

THE IMPLEMENTATION OF SHARIA IN ACEH: BETWEEN THE IDEAL AND FACTUAL ACHIEVEMENTS

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Abstrak: Aceh menjadi satu-satunya provinsi di Indonesia yang menerapkan syariat Islam secara formal. Penelitian ini mengkaji penerapan syariah di Aceh dengan membandingkan antara yang ideal sebagaimana diharapkan dan yang faktual. Dengan menggunakan pendekatan kualitatif dan sosio-legal, data diperoleh melalui wawancara dengan Majelis Permusyawaratan Ulama, Dinas Syariah, akademisi, dan tokoh masyarakat. Selain itu, observasi dilakukan untuk melihat pelaksanaan hukuman cambuk. Hasil penelitian ini menunjukkan bahwa implementasi syariah di Aceh sudah didukung dengan institusi syariah (MPU dan Dinas Syariah), dan tokoh agama, masyarakat. Adanya eksekusi bagi pelanggar hukum menguatkan pelaksanaan syariah di daerah itu. Akan tetapi, ada pula aspek-aspek yang perlu ditingkatkan, yaitu peran penegak hukum seperti polisi, jaksa, hakim, dan juga keberlangsungan sosialisasi kepada masyarakat.

Kata kunci: Syariah, Aceh, Majelis Permusyawaratan Ulama, Dinas Syariah

Abstract: Aceh becomes the only region in Indonesia, where Islamic law is formally implemented. This paper aims at discussing the implementation of sharia in Aceh, to compare between its ideal and factual achievements. Employing a qualitative socio-legal approach, data is obtained from interviews with the chairperson of *Ulama's* Consultative Assembly (*Majelis Permusyawaratan Ulama*), head of Sharia Office (*Dinas Syariah*), scholars, and community leaders. Apart from that, an observation was undertaken to record the process of whipping punishment. This study finds out that sharia implementation in Aceh has been sufficiently supported by sharia institutions (*MPU* and Sharia Office), religious figures, community, and available punishment execution for the violators. However, some aspects need to be improved, especially those that are related to the role of other law enforcers such as police, prosecutors, and judges; and sustainable socialization.

Keywords: Sharia, Aceh, Ulama Consultative Assembly, Sharia Office

Introduction

The desire to carry out sharia in Indonesia has begun since the Reform Era (Masykuri Abdillah, 2005: 1-9). Sharia is implemented in a formal way or under a legal umbrella. This means that sharia is implemented within the corridor of the existing legisl system. In another sense, the sharia strengthens the legal system in Indonesia. This condition is undoubtedly different if the sharia is implemented by an individual or society. In Islamic teaching, the implementation of sharia requires the role of the state because in Islam the punishment can only be carried out by the state, not individuals or society (Samsul Bahri: 2007, 157-158).

The implementation of sharia in Aceh is the implementation of *qānūns*. *Qānūn* is a regional regulation issued jointly by the Governor and the People Representatives of Aceh. Therefore, sharia is not the law understood by many people. Even though the sources in the formulation of the *qānūn* are derived from variety and sub-substantial references, the reference of the state and legal apparatus is the *qānūns*.

Al Yasa Abubakar (2019 p.72-75) stated, “there are four things considered positive related to the implementation of sharia in Aceh. First, allowing the implementation of sharia in Aceh within the Indonesian National Law system is a gift. Second, because the enforcement of sharia has been a prolonged struggle since the independence of the Republic of Indonesia, therefore, its achievements are not important because the process of “becoming” takes time. Third, the implementation of sharia in the form of regulations or national law is new and has no precedent. Fourth, the sharia is implemented through various contexts. If the formal implementation is unsuccessful, then, the implementation is carried out in the form of a cultural approach and community activities. This opportunity is undoubtedly due to the policies made by the Government of Aceh.”

The implementation of sharia as exemplified by Aceh is rather new because examples that are referred to in the modern context tend to be non-existent. Thus, the Sharia in Aceh is designed for the needs of the Acehnese people, and started with a cultural approach. The wearing of *hijāb* and restrictions on promiscuity is the initial stages of the application of sharia in Aceh. Some of the earliest *qānūns* issued

are *Qānūn* No. 11 of 2002 concerning the Implementation of Sharia in the Matters related to Creed or *Aqīdah*, Worship, and the Symbols of Islam; *Qānūn* No. 12 of 2003 concerning the Prohibition of *Khamar* (alcoholic beverages); *Qānūn* No. 13 of 2003 concerning the Prohibition of *Maysir* (gambling); *Qānūn* No. 14 of 2003 concerning the Prohibition of *Khalwat* (proximity between unmarried man and woman) and *Qānūn* No. 7 of 2004 concerning Alms.

At the early stage of sharia implementation, the campaign about the obligation of wearing a hijab was intensively carried out by an institution called *Wilāyat al Hisbah*. Almost every day and in every city corner, the *Wilāyat al Hisbah* conducted surveillance and raids to women who did not wear *hijāb*. The arrests were made to those who were caught in gambling and drinking *liquor*, in which the reports could be found almost every day in local newspapers. All efforts made by the *Wilāyat al Hisbah* relatively have changed the atmosphere of the social life of the Acehese society (Syahrizal Abbas, 2009: 64-71).

To implement the *qānūn*, new sharia institutions are established as a result of the needs and state responsibility in implementing the sharia. This responsibility covers the aspects of concepts, policies, supervision and the creation of justice. This is realized through the establishment of Sharia Office (*Dinas Syariah*) as the representative of the Governor in determining the concepts and policies of sharia in Aceh. In addition, the *Wilāyat al Hisbah* acts as the supervisory institution. At first, the *Wilāyat al Hisbah* was under the Sharia Office, but over time, the *Wilāyat al Hisbah* becomes a part of the police unit (Al Yasa Abubakar: 2003, 45-51).

In line with the issuance of Law No. 44 of 1999 concerning the Aceh Privileges in the Fields of Religion, Education, and Custom. Along with the implementation of sharia, several institutions were established, such as the Regional Education Assembly (now Aceh) institutions for educational field, the Religious Sector, the Ulama Consultative Assembly, *Bait al-Māl* Institutions, and Aceh Adat (Custom) Assembly.

Besides, the change in the name and authority of the Indonesian Ulama Assembly to the Ulama Consultative Assembly further affirmed the position of Sharia in Aceh. The Ulama Consultative Assembly becomes the partner and referee for the Acehese local government, as the government will consult with the Assembly for sharia matters.

Ulama Consultative Assembly is a partner and referee in Government policy in Aceh. Every Aceh government policy will always ask the view of the Ulama Consultative Assembly. With this, efforts to escort sharia will continue. Procedurally, the content of *qānūn* will be approved Assembly before submitted to the Acehnese People Representative. This means that the role of the Ulama Consultative Assembly is essential.

