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**QANUN JINAYAT AND SHARIA POLICE; A NEW VIOLENCE
IN THE CONTEXT OF GENDER IN ACEH INDONESIA**
Khairul Hasni

in Musāwa

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QANUN JINAYAT AND SHARIA POLICE; A NEW VIOLENCE IN THE CONTEXT OF GENDER IN ACEH INDONESIA

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Abstrak

Polisi Syariah Qanun Jinayat (Hukum Pidana Islam) didasarkan pada UU Syariah No.11 / 2006 tentang Pemerintahan Aceh. Qanun Jinayat adalah aturan untuk melindungi harkat dan martabat manusia serta menjaga dan melindungi masyarakat Aceh agar tetap mengikuti ajaran Islam. Polisi Syariah kemudian bertugas melakukan operasi terkait penerapan Hukum Syariah. Tugas tersebut dilakukan dengan memantau kota, mengendalikan, dan melakukan razia di tempat-tempat yang dinilai melanggar syariah di Aceh. Di antara kasus-kasus yang terjadi di Aceh yang terkait dengan Qanun Jinayat, ada yang melibatkan adat istiadat di mana Polisi Syariah kemudian menyerahkan kasus-kasus Qanun Jinayat ke pengadilan adat untuk diselesaikan. Wacana Perda (peraturan daerah) menjadi perbincangan di kalangan masyarakat Aceh. Beberapa aspek berkontribusi pada perluasan sistematis penelitian data, wawancara, dan observasi. Oleh karena itu, makalah ini mengeksplorasi otoritas politik baru terkait Qanun Jinayat, di mana pemerintah Aceh memiliki kewenangan eksklusif terkait Polisi Syariah. Moralitas kejahatan dan pengalaman gender melalui Peraturan Daerah berpotensi menimbulkan kekerasan dan diskriminasi terhadap perempuan di Provinsi ini.

Kata Kunci: Polisi Syariah, Qanun Jinayat, Gender, Moralitas, Peraturan Daerah

Abstract

Sharia police of Qanun Jinayat (Islamic Criminal Law) is based on the Sharia Law No.11/ 2006 on the Governance of Aceh. Qanun Jinayat is a rule to protect the dignity and human and keep and protect the people of Aceh from staying following the Islamic teachings. Sharia Police focuses on conducting operations in the context of implementing Sharia Law. The service is carried out by monitoring the city, controlling, and conducting raids in places deemed to violate the Sharia in Aceh. Among the cases that occurred in Aceh in the context of Qanun Jinayat, some involve the adat (traditional custom) in the implementation, in which Sharia Police then gives the Qanun Jinayat cases to the custom courts to be resolved. In Aceh, the discourses of Perda (local regulation) become the debates among the people of Aceh. Several aspects contribute to the systematic expansion of data research, interviews, and observation. Hence, the paper explores the significance of the new political authority regarding Qanun Jinayat, in which the Aceh government has exclusive authority in the implementation of the Sharia Police. A morality of crime and gender experience through regulated by the Regional Regulation can create violence and discrimination against women in this province.

Keyword: Sharia Police, Qanun Jinayat, gender, morality, Regional Regulation

Pendahuluan

Aceh is located in the Northern end of Sumatra, with Banda Aceh as the capital. The government of Aceh has accommodated the agreement by enacting Law No. 11/2006 on the Aceh Governance. Based on the Helsinki MoU/Agreement, Aceh could form the local political parties that align with constituents in the regions more precisely, given the Indonesian people's diverse interests.¹ Sharia Law in Aceh covers the whole Aceh and other social and legitimate customs. In Indonesia, Aceh is the only province with formal legal recognition of Sharia² Law concerning provincial privileges in a particular region of Aceh.

In post-tsunami, there was a change in the Free Aceh Movement's political direction (GAM), which had the opportunity to participate in politics. Simultaneously, the application of Sharia Law³ has experienced many trials and challenges after the conflict.⁴

The Indonesian legal system forms the existence of the Sharia Police, the establishment of the Law No. 44/1999 on the Implementation of the Privileges of Aceh Province, and the Law No.18/2001 on the Special Autonomy for the Province of the Special Region of Aceh as the Province of Nanggroe Aceh Darussalam.⁵ Some institutions established to support Sharia Law's

implementation include Sharia Court, Sharia Police, and the Sharia Islam Office (Dinas Sharia). The Acehnese formally adds Sharia Law with the approval of the Indonesian central government. A new Sharia Law rules the people, and the public gives a good reaction to this policy. The Aceh Province Sharia Police assignment is based on Qanun (Law) No. 5/2007 Article 203, and Sharia Police has the responsibility to provide counselling, prevention, prosecution of violations of Sharia Law, and court decisions.⁶

Sharia Law, which has been stipulated in the Decree of the Governor of Aceh since 2004 based on the rule of Law of the Governing of Aceh (LoGA), governs the Qanun Jinayat (Criminal Law). Sharia Police has respective systems in Islamic countries utilizing the Sharia Police. Aceh uses the lawfulness in using Sharia Police as a part of the implementation of Sharia Law.⁷ The Sharia Law office is in charge of designing an Arabic word that is Qanun. Sharia Law is stipulated in the Regional Regulation or Qanun, and it is common in Aceh.

Qanun Jinayat is a unity of criminal Law formed on Sharia Law values, and the Jarimah (crime) attracts a caning sentence, which is acceptable in the form of gold or prison depending on the level of crime. In Aceh, Qanun rules contain Sharia Law materials included in the category of

¹ Asda Rasida, Suharso, Habib Mukhsin, Partai Politik Lokal Aceh Dalam Sistem Ketatanegaraan Republik Indonesia, 2016, 8.

² Islamic standard Law is dependent on the lessons of the Quran and the customs of the Prophet (Hadith and Sunna). The Organization of Sharia in Aceh is the Islamic Sharia, Wilayatul Hisbah or Shariah Police, the Indonesian police, the prosecutor's office, and the Shariah court.

³ Known as the "veranda of Mecca", it has a reputation for being one of the country's most devoutly Islamic areas but also one of its most ethnocentric character. The green light to apply Islamic law in 1999 was part of an effort in the immediate aftermath of President Soeharto's downfall to find a political solution to the conflict. It was less based on popular demand than on an assessment by the Jakarta and Aceh political elite of

what would mollify a population exacerbated by years of conflict, human rights violations, and economic exploitation. In 2006, the debate raged in Indonesia about the role of the government in upholding the Islamic law (ICG, 2006: 5).

⁴ Edward Aspinall, Elite Bargains and Political Deals Project: Indonesia (Aceh) Case Study, Stabilisation Unit February 2018, 8.

⁵ Rusjdi Ali Muhammad, The Role of Wilayat Al-hisbah in the Implementation of Islamic Shariah in Aceh, *Petita*, ISSN-P: 2502-8006 ISSN-E: 2549-8274 Volume 2, No. 2, November 2017, 125

⁶ Rusjdi Ali Muhammad, 2017, The Role of Wilayat, 124.

