



STAIN TDM STUDENTS' LEGAL AWARENESS LEVEL OF ACEH JINAYAH QANUN

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Abstrak

Qanun No. 6 of 2014 concerning the Jinayat Law which came into force in October 2015 is a combined Criminal Code, unlike previous Qanuns which were ratified separately. Prior to the Jinayat Qanun, Sharia law in Aceh covered three cases: Khalwat, Khamar and Maisir. The ratification of the Qanun Jinayat has caused controversy among the public both nationally and internationally due to the lack of individual understanding of the Qanun Jinayat. Especially among students, not all students understand the Qanun Jinayat and their legal awareness is still low. This study uses a descriptive method with a quantitative approach to determine the level of legal understanding and legal awareness of STAIN Teungku Dirudeng Meulaboh students and systematically explains the data obtained in the study based on field reviews. word order. The four indicators to be achieved are legal awareness which is used as a measuring tool in this study: legal knowledge, legal understanding, legal attitudes and legal behavior. Based on our findings, we can say that the implementation of Qanun Jinayat has not been successful. For that, the government needs to make additional efforts to socialize it on campus in the form of seminars and special lectures.

Kata Kunci : STAIN TDM, Students', Legal Awareness, Jinayah Qanun

A. INTRODUCTION

The government issued Law Number 11 of 2006 concerning the Government of Aceh. This law is a political commitment of the Indonesian government in following up on the results of the peace agreement in Helsinki. One of the authorities (self-government) granted in the law is to implement Islamic law in Aceh kaffah in terms of worship, education, muamalat, syiar, civil law, and also criminal law (Chairul Fahmi, 2012). Changes in people's lives and community developments affect legal changes in various fields of life. Because these different aspects are interrelated. (Sumardi Efendi & Erha Saufan Hadana, 2021). The application of Islamic law in the Province of Nanggroe Aceh Darussalam marks the return of the Acehnese people to their cultural roots. According to sociological legal theory, good law is the law that lives in society (Lili Rasjidi, 2004). The granting of the right to implement Islamic law is a legal embodiment

of Law Number 44 of 1999 concerning the Implementation of Special Autonomy or Special Autonomy for Aceh and covers four main areas:

1. Implementation of religious life.
2. Implementation of traditional life.
3. Education implementation.
4. The role of the ulama in setting regional policies.

Qanun is a legal product issued by the Aceh Regional Government, therefore both government administrators and the people of Aceh who are Muslim and non-Muslim alike must obey the qanun because it has binding legal force and its presence is recognized by legislation (Andi Muhammad Asrun, 2019). In addition, not only in the application of Islamic Shari'ah, but the Aceh government has also established and ratified qanuns in the fields of law, economy, education, justice, society, and culture as well as other qanuns that have been included in the regional legislation program. (Hudzaifah Achmad Qotadah dan Adang Darmawan Achmad, 2020). However, government regulations are made based on suggestions from the people. This is because Indonesia uses a democratic government system which means from the people, by the people, and for the people (Septi Yunita dan Dinie Anggraeni Dewi, 2021).

Of every qanun that has been ratified, the public must obey the qanun, including Qanun Jinayah No. 14 of 2014 concerning Jinayat Law. Where the qanun is a product of Aceh's law that managed to get out of the Indonesian Criminal Code which regulates crime. Aceh Qanun Number 6 of 2014 concerning Jinayah (criminal law) has special features. With this privilege, Aceh is the only province in Indonesia that has the legitimacy to apply several criminal penalties that are different from the criminal penalties listed in the Criminal Code which are generally applicable in Indonesia such as caning and fines with pure gold (Saifullah, 2020).

According to the Practical Indonesian Dictionary, students are those who are studying in college (Departemen Pendidikan dan Kebudayaan, 2010). According to Arief, students are people who study at tertiary-level schools to prepare themselves for an undergraduate level expertise (Arief Budiman, 2006). Meanwhile, according to Daldiyono, a student is someone who has graduated from Senior High School and is currently pursuing higher education (Daldiyono, 2009).