The members of the Ulama Consultative Assembly are a group of ulama from all over Aceh. The Assembly consists of the primary team and the respective ulama. The *qānūn* becomes a part of the professionalism of the Ulama Consultative Assembly, and other parties involved in designing the *qānūn*, such as academics and practitioners. Strengthening the *qānūn* has continuously maintained along with the development and changes in society. The implementation of sharia through *qānūn*, of course, is inseparable from the nature of Islamic teaching, especially in terms of its ability to be applied in a heterogeneous social system (Yusuf Qardhawi 2003: 162-214).

Sharia is unique. Among the uniqueness of sharia is the possible acceptability of its enforcement by a society, regionally, nationally, and internationally. The concrete instance is the differences in the scope of sharia implemented in the context of the Unitary State of the Republic of Indonesia in general, and a broader scope of sharia implementation in Aceh. The latest is not the same as the implementation of sharia in other regions in Indonesia, which does not involve a formal sharia implementation through regional regulations of *qānūns*. Another difference is that in other regions the sharia has not been implemented comprehensively. In contrast, in Aceh, the sharia is applied comprehensively covering many aspects of life (Rusjdi Ali Muhammad & Dedy Sumardi 2012: 42).

The commitment to fully implement sharia in Aceh can be seen in the enactment of *qānūn* as part of the regional regulations. Especially in the past 20 years, the sharia was demanded by the Acehnese people. Sharia in Aceh has become the tradition of its people in many aspects of their lives, such as theological, historical, sociological, juridical, political, and futurological aspects. They go hand in hand in the efforts for sharia implementation. This implementation is initially marked by the promulgation of Act No. 44 of 1999 concerning Aceh's Special Autonomy, along with Regional Regulation No. 5 of 2000 concerning

the Implementation of Sharia in Aceh. The province, known as Porch of Mecca (*Serambi Mekkah*), has dozens of *qānūn* and other sharia-based regulations concerning many aspects of human life (Ridwan Hasan 2013: 85).

Overview of Aceh

Compared to other provinces in Indonesia, Aceh is one of the relatively old provinces, even compared to the age of Indonesia. The history of Aceh can be traced from the beginning of it becoming “a sovereign Sultanate, with its advancement, strength, and significant influence on other regions around it.” The history recorded that, in Aceh, Islamic kingdoms or Sultanates was established and ruled over long periods. These included the Sultanate of Raja Ibrahim or Sultan Ali Al-Mughayat Syah (1507-1522); Sultan Salahuddin Ri’ayat Syah or Al-Qahhar (1537 - 1568); Sultan Husin (1568 - 1575); Sultan Alauddin Mansur Syah (1577 - 1586); Sultan Alauddin Ri’ayat Syah (1588 - 1604); and Sultan Ali Ri’ayat Syah (1604 - 1607); until then the rise of Sultan Iskandar Muda in 1607 and beyond (Ridwan Hasan, 2013: 1-32).

With the Western (European) colonialism and the weakening of many Islamic Kingdom in the Archipelago (Nusantara), including the Aceh Sultanate, all of them voluntarily declared to integrate and become parts of a state called Indonesia. After considering all aspects, such as politics, economic, and the ideal of Acehnese people, they remained to keep their firm determination to have their “own state and government” outside the Unitary Republic of Indonesia.

Previously, Aceh had united for long enough with the other Indonesian regions, especially with the North part of Sumatera. The Province of Nanggroe Aceh Darussalam was firstly established in 1959, based on the Decree of the Prime Minister of the Republic of Indonesia No. 1/ MISSI/ 1959. Since 26 May 1959, the Level 1 Swatantra Region or the Province of Aceh was granted the status of “Special Region” with the full title “The Province of Special Region Aceh”. Since then, Aceh Province still formally and constitutionally becomes an integral part of the Unitary Republic of Indonesia.

Aceh covers 58.377 square kilometre area. It is located close to the Andaman and Nicobar Islands in India, separated by the Andaman sea.

Aceh is bordered by the Bay of Bengal to the north, the Indian Ocean to the west, the Straits of Malacca to the east, and North Sumatra to the southeast and south. The province is called “The Porch of Mecca” because of its population obedience to the teachings of Islam. Until 2019, Aceh populated by 5.281.891 people, spread in 23 districts or cities. These include (1) West Aceh, (2) Southwest Aceh, (3) Greater Aceh, (4) Aceh Jaya, (5) South Aceh, (6) Aceh Singkil, (7) Aceh Tamiang, (8) Central Aceh, (9) Southeast Aceh, (10) East Aceh, (11) North Aceh, (12) Bener Meriah, (13) Bireun, (14) Gayo Lues, (15) Nagan Raya, (16) Pidie, (17) Pidie Jaya, (18) Simeulue, (19) Banda Aceh, (20) Langsa, (21) Lhokseumawe, (22) Sabang, and (23) Subulussalam.

Aceh was given the status of Special Province, similar to Yogyakarta. However, the specialty of these two provinces is different in terms of the substance and the privileges are given. Unfortunately, the speciality given Yogyakarta has been stable and benefited to its development. This is different from the experience of Aceh with its speciality but face complex issues and turbulence in many aspects. Several issues led to the difficulties in implementing the Specialty of Aceh, which is mainly political. Since the special status was granted in 1959, the Aceh province still could not enjoy it thoroughly. This happened during the Old Order (1945-1967) to the New Order (1967-1998) regimes. The changes in the government, local and national, did not change the situation in Aceh.

Moreover, the armed conflict in Aceh has a broad political impact, which resulted in the delay of the Aceh development. In general, Acehnese people, living in Aceh, outside Aceh, or even abroad, had almost “never” enjoyed the atmosphere of independence and peace in a real sense. This means free from fear and the threat of armed violence. This contradicts with the ideal of the Indonesian independence, which has been fully supported by the people of Aceh, as stipulated in the Preamble of the 1945 Constitution:

“Pursuant to which, to form a Government of the State of Indonesia that shall protect the whole people of Indonesia and the entire homeland of Indonesia, and to advance general prosperity, to develop the nation’s intellectual life, and to contribute to the implementation of a world order based on freedom, lasting peace and social justice, Indonesia’s National Independence shall be laid down in a Constitution of the State of Indonesia, which is to be established as the State of the

Republic of Indonesia with the sovereignty of the people and based on the belief in the One and Only God, on just and civilized humanity, on the unity of Indonesia and on the democratic rule that is guided by the strength of wisdom resulting from deliberation/representation, to realize social justice for all the people of Indonesia.”

The clause that states “social justice”, in the preamble of the 1945 Constitution, certainly applies also to the Acehese people. However, it had been unfortunate to the Acehese people that they faced conflicts, including political and economic conflicts to the conflict of ideology. This condition was exacerbated when the tsunami hit Aceh in December 2004. Despite the hardness faced by the Acehese, this event has led to positive impacts, and valuable lessons for the Acehese people, Indonesia people, and all people in the world. The tsunami was undoubtedly a traumatic event. To remember the tragedy, the government built The Aceh Tsunami Museum in 2009. This is a symbolic monument so that the Tsunami in Aceh and the Indian Ocean can produce 1001 science and knowledge.