⁷ Haryanto, Polisi Syariah: Keamanan untuk Siapa?, *Jurnal Ilmu Sosial dan Ilmu Politik* 2014, 170.

Qanun relating to the implementation of social life. The formulation of legal norms in the Qanun Jinayat adopts the Quran and the Sunnah principles concerning crime.⁸

Thus, the Sharia Police is an institution that has the authority to supervise Qanun Jinayat, including Qanun No. 11/2002 on the implementation of Sharia Law in the areas of aqidah, worship, and syi'ar Islam, article 13 (1) every Muslim is obliged to wear Islamic clothing.⁹ Qanun No. 14/2003 on khalwat (intimacy) is a provincial regulation that prohibits all activities or situations that can lead to Zina (sexual acts outside of marriage).

Sharia police define khalwat as an activity that involves two people of the opposite sex who are close to each other, for instance, carrying out raids on men and women who are involved in intimacy while riding motorbikes, in coffee shops, hotels, and suspected places. However, according to Roslina Rasyid LBH Apik Aceh, through monitoring networks 231, the Islamic dress Qanun, and khalwat, from the majority of the regulations targeted women, there were about 1,060 cases of violence against women, most of which occurred in the domestic sphere in the form of domestic violence.¹⁰

Furthermore, Qanun Aceh No. 6/2009 on the empowerment and protection of women refers to Law No. 39/1999 on Human Rights. The general provisions also state that gender justice is a condition of a relationship between women and men. In this Qanun, it is stated in Chapter VI, Article 18 (1) that women have the right to obtain information and access to all forms of protection (fulfilment of rights, safeguards, consultation,

and legal assistance and psychosocial assistance) for actions that harm them.

Some regional regulations include the local rules that prohibit night work for women in Banda Aceh, prohibit sitting astride at Lhokseumawe, and prohibit sitting at one table for men and women except for mahram (a member of the family) in Bireuen. With this regional regulation, it becomes the Sharia Police's work in supervising the checkpoints to monitor the community compliance with Islamic dress requirements. On the other hand, in January 2010, there was a rape case by Sharia Police against a victim who was accused of khalwat in Langsa.

The regional regulations in Aceh bring the impact on women's different behaviour: a sense of injustice and the practice of discriminating against women.¹¹ The stereotypical view of society towards women dramatically influences the materials, and the implementation of local regulations. As a result of these regulations, the citizens of Aceh suffer from discrimination, violence, and exploitation of women.¹² There are two questions to discuss in this paper. First, to what extent Qanun Jinayat impacts women's rights in Aceh. Second, how the Sharia Police contributes to the Sharia Law implementation.

The introduction to the implementation of Qanun Jinayat by the Sharia Police authority has raised some cases that occur in society through Qanuns' application, and the regional regulation has reduced the space for various groups and discrimination against women.

Problematic of Qanun Jinayat Concept

A team of experts accompanied the establishment of Qanun through the legislative

⁸ Nyak Fadhlullah, *Metode Perumusan Qanun Jinayah Aceh: Kajian Terhadap Pasal 33 tentang Zina*, *In Right*, 2017, 19-28.

⁹ Qanun No. 11/2002.

¹⁰ BBC, *Perda Syariat 'Sumbang' Kekerasan Terhadap Perempuan* Aceh, https://www.bbc.com/indonesia/berita_indonesia/2013/06/130605_acehwomen

¹¹ Muhammad Nasir, *Syariat Islam Dan Nggak Style: Mengenal Kearifan Lokal dan Identitas Perempuan Aceh*, *Fakultas Adab IAIN Ar-Raniry*, 2013, 202.

¹² T. Saiful, *Gender Perspektif dalam Formalisasi Syariat Islam di Aceh Kanun*, *Fakultas Hukum Universitas Syiah Kuala, Jurnal Ilmu Hukum*, 2016, 247.

process in the Aceh House of Representatives (DPRA) after determining the specified fields. As a result, in implementing Qanun in Aceh to 23 districts and five cities, the Sharia Police and prosecutors were accommodated to conduct law enforcement agencies' essential tasks and functions.¹³ By late 2006, the whole province became more cautious and increased its quality. Aceh was strictly religious; the option to state its position made Aceh's political scene changed drastically. Besides, Sharia Law's quickening after the fiasco in Aceh allowed for a shift of public sentiment.¹⁴

Furthermore, over the past fifteen years, the experienced Sharia Law implementation in Aceh has many challenges and new experiences in Aceh people's lives. The Qanun Jinayat is also a controversy among the community perspective, not only in Aceh but also at the national and international levels. Besides, it also has become a critical issue among community organizations or NGOs.¹⁵

Qanun Jinayat has been put into effect since October 23, 2015, following Law No. 11/2006 on the Aceh Governance. It is possible due to the autonomy of the Aceh government to regulate its territory.¹⁶ According to Cut Maya Afrina Sari, in Qanun 2006, the feedback was given to the public policy rules to increase the Aceh people's support to the DKI Jakarta government.¹⁷ Qanun Jinayat No. 6/2014 does not only regulate maisir (gambling), khamar (drink), and khalwat

(seclusion), but also regulates ikhtilat (intermingling between two people who are not husband and wife), adultery, sexual harassment, qadza (accusing others of infidelity without evidence), liwath (homosexual), musahaqah (lesbian), and rape. However, there is a mistake in delivering Aceh's judgment due to damaging punishments given to crime victims.

Furthermore, Qanuns on khamar, khalwat, and maisir, which are the criminalization of acts in morality and morals, are shown in this study, some of which contradict civil liberties and necessary freedom.¹⁸ In Article 2 on the Convention to Eliminate All Forms of Discrimination against Women (CEDAW), the state is obliged to: Condemn discrimination, prohibit all forms of discrimination against women through laws and regulations, including the sanctions and their policies and implementation.¹⁹

Moreover, the implementation of Sharia Law is related to human rights. Three problems restrict freedom of expression as follows; it violates human dignity with torture and public humiliation and marginalized women.²⁰ Indonesia ratified the International Covenant on Civil and Political Rights (ICCPR) in 2006, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (on Convention against Torture) in 1998. The rationale used in analyzing Qanuns as the primary service to the community concerning the principles of CEDAW is the

¹³ Kurniawan, *Dinamika Formalisasi Syari'at Islam Di Indonesia, The Dynamics Of Formalization Of Islamic L America aw In Indonesia*, *Kanun Jurnal Ilmu Hukum* 2012, 435.

¹⁴ Kanny, *Post-Disaster Reconstruction: Lesson from Aceh*, London Washinton DC, Fist Public in 2010 Earhscan, 2010, 33-34.

¹⁵ Siti Ikramatoun, *Respon Masyarakat*, 2016, 7.

¹⁶ Syamsul Bahri, *Konsep Implementasi Syari'at Islam Di Aceh Sharia Law Implementation Concept In Aceh Konsep Implementasi Syariat Islam di Aceh*, *Kanun Jurnal Ilmu Hukum* No. 60, Th. XV (Agustus, 2013), 316.