Based on some of the expert opinions above, the researcher concludes that students are people who are undergoing higher education at a university or college. So, students as the younger generation studying at universities should be the pioneers in carrying out the law by having a strong level of legal awareness, specifically the Qanun as a special legal product that only exists in Aceh. The progress of a nation can be seen from the level of legal awareness and legal obedience of its citizens. The higher the legal awareness and legal observance of the residents of a country, the more orderly life in society and the state will be (Zulkarnain Hasibuan, 2013).



B. METHODS

In this study the authors use the approach is sociological legal research, namely research that wants to see the correlation between law and society, so as to be able to reveal the effectiveness of law enforcement in society and identify unwritten laws that apply to society, so in this sociological legal research which was investigated initially is secondary data which is then continued with research on primary data in the field or on the community (Bambang Sunggono, 2009). This research is also called empirical legal research because this research is descriptive in nature, namely the author tries to provide a complete, detailed and clear picture of a reality.

C. FINDINGS AND DISCUSSIONS

1. Student Characteristics

Students as the main cadres in the level of revamping the soul of the nation's character who are pious and intellectual so that they can hone human potential to become human beings who are a'qiliin, muttaqin, and shalihiin (Dukha Yunitasari, 2018). Students are also young intellectuals or cadre leaders on the surface of society who can provide a new order of life for the whole community (Abu Hasan Agus R dan Zuyyimatur Roizah, 2019).

According to Kartono quoted by Mei Mita Bella and Luluk Widya Ratna, students are members of the community who have certain characteristics, including (Mei Mita Bella dan Luluk Widya Ratna, 2018):

- a. Have the ability and opportunity to study in higher education, so that they can be classified as intellectuals.
- b. Because of the opportunity above, it is hoped that later he will be able to act as a capable and skilled leader, either as a community leader or in the world of work.
- c. It is expected to be a dynamic driving force for the modernization process.
- d. Expected to enter the world of work as a qualified workforce and professional.

2. Student Duties and Responsibilities

Students as a campus community have the main task of learning such as making assignments, reading books, making papers, presentations, discussions, attending seminars, and other campus-style activities (Aditya Dany dan Donny Wira Yudha Kusuma, 2022). In addition to the main task, other tasks are heavier and more touching on the meaning of students themselves, namely as agents of change and social controllers of society (Salamor, 2022). It is this task that can make him the hope of the nation, which is to become a person who is faithful to finding solutions to the various problems they are facing. Ideally, students become role models in society, based on their knowledge, level of education, norms that apply around them, and patterns of thinking (Habib Cahyono, 2019).

In addition to having tasks, students also have obligations that must be carried out. Every student is obliged to (Tim STAIN TDM, 2018):

- a. Faithful and noble.
- b. Study diligently and earnestly in order to obtain high achievements.
- c. Comply with all applicable rules and regulations, both at the university, faculty and department level.
- d. Participate in maintaining infrastructure as well as cleanliness, order and security within the university environment.
- e. Appreciate science, technology, and the arts.
- f. Actively involved in student activities.
- g. Maintain the good name, image and honor of the university.
- h. Take responsibility for the costs of providing education except for students who are exempt from this obligation in accordance with applicable regulations.
- i. Dress neatly, politely and appropriately.
- j. Wearing an alma mater jacket at every student activity or university activity.
- k. High support for the prevailing customs, manners and ethics.
- l. Protect the campus from practical political activities.
- m. Obey the obligations imposed in accordance with the applicable laws and regulations.
- n. Mutual respect for fellow students and be polite to leaders, lecturers, and employees.
- o. Park the vehicle in an orderly manner in the parking space provided.

3. Student Role

Students as agents of social change are always required to show their role in real life (Faridahtul Jannah dan Ani Sulianti, 2021). According to Callaghan, there are three important and fundamental roles for students, namely intellectual, moral, social (Siallagan, 2011):

- a. Intellectual role
Students as intellectual, genius and observant people must be able to carry out their lives proportionally, as students, children, and the expectations of society.
- b. Moral role
Students as someone who live on campus who are known to be free to express themselves, act, discuss, speculate and give speeches, must be able to show moral behavior in their every action without being contaminated and affected by environmental conditions.
- c. Social role
Students as someone who brings change must always synergize, think critically, and act concretely which is framed with willingness and sincerity to become pioneers, convey aspirations and serve the community.



