**Qanun Jinayat and Sharia Police in the Context of Gender Equality In Aceh Indonesia**

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 **Abstract**

Sharia police the responsibility to carry out *Qanun Jinayat* (criminal law) of part Sharia Law based No.11/ 2006 on the Government of Aceh. *Qanun Jinayat* substance of a rule to protect the dignity and human, and as a way to keep and protect the people of Aceh in the road following Islam. Sharia Police presence focuses on conducting operations in the context of implementing Sharia Law. The service carried out by monitoring the city, controlling, and conducting raids in places deemed to violate the Sharia in Aceh. The case experiences in Aceh in the context of Qanun Jinayat in some cases have *adat* (custom) participation involvet in the implementation.Sharia Police give the *Qanun Jinayat* cases to custom courts to be resolved. In Aceh, the discourses of *Perda* (local regulation) that become debates among the people of Aceh. Several aspects contribute to this systematic expansion of this research data, interviews, and observation. Hence, the paper will explore significant regional regulations on women's problems unequal in Aceh.Woman challenges facing implementation *Qanun Jinayat* but has also pointed to the contribution that both women and men might make to pursuing justice.

Key Word: Sharia Law, Sharia Police, Qanun Jinayah, Gender Experiences, Morality, Perda

1. **Introduction**

 In post-tsunami, change the political direction in Aceh Free Aceh Movement (GAM) the opportunity to participate in politics. At the same time, the application of Sharia Law[[1]](#footnote-2) has experienced many post-conflict trials and challenges.[[2]](#footnote-3)

 Furthermore, procedural Sharia Law used as a justification to legitimize government policy and power. The protracted conflict with the govern of the Republic of Indonesia also began with disappointment because the government did not let authorized to make Sharia Law in Aceh. Despite the pros and cons of the private community of Aceh itself to the conflict, the Acehnese people view the implementation of Sharia Law, the history of the Acehnese linked to the historical development of Islam in Aceh as a story of the struggle to uphold the teachings of Islam.[[3]](#footnote-4)

 Aceh, located in the northern end of Sumatra,  Banda Aceh is the capital. The government of Aceh has accommodated the agreement through the enactment of Law No. 11/2006 on the Aceh Government. Helsinki MoU Aceh could form local party's local political parties able to align with constituents in the regions more precisely, given the diverse interests held the people of Indonesia.[[4]](#footnote-5) Law in Aceh extended the whole Aceh and other social and legitimate customs. In the Indonesia Aceh only a province has formal legal recognition Sharia[[5]](#footnote-6)  Law concerning the implementation of provincial privileges in a particular region of Aceh.

The role of Indonesia in the Sharia Law, the Constitution of 1945 which honors the units of local government that are special Law No. 44/1999 on the apply the privileges of Aceh province, and Law No. 11/2006 of the Government of Aceh legally regulated the implementation of Sharia Law in Aceh. Institutions established to support the implementation of Sharia Law and those 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 public gives a good reaction to this policy.

Existing in the Sharia Law enforcement stipulated in the Decree of the Governor of Aceh since 2004, based on the rule of the Law on the Governing of Aceh (LoGA) governed the *Qanun Jinayat*. Sharia Police have respective systems in Islamic countries that utilize Sharia Police. Aceh uses the lawfulness of using Sharia Police as part of the implement of Sharia Law.[[6]](#footnote-7) The Sharia Law office was the task to design an Arabic wordis *Qanun* (Law). Shariah Law is stipulated in the Regional Regulation or *Qanun*, it is commonly in Aceh.

The stereotypical view of society towards women dramatically influences not only the material, but also local regulations of implementation. As a result of these regulations, the citizens of Aceh suffer from discrimination, violence, and exploitation of women.[[7]](#footnote-8) Thus, the lack of government socialization of Sharia Law on the implementation in Aceh has resulted in violence against the perpetrators commit violations of Sharia Law.[[8]](#footnote-9) Regional regulations (peraturan or Perda) in Aceh, the impact gained of differences in behavior towards women folk caused a sense of injustice and the practice of discriminating against women.[[9]](#footnote-10)

Aceh is a formerly known center for the spread of Islam in the archipelago of the Sharia Law.[[10]](#footnote-11) Since 2001, Sharia Law actualized in Aceh when the region increased some independence in the wake of hits an arrangement with the government in an offer to diminish pressure with rebels.