¹⁷ Cut Maya Afrina Sari, *Pro dan Kontra*, 2018, 77.

¹⁸ Ifdhal Kasim, 2011, *Analisis Qanun-Qanun Aceh Berbasis Hak Asasi Manusia, Qanun di Nanggroe Aceh dan Kompatibalitasnya dengan Hak Asasi Manusia*, ISBN: 978-979-25-2137-5, xvi, 2011.

¹⁹ Afridal Darmi, *Analisis Qanun Syariat Islam Aceh dari Perspektif Konvensi Penghapusan Segala Bentuk Diskriminasi Terhadap Perempuan (Convention on the Elimination of all forms of Discrimination Against Women- CEDAW), Qanun di Nanggroe Aceh dan Kompatibalitasnya dengan Hak Asasi Manusia*, ISBN: 978-979-25-2137-5, 2011, 158.

²⁰ Aldoreza Prandana. 2015. The mentality of "Us" and "Others": The perception of Identity in Aceh, *Cultural Relation Quarterly Review*, Spring 2015, 12.

principle of state obligation, the focus of non-discrimination, and equality.²¹

In Qanun No. 11/2002 on the Implementation of Sharia Law in aqidah, worship, and Syiar Islam, mainly Muslim clothing, the supervision focuses on women. Therefore, women whom the Sharia Police frequently raid have shown their national status in upholding the Qanun. Thus, there are incompatibilities and conflicts (violations) between the rights guaranteed in CEDAW.²² Besides, several types of Qanun issued are not responsive to gender and unfair to women.²³

In the legal instrument, the affirmation of woman's subordination often occurs, and it has been proved that the laws of Indonesia are unable to play a good role towards women. This indication proves that gender imbalance is still prevalent in the country, and it is shown clearly in the content, culture, and structure of the Law. The legal and cultural aspects are still strongly influenced by patriarchal values that get strong legitimacy from religious interpretation. Religion is also a cause by perpetuating the patriarchal culture and the gender imbalance in the Law's field.²⁴ The problems of women violence have arisen because there is only a little care of such a situation, and instead, they even consider the cause of the incident. In this case, there is only very little chance for women to fight for themselves because they control their bodies and behaviour with various regulations that suppress women's lives.

The Aceh government has socialized Sharia Law's application to many regions, and the community has responded to it in various ways.²⁵ Four points of criticism of the Sharia Law implementation commonly voiced by Acehnese are as follows, (1) The present Qanun is poorly

written; some unclear guidelines can be arbitrarily interpreted. (2) There are few opportunities in taking part in legal development for the society (3) The community socialization is weak and makes the citizens have less understanding of how Sharia Law functions. (4) The Qanun is mostly symbolic, attaching sanctions to private matters (such as dress or prayer) while ignoring more public severe offences.²⁶

This research carried out the normative juridical approach. It analyzes the problems, examines the legal process principles, and refers to the standard norms. In describing the problem's experience, the research put emphasis more on the kind of field research. This study used field research after finding the object by taking subjects in Aceh using semi-structured interviews, focus groups, and participant observation. The discussions directly involved respondents such as Sharia Police, religious judges, NGOs, and women. The interviews' results were analyzed manually, so the author collected the information from the field's sources. Data analysis in this study is a simple data display, data verification, and conclusion.

This discussion on Sharia Law was widely discussed globally in various Islamic or political literature, whether in books or writings in the form of articles, books, papers, and journal study. There is only a little international literature regarding the Sharia Police problem because it is still developing, and it is the first in Indonesian history. Previously the writings only described at a glance and in general. In 2004 it was followed by the establishment of the Sharia Police, which turned out to be progressive. The Sharia Police pays attention to certain places, such as shorelines, evening time cafes, inns, and other target infringement, particularly the surrounding people,

²¹ Afridal Darmi, 2011, 149.

²² Ifdhal Kasim, 2011, xiv

²³ T. Saiful, *Gender Perspektif*, 2016, 340.

²⁴ T. Saiful, *Gender Perspektif*, 2016, 246.

²⁵ T. Saiful, *Gender Perspektif*, 2016, 258.

²⁶ Troy Johnsons, "Voice from Aceh: Perspective on Syariat Law," *Working Paper Series*. No. 97, Southeast Asia Research Center (SEARC), 2017, 7.

liquor betting, and those who are not cooperative in Friday supplications.

This research aims to explain the Sharia Law violation case and Sharia Police's facts in upholding Qanun Jinayat.

A New Story: Elite Politics of Political Expression

After the Helsinki MoU between the Republic of Indonesia and Gerakan Aceh Merdeka (Free Aceh Movement or GAM) has been signed, the Sharia Law No. 11/2006 on Aceh Governance and also the Qanun Aceh No. 6/2014 on Qanun Jinayat were officially implemented. The Law was the authority to regulate various regulations, including in the field of justice. Since 1999 some Regional Regulations have been issued on the exclusive autonomy rights and the Law on Regional Governance after the reform process in several district area.

A new political transformation in Aceh was introduced, providing each candidate opportunities to nominate as governors, regents, and mayors in the regional elections (Pilkada). One part of the political subjects is to build the province of Aceh to be a unification between GAM elites and civil society through local political parties.²⁷ The dynamics of regional political parties in Aceh have changed GAM's armed struggle into a political battle through vote and parliament. Thus, the first election held in 2009 was won by the Aceh Party (PA) for the provincial level, reaching 33 seats out of 69 seats (48%).²⁸

Moreover, Aceh's local party is also a form of political expression for their disappointment in national legislative and policy conditions. So, the

establishment of a new identity as a political subject has been successful in Aceh. A recent political story in Aceh was one of the Acehnese's hegemonic forms in responding to uneven national development, especially in Aceh.²⁹

In terms of the local government, the election consolidated peace and asked GAM to command the government's part to support Aceh's political economy. Numerous previous GAM pioneers benefited from access to government contracts, business, and other monetary chances. Their material circumstance in this way improved, even while Aceh's financial situation stayed dormant, corresponding to the rule of Indonesia.³⁰

The Aceh Party should carry out Islamic teachings values in the nation's life and the state. GAM pioneers realize that Sharia is essential for a significant number of their supporters.³¹ Furthermore, civil society lost control during the rise of local political power after enacting the Law on the Governing of Aceh (LoGA). Hence, along with Sharia Law's implementation in Aceh policy, the figures representing parties in Aceh are still unable to do justice to the community and are still half-hearted in supporting Sharia Law in Aceh.

1. Sharia Police Authority

The Sharia Law implementation in Aceh was carried out under the authority Office of Sharia Law (Dinas Sharia Islam) in Aceh Province. This institution's tasks are designing the Qanun, implementing, supervising, and providing Sharia Law guidance. The Sharia Office being responsible for the Sharia Police, has to manage Sharia Law.³² The government has established the Qanun Jinayat, one of the Qanuns guarded continuously by the Aceh

²⁷ Iwan Ismi Febriyanto, Wawan Edi Kuswandoro, S.Sos, M.Si dan Faza Dhora Nailufar, Partai Politik Lokal Aceh Dalam Perspektif Demokrasi Radikal, 13. *Fisip Universitas Brawijaya*, 2014, 15.