4. Definition of Qanun Jinayah

According to the Al-Munawwir Dictionary, the term Qanun is defined as the origin, principal, base (Ahmad Warson Munawwir, 1997). In Aceh Malay literature quoted by Melisa Fitira Dini said that Qanun has been used for a long time and is interpreted as a rule derived from Islamic law that has become customary. One of the Qanun manuscripts in the historical aspect was recorded entitled Qanun Syara' Kingdom of Aceh which was written by Tengku di Mulek in 1257 H, on the orders of Sultan Alauddin Mansyur Syah who died in 1870 AD. This short manuscript contains various matters in the field of constitutional law, division of power, various judicial bodies and authorities to try, functions of the police and prosecutors, as well as protocol rules in various state ceremonies (Al Yasa' Abubakar dan M. Daud Yoesuf, 2004). So it can be concluded that in a narrow sense Qanun is a rule that is maintained and treated by the Sultan in his territory that is sourced from Islamic law while in a broad sense Qanun is the same as the term law or custom. (Ridwansyah, 2020).

Currently, qanun is used as a term for "regional regulations" or more precisely, regional regulations which become direct implementing regulations for laws. This is confirmed in article 1 number 21 "General Provisions" in Law Number 11 of 2006 concerning the Government of Aceh which reads "Aceh Qanun is a statutory regulation similar to a provincial regional regulation that regulates the administration of government and the lives of the Acehnese people." (Ahyar Ari Gayo, 2017).

Previously, there were three qanuns related to Islamic jinayat (criminal) law that was promulgated by the Aceh Government during the implementation of Islamic law, namely: Qanun Khalwat, Qanun Maysir, and Qanun Khamar (Mahdi, 2011). After the ratification of Law No. 18 of 2001 concerning the granting of special autonomy for Aceh (including Islamic law), the Aceh Provincial Government then formed a committee to collect materials, determine areas and steps of work, and write the Draft Aceh Qanun on the implementation of Islamic Shari'a as positive law in Aceh (Nyak Fadhlullah, 2017). For this reason, the committee has determined three areas of writing the draft Qanun with the following steps (Alyasa' Abu Bakar, 2008):

- a. The first field is the writing of the Aceh Qanun on the judiciary of Islamic Shari'a (al-qadha') itself and the Qanun in the fields of aqidah, worship (prayer, fasting, zakat, and houses of worship/mosque) as well as Islamic symbols.
- b. The second field of writing Qanun is in the field of material and formal jinayat (criminal); and
- c. The third field of writing Qanun is in the material and formal muamalat (civil, property) fields.

For the second field, namely the writing of Qanun in the field of jinayat, the committee grouped the problems into four major groups which at the same time became the writing step, namely (Dinas Syariat Islam Provinsi Aceh, 2015):

- a. Writing Qanun regulations and governor regulations relating to the protection of morals, decency, and self-respect, (nobility of character and morals).
- b. Writing related to the protection of human life
- c. Writing regulations relating to the protection of assets.
- d. The writing of regulations relating to procedural law is carried out in stages according to the material law that requires it

5. Legal Awareness Concepts, Indicators and Dimensions

a. Legal Awareness Concept

Legal awareness has several conceptions, one of which is the conception of legal culture. This conception contains the teachings of legal awareness, more on the issue of legal awareness which is considered a mediator between law and human behavior, both individually and collectively. (Abdullah, 1982). This conception relates to cognitive and feeling aspects which are often considered as factors that influence the relationship between law and patterns of human behavior in society.

Value system that includes conceptions, among others (Soerjono Soekanto, 2012):

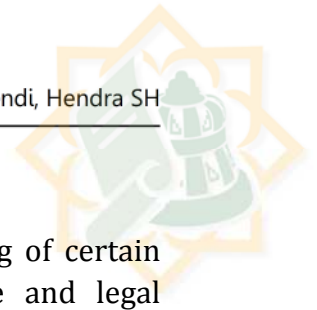
- 1) Is an abstraction of personal experiences, as a result of the continuous process of social interaction.
- 2) It must always be filled and dynamic, because it is based on dynamic social interactions as well.
- 3) It is a criterion for selecting goals in social life.
- 4) It is something that moves humans towards fulfilling their life desires, so values are a very important factor in the direction of social life and human personal life.