The New Order Regime issued the Military Operational Area Status for Aceh to deal with the prolonged standing conflicts. In solving the conflicts, the government of Indonesia involve national and international institutions and address issues that led to the conflicts. Apart from that, it is known that the Acehese people ‘demanded’ the implementation of Islamic law in Aceh comprehensively (*kafah*) in their social life and other aspects of life. This also becomes a logical consequence of the recognition of Indonesia over the Aceh special status determined in 1959 and the implementation of Law No. 44 of 1999 concerning the Special Status of Aceh Province.

“The special status of Aceh is applied several aspects, such as: “Organizing the [Aceh] Privileges includes: (a) Organizing religious life (b) Organizing traditional life (c) Organizing education, and (d) Role of ulama in establishing regional policies. Specifically on “The implementation of religious life in the [Aceh] Region is manifested in the form of the implementation of Islamic Sharia for its adherents in the community.” “Regions develop and regulate the organization of religious life as referred to in paragraph (1) while maintaining harmony between religions.” *It was further emphasized that: “The implementation of religious life in [Aceh] is manifested in the form of the implementation of*

Islamic Sharia for its adherents in the community.” “Regions develop and regulate the organization of religious life as referred to in paragraph (2) while maintaining harmony between religions.” (The Act Number 44 of 1999 concerning Aceh Privileges article 3 paragraph (1))

Sharia and Maqasid Shari’a

Sharia and Maqasid sharia are two different terms in Islamic Law, even though they are often related to each other. Etymologically, sharia is rooted from *sharā’a - yashrā’u - shar’ān -*. It means to make regulations or laws, as in the expression: “*sharā’a li-al-qaumī = sannā shari’atān* = (someone or institution) make regulations or laws for a people or nation. Another meaning of the word *sharā’a* is to open or show, as in the expression *sharā’a lahūm al-tharīqa, ayazhharahū* = he (someone) has opened or has shown (something) to them. The word *sharā’a* can also be translated into starting, nearing, planning, outlining, directing, lifting, peeling, going into or plunging into it, drinking with hands, clearly, and brightly (Muhammad Yusuf Musa: 2014, 1-15).

Al-shar’u, or *al-shari’a* which is the noun (*masdar*) form of *sharā’a* in the text as well as the context of legal science and legislation means that it is a rule or law (*al-qānūn*). Meanwhile, the word sharia (*al-shari’ah*) can also be and is commonly referred to as *al-shir’a* or *al-shari’a*. In the legal literature, especially applied law, the term sharia (*al-shari’ah al-Islamiyah; shari’ah*) is commonly equated with *fiqh*, *qanūn*, and Islamic law. According to al-Imam al-Akbar or Grand Sheikh Al-Azhar period 1958-1963, Mahmud Syaltut (1893 - 1963 AD), sharia is: “a series of rules (legislation) set by Allah, or [at least] the principles are prescribed to be taken [and applied] by humans in regulating the relationship between him/herself and God (Rabb), the internal relationship between Muslims, relationships between humans (Muslims and non-Muslims), the relationship with the environment, and relationships with other lives in general (Mahmud Syaltut, 2000: 12). In the Aceh Qānun s, the formulation of sharia is briefly defined as “a guide to the teachings of Islam in all aspects of life.”

Sharia, as stated above, certainly has goals or targets to be achieved. More than that, shari’a has an ideal or vision that is more popular as the maqasid al-shari’a. Maqāṣid is the plural form of *maqṣad*, derived from the word *qashada - yaqshidu - qashdan*. It means meaning

intention, intention, target, goal (*al-niyyatu, al-qashdu, al-ghāyatu, wa-al-ghardhu*). *Maqsad* can also be interpreted as a straight way (*tharīqun mustaqīmūn*), and *al-qasdu* can also mean simplicity, the opposite of excessive (*dhidhdh al-igrāth*). Other meanings of *maqsad* are straight paths (*tharīqun qasdun*); direct paths (opposite of excessive or exaggeration (*dhidhdh al-igrāth*). The word *al-maqsad* has a similar meaning with *al-qasdu*; that is, the purpose, goal, or destination (Yusuf al-Qardhawi 2003: 60-70).

Rafiq Yunus al-Misri equates *maqāsid* with *masalih* when he states “*al-maqāsid hiya al-masālih = maqāsid is none other than maṣālih*”. (Rafiq Yunus al-Mishriy, tt: 11) So, *maqāsid = masālih*, and *masālih = maqāsid*. Muhammad al-Zuhayli, in his book *Huqūq al-Insān fi-al-Islām* also asserted that *al-haqq* is a benefit (*maslahah*) and *maṣlahah* is benefit (Muhammad Zuhaily, tt: 5). Something is not seen as a right unless it has received legal recognition, or the provisions of *sara'* and religion, or legislation. The purpose of sending down the Quran and the Prophet is in conjunction with sharia, which, as a legal system, aims at realizing the benefit of human beings (*li-tahqīqi maṣālih al-nās*). In other words, *al-maṣālih* or *al-manfa'ā* is the main target of sharia (*al-maṣālih hiya maqāsid al-shari'ah*).

Other terms commonly used by experts in referring to *maqāsid al sharia* are *maqāsid ahkam* (*maqāshid al-ahkām*) and “*ghayāh al-ahkām*,” which more or less have the same meaning with *maqāsid al sharia*, namely the meaning and purpose of (establishment) of sharia. *Maqāsid al sharia* is all objectives or goals to be achieved by sharia. To achieve the goals or objectives of sharia, Allah promulgates the sharia in the form of rules or norms (*al-maqāsid hiya al-aghradh allāti li-ajliha shara'a al-shari'ah*). In essence, sharia is an object (goal) to be achieved and at the same time as a tool or way used to achieve that goal. In short, sharia is both objectives and tools (Abdullah bin Yusuf, tt: 300).

Muhammad Abu Zahra (1898 - 1974), who is more accustomed to using the term *maqāsid al-Ahkam* or *maqāsid al-Ahkam al-shari'iyah*, states that the objective/ target/ primary target of sharia laws is (upholding) affection and justice (*al-rahmah wa-al-'is*) in all aspects of life. *Maqāsid shari'ah* or *maqāsid ahkam* does not have to rely on a certain degree/ level to be met. This is because, in reality, not all kind of *maqāsid of shari'a* is fundamental and therefore not it is

not an absolute obligatory. Islamic jurists including al-Syathibi (730 - 790 H / 1328 - 1388 AD) (al-Syathibi, tt: 1-29) and so on had been accustomed to differentiating human needs into three levels, namely, primary (*dharuriyyat*; *luxuries*), secondary (*hajjiyat*; *needs*), and tertiary (*tahsiniyat* / *takmiliyat*; *necessities*) which by Jasser Audah was put into a diagram (Jasser Audah, 2010: 3).

Three levels of human needs formulated above, at the same time, show the hierarchy of human needs that are tiered into primary needs, which are urgent; secondary needs (*hajjat*), and the tertiary needs, which are the lowest (*tahsiniyat* or *takmiliyat*). Even so, experts have also agreed that meeting the above three levels of human needs is permissible to achieve a complete and perfect level of life, if possible (Yusuf Hamid Alim, 1994: 133-173).

