

# Context of Islamic Sharia Enforcement Policy in North Aceh District

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**Abstract:** The context of the policy of enforcing Islamic Law in North Aceh District is one of the mandates of Law Number 11 of 2006 concerning the Governance of Aceh. North Aceh District, through the Islamic Sharia Service and the Civil Service Police Unit, and Wilayatul Hisbah, implemented the policy of enforcing Islamic Sharia. The violations of Islamic Law in North Aceh district are sexual harassment, sexual abuse of children, and adultery. The purpose of this article is to analyze the Context of Islamic Sharia Enforcement Policies in North Aceh District. The research methodology is a qualitative descriptive analysis approach. Data collection techniques used by researchers are observation, interviews, and documentation. The results of the study show that the policy context for enforcing Islamic Shari'a in North Aceh District is seen from (1) The powers, interests, and strategies of the actors involved have been running with the commitment of Regional Officials to form agencies that carry out the implementation of Islamic Shari'a, namely the Islamic Shari'a Service and Civil Service Police Units. Meanwhile, the Islamic Shari'a policy strategy in North Aceh District is considered insufficient to address the problems of enforcing Islamic Shari'a. (2) The characteristics of the institutions and regimes in power in cases of violations of Islamic Law in North Aceh District have decreased every year. However, the category of violations of Islamic Law is increasingly worrying. The types of sharia violations most often committed in North Aceh are in the fields of aqidah, worship, Islamic symbols, khalwat or obscenity, and khamar (3) The level of compliance and responsiveness to the enforcement of Islamic Shari'a decreases by not increasing the knowledge, understanding, and awareness of the community about Islamic Law and Islamic Sharia. Weak supervision of the implementation of Islamic Sharia by not involving Tuha Peut, Tuha Lapan, and Wilayatul Hisbah.

**Keywords:** Context, Policy, Enforcement, Islamic Sharia, North Aceh

## I. INTRODUCTION

The Policy Context for Upholding Islamic Sharia in North Aceh District is based on Law Number 23 of 2014 concerning the Regional Government. Aceh Province is one of Indonesia's regions with special privileges and autonomy. According to Laurence Sullivan in Surya & Saleh (2017), "special autonomy is an affirmative step taken by the central government to increase development and equity between one region and another."

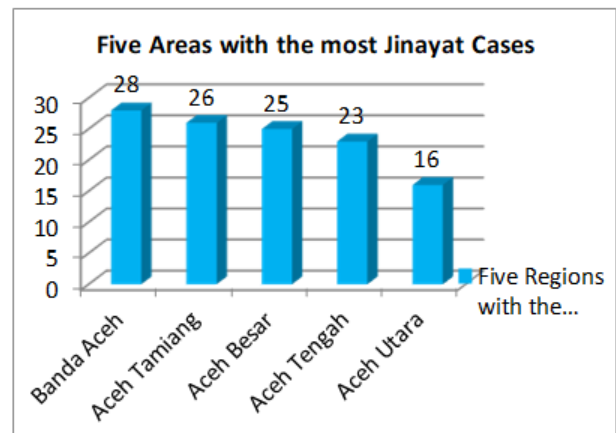
Policy regarding granting unique regions and special autonomy is by issuing Law Number 23 of 2014 concerning Regional Government. According to Manan (2001: 15), exceptional understanding, in general, special implementation is by the characteristics and conditions of the area concerned.

"Regional authority in carrying out special autonomy, namely carrying out authority that is still under the authority of the Central Government" (Retnani, 2000:11) . Public policy is an effort made by the government to solve public problems. Public policy is whatever governments choose to do or not to do (Dye, 2013).

