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Evaluating the Implementation of Sharia in Aceh, Indonesia
(Examining the *Qanun Jinayat* in Bireuen Regency)

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**EVALUATING THE IMPLEMENTATION OF SHARIA
IN ACEH, INDONESIA**
(Examining the Qanun Jinayat in Bireuen Regency)

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Abstract

This paper critically studied the perspectives of people living in Aceh, particularly in Bireuen, toward the implementation and enforcement of Sharia. This study was conducted by qualitative approaches as a phenomenological study to cope with every idea emerging toward the legalization, implementation, and enforcement of Sharia. Open-ended interviews gathered the data to ensure that each perspective adjacent to the Sharia was portrayed clearly. The result indicated that problems existed upon the implementation: the problems of Sharia formalization, unrelated qanun, the position of Sharia authority, polemics of Sharia, and other pros-and-cons of the Sharia itself. Hence, the government and related parties had to reconsider the strategies and ways to implement Sharia as a legal law. The point here was to make the Acehnese people perform and obey Islamic tenets as their dignity as Muslims, not by force or fear of penalties from the government.

Keywords: Aceh; Sharia; Implementation; Public Views.



A. Introduction

Aceh is one of the provinces in Indonesia that acquire specific autonomy status. It is stated in Regulation 44 of 1999 About the Organization of Specific Status for The Province of Aceh. The specific autonomy itself encompasses four aspects, including the implementation of Sharia (Islamic law), cultures and traditions, education (Manan, 2020a), and the role of *ulama* (Islamic scholars) within the government. In addition, Sharia is a set of principles regulating the relationship between a Muslim and God regarding social, moral, religious, and legal guidance. It is implemented through Islamic jurisprudent, *fiqh*, a branch of Islamic science of interpreting religious text, to deduce legal rulings (Uddin, 2009). Therefore, the implementation of Sharia is significant for Aceh, considering it is the first area in which Islam was introduced and developed across Indonesia (Suyanto, 2005).

Sharia has become the identifying mark of Aceh for a long time. The principles of Islam grow, develop, and are embedded within the Acehnese society throughout history, which are then transformed into an identity (Manan, 2014). Each aspect of society in Aceh contains the values of Islam; people have immersed themselves in the values of Islam. Inevitably, the values and tenets of Islam become the Acehnese values, which regulate every aspect of human life. Sharia is not only an effort to reconstruct the glorious history of the Acehnese kingdom that first implemented the Sharia but also a belief from the deepest hearts of every Muslim to upright the value of monotheism of God and the truth (Fahmi, 2012).

The implementation of Islamic law in Aceh has been committed for years, yet, it still requires much enforcement and enhancement in various aspects. Many also confronted the effectiveness of the law, either in the western part (Manan, 2020b) or even in the capital (Manan, Gunawan, et al., 2020). The Acehnese people seemed enthusiastic by the time the implementation of Sharia was legalized as the establishment of *Mahkamah Syariah* (religious court) on March 4, 2003, by the Presidential Regulation No.11 of 2003 (Sarong & Melayu, 2012). The executions, canning by rattan stick, were only performed in a few regencies and cities for the violators in

many cases, such as gambling, drinking, and seclusion. This fact made the opposition to the implementation of Sharia, considering the Sharia had failed and was improper for Aceh (Adnan, 2008).

The implementation of Sharia emerged in various responses, including positive and negative responses within the society. Despite the controversies, several regulations have been established by the government of Aceh. They are *Qanun* No. 11 of 2002 about the implementation of Islamic law within the aspects of faith, worship, and *syiar* (Islamic lecturing), *Qanun* No. 12 of 2003 *Khamar* (alcoholic beverages), *Qanun* No. 13 of 2003 about *maisir* (gambling), and *Qanun* No. 14 of 2003 about *khalwat* (perverted action) (Butt, 2019). Those acts introduced a new form of penalty: rattan canning, an innovative punishment to prevent law violations. Since the penalty differs from conventional punishment, some controversies arise within society. There are supporting opinions. Also, the refusal, which had appeared since the *qanun*, was still a concept (Din, 2009).