²⁸ Chairul Fahmi, Prilaku Politik Pada Demokrasi Transisi: Studi kasus di Provinsi Aceh pada Pemilu 2014, Aceh Institute Banda Aceh, Indonesia, 2014, 221.

²⁹ Iwan Ismi Febriyanto, et al, Partai Politik, 2014: 13.

³⁰ Edward Asponall, Elite Bargains, 2018, 17.

³¹ Edward Aspinall, The Politic of Islamic Law in Aceh, Association for Asian Studies Annual Meeting 2007, March 22-25, Boston, 29.

³² Cut Maya Afrina Sari, 2018: 75), Pro dan Kontra, 2018, 75.

government that gives exclusive authority to the Sharia Police.

Sharia Police has more or less 6,300 members in Aceh³³, and its establishment is deemed necessary due to its usefulness in implementing Sharia Law through Islamic approaches. Sharia Police is an institution tasked with supervising, fostering, and advocating against the implementation of laws and regulations in Sharia Law.³⁴ It is an institution that gets the authority to carry out its duties and functions based on the Governor's Decree No. 1/2004 article 5 on the organization and work rule of Sharia Police. The law enforcement agency was set up as part of the Civil Service Police Unit through *Perda* (Regional Regulation) No. 5/2000 as a body to monitor and reinforce Sharia. Sharia Police is part of the Civil Service Police Unit (Satpol PP), as an institution that enforces the Governor Qanun, Regents/Mayors in the Government of Aceh administration of public order and peace of society, and the implementation of Sharia Law.³⁵

Regarding the structure previously mentioned, Sharia Police is part of the Civil Service Police Unit. Central Government mentioned this provision through Law No. 11/2006 on the government of Aceh, article 244. Combining the Civil Service Police Unit with Sharia Police into one unit in the Aceh Government Work Unit (SKPA) has

strengthened Sharia Police's role in legal in the legitimacy of legislation in Indonesia.³⁶

Sharia Police acts as implementing the Sharia Law and has the authority to protect the victims.³⁷ It was further discovered that since 2004 assaults and violence have been decreasing. Sharia Police often conducts raids rather than socialization. The presence of Sharia Police only focuses on conducting operations in the context of implementing Sharia Law. The service is carried out by monitoring the city, controlling, and conducting raids in places deemed to violate the Sharia.³⁸

Sharia Police has the authority to explain the regulations to the public to make them aware of complying with the rules and not to cause violations that can bring them sanctions or fines.³⁹ Besides, the General Consultative Assembly (MPU), as an independent institution, is tasked with providing a response and criticizing the Sharia Police enforcement officers in carrying out their duties.

The main issue is about the certainty of the functional career path of a Sharia Police officer. At the provincial, regency, or city level, the governor, regent, or mayor make the appointment, while the *gampong* (village) level is by the Tuha Peut officers (village advisors). The community helps in providing information about violations in the village environment. The places in which violations are mostly found are the areas of excitement like shorelines, inns, evening time bistros, and

³³ (Human Rights Watch, 2010), Human Right Watch. 2010. Menegakkan Moralitas Pelanggaran dalam Penerapan Syariah di Aceh, Indonesia, 2010.

³⁴ Muhammad Siddiq, et al, Posisi Kedudukan Wilayahul Hisbah Dalam Birokrasi Pemerintah Aceh: Studi terhadap jabatan fungsional Wilayahul Hisbah, *Universitas Islam Negeri Ar-Raniry* Banda Aceh, Indonesia, Conference Proceedings – ARICIS I, 2015, 242.

³⁵ Haryanto, Polisi Syariah: Keamanan untuk Siapa?, *Jurnal Ilmu Sosial dan Ilmu Politik*, Volume 18, Nomor

2, November 2014 (160-176) ISSN 1410-4946, 2014: 169.

³⁶ Haryanto, Keamanan untuk Siapa? 2014: 170.

³⁷ Interview with Lhokseumawe City transgender, 3 February 2019.

³⁸ Cut Maya Afrina Sari, Pro dan Kontra, 2018, 81.

³⁹ Al Yasa' Abu Bakar, Wilayahul Hisbah, Polisi Pamong Praja Dengan Kewenangan Khusus di Aceh, (Banda Aceh: Dinas Syari'at Islam Aceh, 2009), 2009, 22.

those engaged in betting and liquor and those who do not perform Friday prayers. However, in practice, the Sharia Law has been poorly applied by the Sharia Police among the community.

Observing the cases, disconnection, betting, drinking, and nefarious activities in cafes, hotels, and other open places are still prevalent.⁴⁰ The Sharia Police face several cases, especially with gender discrimination, in conducting their community functions. Furthermore, Qanun regulates limited moral issues and personal problems, such as the prohibition of adultery, stealing, and gambling. As a result, Qanun is unable to solve community problems in social matters. In an interview with one of the woman Sharia Police in Aceh, she said, “I was graduated from high school, and I still have to learn about the field of religious knowledge, especially *aqidah* (faith). The goal is providing more effective socialization to the community. To be honest, when I went to the community for the first time, it is rather difficult to explain the Qanun Jinayat. In general, we also have not received training related to gender, and I learned from the NGOs network if there were activities and invitations related to women.”⁴¹

Besides, there is no development of capacity, skills in providing services, gender understanding, and international legal rules from the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) and human rights. Sharia Police

cannot develop in a career path, and recent violence frequently occurs against society, especially women.

On the other hand, this institution's existence still arises many problems, both internally and externally. The regulations formed in the regional rules become part of the Sharia Police's work, but there are still obstacles in implementing the operational funds in some areas.⁴² The government has implemented the Sharia Law using the allocation budget that amounted to 5% of the total Aceh Expenditure Budget or the Aceh Expenditure Budget (APBA) in 2017-2018 Governor-General Regulation.⁴³ However, activities in the implementation of Sharia Law conducted by the Sharia Police were minimized due to the lack of funds, and this occurred in several areas in North Aceh and Lhokseumawe City. Indeed, due to the Aceh government's financial crisis, the 2018 Aceh Revenue and Expenditure Budget (APBD) was not approved until early March, and some of the Sharia Police, about 900 contract workers, were retired.⁴⁴

The regulations formed in the region rules are part of the Sharia Police's efforts, and the operating funds are still constrained in some areas. According to Otto Syamsuddin as a researcher at Syiah Kuala University, Sharia Police members' reduction is not the right solution. The Sharia police should give an understanding of human rights and training according to the Indonesian legal context.⁴⁵

2. Communities and Local Custom

⁴⁰ Muzakkir, Hasballah Thaib, Implementation of Law in Aceh After Application Qanun Jinayah, *International Journal of Humanities and Social Science Invention*, 2017, 3.