Aceh's special privileges and autonomy are contained in Law Number 11 of 2006 concerning the Government of Aceh. Law Number 11 of 2006 stipulates that the Government of Aceh is an integral part of the Unitary State of the Republic of Indonesia. The broadest possible autonomy system implemented in Aceh based on this Law is a subsystem within the national government system (Mukhlis, 2006). "Aceh is a region that is specifically related to the distinctive character of the history of the struggle of the Acehnese people who have high resilience and fighting power, sourced from a view of life that is based on Islamic Sharia which gives birth to a strong Islamic culture" (Nurmandi, 2016) . According to Lubis (2007), "Islamic Shari'a in its implementation has objectives that must be maintained. This includes Islamic Sharia laws built for the benefit of humans, preventing damage and realizing the primary good.

One of the institutions that make Aceh unique is the Islamic sharia institution. "The Islamic Shari'a Service as the executor of Islamic Shari'a in Aceh" (Nurmandi, 2016). Data from the BPS Aceh Province throughout 2021 shows that the Aceh Sharia Court has decided 269 decisions on jinayat cases from January to December 2021. The graph below shows the jinayat instances that have been fixed.

Graph 1.1. Regions with the Most Jinayat Cases in 2021



Source: BPS Aceh Province, 2022

The graph above shows that five (5) areas in Aceh Province have the most Jinayat cases, one of which is North Aceh District. North Aceh District, through the Islamic Sharia Service and the Civil Service Police Unit, and Wilayat Hisbah, implemented the policy of enforcing Islamic Law. Violations of Islamic Law in the North Aceh district are increasingly worrying.

Types of violations such as “four men who violated the Islamic Sharia Qanun were involved in sexual harassment and were forced to undergo caning execution. It was said that the first convict was Riki Aulia, in the case of sexual abuse of children, received 105 lashes after deducting the five-month detention period, which should have been 110 times. Meanwhile, Jufriyadi, in the adultery case, received 100 lashes and had to undergo a 10-month prison sentence. Meanwhile, the convict Juanda in the sexual harassment case was whipped 75 times instead of the 90 that should have been destroyed because the convict had already served 15 months in prison. Meanwhile, the convict Zulfahmi in the case of adultery and sexual harassment was flogged 25 times after being reduced by a sentence of 5 months, which should have received 30 lashes <https://aceh.antaranews.com/berita/164514/empat-pelanggar-qanun-syariat-islam-di-aceh-utara-jalani-eksekusi-cambuk> accessed 17-07-2022. Based on the description of the background of the problem above, this article analyzes the Context of Islamic Sharia Enforcement Policies in North Aceh District.

## II. RESEARCH METHODS

The approach used in this study is a qualitative descriptive analysis approach. Qualitative Research is a model of humanistic research, which places humans as the main subject in social/cultural events. This type of research is based on a phenomenological philosophy in which, in this research, the view is that social, cultural, and human behavior phenomena are not enough to record things that appear to be accurate but also have to look at them as a whole in the totality of their context because behavior (as a fact) cannot be released or separated, from every context that influences it (Pasolong, 2012).

The data collection techniques used by researchers are (1) Observations that will be carried out are non-participant observations, where researchers are not directly involved with research subjects; researchers observe phenomena and issues of implementation of Islamic Shari'a enforcement. In addition to being carried out during the research stage, observations were made at the pre-research location and during the research (2) In this study, the interview method was carried out using in-deep interviews to find detailed answers to the phenomena described (3) Documentation is a method collection of data or information from written documents related to this research such as regional regulations (qanun), journals, reports, strategic plans, publications, journals and official reports, personal diaries, letters, photographs (Sugiyono, 2009).