Sorting and choosing the priority scale of human needs above is used when a person or group (family, the community even nation and state) is unable to meet three needs at the same time (all at once). In this case, they must choose the most important ones. In Aceh, it seems that the *qānun* is intended to fulfil all human needs ranging from the *daruriyat* to *hajjiyat* and *tahsiniyat* / *takmiliyat*. This can be understood from the number of *Qānun* s and the affirmation about the purpose of the *qānun* (Syahrizal Abbas, 2009: 64)

Moreover, Muslim scholars say that the general purpose of Islamic law (*al-tashrī ‘al-islāmī*) is to bring benefits and dispel or refuse damages (*jalb al-maṣālih wa-daf‘u al-mafāsīd*). *Al-maṣlābah* is also often called benefit (*al-manfa‘ah*), *al-khair* or *al-hasanah*, which mean good. Meanwhile, *mafsadah* (*al-mafsadah*) is often also termed *madarat* (*al-madarrāh*), *al-sharr*, or *al-sayyi‘ah* and *al-qabīhah*. That is also why the rules sometimes “*jalb al-manafi‘*” *wa-dar* “*al-mafāsīd*,” or “*jalb al-manafi‘*” *wa-daf‘* “*al-madharrah*” or others.

The needs of *dharuriyyat* by classical and contemporary scholars are called *al-dharuriyyat al-khams* or five basic human needs namely: protection of life (*hifzh al-nafs*), religion (*hifzh al-din*), intellect (*hifzh al-'aql*), lineage (*hifzh al-nasl* / *al-'ardh*), and property (*hifzh al-mal*). Every Muslim should inevitably fulfil *Al-dharuriyyat al-khams*. More than that, Muslims' belief in the notion of *Al-dharuriyyat al-khams* seems to be final and unchangeable. In fact, along with changes and development in human lives, the concept of *al-dharuriyyat* needs to be

changed or added as needed. For example, there has been new notions of *al-dharuriyyat al-sab'ah* (seven primary needs), *al-dharuriyyat a-tis'ah* (nine primary needs) and so on. This is similar to the development of recitation method of the Quran, with its *qirāat sab'ah* (seven recitation methods) to *qirāat 'ashrah* (ten recitation methods), and then *qirāat arba'ata 'asyar* (fourteen recitation methods) Abdussabur Syahin, 2008: 39-44).

Qānun ization of Sharia

Qānun is another name for law, regulation, rule, or law book. *Qānun* ization of sharia, in this study, means the process of turning legal or sharia norms into various forms of state regulation or written legislation as is typical in the contemporary era. According to Abdul Karim Zaidan (1917-2014), there are at least three main reasons for turning sharia into *qānun*.

First, the implementation of sharia (*tathbīq al-syarī'ah al-Islāmiyyah*) is viewed by Muslims as an integral part of the religious system and an integral part of their belief. This is why the demand for sharia will be part of the Muslim community, even though struggles, long and gradual process, as well as material expenses, are needed.

Second, written *qānun* is viewed as something attached to the heart (*dhamīr*) or every community, including the Muslim community, as well as becoming a guarantee for the sustainability of their belief, the soundness of the community, and the result of their thinking for a better future. The *qānun* becomes more significant in the current digital era, where written law becomes essential.

Third, considering its status as religious law, sharia is compatible with every place and time, because it does not restrict humans' freedom (*hurriyah al-insan*) in various matters. It becomes unsurprising when an international congress was held in Lahoya – The United States in 1938, western scholars accepted sharia as one of the legal sources, and existing legal system (*fiqh al-hayāh; living law*). Besides, as an original and independent legal source, sharia is not a system that is taken or adopted from other laws (Abdul Karim Zaydan, 1969: 9-11).

The legalization of Islamic law in the current age happens in almost all countries. Muslims countries, including Indonesia, declare

themselves as legal states. This is in accordance with the spirit of the Quran that sees the importance of written laws, including *qānuns*. Indonesian legal system provides extensive and flexible opportunities for Indonesian Muslims to do the Qānun ization of sharia, at least in some instances and certain regions (Samsul Bahri, 2007: 23-25).

The Qānun ization of Islamic law in Indonesia has been long attempts, especially in the early 1970s, marked by the enactment of Law No. 1 of 1974 concerning Marriage. This was followed by Government Regulation No. 9 of 1975 concerning the Implementation of Law No. 1 of 1974 concerning Marriage, and the Presidential Instruction No. 1 of 1991 concerning the Compilation of Islamic Law. This process is continuing until today, along with the needs of the people, as well as the interests of the state.

Along with the enactment of Islamic law in many Islamic and Muslim countries, the Qānun ization of the formalization of sharia by the state has been broadened in terms of its scopes. The scope of sharia has not only covered marriage law or family law but also expanded to other civil law matters. This includes Islamic economic law and sharia finance, which has been popular since the 1990s and 2000s. This shows that the implementation of Islamic law has not been exclusively happened in Aceh, but also in all Indonesian regions, in general. Special for Aceh province, the implementation of Islamic law is widened to criminal law (Islamic criminal law).

The Scope of (Sharia) *Qānun* in Aceh

The broader implementation of Sharia as *qānun* has taken in the Special Province of Aceh, which is in accordance with Law No. 44 of 1999 concerning the Implementation of the Special Status of Aceh Province, Article 3 Paragraph (2). What is meant by privilege (for Aceh province) is an exclusive authority to organize religious life, customs, education, and the role of the ulama in setting regional policies” (Law No. 44 of 1999 Article 1, number 8). Article 4 Paragraph (1) states that “the implementation of religious life in the region is manifested in the form of sharia implementation in the society for its adherents. The region develops and regulates religious life as referred to in paragraph (1) while maintaining harmony between religions” (Law No. 44 of 1999 Article 4 Paragraph (2)).

In the context of following up Law No. 44 of 1999 above, especially Article 3 paragraph (1) letter a and Article 4 paragraph (1) and (2), the Government of Aceh Province has formally implemented sharia since 1999. Until today, there have been at least 15 – 20s Qānun s or sharia-based regional regulations enacted by the government of Ace. The Qānun includes the Qānun No. 17 of 2014 concerning Islamic Criminal Law (*Jināyat*), and Qānun No. 10 of 2005 concerning Technical Guidelines for the Implementation of Whipping Punishments (*uqubat*), which is the main objects of this study.

