabiyah, n.d.), p. 499.

واعلم أنه إن حُشي من المرأة الفتنة يجب عليها ستر الوجه والكفين. قاله القاضي عبد الوهاب، ونقله عنه الشيخ أحمد زروق في شرح الرسالة، وهو ظاهر التوضيح.

Syafi'i scholars believe that a woman's *awrah* in front of an *ajnabī* (*non-mahram*) is the whole body. Thus, they required women to wear face veils in front of them. This viewpoint is held by Syafi'i school of thought. Al-Syarwani mentioned three types of female *'awrah*: First, the *'awrah* inside prayer (the whole body except the face and palms). Second, the *'awrah* in front of *non-mahram* men, that is, the whole body including the face and palms. Third, *awrah* of a woman in front of their *mahrams* (a member of one's family with whom marriage would be considered forbidden). The *'awrah* of these *mahram* men is from the navel to the knee.¹⁹

إن لها ثلاث عورات: عورة في الصلاة، وهو ما تقدم. أي كل بدنهما ما سوى الوجه والكفين. وعورة بالنسبة لنظر الأجانب إليها: جميع بدنهما حتى الوجه والكفين على المعتمد وعورة في الخلوّة وعند المحارم: كعورة الرجل. أي ما بين السرة والركبة

The Hanbali school mentions something different from other schools, where covering the face outside prayer is an obligation because the face is part of the *'awrah*. Abdullah bin Abdul Aziz reaffirmed this opinion; every part of the body of an adult woman is *'awrah*, including her head. As for outside the prayer, all parts of the body are *'awrah*, including the face while in front of men or *banci* (male-to-female transvestites).²⁰

This statement indirectly encourages Muslim women to cover their faces in the presence of fellow Muslims, whether under regular circumstances or in situations where defamation is feared. Regarding this issue, contemporary scholars are not much different from earlier scholars. Wahbah al-Zuhaili addressed subject of *cadar* use. He argued that the use of *cadar* is a woman's right to privacy. If the use of *cadar* provides a sense of security, then she should adopt that attitude. In contrast, if a woman does not wear *cadar* and it does not generate concern and slander, then it is not forbidden for her to expose her face.²¹

¹⁹ Al-Syarwānī, *Hāsyiah al-Syarwānī 'Alā Tuhfah al-Muhtāj*, 2nd ed. (Miṣr: Maktabah Tijārah, n.d.), p. 112.

²⁰ 'Abd Allāh bin 'Azīz, *Rawḍah al-Murbī* (Bayrūt: Dār al-Kutub al-Ilmiyah, 2000), p. 140.

²¹ Wahbah al-Zuhaylī, *Fiqh al-Islām wa Adillatuh* (Bayrūt: Dār al-Fikr, 2010), p. 640.

This differs with the opinion of Abu Syuqqah, who asserts that the *niqāb* is part of the Shari'a and that its usage is permitted by law (*mubāḥ*). He does not consider the *niqāb* as a sunnah or obligatory act.²² M. Quraish Shihab believed that the *niqāb* was neither an Arab garment nor their exclusive property. According to him, a Muslim woman may either wear the *niqāb* or not do so.²³ Buya Hamka in Tafsir al-Azhar argues that a woman's face is not part of women 'awrah that must be covered with a *niqāb*. Khimar, on the other hand, is a command a Muslim woman must follow. In addition, he states that Qur'an does not specify the model or style of clothing, but the attire that the Qur'an wants is the one that demonstrates faith in God, brings us closer to modesty, and does not flaunt the body shape in front of men.²⁴

Scholars agree that Shāri' (lawmaker) does not establish laws for humans except for providing benefits for humans.²⁵ Maslahah is synonymous with *al-khayr* (benevolence), *al-naḥ* (benefits), *al-ḥusn* (kindness).²⁶ Theoretically, therefore, the use of the *niqāb* as a benefit that contains value, benefits, and prevents harm for all parties.

Based on the concept of 'awrah in the view of the scholars above, it can be understood that scholars have different views regarding the recommendation to use the *niqāb*. On the one hand, some scholars state that it is required because the 'awrah includes women's faces. Others, however, argue that it is not compulsory because the face is not a component of the 'awrah. Regardless of divergent opinions over whether covering the face is obligatory or *sunnah* (recommended), the usage of the *niqāb* is a shari'ah guideline that must be followed, notwithstanding its inclusion in the sunnah. The usage of the *niqāb* is part of preventive measures (*sadd al-zarī'ah*) in emergency situations where it may cause slander.