One part of the law was about the *jinayat* (criminal code). The formulation of *jinayat* has been accomplished, and it has been legalized by Acehnese *Qanun* No. 6 of 2014; it has been implemented since 2015 (Serambinews, 2015). Implementing Islamic law as the legalized criminal code is a pilot project in Indonesia. It is still in the adaptation phase since many adjustments, evaluations, and developments are required to gain the best form of the Islamic criminal code. Moreover, the significant part is the test of the code's affectivity in achieving the goal of the law: to make a secure and ordered society.

With the law regulation as *qanun* in Aceh, it does not mean that the Sharia is running well under the expectation. It is possible because the understanding of the Sharia among the Acehnese people was still ambiguous. Some understand the Sharia merely as wearing the hijab, and others consider it a prohibition on gambling, drinking, and seclusion. Radically, others recognize that Sharia is only limited to human relationship with God in a subjective and personal way, not in the public sphere, so the application of Sharia does not require the institutions or rules from the government (Syaqawi, 2007). The sharia implementation demands emotional support of religiousness and an excellent approach to education and socialization.



Furthermore, implementing legal law based on Sharia has an uncertain outcome for society. As Fanani (2017) stated, the implementation of sharia bylaws tended to cause adverse social outcomes for Indonesian women. His study found that the enactment of Sharia as legal law, as well as its supremacy of it, had tendencies to discriminate the women as the most vulnerable part of society.

Despite the negative impacts, the implementation of Sharia in Indonesia had significant development during the reformation era. During the reformation era, Indonesia's government enacted 16 laws and regulations based on Islamic law imposed in Indonesia (Yanlua, 2015). Regarding the implementation of Sharia in Aceh, Aceh inevitably had a significant role as a role model, an area as a living laboratory, and the model of implementation of Sharia in plenary was formulated following modern society. Moreover, the implementation of Sharia in Aceh had a role in the reconciliation of local conflict in Aceh (Fahadayna, 2018).

Related to the above arguments, as an autonomous regency in Aceh since 2000, Bireuen is significant to be studied since it is the first area that implements *jinayat* in Aceh. The legalization of *Qanun Jinayat* was established in Bireuen, and this regency has implemented it since December 2015; it was the first regency to implement the law (Serambinews, 2013). Meanwhile, the community of *Santri Dayah* (students of the Acehese traditional Islamic educational institution) considered that the socialization of the implementation of *Qanun Jinayat* within the Bireuen regency was insufficient. They believed that only a few people from society understood it (Gade, 2015).

Furthermore, many cases of sharia violations occurred in Bireuen, such as human trafficking and drug dealers; Mahkamah Syariah (2005) even made court for *jinayat* cases every month in the last year. Those facts supported this study, as Bireuen was a strategic area to gain information about the finalization process of the *Qanun Jinayat*, as well as public responses about the implementation of it, including support and the rejections from them.

B. Method

This study was conducted as a qualitative study using a phenomenological study. The study emphasized the basic principles beyond the phenomena within human life. The data was gathered throughout the sample of the population. The process of data collecting through interviews with 21 informants, who were selected using purposive sampling considering their various backgrounds – religion, social, education, health, and government – took place in two different cities: Banda Aceh and Bireuen. Most data were collected in Bireuen from February 8, 2019, to February 14, 2019, while Banda Aceh was placed on February 20, 2019. The open-ended interview was used to gain the perceptions of people toward the implementation of Sharia in Bireuen. The open-ended interview was employed since this technique could quarry people's opinions freely; additional exciting ideas regarding the implementation may appear during the interview.

The data were analyzed qualitatively by data reduction, data display, and conclusion drawing by Miles and Huberman (1994). Each datum was associated with the research problem, so further analyses could be elaborated in the discussion by relating the relevant discourses. Ultimately, the method might reveal the current views of Bireuen communities regarding the Sharia implemented.

C. Result and Discussion

1. Result

The result here refers to the significant information retrieved from the informants selected. Each brief data, which is included and paraphrased, is then displayed to relate to the discussion. The informants' responses below display the Islamic law implemented in Bireuen, covering its formalization, *qanun*, authorization, penalty, and overall pros and cons.