⁴¹ Interview with Sharia Police in Lhokseumawe, 3 February 2019.

⁴² Shariah police are tasked with the responsibility of implementing Islamic law and socialization about Islam, provincial, and district/city government to form

Sharia Police with authority to supervise qanun in Aceh.

⁴³ Badan Perencanaan Pembangunan Daerah (Development Planning Agency at Sub-National Level or Bappeda) Lhokseumawe, 2019.

⁴⁴ BBC, Sekitar 100 Polisi Syariah Aceh Diberhentikan, Apa Dampaknya?, 2018.

⁴⁵ Interview with Otto Syamsuddin Ishak as researcher at Unsyiah University, 3 February 2019.

In the context of Aceh, Islam has become the foundation of community, social, economic, political, state, legal, and cultural life. History has proved that Islam is very fundamental for the people of Aceh. The influence of Islam in Acehnese society can be seen in their daily culture, attitudes, deeds, and appearance in association with the community.⁴⁶ Such beliefs and views, such as concern about truth and badness, is associated with Islamic teachings.

In upholding the Sharia Law, the community also participates by reporting to the Sharia Police when there are cases of violation or arrest.⁴⁷ The community's participation in implementing the Qanun Jinayat in Aceh that influences environmental monitoring has helped Sharia Police's responsibility. For instance, when the Sharia Police cannot solve the Qanun Jinayat cases, some community cases related to the Qanun Jinayat are submitted to the *adat*.⁴⁸ It can be found in cases of *khalwat* that occur in local villages or in various places where the Sharia Police can deliver the case to *adat*.

The legal institutions dealing with Sharia Law violations are the traditional institutions that are very influential for the Acehnese life pattern. The institution's role is valuable in handling the Sharia Law violations in Aceh, as the legal basis used to solve the informal approach including Qanun No. 5/2003 on *gampong*.⁴⁹

Customary institutions have a lawful basis. Qanun No. 9/2008 on fostering ordinary life and *adat* and Qanun No. 10/2008 on *adat* institutions.⁵⁰ Article 89 paragraph (1) of Law No. 11/2006 states that customary institutions function and act as a vehicle for community participation in the Aceh administrative governance and district/city government in the fields of security, peace, harmony, and community order.⁵¹

3. Integrity and Morality

The Sharia Police responded by conducting a strict clothes raid regularly to the public. Ironically, the community becomes a target of being examined and arrested while doing public transport activities or riding a motorcycle. However, people who drive private cars are often ignored from checking and can continue their journey. Nowadays, in Aceh, the *hijab* (veil) has become a style, but inspection usually occurs in clothing, especially for Aceh adolescents. A *hijab* is a veil worn by Muslim women covering their head. If they do not wear it, they will be arrested and given advice.⁵²

In the implementation of the Qanun Jinayat, Sharia Police is also in the public spotlight because local regulations on fashion are often various. Women's clothing rules in Islam still have differences among the Sharia Police members. Some of the Sharia Police explain about wearing pants with knee-length clothes. Besides, women are not allowed to wear pants, but they have to wear skirts.⁵³ It is still

⁴⁶ Nurahimah bt Yusoff, Mohd Isha Awang, & Ibrahim, *Integrasi Nilai Islami Dan Budaya Aceh Berdasarkan Kurikulum Karakter, Humanus Vol. Xiii No.1 Th. 2014*, 2.

⁴⁷ Serambinews, *Aparat Penegak Syariat Diperkuat*, 2017.

⁴⁸ Interview with Sharia Police in Lhokseumawe, 3 February 2019.

⁴⁹ Soerjono Soekanto and Sri Mamuji, Soerjono Soekanto dan Sri Mamuji. 1990. *Penelitian Hukum Normatif Suatu Tinjauan Singkat*, Jakarta, Rajawali Press, 1990, 4. Tim Peneliti IAIN AR-Raniry dan Biro Keistimewaan Aceh Provinsi NAD. 2006.

Kelembagaan Adat Provinsi Nanggroe Aceh Darussalam, Banda Aceh, Ar-Raniry Press, 2006, 87.

⁵⁰ Ali Geno Berutu. 2019, *Peran Polri, Kejaksaan Dan Mahkamah Adat Aceh Dalam Penegakan Syariat Islam Di Aceh*, *Iain Salatiga, Ahkam* Volume 7, Nomor 2, November 2019, 248.

⁵¹ Ali Geno Berutu, *Peran Polri*, 2019, 250.

⁵² Cut Maya Afita Sari, *Pro dan Kontra*, 2016, 82.

⁵³ My own experience in visiting the Sharia Police office in Banda Aceh and Langsa for interviews and getting information about the Sharia Police. I visited the Sharia Police Banda Aceh office, at that time, I wore loose knee-

challenging to understand unclear arrangements about clothing rules in each working area. Likewise, the clothes cover should not be transparent, which shows the body shape of men and women, while the punishment for violators is not explicit, only the resolution and Sharia Police formation.⁵⁴

The facts show different perceptions between one Sharia Police with the other Sharia Police about clothing. In the matter of fashion, although this dress code appears to gender-neutral, in practice, the restrictions are far more severe for women than men.⁵⁵ When the Sharia Police's position is further from the centre of the Law, they turned into the qualified police in their area, and they became a team progressively fixated on women's thin pants and observed whether they were sitting astride on a motorbike.

Acehnese wear Islamic clothing covering their *aurat* (entire body; for men, it is the body's territory from the knee to the navel, and for women, it is the body except for the hands, feet, and face. Although the rule is applied to both sexes, there is undue attention and more stringent limitations on women. This condition makes up a more significant number of violators.⁵⁶ The influence of clothes is more dominant in women than modern clothes changing into Muslim costume. Besides, women who experience sexual violence also suffer negative stigma

from the community. Therefore, it can be concluded that women and the poor have turned into the essential focus of authorization.

An increasing number of women with moral quality errors, such as genuine friendship or pre-marriage sex, internet access, and globalization, bring conflicts with neighbourhood social and strict standards.⁵⁷ About 1,000 people of the transgender network have been underestimated since the Sharia Law becomes the valid code.⁵⁸ Transgender in Aceh are vulnerable to being targeted by Sharia Police because they do not follow the proper expression and gender identity. A transgender woman reported to Human Rights Watch how Sharia Police detained a transgender woman for not wearing Islamic clothing.⁵⁹ For example, the transgender in Lhokseumawe city wore Islamic attire to protect themselves from the Sharia Police raids.⁶⁰

On the other hand, there have been various cases of violations of the Qanun Jinayat committed by the law enforcement officers, such as the *khalwat* (seclusion) case committed by the Sharia Police members. The rape case was carried out by 3 (three) members of the Sharia Police Langsa City on Friday, January 8, 2010. In Langsa, the rape case by three Sharia Police members became a discussion in the community related to the Sharia Police's morality.⁶¹

length and trousers. I was reprimanded by one of the female Sharia Police, she told me to change and wear a skirt but I was still welcomed by the other Sharia Police. However, a different experience when I visited the Sharia Police Langsa, I was wearing the same style of dress, and I asked the Sharia Police whether my clothes violated Islamic clothing, he said: "it meets the appropriate way of Muslim dressing".