The twenty-three qānuns of sharia-based Regional Regulation includes: 1) Aceh Qānun No. 10 of 2002 concerning Sharia Courts; 2) Aceh Qānun No. 11 of 2002 concerning the Implementation of Islamic law in the Field of Aqeeda, Worships, and Symbols of Islam; 3) Aceh Qānun No. 12 of 2003 concerning Alcoholic Beverages and the Like; 4) Aceh Qānun No. 13 of 2003 concerning Gambling; 5) Aceh Qānun No. 14 of 2003 concerning *khalwat* (close proximity/fornication); 6) Aceh Qānun No. 5 of 2007 concerning *Baitul Māl*; 7) Aceh Qānun No. 9 of 2008 concerning the Cultivation of Adat (Custom) Life and Adat Istiadat; 8) Aceh Qānun No. 10 of 2008 concerning Indigenous Institute; 9) Aceh Qānun No. 2 of 2009 concerning the Ulama Consulvative Assembly; 10) Aceh Qānun No 7 of 2013 concerning Islamic Criminal Procedure; 11) Aceh Qānun No. 6 of 2014 concerning Islamic Criminal Law; 12) Aceh Qānun No. 8 of 2014 concerning the Principles of Islamic Law; 13) Aceh Qānun No. 9 of 2014 concerning the Establishment of Aceh Islamic Bank; 14) Joint Decree of the Aceh Governor, Police Chief, Attorney General, the Chief Justice of the Province Syar'iyah, Chairman of the Aceh High Court and the Head Office of the Ministry of Justice and Human Rights Aceh Province Number: 26 / MCC / 2004, No. SKEP / 62 / VIII / 2004, No. B-1229 / N.1 / 08/2004, No. W1.D1.UM.01.10-1116 concerning the Operationalization of the Mahkamah Shar'iyya Authority; 15) Regulation of the Aceh Governor No. 10 of 2005 on Technical Guidelines for Whipping Punishment; 16) Regulation of the Aceh Governor No. 25 of 2007 concering Guidelines for Construction of Worship Place; 17) Regulation of the Aceh Governor No. 41 of 2009 concerning Organizational Structure and Technical Implementation Unit at the Department of Sharia Office of Nanggroe Aceh Darussalam;

18) Special Province Instruction No. 5/ INSTR/ 1990 concerning the Obligation to Have Skills in Reading Quran and Understanding Local Customs for Elementary School Students; 19) The Instruction of Nanggroe Aceh Darussalam Governor No. 05/ INSTR/ 2000 on the Cultivation of Mosque Management and Meunasah in the Special Province of Aceh; 20) Aceh Governor Instruction No. 06/ INSTR/ 2002 on the Congregational Prayers in Offices/ Institutions/ Law Firms/ Departments in Nanggroe Aceh Darussalam Province; 21) The Instruction of Nanggroe Aceh Darussalam Governor No. 07/ INSTR/ 2008 concerning the Collection of Income Alms on among Civil Servants/ Parties/ Employees; 22) Aceh *Qānun* No. 8 of 2016 concerning Halal Products System; and 23) Aceh *Qānun* No. 11 of 2018 concerning Islamic Financial Institutions.

From the 23 sharia *Qānuns*, which include Regional Regulations, Governor Regulations, and Governor Instructions, only three *Qānuns* (13%) directly govern Islamic criminal law. These include Nanggroe Aceh Darussalam *Qānun* No. 7 of 2013 concerning Islamic Criminal Procedure, Aceh *Qānun* No. 6 of 2014 concerning Islamic Criminal Law (*Jināyat*), and Nanggroe Aceh Darussalam Governor Regulation No. 10 of 2005 concerning Technical Instruction for the Implementation of Canning Punishment. The remaining 20 *Qānuns* (87%), on the other hand, regulate non-Islamic criminal law matters.

Aceh *Qānun* No. 6 of 2014 concerning Islamic Criminal Law consists of 10 Chapters and 74 Articles. Apart from regulating *jināyat*, *hudūd*, *ta'zīr*, restitution, other matters regulated include the prohibition of *khamr* (alcoholic beverages), *maysir* or gambling, *khalwat*, *ikhhtilat*, adultery, sexual harassment, *liwath*, rape, and others. Meanwhile, Aceh *Qānun* No 7 of 2013 concerning Islamic Criminal Procedures consists of 23 Chapters and 286 Articles. This regulates matters related to General Provisions (Chapter I), Principles and Objectives (Chapter II), Scope of the Applicability of *Qānun* (Chapter III), Investigators, Investigators and Public Disciplines (Chapter IV) Arrest, Detention, Body Search, Entering Houses, and Examination of Letters (Chapter V), Suspects and Defendants (Chapter VI), Legal Aid (Chapter VII), Minutes (Section VIII), Pledge (Chapter VIII), Powers To Prosecute (Chapter X), Connectivity (XI), Compensation and Rehabilitation (chapter XII), Compensation Lawsuit Merger (Chapter XIII), Initial

Investigation and Investigation (Chapter XIV), Prosecution (Chapter XV), Examination in Court Session (Chapter XVI), Regular Legal Remedies (Chapter XVII), Outstanding Legal Remedies (Chapter XVIII), Implementation of Court Decisions (Chapter XVIII), Monitoring and Observation of Court Decision Implementation (Chapter XX), Funding (Chapter XXI), and Transitional Provisions (Chapter XXII), Final Provisions (Chapter XXIII).

Law on canning is considered new because the Indonesian legal system does not regulate it. The Governor of Nanggroe Aceh Darussalam issued Governor Regulation No. 10 of 2005 concerning Technical Guidelines for the Implementation of the Caning Punishment (*Uqūbat*). This regulation consists of 17 Articles governing technical matters for the implementation of caning punishment. Caning punishment is a kind of corporal punishment imposed by the law by caning of the convicts.

In contrast to other sentences, canning punishment technically is carried out in an open space, witnessed by people, attended by prosecutors and doctors. During the canning, a convict sits on a mat, sized at least 3x3 meters. The distance between a convict and the executioner is between 0,07 meter to 1 meter, with the executioner standing on the left side of the convict. The executioner hits the back (shoulder to hip) of the convict. The distance between the caning spot and the witnesses is 10 meters.

Governor Regulation No. 10 of 2005 also regulates the condition of convicts and executioners. For example, before carrying out caning, a convict's health condition is examined by a doctor. The lack of health condition leads to the postpone of caning punishment until the convict's good health is declared. During the caning process, convicts should wear provided thin clothes that cover the genitals; and be in a standing position without any buffer from men, and a sitting position for women.

There is an indication of the acceptance of the caning punishment, shown by no rejection and rare appeals on the punishment. This implies that the implementation of Islamic law is relatively proper. The acceptance of this punishment is because of its clear and measurable process.

Implementation of *Qānun Jinayat* in Aceh

This study finds that the implementation of sharia *Qānun* in Aceh from year to year has shown significant progress. This includes the application of Islamic criminal law or *Qānun jināyat*, along with caning punishment. The table below provides explanations related to the ideals and factual achievements of the application of Islamic law in the Special Province of Aceh. Especially in the field of *jināyat* (Islamic Criminal Law).