Non-Government Organization (NGO) that are members of the Civil Society Network for Advocacy *Qanun Jinayat* stated this in Jakarta on Sunday (10/22), coinciding with the three-year ratification of the *Qanun Jinayat.* Human rights activists criticize the contents of the *Qanun* because considered discriminatory and can increase violence against women.[[11]](#footnote-12) However, women are often the first victims of formal Sharia Law.[[12]](#footnote-13) The formal of the Sharia also had implications for the view of women. The danger of discrimination against women arises because of the Sharia Law application. One side of Sharia Law gives women equal status with men.

This discussion on Sharia Law was widely discussed globally in a variety of Islamic or political literature, whether in the form of books or writings in the form of articles, books, papers, and journals. Regarding the problem of the Sharia Police, international literature is still minimal because this is still a development process and the first in Indonesian history. Previously the writings only described at a glance and globally. Following in 2004 the foundation of the Sharia Police, these attacks turned out to progressively visit and correctional. Scopes by Sharia Police of prominent diversion and stimulation places, such as shorelines, evening time bistros, inns, and to different target infringement, particularly those about people vicinity, and liquor betting and non-cooperation in Friday supplications.

The *Qanun Jinayah[[13]](#footnote-14)*, the Sharia police, and the policy linkages of political parties in Aceh. There are two questions to discuss in this paper. First, what extent *Qanun Jinayat* impact women's rights in Aceh?. Second, how the Sharia Police contributes to the Sharia Law implementation?

The introduction above shows the Sharia Law, *Qanun Jinayat*, and Sharia Police. All of these issues show that the *Qanun Jinayat* has discriminated against women. This paper seeks to explore how application Regional Regulation (Perda), *Qanun Jinayat* by Sharia Police discriminated against women in Aceh.

1. **Literature Review**

**2. 1 Problematic of Concept *Qanun Jinayah***

A team of various experts assists the origins of the establishment of *Qanun* through the legislative process in the Aceh House of Representatives (DPRA) after the specified fields. As a result, implementing *Qanun* in Aceh to 23 districts and five cities the Sharia police and prosecutors the accommodates to conduct essential tasks and functions of law enforcement agencies.[[14]](#footnote-15) By late 2006, province-wide nearness and became undeniably progressively cautious and guarding profound quality. Aceh's strict religious the option to state its position to the degree that in light of Aceh's political scene changed drastically. Besides, the quickening of Sharia Law after the massive fiasco in Aceh made conceivable the move by the shifting by public sentiment.[[15]](#footnote-16)

*Qanun Jinayat* had been official since October 23, 2015, the implementation in the province of Aceh and Law No. 11/2006. These are possible due to the autonomy of the Aceh government to regulate its territory.[[16]](#footnote-17) According to Cut Maya Afrina Sari, the space of *Qanun* in 2006, the public policy rules are given feedback to the increasing support of the people of Aceh to the Jakarta government.[[17]](#footnote-18) Besides, Sharia Law enforcement gives the impression that the issue of Sharia Law enforcement has a political interest in conflict conditions in Aceh.

*Qanun Jinayat* is a unity of criminal law formed on Sharia Law values, and the *Jarimah* (crime) attracts a caning sentence, fine in the form of gold, or prison depends on the level of crime. In Aceh, *Qanun* rules contain Sharia Law material included in the category of *Qanun* relating to the implementation of social life. The formulation of legal norms in the *Qanun Jinayat* adopts the principles of the *Quran* and the *Sunnah* concerning crime.[[18]](#footnote-19)

Types of criminal and discussion *Qanun* No. 6/2014 on *Qanun Jinayat* were expanding. In *Qanun Jinayat*, criminal acts such *maisir* (gambling*)*, *khamar* (drink), and *khalwat* (seclusion), but also regulating *ikhtilat* (making out between two people who are not husband and wife), adultery, sexual harassment, *qadzaf* (accusing others of infidelity without evidence), *liwath* (homosexual), *musahaqah* (lesbian), and rape.[[19]](#footnote-20). However, there mistake observed in the delivery of judgment in Aceh due to damaging punishments given to crime victims. According to the statements from several NGOs in the Jakarta Legal Aid Foundation (YLBI) Jakarta, the provisions of *Qanun Jinayat*, the constitution, and several laws, both in content and in the process of creating those have the potential for worsening violence and discrimination against women.