⁵⁴ Mahdi, Danial, Usamah, *Dinamika Formalisasi*, 2007, 5.

⁵⁵ Abdurrohman Azzuhdi, *Politik Penguasaan Tubuh Perempuan dalam Implementasi Perda Syariah di Aceh*, 2016.

⁵⁶ Human Right Wacth, *Menegakkan Moralitas Pelanggaran dalam Penerapan Syariah di Aceh*, Indonesia, Desember 2010.

⁵⁷ TheJapantimes.news. *Indonesia's Aceh Unveils Female Flogging Squad As More Women Run Afoul Of Sharia Law*, 2020

⁵⁸ *Strict sharia forces gays into hiding in Indonesia's Aceh*, 2014.

⁵⁹ Human Rights Watch, *Menegakkan Moralitas*, 2010, 7.

⁶⁰ Interview with Lhokseumawe City transgender, 3 February 2019.

⁶¹ Muhammad Ansor. *Merayakan Kuasa Agama: Etnografi Razia Penegakan Syariah Islam Di Langsa*, Aceh Akademika, Vol. 22, No. 01 Januari-Juni 2017, 120.

The cases occurred in Langsa City on the treatment of Sharia Police towards women as follows:

(1) In Tualang, Tengoh, Aceh. In a detention room, the woman was raped by three Sharia Police. According to the report from Langsa's general hospital, the autopsy result showed that the victim had suffered sexual violence. Sharia Police perpetrated violence against the woman, and the perpetrators were punished with about 12 years in prison.⁶²

This case made the victim ashamed of the community, and then she moved from the village.

(2) Another case was Putri Erlina, from East Aceh, who ended her life by committing suicide on September 6, 2012. It was allegedly due to the Sharia police's accusation that she was a sex worker. The victim, with a friend, was arrested by the Sharia police after watching a single organ event.⁶³

A rape case was settled in a district court of Langsa city, Aceh, convicting two Sharia police officers eight years in prison for violating article 285 of the criminal code on rape.⁶⁴ According to Human Rights Watch, it was appreciated that the rape was investigated and legally processed. Still, the authorities did not take preventative steps to limit practices that were not following the Law.⁶⁵

The community needs better implementation that would help them in overcoming all their problems.⁶⁶ However, the Sharia Police also lack providing services

and religious knowledge of women's rights in the community. This Sharia Police often commit violations while practising on the field and get resistance from the community.

However, the lack of morale and integrity of the law enforcers becomes the potential obstacles to the enforcement of the Qanun Jinayat. At this point, there is more substantial confidence in law enforcement's capacity and integrity, especially in preventing and in the decision-making of violations of the Qanun Jinayat. People's loyalty does not see their moral awareness, but it comes from their technical competency, leadership, and effectiveness, including in a public ethics infrastructure.⁶⁷ As a rule, public officials' function may guarantee the existence of peace and tolerance, open up the social discourse and active politics to support exclusive politics, and avoid divisive defences and discriminatory politics.⁶⁸

There were several aggressions in several groups at the early formation of the Sharia Police in Aceh. The following resistance arose from groups who did not like the supervision of Sharia Police. Various reactions had occurred in several areas in Lhokseumawe city, such as incidents and threats to the Sharia Police who were hit or stoned while conducting the raids. They brought women who did not wear Islamic clothing, but they were intercepted by some men and failed to get the woman. Besides, the window of the Sharia Police office was broken by one bottle thrown by someone.⁶⁹

Furthermore, in East Aceh, the Sharia Police team wanted to disperse live music

⁶² Tempo.co, Oknum Polisi Syariah Pemeriksa Tahanan Masuk Tahap Penyidikan, 18 Januari 2010.

⁶³ Serambinews. Sebelum Gantung Diri, PE Tulis Surat untuk Keluarga, 11 September 2012.

⁶⁴ Koran.Tempo, Polisi Buru Lima Pelaku Pemerkoasaan di Langsa, 8 May 2014

⁶⁵ Human Right Time, Menegakkan Moralitas, 2010.

⁶⁶ Yudani, Formalisasi Syariat, 2016, 258.

⁶⁷ Haryatmoko, Etika Publik, PT Gramedia Pustaka Bersama, ISBN 978-979-22-7206-2, 2011, 83.

⁶⁸ Haryatmoko, Etika Publik, 2011, 84

⁶⁹ Detiknews, Pelaku Pelemparan Kantor Polisi Syariat Lhokseumawe Ditangkap, 22 Jun 2017.

performances in a *gampong* (Alue Merbau village), East Langsa District, which military members conducted. The young men suspected of being drunk immediately chased and pelted liquor bottles and stones at the Sharia Police members and the head of the Sharia Law Division of Langsa City.⁷⁰ The beatings and threats to the Sharia Police are part of an effort to weaken the Sharia Police as the supervisor.

In reality, there are still many things that have not been accepted by society related to Sharia Police duties and moral perceptions of the Sharia Police.

4. Gender Experiences and *Perda*

According to the National Commission on Violence against Women, more than about 421 discriminatory policies to a single interpretation of religious teachings limit the right to freedom of expression and religion.⁷¹

Regarding the civil society problem in Aceh, advocacy in Jakarta reported that the Qanun Jinayat was contrary to the constitution and several laws, both in substance and the process of its formation. There was also an observation about Sharia Law's potential to create violence and discrimination against women in the province. However, a member of the National Party of the PKS (Partai Keadilan Sejahtera) Aceh faction, Tgk Makhyaruddin Yusuf, revealed that the implementation of Sharia Law in the province did not discriminate against the gender and adherents of other religions.⁷² It further noted that most

arrests or raids were conducted on women riding motorbikes, sex workers, salons, and lesbian, gay, bisexual, transgender (LGBT).

The Qanun provisions contained in Law No.11/2006 on the Aceh Governance in the article (2) Regency/city mentions that Qanun is a statutory regulation similar to regency/city regional regulations governing the administration of government and the life of district/city communities in Aceh.⁷³ Some of the discourses of *Perda* in Aceh have become debates among the people of Aceh.

First, in 2009, West Aceh's regent banned Muslim women in the regency from wearing tight pants or jeans. The West Aceh government has provided unique skirts of various sizes for women who wear trousers.⁷⁴ However, some women still wear pants because of feeling comfortable when riding the motorcycle despite these regulations.

Second, on January 7, 2013, Mayor Suaidi Yahya of Major Lhokseumawe city issued a circular letter that banned the adult women from "duduk nganggang" (sitting astride). Lhokseumawe Mayor Suwaidi Yahya urged women not to sit astride when riding on a motorcycle. According to him, women who "sit astride" when riding a bike is not part of the Islamic culture of Aceh.⁷⁵ According to various Lhokseumawe women activists, the mayor's regional policies related to discrimination against women endanger women. It may cause accidents if women carry goods and children while sitting in a pillion and because women who use motorbikes are

⁷⁰ Serambinews, Aparat Penegak Syariat Diperkuat, 2017.