The Recapitulation of Decided, Undecided, Jinayat Cases and Executed Decisions in the High Court of Aceh 2018

| No. | High Court | Type of Case | | | | Type of Punishment | | | | Explanation |
|-----|--------------|--------------|--------|----------------------|------|--------------------|------|------|-------------|--|
| | | Khamar | Maisir | Violation of decency | Etc. | Amount | Whip | Fine | Confinement | |
| 1. | Banda Aceh | 5 | 7 | 21 | - | 33 | 28 | - | - | 3 of cassation, and 2 decisions have not yet been executed |
| 2. | Sigli | 1 | 3 | 8 | 1 | 13 | 12 | - | 1 | All Executed |
| 3. | Takengon | 1 | 5 | 12 | - | 18 | 16 | - | - | 2 have not yet been executed |
| 4. | Langsa | - | 8 | 1 | - | 9 | 9 | - | - | All executed |
| 5. | Meulaboh | 8 | 12 | 27 | - | 46 | 19 | | 34 | 44 have not yet been executed |
| 6. | IDI | 1 | 16 | - | - | 17 | 9 | - | 8 | All executed |
| 7. | Sinabang | - | - | 3 | - | 3 | 3 | - | - | 1 has not yet been executed |
| 8. | Calang | 1 | - | - | - | 1 | 1 | - | - | 1 has not yet been executed |
| 9. | Subulussalam | - | 1 | - | - | 1 | 1 | - | - | All executed |
| 10. | Tapak tuan | 1 | - | 4 | - | 5 | 5 | - | - | 3 have not yet been executed |
| 11. | Lhoksukon | - | 1 | 7 | - | 8 | 2 | - | 7 | 1 cassation, 1 appeal and 6 cases have not been executed |

| No. | High Court | Type of Case | | | | Type of Punishment | | | | Explanation |
|---------------|-----------------------|--------------|--------|----------------------|------|--------------------|------|------|-------------|------------------------------|
| | | Khamar | Maisir | Violation of decency | Etc. | Amount | Whip | Fine | Confinement | |
| 12. | Kuta cane | 1 | 5 | 3 | - | 9 | 9 | - | - | 3 have not yet been executed |
| 13. | Mereudu | - | 1 | - | - | 1 | - | - | 1 | All executed |
| 14. | Lhokseumawe | 2 | 3 | 12 | - | 17 | 16 | - | 3 | 1 has not yet been executed |
| 15. | Simpang tiga redelong | - | 5 | 6 | - | 11 | 11 | - | 1 | 2 have not yet been executed |
| 16. | Jantho | - | 1 | 26 | - | 27 | 19 | - | 8 | All executed |
| 17. | Blangkejeren | 7 | 8 | 10 | - | 25 | 23 | 1 | 1 | 1 has not yet been executed |
| 18. | Bireun | 1 | 4 | 2 | - | 7 | 6 | | | 2 have not yet been executed |
| 19. | Singkil | 5 | 6 | 7 | - | 18 | 14 | 1 | 2 | 5 have not yet been executed |
| 20. | Suka makmue | - | - | - | - | - | - | - | - | Null |
| 21. | Blangpidie | - | - | - | - | - | - | - | - | Null |
| 22. | Sabang | - | - | - | - | - | - | - | - | Null |
| 23. | Kuala simpang | 5 | 27 | 2 | - | 34 | 34 | - | - | 2 have not yet been executed |
| Amount | | 39 | 112 | 151 | 1 | 303 | 237 | 2 | 66 | |

The table above shows that most districts or cities have executed court decisions on criminal cases. A large portion of cases have been decided by the Sharia Courts and have permanent legal force (inkracht). Even though some regencies still have some decisions remain unexecuted, it seems that the delays have been due to technical factors. This cannot be seen as a form of the unwillingness of the local authorities or the rejections of the *Qānun Jināyat*, Meulaboh Regency and Lhoksukon are the examples.

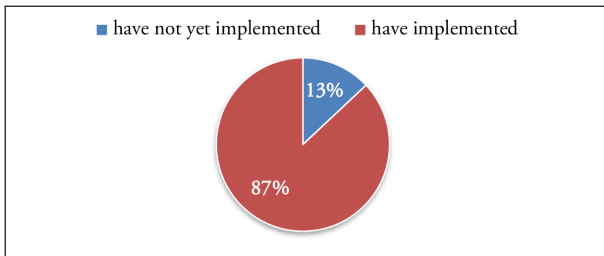
There was only one regency (5%) that has never executed a decision of the Sharia Court even though the Sharia Court has granted a caning sentence. Moreover, the decision has had inkracht status, but still, it has not or was not executed. The other 19 districts, in general, have

had executed the decisions issued by Sharia Courts. For example, in Meulaboh District, the Sharia Court ruled 46 cases, and only 2 cases (4.3%) had been executed. The most significant part, which is 44 cases (95.6%), have not been executed, likewise with Lhoksukon, of the 8 cases that have been decided and 6 of them already that have legal force. This is because one case was filed an appealed, and one other has been appealed, but none has been executed.

Even so, there is a need to acknowledge that there are still districts that are incapable or unwilling to apply *Qānun Jināyat* or to process jinayat cases as regulated in *Qānun Jināyat*. These districts are Suka Makmue, Belangpidie, Sabang, Calang, Subulussalam, and Meureudu that have never prosecuted *jināyat* cases occur in their respective jurisdictions. One city and 17 regencies, on the other hand, have proceeded the *jināyat* cases. Most of the decisions regarding those cases have been executed.

Thus, as emphasized above, the number of cities or regencies that have imposed the *Qānun Jināyat* appears to be more significant. From all cities and regencies in Aceh have tried *jināyat* cases and executed the decisions with inkraht status. In Meulaboh, from 46 decided cases and have inkraht status, there are only two decisions (4,3%) that have been executed. The rest of them or 34 decisions (73,9%) had not been executed in that year. Lhoksukon, on the other hand, has never executed 6 decisions out of 8 decisions with inkraht status. Two of them are still in the process of appeal and cassation.

The Implementation of *Qānun Jināyat* by Regencies and Cities in Aceh



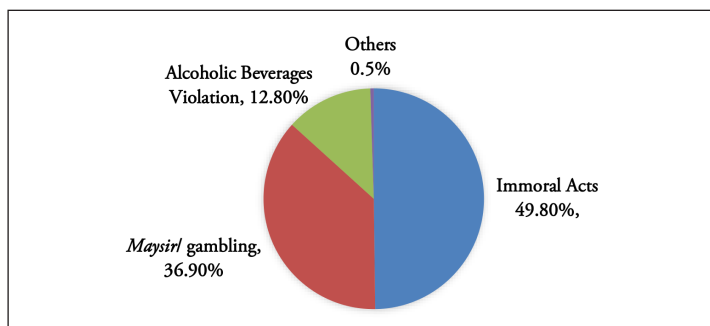
From the above diagram, it can be understood that out of 23 regencies and cities in Aceh, only 3 (13%) of them have not yet processed

jināyat cases in their respective jurisdictions to the local Mahkamah Shar'iyah. The three regencies are Sukamakmue, Blangpidie and Sabang. Meanwhile, the other 20 districts or cities (87%), in general, have applied the Islamic criminal law in various ways.