b. Legal Awareness Indicator

Indicators of legal awareness are concrete indications of the existence of a certain level of legal awareness. With these indicators, someone who pays attention to legal awareness will be able to know what is actually legal awareness (Ali, 2008). According to Soekanto, there are four indicators of this legal awareness, namely: (Soerjono Soekanto, 1982):

1) Legal Knowledge

This means that someone knows that certain legal behaviors are regulated by law. It means that the law here is written law or unwritten law. This knowledge concerns behavior that is prohibited by law or behavior that is permitted by law. According to Otje Salman, legal knowledge is someone's knowledge of certain behaviors regulated by law. Of course the law referred to here is written law and unwritten law. Such knowledge relates to prohibited behavior or behavior permitted by law. As can be seen in society that generally one knows that killing, stealing, and so on are prohibited by law.



2) Legal Understanding

A member of the community has knowledge and understanding of certain rules, especially in terms of their content. Legal knowledge and legal understanding, theoretically are not two interdependent indicators. This means that a person can behave, but may not realize whether the behavior is appropriate or not in accordance with certain legal norms. On the other hand, there may be people who are aware that a rule of law regulates certain behavior, but they do not know about the contents of the law or have little knowledge of its contents.

3) Legal Attitude

A person has a tendency to make certain judgments about the law. One of the important legal tasks is to regulate the interests of the community members, usually based on the prevailing values, namely the notion of what is good and what should be avoided. Society's obedience to the law thus depends more or less on whether the interests of the interests of citizens in certain fields can be accommodated by the provisions of the law.

4) Legal Behavior

It means where a person behaves according to the law. Indicators of legal behavior are indicators of a high level of awareness. The proof is that the person concerned is obedient or obedient to the law. Thus, it can be said that the level of legal awareness can be seen from the degree of legal compliance that is manifested in real patterns of human behavior. If the law is obeyed, then it is an important indication that the law is effective (in the sense of achieving the goal).

Based on the four indicators of legal awareness above, it shows the levels of certain legal awareness in its realization. If someone only knows the law, it can be said that the level of legal awareness is still low, if he behaves according to the law, then the level of legal awareness is high.

c. Dimensions of Legal Awareness

There are four dimensions of legal awareness according to B. Kutchinsky quoted by Soekanto in his book entitled "*Legal Awareness and Legal Compliance*", namely:

- 1) Law Awareness: "Awareness of the very fact that a certain type of behavior is regulated by law"
- 2) Law Acquaintance: "The amount of information a person has about the content matter of a certain normative regulation"
- 3) Legal Attitude: "A disposition to accept some legal norm or precept because it deserves respect as valid piece of law"
- 4) Legal Behaviour: "Legally desired behavior"

Each of these dimensions shows the level of legal awareness from the lowest level, namely Law Awareness to the highest level, namely Legal Behavior.

6. STAIN TDM Students' Legal Awareness Level of Aceh Jinayah Qanun

The level of legal awareness of STAIN TDM students towards the Aceh Qanun Jinayah in this study uses four indicators, namely Legal Knowledge, Legal Understanding, Legal Attitudes and Legal Behavior. These four indicators have been described in the questionnaire submitted in the form of 20 statements.