## III. LITERATURE REVIEW

According to Grindle (2017), the policy context variable includes several sub-variables that directly influence the policy implementation process. Sub-variables that influence the success of policy implementation, among others

1. The power, interests, and strategies of the actors involved (power, interests, and methods of the actors involved); The first thing to consider is the implementor involved. In the implementation process, many actors try to influence the parties in decision-making. In this case, the implementor's power at the superior and subordinate levels, national, regional, and local, plays a significant role. Each implementor has an interest in the program being run. It is possible that the personal goals of these actors trigger conflict. Grindle (1980) emphasizes that " The goals of the actors will be in direct conflict with each other and the outcome of this conflict and, accordingly, of who gets what will be determined by the strategies, resources, and power positions of each of the involved. "At this stage, the output results that come from the conflict of interest of the parties will be determined by the strategy, resources, and the amount of power influence of each actor involved. Analysis of program implementation may be able to assess the power of capabilities of actors, their interests, including the strategies they use to get what they want, and the regime in power (Grindle, 1980).
2. Institutional and Regime Characteristics; In addition to analyzing program implementation regarding the power of office, interests, and strategies of actors, the characteristics of institutions and regimes in which they interact also determine the fate of policy implementation. However, the ruling regime will have great power in determining the implementation of a program included in the government's agenda. Thus, under these circumstances, the regime in power will determine the outcome of policy implementation (Grindle, 2017).
3. Level of Compliance and Responsiveness (Compliance and Responsiveness); According to Grindle (1980), to achieve the goals of a policy, public officials face two problems related to their interaction with the environment and administrative stages, namely: the level of compliance and the level of responsiveness. Regarding the first problem, actors must be able to address the issue of how to obtain compliance. As Grindle (1980) says, "...officials must address the problem of how to achieve compliance with the ends enunciated in the policy." There are several ways that Grindle (1980) recommends for actors to solve these problems. For example, actors can ask for support from political elites, implementing agencies, and bureaucrats

regarding the program to be implemented and support from the community who will feel the impact (Grindle, 1980). Then, what about the parties who may be 'disadvantaged' as a result of the implementation of this program? To answer this, Grindle (1980) then explains: "They must turn the opposition of those who may be harmed by the programs into acceptance of them, and they must keep those who are excluded, but who wish to obtain benefits, from subverting them. Eliciting this kind of compliance may mean many dealings, much accommodation, and again considerable conflict." The actors must change the minds of those who initially opposed the policy to accept it. In addition, the actors must also maintain the people who hope to benefit from implementing the program.

4. Consequently, obtaining these various compliances may lead to bargaining activities and adjustments, and it is possible to cause actual conflicts. Apart from observation, the other side of the problem in achieving the goals and objectives of a policy is responsiveness. All levels of bureaucracy in every state institution should ideally be responsive in carrying out their duties to provide optimal public services and meet the needs of society to the fullest. Without being accompanied by responsiveness, it is difficult to say that policy implementation will be carried out successfully and its objectives will be achieved. That is, without a quick response attitude, public officials will lose their chance to reach the successful implementation of the planned program. Of course, this will directly impact the process of achieving goals. Grindle (1980:13) states that: "The problem for public administrators is to ensure an adequate amount of responsiveness to provide flexibility, support, and feedback, while at the same time maintaining enough control over the distribution of resources to achieve the stated goals ." From this statement, public officials must solve some problems simultaneously, including how they provide and provide optimal service (responsiveness) when they have to maintain supervision over the distribution of resources to achieve stated goals (compliance).

#### IV. RESULT AND DISCUSSION

##### 1) *The power, interests, and strategies of the actors involved*

The first thing to consider is the implementor involved. In the implementation process, many actors try to influence the parties in the decision-making process (Merilee S Grindle, 2017). The leading actor in carrying out the Policy Context for Enforcement of Islamic Sharia in North Aceh District is the Regent who issued Regent Regulation 23 of 2017, which explains the organizational structure of the Islamic Sharia Office. "Organizational structure shows the framework and composition of the embodiment of fixed patterns of

relationships between functions, functions, parts or positions, as well as people who show different positions, duties of authority and responsibility in an organization" (Effendy, 2011: 132).