In Aceh, the formalization of Islamic law in the form of *qanun* covers both issues: religious and nonreligious issues. Many sects of *fiqh* (Islamic jurisprudence) triggered the informants to share their opinions of the formalization of laws and codes. The following excerpt (E) figures out the informants' statements.



E1: *The legalization and formalization of qanun were essential for people in Aceh as a meeting point among perspectives on Islamic law. (AHB (51, male, an Islamic scholar).*

E2: *Islamic law tends to be universal. Thus, it needs formalization to make the implementation possible. Then, the Islamic scholars in Aceh stated that every Islamic law implemented in Aceh has to be formalized into qanun, which has juridical legality and authoritative power to force people to obey it. TNY (46, male, an Islamic scholar).*

The formalization of Islamic law may strengthen the position of Islamic values within society, although it still has not been ineffective. Several informants share their arguments related to this matter.

E3: *The formalization of Islamic law has lost benefits. Lost occurs because the implementation depends on authority. It means that the political wills determine the implementation; it will run well if the government commits to implementing it. The second loss is that it will reduce the people's understanding of Islamic laws. People will tend to consider Islamic law as what is formalized into qanun. The last loss is that authority will have the power to intervene the Islamic law as the formalization depends on authoritative power. On the other hand, formalization also has benefits. First, it makes the court easier as the judge has fixed guidance on settling the case since qanun becomes clear guidance. Then, the formalization also unites the law. (TA, 48, male, an Islamic scholar).*

E4: *The formalization unites the different perspectives on Islamic law and might protect Islam from disturbance and harm. (TNY).*

E5: *The formalization was a way to specify the universal Islamic law. The Acehnese people have to vote for a leader who has a solid commitment to Islamic law during the democratic election. The formalization must be done based on comprehensive studies on sources of Islamic law, including Alquran, hadith, books, and existing qanun throughout Islamic history. As a result, the qanun will be under God's will for the sake of people's benefit. (TTB, 42, male, an Islamic scholar).*

E6: *The process of formalization was full of political interference. Some parties seemed to use it as a political means to gain the sympathy and support of the people. However, the implementation tended only to subject*

ordinary people. The Acehnese people still experienced a lack of trust in the government. Thus, the government had to struggle to improve it. (AM, 38, male, an Islamic teacher).

In addition, the informants also shared their perspectives of the *qanun* being applied as follows.

E7: *The qanun is not the final form of Islamic criminal codes, which should be implemented in Aceh. In some parts, this qanun was still not appropriate to Islamic law; for example, the punishment for people committing sex out of marriage must be canned 100 times for adultery cases and stone to death for fornication. However, in that qanun, such punishment did not exist. Aceh's government must be evaluated and considered, along with enforcing the implementation of Islamic law.* (TM, 50, male, an Islamic scholar).

E8: *The qanun jinayat is important for the people living in Bireuen. However, I criticize the utilization of Alquran and hadith as a part of the preamble for this qanun since it may devalue the holiness of both as the highest law resource of Islamic law.* (SA, 53, male, a university rector).

E9: *Several corruption cases toward qanun jinayat that occurred in Bireuen have negatively impacted the implementation of Islamic law. The ambiguity probably causes this within sentences in qanun might alter the cases, such as from seclusion to adultery, which makes the implementation vulnerable.* (JB, 48, male, a university lecturer),

Considering the applied canon, some also delivered their critiques to the Sharia authority.

E10: *The Office of Islamic Law recently only focuses on educating people about Islamic law instead of enforcing and giving penalties. The program should be based on the existence of qanun. People here should understand the law as their responsibility as Muslims since many still have known ideas regarding the regulations.* (JU, 36, male, a youth figure).

The authority then responded to their obstacles in implementing the Sharia.

E11: *One of the major problems regarding the implementation of Islamic law is budgeting. Implementing and enforcing qanun jinayat requires a massive budget for arranging many related programs. Nowadays, Dinas Syariat Islam of Bireuen has various programs such as socialization of law, providing brochures,*



coordinating with preachers, etc. Several weaknesses found during the implementation are parts of the process that will be developed for better results. The Acehese people had to understand that they were the most critical elements of the implementation. (KH, 54, male, a Head of the Office of Islamic Sharia).