⁷¹ Tempo.co, Komnas Perempuan Finds 421 Discriminatory Policies, 19 August 2016.

⁷² Republika, PKS: Syariat Islam di Aceh tidak Diskriminatif, 3 October 2012.

⁷³ Qanun Sharia Law No.11 of 2006.

⁷⁴ BBC, Aceh Barat razia pakaian ketat, 2010.

⁷⁵ I visited the Sharia Police office in Lhokseumawe City, met with the Head of Sharia Police Irsyadi, explaining that the raids were still being carried out because they were part of the effort to enforce Qanun No. 11/2002 concerning the Implementation of Islamic Sharia in the fields of Worship, Aqidah and Islamic Syiar. In addition, in carrying out the call of the Lhokseumawe Muspida No. 002/2013 concerning the Prohibition of Sitting Nganggang for Lhokseumawe City.

mostly from the lower level economy. Prohibition of sitting astride is one form of system or rules that discriminates against women because women are mistreated and not equal to men. These are not the principles and justice as contained in the Islamic teachings.⁷⁶

Third, Major Illiza Sa'aduddin of Banda Aceh in 2015 enforced the curfew rule for women in Banda Aceh city by issuing Instruction No. 1/2015 on women's prohibition from working until midnight. This *Perda* was established to protect female workers in certain places, such as coffee shops and other entertainment venues. According to Illiza Sa'aduddin, as ex-Mayor of Banda Aceh city, women's limitation from working at 11 p.m. in Banda Aceh is also to protect female workers.⁷⁷ It also protects young people from wandering around late at night. However, the instruction raised many communities and organizations' attention, both in local, national, and international scope. According to the Minister of Women's Empowerment and Child Protection, Yohana Yambise, the curfew for women in Banda Aceh is discriminatory.

Fourth, Saifanur, as the Bireuen Regent of Aceh in 2018, issued a circular letter that prohibited sitting at one table between men and women in a coffee shop. The following Sharia Law, the Bireuen regent, passed a ban in the form of *Perda*, in which women are banned from working over curfew.⁷⁸

Fifth, there is also the polygamy discourse for men in Aceh, formed in a new draft *Perda*

containing polygamy rules design to protect Acehnese women's rights to reduce the divorce rate due to the high number of marriages. Qanun should strengthen the implementation of the Law so that there are no violations of the Law. The local governments try to make polygamy draft rules in Aceh due to the increase in Nikah Siri.⁷⁹ According to the National Commission on Violence Against Women (Komnas Perempuan), Aceh, Regional House of Representatives (DPRA), *Perda* tried to discuss polygamy regulated by the National Law. The Aceh polygamy Qanun discourse is controlled in Law No. 1/1974 on marriage.⁸⁰

Sixth, on July 10, 2019, women and children are prohibited from going out at night in North Aceh under Regent Muhammad Thaib, and those under 17 years are not allowed to come out at night. Furthermore, women are not allowed to go out at night without a husband or *mahram*.⁸¹ This task's implementation is under the Civil Service Police Unit (Satpol PP) and Sharia Police. The North Aceh district government has placed about ten Sharia Police and Satpol PP members in North Aceh's sub-district.

The six *Perda* or draft *Perda* in the content of particular articles and paragraphs can have the opportunity to have multiple interpretations and contain legal uncertainty. Moreover, in implementing those articles and verses, women and children are the objects of prohibition and punishment because they can commit acts of violence against women and children.⁸² It also has no exception to *Perda*.⁸³

⁷⁶ Muhammad Nasir, *Syariat Islam*, 2003, 201.

⁷⁷ Kompas.com, Wali Kota Aceh: Jam Malam Justru untuk Lindungi Perempuan, 8 June 2005.

⁷⁸ Serambinews, Nonmuhrim Dilarang Duduk Semeja, 5 September 2018.

⁷⁹ Nikah Siri is a marriage that is not recorded in a document of the state, referring to the Islamic pillars of marriage that declare a legal marriage if it is known by many people.

⁸⁰ Kompas.com, Soal Qanun Poligami di Aceh, Komnas Perempuan Ingatkan Sudah Ada UU Perkawinan, 8 June 2019.

⁸¹ Serambinews, Ini Tanggapan Bupati Aceh Utara Terkait Deklarasi Perempuan Dilarang Berkeliaran Malam Tanpa Mahram, 2 October 2019.

⁸² Afridal Darmi, 2011, 162.

⁸³ Ifdhal Kasim, 2011, xv.

The provisions in the *Perda* can be violated. In article 18 on Analysis of Qanun Jinayat, as seen in the International Covenant on Civil and Political Rights (KIHSP), violations occur due to unclear regulated norms meanings in several stipulated provisions, so that it is potential for violation.⁸⁴

The local regulations are the responsibilities of the local government. However, Sharia Police have limited capacity, skills, and services on their members. From various causes, it is potential for violence and discrimination against women.

The regional regulations on women are not balanced, which is indicated by not involving women informing that rule. The guiding principle should contain the legislation functions to protect marginal and minority groups.⁸⁵ Article (1) CEDAW determines that although the purpose of regulation is to protect women, if its implementation hurts women, reduces or eliminates the recognition, enjoyment, or use of human rights, then the rule or action is discriminatory against women, and therefore becomes a form of discrimination against women.⁸⁶

Conclusion

The regional head policy represented by the local political parties successful in the elections does not fully support the Sharia Police's work. The implementation of the Qanun Jinayat that is regulated by Qanun 14 /2014 on the Qanun Jinayat is carried out to maintain humanity and dignity and protect the people of Aceh from committing immoral acts. However, there is still a lack of quality in understanding the rule in implementing the Sharia Police. In short, Sharia

Police's presence in dealing with moral problems in the community has not been maximal yet. On the contrary, it caused reactions from various groups. Gender experience of both women and other groups have created new problems in the enforcement of the Qanun Jinayat in Aceh.

As a tool in implementing Qanun Jinayat, Sharia Police still requires understanding in serving women and society. The formal Shariah Law pursued a top-down agenda political power by ignoring their diversity and their capacity to build Sharia Law from the ground up. The failure to ensure that women and specific issues about women represented throughout the Qanun Jinayat show gendered problematic in Sharia's conceptualization. However, the implementation has caused recent violence in both genders in which women and men are accused of committing violations. It highlighted the woman's challenges in facing the implementation of Qanun Jinayat and pointed to the contribution that both women and men might give in pursuing justice.

Besides, regarding the Sharia Police attitude in implementing the Qanun Jinayat, it is necessary to have more selective members that understand religion. A recruitment system must have implications on Qanun implementation quality that can give good value to the community. Improving the implementation's performance is supported by a high commitment of the government so that the Sharia Police can develop more in understanding gender and providing excellent services to the community.