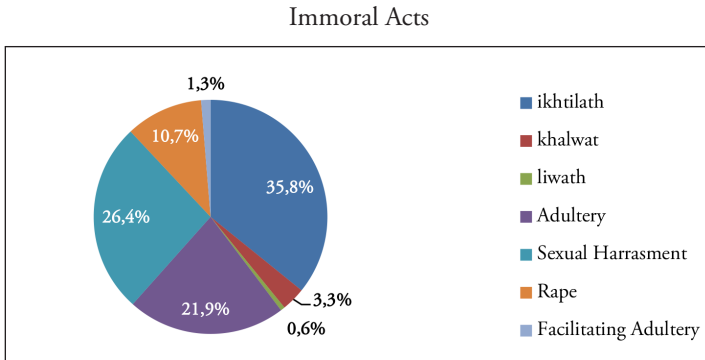
Second, regencies and cities which are consistent (*istiqāmah*) in processing *jināyat* cases and executing *Mahkamah Shar'iyah* decisions were mainly Banda Aceh, followed by Takengon, Lhokseumawe, Blangkejeren, and Kuala Simpang. For Banda Aceh, out of 33 cases, 28 (85%) of them were executed, while three (10%) others are still in cassation. Only two convicts (7%) have not been executed. In Takengon, of the 18 decisions, 16 (89%) of them were executed, and only 2 (11%) remained unexecuted. Whereas in Lhokseumawe, from 17 cases, only one (5%) decision that has not been executed. The remaining 16 decisions (95%) have already been executed. In Blangkejeren district, out of 25 cases, 24 (96%) decisions have been executed; and only 1 (4%) decisions remained unexecuted. In Kuala Simpang, out of 34 cases, 32 (94%) decisions have been executed; and only 2 decisions remained unexecuted. *Jinayat* cases in other districts are generally under 10 cases, and the execution was relatively varied. Some have been executed, while some others have not yet been executed. There were also one or two cases in cassation process.

Third, from the types of *jināyat* cases violated by convicts, the cases are generally dominated by immoral act cases (151 cases = 49.8%), accompanied by cases of maysi / gambling (112 cases = 36.9%), khamr or alcoholic beverages (39 cases = 12.8%), and others (1 case = 0.5%). Look at the diagram below.

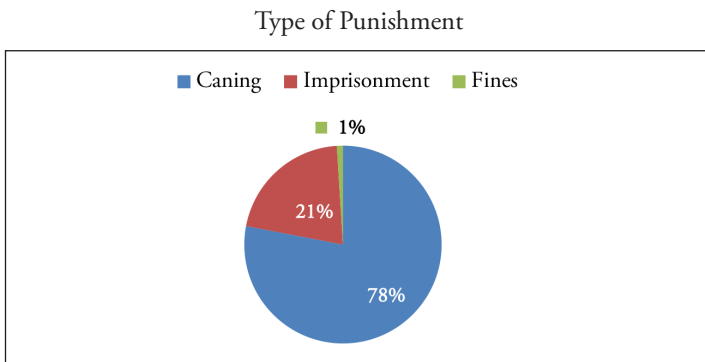
Jināyat CASES



Immorality act cases dominated the *jināyat* cases include ikhtilath (54 cases = 35.8%), khalwat 5 cases = 3.3%), liwath (1 case = 0.6%), sexual harassment (40 cases = 26.4%), adultery (33 cases = 21.9%), rape (16 cases = 10.7%) and facilitating adultery (2 cases = 1.3%) as can be seen in the diagram below:



Fourth, from the type of sentence, most of the convicts chose caning as punishment. Of the 303 convicts, 237 (78%) of them chose caning; only 66 (21%) convicts chose imprisonment, and only 2 convicts chose fines.



Interestingly, most of the convicts chose canning as punishment. Canning is considered less severe compared to fines and imprisonment. The convicts generally believed that with caning, they could soon move on with their life, then make a living for them and their families. As

for fines, most of them stated that they do not have money to pay. The imprisonment, on the other hand, is seen as the more severe punishment. Besides, they have to spend a long time (several months and years) in jail; and at the same time, they are separated from their families. Moreover, they will not be able to earn for their living, and their families'; and are overshadowed by the unpleasant situation and even abusive treatment while in prison.

The only 'severe' effect of the caning punishment suffered by the convicts and their families is the shame when the punishment is taking place and when they return to their home. Not to mention that the media reported their executions, and social media spread the news about them. Another impact that becomes the concern of the former convicts is the long term impact on them and their families. For example, the child of the convict can be hard to get a life partner due to his/ her parent's experience with the law.

Another matter that is important to be explained here is that some cases are not processed in the Court. There are still quite a lot of them. Several factors cause this. One of them is the limited number of field officers and their lack of professionalism. The officers have authorities to conduct surveillance and subsequent processes. At the same time, there are some regions with a minimal number of *jināyat* cases. In general, respondents said that the Qānun *Jināyat* had not been well implemented as expected. Besides, some of the districts, until this research was conducted (2016) had never carried out caning execution. Some of the districts even have not yet implemented the Qānun . Several obstacles cause this.

Factors that become obstacles for the enforcement of Sharia law in the field of Islamic criminal law can be classified into two big groups, namely internal and external factors. Internal factors include limited funds. Almost all respondents, including the regional governments, acknowledged the limitation in funds, especially the funds, in which the amount is not small. However, there were some cities or regencies that did not find funding as a difficulty.

Next is the lack of facilities and infrastructure, ranging from office facilities to waiting room for the litigants and other involving parties. Sometimes, the sharia authorities borrow facilities from other authorities such as attorney general, police, and so on. Except in some

cities, including Banda Aceh, Sharia Offices in most cities and regencies do not have separated building to handle *jināyat* cases.

Since the implementation of Islamic law is still new, the available human resources are also still limited, especially *wilāyat al hisbah*. Even though the Aceh government has already *wilāyat al hisbah* to enforce sharia, their number is still limited, and their quality needs to be improved. The merging between Municipal Police (Polisi Pamong Praja) and *wilāyat al hisbah* is not easy, even though in many cases the *wilāyat al hisbah* obtain assistance from the municipal police (Al Yasa Abubakar, 2009: 2-20).

Another problem is that there has been a lack of coordination and synergy among institutions involved in the sharia implementation. Some respondents explicitly stated that among the obstacles faced by officers who commit to implementing *Qānun Jināyat* is the lack of coordination between authorities, namely police, prosecutors, *wilāyat al hisbah*, *Mahkamāt Shar'īyya*, etc.

At the same time, there is still an absence of supporting regulations. Even though Aceh has produces 20 sharia *Qānun*, but the implementation has become difficult because there are no regulations related to technical matters. This contributes to the obstacles of implementing the *Qānun* , especially by the local authorities. There is also the different interpretation of the legal hierarchy of sharia among other national laws, and the substance of the sharia itself. For example, no regulation limits the number of witness in the process of caning. Because of this, there are too many people who attend the execution, which, in turn, becomes prone to riots caused by provocation. The limitation of witnesses during execution is mentioned in the Quran, Sura al-Nur (24): 2. The limitation of witness in criminal punishment to only the representatives of the society is stated as follow: “*wal-yasyhad ‘adzābahumā thā’ifatun min al-mu’minin* or ‘let the execution of the adulterers, men and women, be witnessed by a (small) group of believers.