Moreover, Sharia Law the implementation of related to human rights; three problems restrict freedom of expression; it violates peoples from torture and public humiliation and marginalized women.[[20]](#footnote-21) Indonesia ratified of three-point International Covenant on Civil and Political Rights (ICCPR) in 2006. The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in (Convention Against Torture) in 1998. The implementation of the Convention monitored by the Committee on the Elimination of Discrimination against Women (CEDAW) in 1984. On the other hand, other Muslim countries, have filed objections and protests against the practice of applying Sharia, it was contrary to women's human rights in the Convention to Eliminate All Forms of Discrimination against Women (CEDAW).[[21]](#footnote-22)

Besides, there are several types of *Qanun* issued not responsive gender and unfair treatment to women's groups.[[22]](#footnote-23) Furthermore, over the past ten years, the experienced Sharia Law implementation in Aceh has many challenges and new experiences in the lives of Aceh people. The dynamics of community perception in interpreting Sharia Law that functions to regulate the social and religious life of the community. With the implementation of Sharia Law, some people do not care about Sharia Law rules. The *Qanun Jinayat* also controversial in the community perspective, not only in Aceh but also at the national and international levels. Becoming a critical issue in the actions of community organizations or NGOs.[[23]](#footnote-24)

In the intrument of the Law, the affirmation of woman's subordination often occurs, and it's discovered that the laws of Indonesia are unable the role towards women. This indication proves that the gender imbalance is still prevalent in the country, and this was clear in the content, culture, and structure of the Law. Thus, in the legal cultural aspect, it is still strongly influenced by patriarchal values that get strong legitimacy from religious interpretation. Religion is also caused by being an element perpetuating the patriarchal culture and the gender imbalance in the field of the Law.[[24]](#footnote-25) The problems women experience violence is that little cares about their situation, and instead, they consider the cause of the incident. In this case, it is very little chance for women able to fight for themselves because the body and behavior continue to be controlled by the state with the various regulations that suppress women's lives.

The Aceh government has socialized application Sharia Law to various regions, and the community has responded in multiple ways.[[25]](#footnote-26) The four points of criticism of the Sharia Law implementation are commonly voiced by Acehnese such as, (1) The present *Qanun* is poorly written, some vague guidelines that subjected to arbitrary interpretation. (2) There are few opportunities in the process take part in developing the Law for society (3) Community socialization was weak and left citizens with an unclear 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 offenses.[[26]](#footnote-27)

1. **Methodology**

Describes the research aims to find out and explain the facts in progress Sharia Law violation case, and Sharia Police in upholding *Qanun Jinayat*. Literature research was to get secondary data studying books, legislation, articles, writings the scientific relationship with the problem under study.

This research method focuses on describing the experience of the problem through descriptive to emphasizing more of the kind of field research. This study uses field research after the object carried out by taking subjects or data in Aceh, used semi-structured interviews, focus groups, and participant observation. The discussions directly involved respondents such as Sharia Police, religious judges, NGOs, and women. The results of the interviews were analyzed manually, direct personal investigation of the author has to collect the information personally from the sources of the field concerned. Data analysis in this study is the analysis, which is the simple, data display, and data verification and conclusion drawing.

1. **Discussion and Result**

**4.1 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), formalized application of Sharia Law No. 11/2006 is on Aceh Government and also the Qanun Aceh No. 6/2014 regarding *Qanun Jinayat* (Syamsuddin Bahrum, 2016: 155). The Law has the authority to regulate various regulations, including in the field of justice. The exclusive autonomy rights and the Law on Regional Governance, since 1999, the adoption of regional regulations Perda has increased after the reform process in several district area.