Furthermore, arguments related to the penalties for violating Islamic law are also obtained as follows.

E12: Canning in front of the public is not educational; even it may bring destructive impacts for the accused. Many people attend the execution; even children watch it. On some occasions, the accused laughs when canned. (HM, 31, female, a health staff).

E13: I am afraid violators' rights are harmed during the enforcement. The enforcement only occurs for the low-class people, indicating an injustice law. Besides discrimination, there was no article stating the interest of minorities as people with different needs. (RS, 29, male, a social activist).

E14: For several people, paying a fine is accessible. Thus, violating is possible for high-economy people. Substituting one beat canning with a month in prison does not correlate. A person prisoned must leave his Sharia-violation-related activities. (AF, 30, male, an Islamic teacher).

E15: Some accused persons laughed and clapped their hands while being canned. They made fools with the punishment, which would decrease the law's moral impact. People would be brave to make a violation of the law. (AA, 23, male, a university student).

E16: I see the penalty as ineffective since most violators keep breaking the law. The government ought to issue an alternative to make people fear doing the violations. (FA, 22, female, a university student)

In the broader perception of implementing Islamic law, the informants sent their cons to the law.

E17: The implementation of Islamic law becomes ineffective since Wilayatul Hisbah (Sharia municipal police) does not enforce the law firm. As the impact, people tended to let the case of violation settle by elders in a village rather than report it to the Wilayatul Hisbah. (MU, 53, male, a merchant).



E18: *I argue that qanun jinayat is not legalized at the right time. Aceh Province needed more urgent laws, such as laws to improve the economy and protect people from corruption. Contrarily, the current law would make people think Islam is a cruel religion. (IR, 43, male, a university lecturer).*

Nevertheless, some also believe that implementing Islamic law is in progress in a good trend.

E19: *I am optimistic about implementing Islamic law in Bireuen regardless of several technical constraints like socialization and registering cases during the implementation of Islamic law within Bireuen. (KH, 27, male, a youth figure).*

E20: *The existence of Sharia protects people from committing harmful actions. Nowadays, society worries about drugs and free sex. Then, qanun jinayat becomes a legal foundation to protect people from such acts. (MS, 54, male, a village chief).*

E21: *The socialization of Islamic Sharia has to be done after legalizing the law. The law itself is prevention. Then, Islamic law has to prevent people from committing harmful activities. (ADA, 34, male, a university lecturer).*

E22: *I agree that the qanun is vital for corruption and Islamic education. (KM, 37, male, a youth figure).*

The further elaboration of the research findings is discussed in the next section, where the communities' responses related to Islamic law are associated with its implication for the social condition of the locals.

2. Discussion

a. The Communities' Responses toward the Implementation of Sharia

The perception of the Acehnese people about Islam has been passed through generations resulting in a noble way of thinking based on the Islamic tenets. This Islamic way of thinking, considered a cultural heritage for the Acehnese people, has a complex history. The era of kingdoms in Aceh is also related to Islamic tenets and values. Then, such long history made Islam has been internalized within the Acehnese people. It is a result of the long-term relationship between Islam and the



Acehnese people that they have collective awareness of the Islamic values and tenets.

Islamic scholars in Aceh consider Islamic laws, which appeared in the form of the *qanun*, including *qanun jinayat* (Islamic criminal code), to be considered essential to be formalized. Principally, the formalization is vital to unite Muslims' perceptions, as the informants proposed in E1, E3, and E4. The Islamic laws are based on Alquran and hadith, which are universal. Then, *ijtihad* (a process of interpreting the universal law) from Islamic scholars is needed, and it becomes the foundation for the formalization of *qanun*. On the possibility of intervention in formalizing the *qanun* from an authority, Al-Syathibi (2003) explained that the formalization of Islamic law supported the implementation of it. Then, the existence of formalized *qanun* would overcome constraints regarding the implementation of Sharia in Aceh regardless of the political conditions that occurred as the assumption of the informants in E6. This formalization may counter bad precedents of the people toward the government's capability in enforcing the law since many places are publicly known as the place where people violate the laws are still open.