The Hijab Tradition of Al-Aziziyah Islamic Institute Students

Al-Aziziyah Islamic Institute is a Private Islamic Religious Colleges (PTKIS) located in Mideun Jok Village, Samalanga District, Bireuen Regency, Aceh Province. The Al-Aziziyah Islamic Institute was originally the Al-Aziziyah Islamic college (STAI). In 2014, it changed its status to the Al-Aziziyah Islamic Institute. Inaugurated in 2003, Al-Aziziyah Campus has

²² Syuqqah, *Tahrīr al-Mar'ah fī 'Aṣr al-Risālah*.

²³ Muhammad Quraish Shihab, *Jilbab Pakaian Wanita Muslimat* (Jakarta: Lentera Hati, 2014), p. 48.

²⁴ Buya Hamka, *Tafsir Al-Azhar* (Jakarta: Pustaka Nasional, 2007), p. 4930.

²⁵ Imām al-Ghazālī Abū Ḥāmid Muḥammad, *al-Mustasyfā min 'Ilm al-Uṣūl* (Bayrūt: Mu'assasah al-Risālah, 1997), p. 416-417.

²⁶ 'Izz al-Dīn ibn 'Abd al-Salām, *Qawā'id al-Aḥkām fī Maṣālih al-Anām* (Kairo: Maktabah al-Kulliyāt al-Azhāriyyah, 1994, p. 5.

generated thousands of graduates who now work in various government and non-government institutions spread across various regions. The campus vision is to produce graduates who can ground the teachings of Islam in life, both socially and structurally. This aspiration can be seen from alumni's change in status and progress in various dimensions of community life.²⁷

One of the characteristics of the Al-Aziziyah higher education institution is implementing a boarding system for students to deepen their religious knowledge by studying the *turās* (yellow books). Another characteristic of the Al-Aziziyah campus is that all female students are required to wear the *niqāb*. Apart from being a requirement imposed by the campus, the use of the *niqāb* is also a regulation applied by *pesantren* (*dayah*) as a student residence. The accommodations for female students are differentiated by the color of their *niqāb* because each *pesantren* applies a distinct *niqāb* hue.²⁸

The use of the *niqāb* becomes interesting to discuss because the regulations for its use began to be implemented in 2006. Meanwhile, the Al-Aziziyah campus has been established since 2003. The application of the regulations for the use of the *niqāb* at the Al-Aziziyah campus is influenced by the application of the *niqāb* by the most prominent Islamic boarding school (*dayah*) in Aceh, namely Ma'had al-'Ulum Diniyah Islamiyah Great Mosque, or also known as Dayah Mudi Mesra Samalanga. This traditional Islamic boarding school is expanding and inspiring the establishment of more *dayah* in the Samalanga District. Almost all *Salafiyah* (traditional) *pesantren* in Aceh have begun to adhere to the rules governing the *niqāb*'s use by female students in *dayah* or other *pesantren*.²⁹

Based on the results of interviews with female students as the respondents in this study, they have used the *niqāb* before pursuing their study in higher education because they are accustomed to wearing it in Islamic boarding schools. Other respondents also admitted that they were familiar with the *niqāb* and wore it while attending Al-Aziziyah College.³⁰

The respondent's response demonstrates that there are multiple reasons why female students at Al-Aziziyah Campus wear the *niqāb*, including family considerations, tradition (habits), and familiarity with the *niqāb* while studying at the Al-Aziziyah Campus. Those who wore the *niqāb* from the start were

²⁷ Tim Penyusun, *Profil Institut Agama Islam Al-Aziziyah* (Samalanga: Al-Aziziyah Press, 2015), p. 9.

²⁸ Observation at the Al-Aziziyah Islamic Institute, Samalanga Bireuen, July 5–10, 2021.

²⁹ An Interview with the Chancellor of the Al-Aziziyah Islamic Institute, Samalanga Bireuen, July 7, 2021.

³⁰ An Interview with the female students of the Al-Aziziyah Islamic Institute, Samalanga Bireuen, July 8, 2021.

strongly influenced by family traditions that had used the *niqāb* from the beginning. In addition, the education system influences those who wear the *niqāb* prior to enrolling at Al-Aziziyah Campus. Meanwhile, those who wear the *niqāb* while attending classes at the Al-Aziziyah Campus do so in accordance with a campus regulation.

Based on the result of the interview with these respondents, it is clear that the use of *niqāb* by Al-Aziziyah campus students is strongly impacted by their knowledge of the law or *niqāb* Fiqh, which compels them to wear it.