A new political transformation in Aceh was introduced, providing opportunities for each candidate to nominate as governors, regents, and mayors in the regional elections (Pilkada). In a part of the political subject in building the province of Aceh became of unification between GAM elites and civil society through local political parties.[[27]](#footnote-28) The dynamics of regional political parties in Aceh to turn GAM's armed struggle into a political battle through vote and parliament.[[28]](#footnote-29). Thus, the first election held in 2009 was won by the Aceh Party (PA) for the provincial level, reaching 33 seats out of a total of 69 seats (48%).[[29]](#footnote-30)

Moreover, Aceh's local party is also a form of political expression for their disappointment in national legislative and policy conditions. As a result, the establishment of a new identity as a political subject successfully in the Aceh people. A new story politic in Aceh was one of the hegemonic forms of the Acehnese in responding to uneven national development, especially in the province of Aceh.[[30]](#footnote-31)

In terms of the local government, elections consolidated peace by of GAM to command the part of the government, support Aceh's political economy. Numerous previous GAM pioneers profited by access government contracts, business, and other monetary chances. Their material circumstance in this way improved, even while Aceh's financial situation has stayed dormant corresponding to the rule of Indonesia.[[31]](#footnote-32)

The Aceh Party should carry out the values of Islamic teachings in the life of the nation and the state. GAM pioneers realize that for a significant number of their supporters, Sharia is essential.[[32]](#footnote-33) Furthermore, during the rise of local political power after enactment of the Law on the Governing of Aceh (LoGA) in Aceh, civil society lost control. Hence, along with the implementation of Sharia Law in Aceh policy, actors 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 of carried out under the authority Office of Sharia Law (Dinas Sharia Islam) in Aceh Province.This institution with designing the *Qanun*, implementing, supervising, and providing guidance on Sharia Law. The Sharia Office responsible for the Sharia Police has to manage Sharia Law.[[33]](#footnote-34) The government established the *Qanun Jinayat*, one of the *Qanuns* that were guarded continuously by the Aceh government that was given exclusive authority to the Sharia Police.

Sharia Police has around 6,300 members in Aceh[[34]](#footnote-35) and its establishment is deemed necessary due to its usefulness in implementing Sharia Law through Islamic approaches. Sharia Police is an institution tasked with the responsibilities of supervising, fostering, and advocating against the implementation of laws and regulations in Sharia Law.[[35]](#footnote-36) 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.

Strengthen Sharia Police, Law. No. 11/2006 of 244 paragraphs (2) enacted after its existence established Law No. 44/1999 concerning the implementation of the privileges of the particular region of Aceh province and affirmed by Law No. 18/2001 concerning autonomy for the exclusive province of Aceh as the province of Nanggroe Darussalam.[[36]](#footnote-37) The law enforcement the agency was set up as part of the Civil Service Police Unit through *Peraturan Daerah* (*Perda* or Local 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.[[37]](#footnote-38)

Regarding the structure previously mentioned, Shariah Police are part of the Civil Service Police Unit. Central Government, through Law No. 11/2006 on the government of Aceh, article 244, it was mentioned this provision. Combining the Civil Service Police Unit with Sharia Police into one unit in the Aceh Government Work Unit (SKPA) has strengthened the role of Sharia Police in legal in the legitimacy of legislation in Indonesia.[[38]](#footnote-39)

Sharia Police act as implements of Sharia Law and have the authority to protect victims.[[39]](#footnote-40) It further discovered that since 2004, assaults and violence have been on the decrease. Sharia police often conduct raids rather than socialization. The presence of Sharia Police only focuses on conducting operations in the context of implementing Sharia Law. The service was carried out by monitoring the city, controlling, and conducting raids in places deemed to violate the Sharia[[40]](#footnote-41)

Sharia Police has the authority to explain the public related to the regulations that make people aware that comply with the rules, not cause violations that can have sanctions or fines for those regulations.[[41]](#footnote-42) Besides, the General Consultative Assembly (MPU), as an independent institution, tasked with providing a response, criticizing the Sharia Police enforcement officers in carrying out their duties.

Besides, 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 appointment is made by the governor, regent or mayor while the *gampong* or village level is by the officers of the *Tuha Peut* (advisors village). The community helps in providing information about violations in the village environment. Places mostly found in areas of excitement like shorelines, inns, and evening time bistros and target those engaged in betting and liquor and those who don't perform Friday prayers. Nevertheless, in practice the add of Sharia Law by the Sharia Police has a lack of implementation for the community.