Legalizing Islamic law in the form of *qanun* is a transformation of Sharia. It is relevant to several scientific publications of many scholars on Islamic law as Musthafa al-Shiba'i in 1966, Tahir Mahmud in 1972 and 1987, Muhammad Siraj in 1993, and Sudirman Tebba in 1993; all of them explained the tendency of transformation of Islamic law toward legal code (Basri, 2004). The standard form of Islamic law, referred to as *qanun* (canon), has various understandings, which correlate with the assertion of TTB in E5. Husein Nasr stated that it referred to human-made law regulating nonreligious issues, while Christianity referred to the canon as regulating religious and nonreligious issues (Jazuni, 2005). In the end, the formalized Sharia has a firm foundation to regulate the communities' issues, as mentioned by TNY in E2.

Furthermore, the process of formalizing the layer must be based on the law of *hudud* and *ta'zir* (settled punishment based on Islamic regulations) to prevent the authority used it only as a way to gain power.

Some communities still support the existence of *qanun jinayat*, as SA revealed in E8. However, as represented by TM in E7, the critique to evaluate

the mechanism of the Sharia implementation managed by the Government of Aceh does not make *qanun jinayat* the rhetorical mean for political will. Also, the investigation of cases relating to *qanun jinayat* has to be done by Wilayatul Hisbah (Islamic law enforcing police) since this institution is the most capable party in formalizing Islamic law. If it is bestowed to any other institution, it will make corruption possible, as delivered by JB in E9.

In the case of the Office of Islamic Law, the authority of Islamic law indeed runs the program to educate people through various programs, such as arranging *pengajian* (Islamic lecturing and discussion). Many famous Islamic Scholars are involved in this program, such as Tengku Muhammad Yusuf, Tengku Muhammad Amin, and other Islamic scholars within the area. This kind of program is to address related claims like JU admitted in E10. In addition, the socialization regarding *qanun jinayat* No. 7, 2014, has been done by the Office of Islamic Law in many areas in this regency. Indeed, almost every person agrees and supports this law.

On the contrary, they have scarcely known about the regulations shared by JU in E10. The communities still do not comprehend the entire content of the law. Thus, focusing on the socialization of the content of *qanun jinayat* is compulsory. The fundamental goal of the Office of Islamic Law is not to give punishment yet preventing people break the law. Several parties within society still consider Islamic law as strict and not suitable for society, even though they claim that it may impede economic growth. Thus, coordination among related parties is the critical aspect of making the implementation successful. It can be examined that during the implementation of Islamic law in Bireuen, 9 cases had been settled, and 8 were *master* (gambling). Relating to the *qanun jinayat* is a progressive development taken by the government. Thus, the Acehnese people have to support it. Community support may ease and cope with the obstacles, as told by KH in E11.

Still, approvals and rejections of the communities related to the penalties for Sharia perpetrators appear on the surface. Informants like HM, RS, AF, AA, and FA, as revealed in E12, E13, E14, E15, and E16, also indicated the rejection of the penalties used, canning, for the Sharia violators. As implied by HM in E12, the penalty perhaps is seen as a form of sarcasm of injustice



law where the Sharia authority takes down the ordinary people. However, the law cannot touch the elite society of committing violations. RS in E13 assumed that several codes and articles were viewed as discriminative to all levels, including women and children. There is no logical reason for this substitution within the Islamic law literature. Even such a penalty enabled people to corrupt it.

The people's dissatisfaction with implementing Islamic law is based not only on the policy but also on its enforcement in real life. It decreased the public trust in government, as illustrated by MU in E17. This suggests the same case as the communities' responses in West Aceh Regency (Manan, 2020) and the capital of Aceh Province, Banda Aceh (Manan, 2017; Manan, Gunawan, et al., 2020). The implementation had to refer back to the source of law in Islam to improve the implementation.

Aceh Province had no straightforward grand design to improve life quality. The formalization of law, thus, is used by certain people for personal benefit. Actually, in formalizing specific laws, the government of Aceh has to consider the needs of the people, socio-cultural aspects, and historical aspects of the society. The formalization of Islamic law also has to consider the dynamic development of the society as reflected by IR in E18. The government only refers to the Alquran, hadith, and the thought of certain Islamic scholars, in this case, Imam Syafii, as most of the Acehnese people follow his school of thought. As society developed rapidly within many sectors, the government needs to consider the thought of many other scholars upon formalizing the law.