The qanun that regulates sharia is Aceh qanun Number 6 of 2014 concerning Jinayat Law. "Qanuns are provincial, regional regulations that regulate governance and the life of the people of Aceh" (Hikmawati, 2008). In Article 2 of Qanun Jinayat concerning the implementation of Jinayat Law, the principles are (a) Islam, (b) legality, (c) justice and balance, (d) benefit, (e) protection of human rights, (f) learning for the community (tadabbur). Article 3, regarding the scope of this qanun, regulates the perpetrators of Jarimah, Jarimah, and Uqubat. Jarimah includes Khamar, Maisir, khalwat, Ikhtilath, Adultery, Sexual Harassment, Rape, Qadzaf, Liwath and Musahaqah (Qanun Jinayat, 2014) .

Qanun Jinayah is a refinement of the three previous Islamic Sharia qanuns, which regulate khalwat (obscene), maisir (gambling), and khamar (liquor). The three qanuns are no longer valid because their material and substance have been included in the Jinayah Qanun. "The Aceh government is making every effort so that the Qanun Jinayat can be understood and accepted by all Acehnese people. So that several ways are taken either by conducting direct socialization with radio broadcasts, religious lectures, installing banners and billboards on the streets, as well as by working training for members (Wilayatul Hisbah) and members of the Aceh Ulema Consultative Council so that knowledge from law enforcers can be accommodated and able to be well coordinated in the stage of implementation or implementation of Jinayat Law in Aceh (Qotadah & Achmad, 2020).

Regency Islamic Sharia Service, as contained in the Long-Term Work Plan (Renja) in carrying out Islamic sharia policies, includes:

- a. Prepare qanuns for the implementation of Islamic Law that can answer the needs of the ummah and supervise them
- b. Preparing the public to understand and be ready to accept the implementation of Islamic Law through outreach activities
- c. Providing executive staff and supervisory staff in the field of worship and Islamic symbols, as well as the socialization of the implementation of Islamic Law
- d. Prepare a training system that is representative and accountable to produce implementing staff and supervisors for the implementation of Islamic Law.
- e. Improving the quality of knowledge and implementation of worship of the people
- f. Improving the quality of service for the ease of implementation of worship
- g. Facilitate worship facilities
- h. Enlivening the Symbols of Islam
- i. Increase religious harmony

- j. Increase public knowledge about signs of violation of Islamic Law.

Analysis of program implementation may be able to assess the power of capabilities of actors, their interests, including the strategies they use to get what they want, and the regime in power (Grindle, 1980). Within the power, interests, and strategies of the actors involved in the Policy Context of Enforcement of Islamic Shari'a in North Aceh District, this has been carried out with the commitment of Regional Officials to form agencies that carry out the implementation of Islamic Shari'a. Meanwhile, the Islamic Shari'a policy strategy in North Aceh District is considered insufficient to answer the problems of enforcing Islamic Shari'a.

2) *Characteristics of ruling institutions and regimes*

In addition to analyzing program implementation regarding the power of office, interests, and strategies of actors, the characteristics of institutions and regimes in which they interact also determine the fate of policy implementation. However, the ruling regime will have great power in determining the implementation of a program included in the government's agenda. Thus, under these circumstances, the regime in power will determine the outcome of policy implementation (Grindle, 2017).

Shari'a violations in North Aceh District that continue to occur require improvement in the method of implementing shari'a. "The North Aceh District Government, Aceh Province, places Civil Service Police Unit officers and Wilayatul Hisbah (shari'a police) in each sub-district to implement and oversee the implementation of Islamic Sharia in the villages. In addition to these activities, there is also the saweu mosque (mosque visit) program, with the mechanism for every mosque visited; one of the members of the North Aceh mosque saweu team becomes the preacher of Friday prayers. saweu sikula (visit to schools), Saweu gampong (village visits). Visits to schools to socialize understanding of Islamic Law for junior high school (SMP) and high school (SMA) students; socialization activities are carried out three times a month.

Programs and activities organized by the Islamic Sharia Office in collaboration with the Civil Service Police Unit and Wilayatul Hisbah have not significantly reduced the number of violations of Islamic Law in North Aceh District. Data on breaches of Islamic Law in North Aceh District for five (5) years are set out in the table below.