It observed the cases, disconnection, betting, drinking, as well as nefarious activities in cafes, hotels, and other open places are still prevalent.[[42]](#footnote-43) The challenges associated with several cases, especially with gender discrimination, faced by the Sharia Police in conducting their functions in the community. Furthermore, *Qanun* regulates limited moral issues and personal problems of people, such as the prohibition of adultery, stealing, gambling, or *khamar*. As a result, *Qanun* is unable to solve community problems in social matters. Besides, there is no development of capacity, skills in providing services, understanding gender, and international legal rules of the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) and human rights. In the position of Sharia Police cannot develop in a career path and often new violence against society, especially women.

On the other hand, the existence of this institution still many problems, both internal and external. The regulations have formed in the regional rules become part of work the Sharia Police, and operating funds still constrain some areas in the implementation.[[43]](#footnote-44) The governments to implementing Sharia Law that allocation budget that is 5% the total Aceh Expenditure Budget or the Aceh Expenditure Budget (APBA) in 2017-2018 as Governor-General Regulation.[[44]](#footnote-45)

However, activities in the implementation of Sharia Law conducted by the Sharia Police minimized due to 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, some of Sharia Police, around 900 contract workers stopped.[[45]](#footnote-46) The regulations have formed in the regionl rules part effort by the Sharia Police, and operating funds still constrain some areas in the implementation. According to Otto Syamsuddin as a researcher at Syiah Kuala University, reduction of Sharia Police members is not the right step the solution. The Sharia police should give an understanding of human rights and training according to the Indonesian legal context.[[46]](#footnote-47)

**4.3 Communities and Local Custom**

In the context of Aceh, Islam was becoming the foundation of community, social, economic, political, state, legal, and cultural life, from history used to be proof that the people of Aceh were fundamental about Islam. The influence of Islam in Acehnese society can see in their daily culture, attitudes, deeds, and appearance in association in the community.[[47]](#footnote-48) Such beliefs and views, for example, concern about truth and badness associated with Islamic teachings.

Additionally, the Acehnese community, customs (adat), and beliefs are something composed or unwritten that controls the Acehnese society. The standards gave by *adat* pioneers are comprehended, pronouncement by pioneers and policymakers for the framework in public. In Acehnese community that the pioneers and the experts have chosen must be in order with the Sharia. On the other hand, according to the principle of positive Law this cases clearly cannot be called adherents of the school of positive Law, because the Law that implementing is not customary Law.[[48]](#footnote-49)

In upholding Sharia Law, the community is also a part of helping to report to the Sharia Police when there are cases of violation or arrested handed over to the Sharia Police.[[49]](#footnote-50) Actually, the community's participation in the carry out of the *Qanun Jinayat* in Aceh that influences environmental monitoring has much helped the responsibility of Sharia Police. Acehnese *adat* courts can not resolve by law enforcement officers in the *Qanun Jinayat* cases, some cases in the community related to the *Qanun Jinayat* submitted to the *adat*.

The existence of adat institutions (village structures) in the Aceh community has a tight connection. Acehnese people have always used customary Law to solve various problems that occur in their daily lives. These useful institutions role in handling Sharia Law violations in Aceh, the legal basis used to resolve informal approach includes *Qanun* No. 5/ 2003 on Gampong (village) the government in the Province of Nanggroe Aceh Darussalam.[[50]](#footnote-51)

The legal institutions deals with violations of Sharia Law that are traditional institutions that are very influential on the pattern of life of the Acehnese. Customary institutions have a lawful basis; *Qanun* No. 9/2008 concerned the fostering of ordinary life and *adat* and *Qanun* No. 10/2008 adat institutions.[[51]](#footnote-52) Article 89 paragraph (1) of Law No. 11/2006 states that customary institutions function and act as a vehicle for community participation in the administration Aceh government and district/city government in the fields of security, peace, harmony, and community order.[[52]](#footnote-53)

* 1. **Integrity and Morality**

The Sharia Police responded to conduct a strict clothes raid regularly against 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 and checked and left to continue. Nowadays, in all areas of Aceh, the *hijab* (veil) has become a style, but inspection often takes place in clothing especially for adolescents in Aceh. A *hijab* is a veil worn by Muslim women who cover the head, if not, arrested and given advice.[[53]](#footnote-54)