Another problem is related to supervision, which is still not optimal. In other words, the supervision of people who have been suspected of committing violations against *Qānun Jināyat* has not been optimal. In addition to the limited number of *wilāyat al hisbah* personnel, the vast area of Aceh province also becomes a challenge for those officers.

Moreover, there is a possibility that the violators hide their crimes. In this case, community involvement in supervision is needed. The concept of 'a village fence', where young people and the community jointly supervise their areas, can be a solution. If the sharia violators are found, then the villagers will hand them over to the *wilāyat al hisbah* for further processing. This becomes part of community involvement in the implementation of sharia.

However, the commitment of some parties is still in questions. Witnessing the reality and the information from the respondents, it seems that there are still parties and community members who are not ready to accept the implementation of *Qānun Jināyat*. In this case, the researchers find it challenging to understand the factors cause such reluctance, except the aforementioned factors and economic factor. People reluctance to accept sharia may be due to the protracted legal culture adhered, which is the past domination of the state. This has been shifted into a more democratic culture. However, the concern is still uncritical as no apparent resistance has been found (Samir Fuadi, 2016: 190).

With regards to the socialization of the sharia *Qānuns*, there have been still minimal attempts to socialize the *Qānun*. Even though the socialization of sharia *Qānun* and *Jināyat Qānun* has been carried out from time to time by the Sharia Office, but it has not reached all levels of Acehese society, especially those in sub-districts and villages. The socialization of sharia in cities and provincial level is relatively intense, one of which shown by Islamic clothing raids.

Some of the Acehese people's knowledge about the issue is also still limited. Another contributing factor to the ineffectiveness of the implementation of *Jināyat Qānun* and other sharia *Qānun* s is that not all Acehese people understand sharia in general or sharia *Qānun* in particular. This is caused by several factors. One of them is the educational background. The socialization process involves the number of parties and needs relatively large funds. That is why the socialization carried out by the authorities has been minimal.

Furthermore, some people are impatient and want the sharia to be quickly implemented comprehensively. This is mentioned by some of the respondents. They stated that there are people who want sharia to be implemented comprehensively and immediately as they

believe in the beauty of sharia and the fifteen-years' experience of sharia implementation in Aceh (Interview with Al Yasa Abubakar).

As mentioned above, the sharia implementation needs the involvement of the community. However, broader participation has not yet touched all levels. Some of the respondents see positive participation of society, while some of them still see that such participation is still relatively minimum. This can be seen from the fact that some *jināyat* cases were processed due to reports and complaints from the local community. In some regencies, there was kind of 'intelligence community' consisting of a group of people scattered in places alleged to be the centre for sharia violators, including *Qānun Jināyat* violators.

There are factors that directly or indirectly lead to the slow implementation of *Qānun Jināyat*. For example, there have been no regulations that specifically regulate the matter of "extradition" when suspects or even accused fleeing and leaving Aceh or Indonesia. Besides, funding in the extradition process can be a challenge for the authority. Another challenge is related to the safety guarantee for the involving authorities such as police, prosecutors, and judges, as well as involving individuals. Violations of *Qānun Jināyat* committed by authorities have contributed to the delay in the implementation of the *Qānun Jināyat* in Aceh (Al Yasa Abubakar, 2008: 13-30).

The external factors include the limited role of media in socializing the sharia in Aceh. Moreover, reports published by the media often lack supports and enthusiasm in reporting the positive side of the implementation of *Qānun* in Aceh, especially that is related to *jināyat* (criminal law). Most often, the media reported a negative side of the *Qānun Jināyat* and showed its negative attitudes towards it. This type of reports has become apparent as there has been an only limited number of local media. It is expected that the media becomes a means to socialize the *Qānun Jināyat*, as well as other *Qānuns*.

There are indications that the outsiders, which include people from other Indonesian regions and outside the country, seem unsympathetic towards the application of canning punishment. It often considered against human rights. Such disagreement could be sensed at the beginning of formal sharia implementation in Aceh. National and international media cover the first public canning held by the authority.

Moreover, some Non-Governmental Organizations show their less objective attitudes towards the sharia and criticize it, especially caning punishment. They come from local and international NGOs. Their reports on the issue seem to be less balanced and sometimes tend to be disproportionate. Even so, this does not mean that sharia implementation in Aceh unsuccessful, let alone failed, considering that the implementation of sharia in Aceh is still ongoing, at least in some parts of Aceh cities and regencies. Another consideration that the sharia implementation in Aceh is relatively new, which is between 4-5 years from the beginning of the first enactment of Aceh *Qānun* on *Jināyat* and its procedural law.

Several factors mentioned above lead to an unfavourable impact on the application of Islamic law in Aceh. Among these can cause a sense of pessimism among Acehnese people, including some educated people who seem apathetic and ignorant about the formal implementation of Islamic law in Aceh. The expectation of Acehnese people towards the application of sharia is high, as it considered ideal. The differences in people's attitudes towards that formal sharia application sometimes 'ignite' debates among the Acehnese people, in terms of sharia epistemology, ontology, and axiology. The debates cause the unsustainable acceleration of sharia *Qānun* implementation, especially in the field of *Jināyat*.

Conclusions

To conclude, the implementation of sharia in Aceh is the implementation of (sharia) *Qānun*. If the state has formally implemented the teaching of Islam, then the local government needs to strengthen and implement the *Qānun*. So far, many *Qānuns* have been formulated, and their implementation has taken place. However, this implementation has been still not optimal and taken more time than expected. This is because the implementation of the *Qānuns* depends on the realization of the provincial budgets, which usually takes place every four months.

After the declaration of formal implementation of Islamic law by the Aceh government, various regional institutions have emerged with relatively clear authorities. However, their contribution in strengthening the implementation of Islamic law has been limited, as the socialization to the community has also been relatively limited. In this situation,

better coordination among governmental organizations in Aceh is needed to strengthen the implementation of sharia-related programs.

Theoretically, there have been more than twenty Aceh *Qānuns* concerning the implementation of Islamic law. This number is sufficient to be used as a guide in a comprehensive (*kaffah*) implementation of Islamic law in Aceh alone. Nevertheless, the application of Islamic criminal-related Qānun has not been successful. There are at least two reasons that cause this unsuccessful, which are internal and external factors. These factors mainly related to the limited infrastructure due to limited funding owned by the local government, on one side, and the lack of sufficient operational and technical aspects, on the other.

The leading cause, however, has been the lack of budget provided by the People Representatives of Aceh, and the Aceh government. The implementation of Islamic law in Aceh needs the involvement of local and national government offices, such as police, attorneys, judges from sharia courts, in which their authorities determined by the central government of Indonesia. The weak coordination between the local and central government institutions has still become an issue and hindered the formal implementation of sharia in Aceh, as the issuance of the budget for this matter has also been hampered.

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