Formalizing law upon education is also essential. Even though *qanun* for the issue has been existing, it still is not comprehensive. KM agreed on this matter in his interview (E22). The formalization of law has shaped the Islamic educational system, which leads to social transformation toward better improvement. In addition, formalization of Islamic law is also required in the area of economy, banking, and clean government. Those formalizations are considered urgent to make enhancements within society in many aspects.

Implementing Islamic law indeed still requires evaluation and improvements in many aspects. The most important thing is that people must appreciate this law and supervise its implementation in public areas. If it is not, consequently,



most of the violators committing prohibited actions, as mentioned by MS in E20, admitted that they did not read the *qanun* yet. Such cases occurred not only because of a lack of socialization but also because the people were not aware of the law, as has been said by KH in E19 and AA in E21.

Equality before the law is the principle that must be considered in implementing Islamic law. Then, there is a negative stigma stating that the law is only strict for poor people. It will be the failure of the government to enforce the law. Debates and discussions regarding the law are expected upon the implementation of specific laws for the sake of improvement.

Aceh experienced authoritarian states where the corruption occurred in many aspects. Thus, the formalization of law on this issue is urgent. As the formalization of law would be based on Islamic law, it was expected that the people would feel guilty, as most of Aceh were Muslim. By formalizing Islamic law as a legal code, Acehnese people feel guilty about violating the law and committing harmful actions forbidden in Islam. A detailed explanation of acts considered as corruption was also required to prevent misinterpretation of the law.

b. Implications of the Sharia Implementation in Bireuen

Several vital issues emerge based on the perspectives of people living in Bireuen regarding the implementation of Sharia. The first is reality laid upon the enforcement of the law. There are still tendencies of discrimination upon the enforcement. It was supported by the fact that in some cases of violation, the violators were set free because of their position in the government or society. Meanwhile, the law has no specific regulation for those with special needs. In adjacent to this case, the people now seem unconvinced of the government upon the enforcement of Sharia. As a result, many cases of violation were not reported; the usual villagers tended to settle it by the customary law, which could promote more discrimination against violators.

The second is the ambiguity and uncertainty of several acts, mainly regarding the activities of *khalwat* (seclusion). There were ambiguities, which could trap people who did not mean to do it or only seemed to violate the law. Such uncertainty and ambiguity were also worsened by the existence of



controversial local acts, such as in Lhokseumawe, which stated that women should not stride while getting a ride on a motorcycle, or even in Bireuen itself, there was an ambiguous local law preventing women from sitting in the same table with men, even in public cafes (Arief & Amri, 2018; Manan, 2014). Such uncertain and ambiguous existences promote discrimination toward fragile people, in this case, women.

Regarding the legalization of *Jinayat*, the existing penalties, canning by rattan, also triggered controversies. Some questions emerged within society about the effectiveness of canning as punishment. In several cases, this punishment could not deter violators; violators would do the violation after being canned. It was caused by no detention, education, or similar programs after canning made the violators regret their faults. Hence, in several violation cases committed by non-Muslims, they even chose canning as punishment even though they could choose detention; they thought that canning would not take a long time, and thus, they could easily access it. The execution of canning also had polemics since the children could freely access it without supervision. The acts of canning, in this case, even promoted violence against children, which was unsuitable for their mental development (Armia, 2020).

There is no adequate education and socialization given toward the enactment of Sharia and the canon of *Jinayat*. However, the government only focused on patrols and sweeping toward the violators, which was not for the legalization of Sharia itself. The purpose of the legalization of Sharia is to establish a *Madani* (civilized) society by the Islamic tenets (Manan, Muhazar, et al., 2020). Hence, education and socialization were keys to people's self-esteem in obeying and performing Islamic tenets in their daily life. It is proven by the endless number of violations occurring, which indicated that people did not obey the Sharia by their understanding and self-esteemed.