In the implementation of the *Qanun Jinayat*, Sharia Police are also in the public spotlight because the adoption of local regulations on fashion is often different. Women's clothing rules in Islamic still have differences between Shariah Police members. Some of Sharia Police explain wearing pants with knee-length of clothes. Additionally, unjustified women wear pants but had to wear skirts. Related to clothing is still challenging to understand unclear arrangements in each working area. Likewise, the clothes cover are not transparent which shows the body shape of men and women, while the punishment for violators is not explicit, only the resolution is commemorated and the formation of Sharia Police.[[54]](#footnote-55)

Acehnese was wearing Islamic clothing covering their aurat (full body), for men the territory of the body from the knee to the navel, and women, the body except for the hands, feet, and face. Although the rule applies to both sexes, there is undue attention and more stringent limitations on women. This condition part makes up a more significant number of violators.[[55]](#footnote-56) The influence of clothes is more dominant with women than modern clothes changing Muslim costume. Besides, women who experience sexual violence also suffer negative stigma from the community. Therefore, deduced that women and the poor have turned into the essential focus of authorization.

The facts show on the practice of describing that between one Sharia Police with the other Sharia Police different pictures of body parts. In the matter of fashion, although this dress code appears to gender-neutral, in practice restrictions that are far more severe, apply to women than men.[[56]](#footnote-57) As the limits of the Sharia Police's position, crawled further from the center of the Law, they turned into the area's actual profound quality police and a team progressively fixated on women's thin pants and whether they were sitting side across on the rear of a motorbike.

An ever-increasing number of women being for morality quality wrongdoings, such as open friendship or pre-marriage sex, internet access, and globalization bring conflicts with neighborhood social and strict standards.[[57]](#footnote-58) The territory's very close transgender network, assessed by some at around 1,000 people, has gotten progressively underestimated since Sharia Law as its valid code.[[58]](#footnote-59) Transgender in Aceh are vulnerable to being targeted by Sharia Police because they do not follow regulations related to the proper expression and gender identity. A transgender woman reported to Human Rights Watch how Sharia Police detain a transgender woman for not wearing Islamic clothing.[[59]](#footnote-60) For example, transgender in Lhokseumawe city took part in Islamic attire to protect themselves from raids on Sharia Police.[[60]](#footnote-61)

On the other hand, there have been various cases of violations of the *Qanun Jinayat* committed by law enforcement officers, such as the *khalwat* (seclusion)case committed by members of the Sharia Police. For example, the rape case 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 morality Sharia Police.[[61]](#footnote-62)

*The case that occurred in the Langsa City of the treatment of Sharia Police towards women:*

*(1) Tualang, Tengoh, Aceh. In the detention room, the woman raped by three Sharia Police. According to the report from Langsa's general hospital, the result of the autopsy showed the victim had suffered sexual violence. Sharia Police perpetrated violence against the woman, and the perpetrators punished with about12 years of jail time.[[62]](#footnote-63)*

Victims who experienced Sharia Police because they were so ashamed of the community that moved from their village*.*

*(2) Another: the case was a girl, named Putri Erlina, from East Aceh who ended her life by committing suicide on September 6, 21012. It allegedly caused by Sharia police's accusation that she was a sex worker. The victim, with a friend, arrested by the Sharia police after watching a single organ event.[[63]](#footnote-64)*

A case a point of rape settled in the Langsa city district court, Aceh, convicting two Sharia police officers, eight years in prison for violating article 285 of the criminal code on rape[[64]](#footnote-65) According to Human Rights Watch, it appreciated that the rape investigated and legally processed. Still, the authorities did not take preventative steps to curb practices that were not following the Law.[[65]](#footnote-66)

The community needs better implementation would help them in overcoming all their problems.[[66]](#footnote-67) However, the Sharia Police are also very lack in providing services and religious knowledge of women's rights in the community. Seeing the case of Sharia Police that often commit violations while on the field and get the resistance of the community.