In addition, the perspectives of Al-Aziziyah campus students towards the *niqāb* vary, with some respondents viewing the *niqāb* as a mandatory institutional or agency requirement. In contrast to other students, who initially regard the *niqāb* as a campus regulation, as education progresses, these students view the *niqāb* as a Shari'ah recommendation, wherein the face is part of a woman's *'awrah* that must be covered.³¹

This difference in opinions is understandable given their differing perspectives on the *niqāb*. However, all students of Al-Aziziyah Samalanga wear the *niqāb* as a form of obedience and submission. Formal compliance with rules is the most crucial aspect of character building. It is also the precursor to the development of human resources who are loyal to regulations, both government-set regulations and shari'ah provisions derived from the *ijtihad* of *fiqh* experts

The use of the *niqāb* must reflect the qualities of *ta'abbud* that are emitted through good ethics and character, because Al-Aziziyah campus students do not perceive the *niqāb* as a model but rather as a means of preventing slander. This student's knowledge, attitudes, and actions demonstrate that she understands and practices the value of rule observance.

The Legal Politics Overview of the Hijab Command

Legal politics is a legal policy regarding the law that will be enforced either by enacting new laws or by replacing old ones to accomplish governmental objectives.³² The typology of government primarily determines the characteristics of the law. If the government is democratic, then the born laws will be responsive, while if it is authoritarian, then the laws that are born are also conservative.³³

³¹ An Interview with the female students of the Al-Aziziyah Islamic Institute, Samalanga Bireuen, July 9, 2021.

³²Mohammad Mahfud MD, *Politik Hukum di Indonesia* (Jakarta: Rajawali Press, 2012).

³³Abdul Halim, *Politik Hukum Islam di Indonesia* (Jakarta: Ciputat Press, 2005), p. 108.

Gunaryo emphasized that, in the context of legal politics, the implementation of Islamic law in Aceh is a success in legal politics and legal configuration in Indonesia. This can be seen from the various legal regulations that have been implemented, such as the qanun on *khamar* (alcoholic drink), *maysir* (gambling), and *khalwah* (the close contact between unmarried man and woman in a secluded place) at the beginning of the implementation of Islamic law in 2002. The formalization of Islamic law was then completely supported by a legal institution, namely the Syar'iyah Court, which possessed broader authority than the religious courts outside Aceh.³⁴

These qanuns, in the legal context, are known as Islamic criminal law. Recently these qanuns were amended and refined, eventually leading to Aceh Qanun Number 7 of 2013, the jinayat (criminal) procedural law, which serves as the foundation for applying procedural law in the Syar'iyah Courts throughout Aceh.³⁵ The following Aceh Qanun is Number 6 of 2014 concerning Jinayat (criminal). Qanun Jinayat regulates *khamar*, *maysir*, *khalwah*, *ikhtilāt* (intermingling of the sexes), adultery, sexual harassment, rape, *qazf* (slandering an adulterer), *liwāt* (homo), and *musāhaqah* (lesbi).³⁶

It should be noted that the formal implementation of Islamic law in Aceh is supported not only by the government of the Republic of Indonesia's political policies, as emphasized in Law No. 18 of 2001 concerning Aceh privileges and Law No. 11 of 2006, but also by historical and community social conditions.³⁷ Moreover, in the context of developing national law, it can develop better because Aceh's norms and legal values include Islamic legal principles that do not only address religious, but also humanitarian and customary aspects.

Therefore, the implementation of Islamic Shari'a qanuns that are following the character of Islamic law becomes appropriate, which is seen as logical and in accordance with living law. In accordance with the Acehese proverb *hukom ngon adat lagee zat ngon sifeut*, the dominant legal system in Acehese society is Islamic law (religion and custom are like substances and characteristics that cannot be separated from each other).³⁸ Therefore, all social

³⁴Achmad Gunaryo, *Pergumulan Politik dan Hukum Islam* (Yogyakarta: Pustaka Pelajar, 2006).

³⁵Qanun Aceh Nomor 7 Tahun 2013 tentang Hukum Acara Jinayat.

³⁶Qanun Aceh Nomor 6 Tahun 2014 tentang Jinayat. Muhmmad Amin Suma et.al., "The Implementation of Shari'a in Aceh: Between the Ideal and Factual," *Ahkam: Jurnal Ilmu Syariah* 20, No. 1 (2020), p. 19-48.