The existence of problems regarding the implementation of Sharia requires strategic solutions from the government. Firstly, the implementation should focus on the education and socialization of the Islamic tenets toward the people to build their understanding and self-esteem in obeying and performing the Islamic tenets. Second, the enforcement of Sharia must be carried under a transparent and fair action. It means that every violation case,

despite the violator's position in government and society, must be taken in fairness and justice. Here, the government's goodwill is required to build the people's trust. Third, cooperation with all media will be invaluable in socializing the introduction of Sharia to the community. Amongst modern communities, the role of mass media is indispensable in implementing programs like the implementation of the Sharia in Ace. The communities do not know how far the progress of the implementation of Sharia has gone since it was not well documented nor publicized on the website (Manan, 2017). Then, there should be a supervising party, which represents the people to supervise and evaluate the implementation and enforcement of Sharia. Such an institution will be the controlling and supervising party to ensure that the implementation and enforcement of Sharia are conducted as it has to be.

D. Conclusion

The formalization and implementation of Islamic law in Aceh was a pilot project for implementing legal codes in Indonesia. The implementation of this law recently is in the adaptation phase; thus, improvements and adjustments are required for better improvements. Evaluation of the effectiveness is also needed to reveal the benefit for the people.

Nonetheless, several responses from people living in Bireuen regarding implementing those laws can be concluded. In general, the people of Bireuen accept the implementation of Sharia. However, several issues still emerge regarding it. The first laid on the mechanism of the supremacy of law. People criticized the enforcement, as the law seemed unimplemented for a few parties in the society. It also led to people's incredulity toward the government for implementing Sharia. The second was the focus on implementation. The people in Bireuen preferred the implementation focusing on the education and socialization of the implementation of Sharia. Those two were assumed to be more effective in building the understanding and inner values within people rather than only giving penalties to people. Education and socialization are also meant to improve the quality of human resources regarding the implementation and enforcement of Sharia.



Although Islamic values had embedded within its society, the implementation of Sharia in Aceh still faced problems, particularly in enforcement, socialization, and education. Thus, the improvement and focus regarding the implementation have to be done toward those two aspects. The education and socialization can be done adjacent to religion education at a formal or informal educational institution in Bireuen Regency.

Bibliography

- Adnan, H. Y. (2008). *Syariat Islam di Aceh antara Implementasi dan Diskriminasi*. Adnin Foundation Publisher.
- Al-Syathibi, A. I. (2003). *Al-Muwafaqat fi Ushul Al-Syari'at*. Dar Al-Ma'arif.
- Arief, T. M., & Amri, A. (2018). Penolakan Remaja Terhadap Seruan Larangan Duduk Ngangkang di Kota Lhokseumawe. *Jurnal Ilmiah Mahasiswa FISIP Unsyiah*, 3(2), 68-79. <http://www.jim.unsyiah.ac.id/FISIP/article/view/7068>
- Armia, M. S. (2020). Public Caning: Should it Be Maintained or Eliminated? (A Reflection of Implementation Sharia Law in Indonesia). *QIJIS (Qudus International Journal of Islamic Studies)*, 7(2), 301. <https://doi.org/10.21043/qijis.v7i2.4974>
- Basri, C. H. (2004). *Pilar-Pilar Penelitian Hukum Islam dan Pranata Sosial*. Raja Grafindo Persada.
- Butt, S. (2019). Provincial Asymmetry in Indonesia: What Is so 'Special' About It? A Country Study of Constitutional Asymmetry in Indonesia. In *Constitutional Asymmetry in Multinational Federalism* (pp. 227-254). Springer International Publishing. https://doi.org/10.1007/978-3-030-11701-6_9
- Din, M. (2009). *Stimulasi Pembangunan Hukum Pidana Nasional dari Aceh untuk Indonesia*. Unpad Press.
- Fahadayna, A. C. (2018). The Implementations of Islamic Law and Post-Conflict Development in Aceh, Northern Indonesia. *Proceedings of the Third International Conference on Social and Political Sciences (ICSPS 2017)*. <https://doi.org/10.2991/icspss-17.2018.4>
- Fahmi, C. (2012). Transformasi Filsafat Dalam Penerapan Syariat Islam (Analisis Kritis terhadap Penerapan Syari'at Islam di Aceh). *Al-Manahij: Jurnal Kajian Hukum Islam*, 6(2), 167-176. <https://doi.org/10.24090/mnh.v6i2.596>