The potential obstacles to the enforcement of the *Qanun Jinayat* the lack of morale and integrity of law enforcers. The potential obstacles to the enforcement of the *Qanun Jinayat* the lack of morale and integrity of law enforcers. At this point, the stronger confidence of capacity and integrity of law enforcement, especially in preventing and in the decision-making of violations of the *Qanun Jinayat.* Moral awareness is not seen by one's loyalty, but from the technical competency, leadership, and effectiveness, this included in a public ethics infrastructure.[[67]](#footnote-68) As a rule, a function of public officials can guarantee the existence of peace and tolerance, opening up social discourse and active politics to support exclusive politics, avoiding divisive defenses, and discriminatory politics.[[68]](#footnote-69)

There were several aggressions in several groups at the beginning of the formation of Sharia Police in Aceh. The following resistance arose from groups who did not like the supervision of Sharia Police. Various reactions that had occurred in several areas in Lhoskeumawe city, incidents, and threats to the Sharia Police hit of stoned during raids and brought women did not wear Islamic clothing but were intercepted by some men, was failed to bring the woman. Besides, the window office Sharia Police was broken by one bottle it was thrown by a person Nasional Police Lhokseumawe.[[69]](#footnote-70)

Furthermore, in East Aceh, in an effort by the Sharia Police team to disperse live music performances in *gampong* Alue Merbau, East Langsa District, the celebration conducted by members of the military. Currently, the young men who suspected of being drunk immediately chased and pelted liquor bottles and stones at the members of the Sharia Police and the head of the Sharia Law Division of Langsa City.[[70]](#footnote-71) The beatings and threats to the Sharia Police are part of an effort to weaken the Sharia Police as a supervisor.

In reality, there are still have things that have not accepted in society related to Sharia Police duties and perceptions of the morals of Sharia Police.

1. **Gender Experiences and *Perda* (Local Regulation)**

According to the National Commission on Violence Against Women, more than around 421 of discriminatory policies to a single interpretation of religious teachings, thereby limiting the right to freedom of expression and religion.[[71]](#footnote-72)

Regarding the civil society problem in Aceh, was the advocacy of the *Qanun Jinayat* Jakarta reported contrary to the constitution and several laws, both in substance and the process of its formation. These also observed the Sharia Law's potential to create violence and discrimination against women in the province. However, a member of the National Party of the Aceh PKS (Partai Keadilan Sejahtera) faction, Tgk Makhyaruddin Yusuf, revealed that the implementation Sharia Law in the province not discriminatory against gender and adherents of other religions.[[72]](#footnote-73) It further noted that most arrests or raids conducted were on women riding motorbikes, sex workers, salons, and lesbian, gay, bisexual, transgender (LGBT).

The Qanun provisions contained in Law No.11 of 2006 concerning Aceh Government in the article (2) Regency/city 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]](#footnote-74) Some of the discourses of *Perda* in Aceh have become debates among the people of Aceh.

First, in 2009, the regent West Aceh banned Muslim women in the district from wearing tight pants or jeans. The West Aceh government has provided unique skirts of various sizes for women who wear trousers.[[74]](#footnote-75) However, despite these regulations, some women still wear pants because of comfortable when riding the motorcycle.

Second, on January 7, 2013, Mayor Suaidi Yahya of Major Lhokseumawe Aceh, issued circular banning adult women from "*duduk ngangkang*" (sitting astride). Lhokseumawe Mayor Suwaidi Yahya urged women not to sit astride when riding on a motorcycle. According to the mayor of women“*duduk ngangkang”* when riding a bike, he said it is not part of the Islamic culture of Aceh. According to various Lhokseumawe women activists, the regional policies of the mayor related to the rule of discrimination against women endanger women. It can cause accidents if women also carry goods and children while in a pillion and who use motorbikes for women are mostly from the lower level economy. Prohibition of straddling the style is one form of system or rules that discriminate against women, because those mistreated and are not equal to those of men, and are not the principles and justice contained in Islamic teachings.[[75]](#footnote-76)

Third, the Major Illiza Sa'aduddin of Banda Aceh in 2015 applicable of curfew rules for women in Banda Aceh city, issued Instruction No. 1/2015 on the prohibition of women from working until midnight. This *Perda* was establishing is to protect female workers in certain places, such as coffee shops and other entertainment venues. According to Illiza Sa'aduddin, as ex-Mayor Banda Aceh city, that to the limitation for women working at 23.00 at night in Banda Aceh also protects female workers.[[76]](#footnote-77) It also protects young people from wandering around late at night. However, the instruction raised the attention of many communities and organizations, both local, national, and international. 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 Bireun District Head of Aceh in 2018, issued a circular prohibited sitting one table of men with women in a coffee shop. The following Sharia Law, the Bireuen regent, passed a ban on *Perda*, women prohibited from working over curfew.[[77]](#footnote-78)