³⁷Ridwan Nurdin and Muhammad Ridwansyah, "Aceh, qanun and National Law: Study on Legal Development Orientation," *Samarah: Hukum Keluarga dan Hukum Islam* 4, No. 1 (2020), p. 107-131.

³⁸Rusjdi Ali Muhammad, *Revitalisasi Hukum Islam di Aceh* (Jakarta: Logos Wacana Ilmu, 2003).

behavior, speech, the practice of life, the rule of law and political policy will always be based on the provisions of Islamic law.

Discussions about the *'awrah* are not only studies that are frequently discussed regarding religion or Islamic law. They are also regulated by the Aceh Qanun Law Number 11 of 2002 concerning the Implementation of Islamic Shari'a in the fields of 'Aqidah, Worship, and Islamic Syi'ar, which governs the provisions of a Muslim's clothing. Article 13 paragraph (1) emphasizes the obligation of every Muslim to wear Islamic clothing; (2) the leadership of government agencies, educational institutions, business entities, and/or community institutions is required to cultivate Islamic clothing in their environment. Close examination of the article's description reveals that the definition of Islamic dress is clothing that covers the *'awrah*, is not see-through, and conceals the body's contours.³⁹

In addition, the Aceh Ulama Consultative Council (MPU), as an institution that plays a role in the application of Islamic law, also provides *fatwa* (legal ruling) and *tawsiyah* (religious guidance) regarding to governance, Islamic law, and Islamic economics. In connection with the issue of hijab and Islamic clothing, MPU issued *tawsiyah* Number 06 of 2011 concerning *Akhlaq al-Karimah* in associating and dressing, the fourteenth *tawsiyah* explains that a Muslim woman must dress appropriately, politely and with dignity according to Islam in all activities, by covering the whole body, except the face and palms. Furthermore, Muslim women's clothing should not resemble men's attire.⁴⁰

Based on the aforementioned context, it is clear that, from a legal-political standpoint, the government's implementation of the hijab or Muslim dress as part of its policy is something to be commended. Implementing these legal provisions demonstrates the government's political intention to protect the public from activities that are not in conformity with Islamic law. From the perspective of legal politics, it also demonstrates that the government of Aceh is democratic and responsive to how Islamic law is implemented.

Furthermore, in relation to the practice of wearing hijab, it can provide benefits that are perceived by female students when using the *niqāb*, as indicated by the similarity of the respondents' answers.⁴¹ This experience resulted in two *maṣlahah* values that were believed and felt by students of the Al-Aziziyah Islamic Institute. First, *maṣlahah* for the benefit of the hereafter (*ukhrawi*). Second, *maṣlahah* which is directly felt throughout the world.

³⁹ Qanun Aceh Nomor 11 Tahun 2002 tentang Pelaksanaan Syariat Islam Bidang Aqidah, Ibadah Dan Syi'ar Islam Pasal 13 Ayat (1).

⁴⁰ Majelis Permusyawaratan Ulama (MPU) Aceh Taushiyah Nomor 06 Tahun 2011 Tentang Akhlaqul Karimah dalam Bergaul dan Berbusana.

⁴¹ An Interview with the female students of the Al-Aziziyah Islamic Institute, Samalanga Bireuen, July 10, 2021.

Maṣlahah ukhrawi means obtaining serenity and comfort while socializing, particularly with those who are not mahrams in accordance with shari'ah guidance. While worldly *maṣlahah* is conformity to the institution's laws, reducing the spread of the coronavirus during the epidemic as a substitute for masks, and being submissive to the leader (*ulil amri*).

Conclusion

As an Islamic educational institution that applies legal values on campus, including the use of the *niqāb*, the Al-Aziziyah Samalanga female students provide benefits for them. Although there are still differences of opinion among fiqh scholars on the topic of *niqab*, the assurances of protection and comfort in dealing with the general public improve their disposition toward *niqab* use. The practice of wearing the *niqab* by students of the Al-Aziziyah Islamic Institute is based on their understanding of and adherence to Shari'a's guidelines and the institution's standards. Students of the Al-Aziziyah Islamic Institute wear the *niqāb* without viewing it as a compulsion, much alone criticizing the *niqāb*'s norms. In fact, they have experienced the benefits of wearing the *niqab* as part of their identity of Muslim women. Moreover, if it involves the Aceh Qanun regarding Muslim attire and *tawṣiyah* from the Ulama Consultative Council from a legal and political standpoint, it is government policy to safeguard and elevate the status of the community, particularly women, in a more honorable and dignified position.

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Interviews

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