- Gade, F. (2015). *Santri Sebut Sosialisasi Qanun Jinayat Masih Kurang*. Acehkita.Com. <http://www.acehkita.com/santri-sebut-sosialisasi-qanun-jinayat-masih-kurang/>
- Jazuni. (2005). *Legislasi Hukum Islam di Indonesia*. Citra Aditya Bakti.
- Mahkamah Syariah Bireuen. (2005). *Statistik Perkara*. Mahkamah Syariah Bireuen.
- Manan, A. (2014). Larangan Ngangkang Naik Motor bagi Wanita (Persepsi dan Respon Masyarakat tentang Efektifitas Implementasi PERDA Kota Lhoukseumawe). *Islamic Studies*, 2(1).
- Manan, A. (2017). Caning as Punishment: An Evaluation. *2nd International Conference on Social Sciences and Humanities (SOSHUM)*.
- Manan, A. (2020a). Islamic Educational Values in Life-Cycle Rituals. In M. Huda, J. Safar, A. K. Mohamed, K. A. Jasmi, & B. Basiron (Eds.), *Global Perspectives on Teaching and Learning Paths in Islamic Education* (pp. 118–134). <https://doi.org/10.4018/978-1-5225-8528-2.ch007>
- Manan, A. (2020b). Acceptance of the Implementation of Islamic Sharia Laws in West Aceh, Indonesia. *KnE Social Sciences*, pp. 615–627. <https://doi.org/10.18502/kss.v4i14.7919>
- Manan, A., Gunawan, & Muhibbuthabry. (2020). Reality and public perception of implementing Islamic sharia laws in Banda Aceh. In U. Kusmawan, S. Aisyah, I. Rokhiyah, Andayani, D. Raymena Jovanka, & D. Sukmayadi (Eds.), *Emerging Perspectives and Trends in Innovative Technology for Quality Education 4.0* (1st Editio, p. 4). Routledge. <https://doi.org/10.1201/9780429289989>
- Manan, A., Muhazar, M., Syahputra, R., & Salasiyah, C. I. (2020). Banda Aceh as a Civilized City Model. *Jurnal Ilmiah Peuradeun*, 8(2), 243. <https://doi.org/10.26811/peuradeun.v8i2.489>
- Miles, M. B., & Huberman, M. (1994). *Qualitative Data Analysis: An Expanded Sourcebook*. SAGE.
- Muhibbuthabry, M. (2014). Kelembagaan Wilayah Al-Hisbah dalam Konteks Penerapan Syariat Islam di Provinsi Aceh. *Jurnal Ilmiah Peuradeun*, 2(2), 61-82.
- Sarong, A. H., & Melayu, H. A. (2012). *Mahkamah Syar'iyah Aceh: Lintasan Sejarah dan Eksistensinya*. Global Education Institute.



- Serambinews. (2013). *Finalisasi Raqan Acara Jinayah di Bireuen*. Serambinews. <https://aceh.tribunnews.com/2013/11/27/finalisasi-raqan-acara-jinayah-di-bireuen>
- Serambinews. (2015). *Bulan Ini, Qanun Jinayat Diberlakukan*. Serambinews. <https://aceh.tribunnews.com/2015/10/01/bulan-ini-qanun-jinayat-diberlakukan>
- Suyanto, M. (2005). *Sejarah Masuk dan Berkembangnya Islam di Indonesia*. Grafiti Press.
- Syarqawi. (2007). *Urgensi Maqashid Syari'ah dalam Penerapan Syariat Islam di Aceh*. Aceh Institute.
- Uddin, A. T. (2009). Religious freedom implications of Sharia implementation in Aceh, Indonesia. *U. St. Thomas LJ*, 7, 603. <https://heinonline.org/HOL/LandingPage?handle=hein.journals/usthomlj7&div=34&id=&page=>
- Yanlua, M. (2015). Prospective Islamic law in Indonesia. *Journal of Humanity*, 3(2015), 13-27. <https://doi.org/10.14724/03.02>