Table 1.4. Data on violations of Islamic Sharia in North Aceh District

No	Year	Number of Cases
1.	2016	265
2.	2017	260
3.	2018	180
4.	2019	120
5.	2020	89

Source: Satpol PP and Wilayatul Hisbah Kab. North Aceh, 2020

From the table above, it can be seen that violations of Islamic Law in North Aceh District have decreased every year. However, the category of violations of Islamic Law is increasingly worrying. The sharia violations most often committed in North Aceh are in the fields of faith, worship, symbols of Islam, khalwat or obscenity, and khamar. "The importance of the state's role in supporting the process of implementing shari'a in a kaffah manner, because the position of the government as executor and manager of society, and also as a supervisor of all community activities with legal rules made and binding sanctions become a benchmark for people to obey them" (Bahri, 2013).

The characteristics of the institutions and regimes in power in cases of violations of Islamic Law in North Aceh District have decreased every year. However, the category of violations of Islamic Law is increasingly worrying. The sharia violations that were most often committed in North Aceh were in the fields of faith, worship, Islamic symbols, khalwat or immoral, alcohol, and online gambling.

3) *Level of compliance and responsiveness*

The sharia violations most often committed in North Aceh are in the fields of faith, worship, symbols of Islam, khalwat or obscenity, and khamar. Howlett & Ramesh (1995) argues "that policy implementation is transferring policy into programs and actions so that it requires various conditions related to the form of the problem to be solved by implementing the policy itself." Environmental conditions also determine implementation, namely the organization, implementation resources, and allocated resources. In addition, in the policy process, the role of actors is very decisive.

Apart from that, it also serves people who need guidance and islah—coordinating the functions of the Syar'iyah Court, the Prosecutor's Office, the Police, and the Regional Office of Justice as implementing institutions for Islamic Sharia through the judiciary. Increase public knowledge, understanding, and awareness of Islamic Law and Sharia. Supervise the implementation of Islamic Sharia through empowering Tuha Peuet , Tuha Lapan, and Wilayatul Hisbah and encouraging and facilitating the recitation of the Koran for children so that it runs well in all kampongs (villages) in Aceh. The level of compliance and responsiveness to the enforcement of Islamic Shari'a decreases; there is an assumption that the application of Islamic Shari'a is only limited to the use of Islamic clothing; in fact, Islamic Shari'a requires an emphasis on the areas of faith and Islamic symbols. The government can also include sharia education in local content in schools to increase public knowledge, understanding, and awareness of Islamic Law and Shari'a. Weak supervision of the implementation of Islamic Sharia by not involving Tuha Peuet , Tuha Lapan at the kampong (village) level.

V. CONCLUSION

The results of the study show that the context of the policy for enforcing Islamic Law in North Aceh District, seen from the

powers, interests, and strategies of the actors involved, has been running with the commitment of the Regional Officials to form agencies that carry out the implementation of Islamic Law, namely the Office of Islamic Law and the Civil Service Police Unit and the Wilayatul Civil Service Police Unit. Hisbah. Meanwhile, the Islamic Shari'a policy strategy in North Aceh District needs to be considered sufficient to answer the problems of enforcing Islamic Shari'a. The characteristics of the institutions and regimes in power in cases of violations of Islamic Law in North Aceh District have decreased every year. However, the category of violations of Islamic Law is increasingly worrying. The sharia violations that were most often committed in North Aceh were in the fields of faith, worship, Islamic symbols, khalwat or obscenity, and khamar. The level of compliance and responsiveness to the enforcement of Islamic Shari'a decreases by not increasing the community's knowledge, understanding, and awareness about Islamic Law and Islamic Shari'a. Weak supervision of the implementation of Islamic Sharia by not involving Tuha Peut, Tuha Lapan, and Wilayatul Hisbah.

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