The Acehese people have reliable social power in the locality value before the Sharia Police was formed, which has helped in social life. In this situation, the Sharia Police cases that these

⁸⁴ Zainal Abidin, Analisis Qanun Syariat Islam Aceh dari Perspektif Kovenan Internasional Hak-hak Sipil Politik (KIHSP), Qanun di Nanggroe Aceh dan Kompatibilitasnya dengan Hak Asasi Manusia, ISBN: 978-979-25-2137-5, 21.

⁸⁵ Erfina Fuadatul Khilmi, Pembentukan Peraturan Daerah Syari'ah dalam Perspektif Hukum Tata Negara Pascareformasi, Lentera Hukum, Volume 5 Issue 1 (2018), 49.

⁸⁶ Afridal Darmi, 2011, 163

organizations could not solve were handed over to the local village's local custom.

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STANDAR PENULISAN ARTIKEL

NO	BAGIAN	STANDAR PENULISAN
1.	Judul	<ol style="list-style-type: none">1) Ditulis dengan huruf kapital.2) Dicitak tebal (bold).
2.	Penulis	<ol style="list-style-type: none">1) Nama penulis dicitak tebal (bold), tidak dengan huruf besar.2) Setiap artikel harus dilengkapi dengan biodata penulis, ditulis di bawah nama penulis, dicitak miring (<i>italic</i>) semua.
3.	Heading	<p>Penulisan Sub Judul dengan abjad, sub-sub judul dengan angka. Contoh: A. Pendahuluan B. Sejarah Pondok Pesantren... 1. <i>Lokasi Geografis</i> 2. <i>(dst)</i>.</p>
4.	Abstrak	<ol style="list-style-type: none">1) Bagian Abstrak tidak masuk dalam sistematika A, B, C, dst.2) Tulisan Abstrak (Indonesia) atau Abstract (Inggris) atau ملخص (Arab) dicitak tebal (bold), tidak dengan huruf besar.3) Panjang abstrak (satu bahasa) tidak boleh lebih dari 1 halaman jurnal.
5.	Body Teks	<ol style="list-style-type: none">1) Teks diketik 1,5 spasi, 6.000 – 10.000 kata, dengan ukuran kertas A4.2) Kutipan langsung yang lebih dari 3 baris diketik 1 spasi.3) Istilah asing (selain bahasa artikel) dicitak miring (<i>italic</i>).4) Penulisan transliterasi sesuai dengan pedoman transliterasi jurnal Musāwa.

NO	BAGIAN	STANDAR PENULISAN
6.	Footnote	<ol style="list-style-type: none"> 1) Penulisan: Pengarang, <i>Judul</i> (Kota: Penerbit, tahun), hlm. Contoh: Ira M. Lapidus, <i>Sejarah Sosial Ummat Islam</i>, terj. Ghufron A. Mas'udi (Jakarta: PT. Raja Grafindo Persada, 1988), 750. 2) Semua judul buku, dan nama media massa dicetak miring (<i>italic</i>). 3) Judul artikel ditulis dengan tanda kutip (“judul artikel”) dan tidak miring. 4) Tidak menggunakan <i>Op. Cit</i> dan <i>Loc. Cit</i>. 5) Menggunakan <i>Ibid.</i> atau نفسه المرجع (Arab). Dicitak miring (<i>italic</i>). 6) Pengulangan referensi (<i>footnote</i>) ditulis dengan cara: Satu kata dari nama penulis, 1-3 kata judul, nomor halaman. Contoh: Lapidus, <i>Sejarah sosial</i>, 170. 7) Setelah nomor halaman diberi tanda titik. 8) Diketik 1 spasi.
7.	Bibliografi	<ol style="list-style-type: none"> 1) Setiap artikel harus ada bibliografi dan diletakkan secara terpisah dari halaman body-teks. 2) Kata DAFTAR PUSTAKA (Indonesia), REFERENCES (Inggris), atau مصدر (Arab) ditulis dengan huruf besar dan cetak tebal (bold). 3) Contoh penulisan: Lapidus, Ira M., <i>Sejarah Sosial Ummat Islam</i>, terj. Ghufron A.M., Jakarta: PT. Raja Grafindo Persada, 1988. 4) Diurutkan sesuai dengan urutan alfabet.

PEDOMAN TRANSLITERASI

Transliterasi Arab-Latin yang digunakan dalam tulisan berbahasa Inggris pada Jurnal *Musāwa* ini adalah literasi model L.C. (*Library of Congress*). Untuk tulisan berbahasa Indonesia, memakai model L.C. dengan beberapa modifikasi.

A. Transliterasi Model L.C.

ح = ḥ	ج = j	ث = th	ت = t	ب = b	ا = -
س = s	ز = z	ر = r	ذ = dh	د = d	خ = kh
ع = ‘	ظ = z̤	ط = ṭ	ض = ḍ	ص = ṣ	ش = sh
م = m	ل = l	ك = k	ق = q	ف = f	غ = gh
	ي = y	ء = ‘	ه = h	و = w	ن = n

Pendek a = i = u =
 Panjang ā = ī = إي ū = أو
 Diftong ay = إي aw = أو

Panjang dengan *tashdid* : iyy = إي ; uww = أو

Ta’marbūtah ditransliterasikan dengan “h” seperti *ahliyyah* = أهلية atau tanpa “h”, seperti *kulliyya* = كلية ; dengan “t” dalam sebuah frasa (*contract phrase*), misalnya *surat al-Ma’idah* sebagaimana bacaannya dan dicetak miring. Contoh, *dhālika-lkitābu la rayba fih* bukan *dhālika al-kitāb la rayb fih*, *yā ayyu-hannās* bukan *yā ayyuha al-nās*, dan seterusnya.

B. Modifikasi (Untuk tulisan Berbahasa Indonesia)

1. Nama orang ditulis biasa dan diindonesiakan tanpa transliterasi. Contoh: As-Syafi’i bukan al-Syāfi’i, dicetak biasa, bukan *italic*.
2. Nama kota sama dengan no. 1. Contoh, Madinah bukan Madīnah; Miṣra menjadi Mesir, Qāhirah menjadi Kairo, Baghdād menjadi Baghdad, dan lain-lain.
3. Istilah asing yang belum masuk ke dalam Bahasa Indonesia, ditulis seperti aslinya dan dicetak miring (*italic*), bukan garis bawah (*underline*). Contoh: ...*al-qawā’id al-fiqhiyyah*; *Isyrāqiyyah*; *‘urwah al-wusqā*, dan lain sebagainya. Sedangkan istilah asing yang sudah populer dan masuk ke dalam Bahasa Indonesia, ditulis biasa, tanpa transliterasi. Contoh: Al-Qur’an bukan Al-Qur’ān; Al-Hadis bukan al-Hadīth; Iluminatif bukan illuminatif, perenial bukan perennial, dll.
4. Judul buku ditulis seperti aslinya dan dicetak miring. Huruf pertama pada awal kata dari judul buku tersebut menggunakan huruf kapital, kecuali *al-* yang ada di tengah. Contoh: *Ihyā ‘Ulūm al-Dīn*.

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