Fifth, there is also the polygamy discourse for men in Aceh, a new draft Perda contained polygamy rules design to protect the rights of Acehnese women 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 making polygamy draft rules in Aceh is because of the rise in *Nikah Siri.* [[78]](#footnote-79) According to the National Commission on Violence Against Women (Komnas Perempuan), Aceh, Regional House of Representatives (DPRA) *Perda*, try to discuss the issue of polygamy regulated by the National Law. The Aceh polygamy *Qanun* discourse controlled in Law No. 1/1974 concerning marriage.[[79]](#footnote-80)

Sixth, July 10, 2019, women and children prohibited from going out at night in North Aceh of regent Muhammad Thaib and organizations declared 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 (a member of one's family).[[80]](#footnote-81) This task is under the authority of the Civil Service Police Unit (Satpol PP) and Sharia Police, the North Aceh district government, has placed around ten members of Sharia Police and Satpol PP each sub-district North Aceh.

The six *Perda* in the discourse and appeal part of the work by Sharia Police as Sharia Law implementing agencies that have placed in each regency and cities in Aceh. These parts of the Sharia Police, the local regulations the duties and responsibilities of the Sharia Police increased. Sharia Police have the limited member capacity, skills, and services, from various causes, the potential for violence and discrimination against women. The process of implementing Sharia Law has happened of violations, but an attitude of the government to respond to the abuses of Sharia Law is only as an offense. In this case, it is not making the experience of change for the future.[[81]](#footnote-82)

The regional regulations on women are not balanced that some indications do not involve women in the formation of that rule. The guiding principle in which the content of the legislation functions to protect marginal and minority groups.[[82]](#footnote-83) Nevertheless, the suspects in the implementation of the *Qanun* are women, and the community does not have political access and power. The local government of Aceh has socialized the application of Sharia Law to various corners, and the community responded in multiple ways that did not work well.

1. **Conclusion**

The regional head policy represented by local political parties successful in the elections does not fully support the work of the Sharia Police. The implementation of the *Qanun Jinayat* that is regulated by *Qanun 1*4 /2014 concerning the *Qanun Jinayat* carried out to maintain humanity and dignity and to protect and protect the people of Aceh from committing immoral acts. However, in implementing the Sharia Police, there is still a lack of quality in understanding the rule. In short, the presence of the Sharia Police in dealing with moral problems in the community has not maximized; on the contrary, it has 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

Sharia Police, as a tool in implementing Sharia Islam, still requires understanding in serving women and society. Ignoring their diversity and their capacity to build Sharia Law from the ground up, the formal Shariah Law pursued a top-down agenda political power. The failure to ensure that women and issues specific to women, were represented throughout the Sharia Law show gendered problematic in the conceptualization Sharia. However, in the implementation of the practice, it has caused new violence in both genders to experience women and men accused of committing violations. Highlighting the breadth of the woman challenges facing implementation Sharia Law but also pointed to the contribution that both women and men might make in pursuing enduring justice.

Aceh is at a unique crossroads of history in various struggles of Islam, war, and peace. The challenge for Aceh now, in its first decade after a period of peace, is to transform that Sharia Law includes the presence of gender justice. For this to occur, the politics of reconstruction and recovery must consist of the reestablishment of fair gendered social relations within the Acehnese context, and women's experiences as a central principle in both the history and future of Aceh's

The financing of the budget for the implementation Sharia Islam by the Sharia Police, which has been approved by 5% of the local funds, the reality in the field of Shariah Police could not work optimal because it does not fulfill the finances both in the field operations and caning. Besides, regarding the attitude of the Sharia Police in implementing the *Qanun Jinayat*, it is necessary to make it better and more selective member that understands religion. A recruitment system is needed so that it has implications for the quality *Qanun* implemented who can give good value to the community. Improving the performance of implements are supported by a high government commitment so that the Sharia Police can develop more in understanding gender and providing excellent services to the community.

The Acehnese people have reliable social power in the locality value before the Sharia Police formed, which has helped in social life. In this situation, cases of Sharia Police not be solved by these organizations handed over to the local custom people in the local village.

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