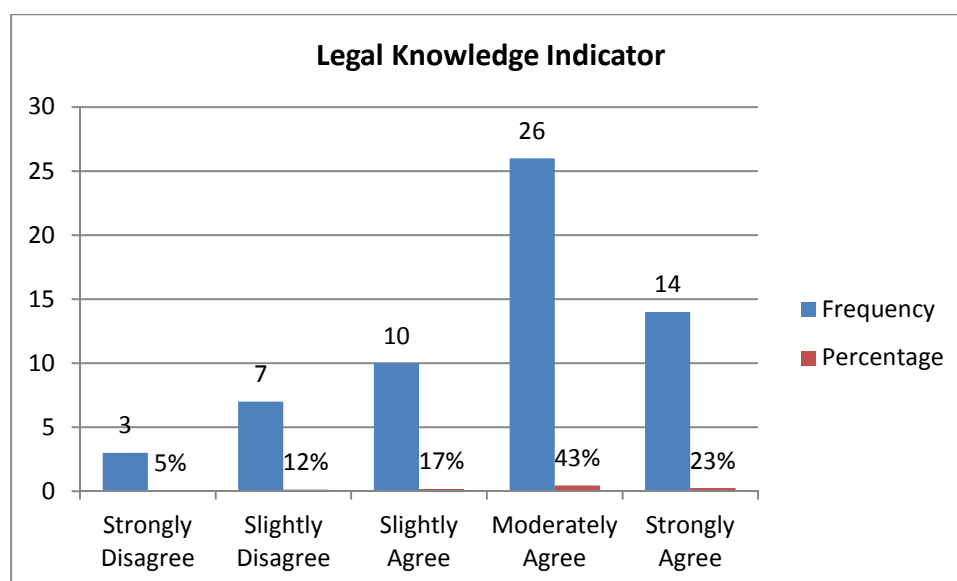
Table 1. Research Indicator Table

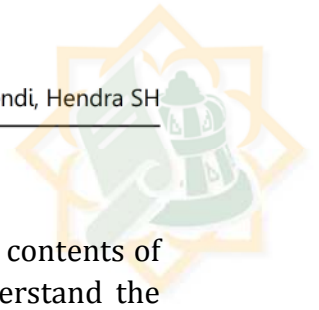
No	Indicator	Statement Number
1	Legal Knowledge	1 s.d 5
2	Legal Understanding	6 s.d 10
3	Legal Attitude	11 s.d 15
4	Legal Behavior	16 .d 20

The questionnaire which contains 20 statements is divided into two forms of statements, namely 10 questions to see the level of student understanding and 10 more statements to see the level of legal awareness. The questionnaire will be filled out by students of STAIN Teungku Dirundeng Meulaboh with 5 people per study program with a total of 12 study programs so a total of 60 respondents were sampled based on the researcher's statistical calculations. For a complete explanation, see the following discussion:

a. Legal Knowledge

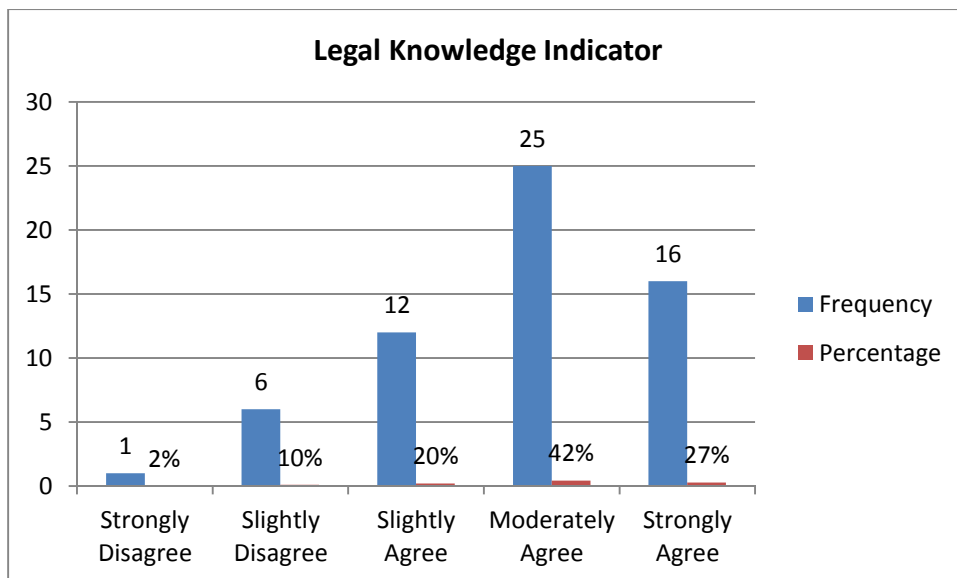
- 1) Legal knowledge of Qanun Jinayat through media coverage. The first statement put forward by the researcher in the questionnaire was regarding the legal knowledge about Qanun Jinayat owned by students obtained from media coverage. From the survey conducted, 43 percent of students agreed that they obtained legal knowledge about Qanun Jinayat from media reports, and another 23 percent even strongly agreed with this statement. as shown in the diagram below:





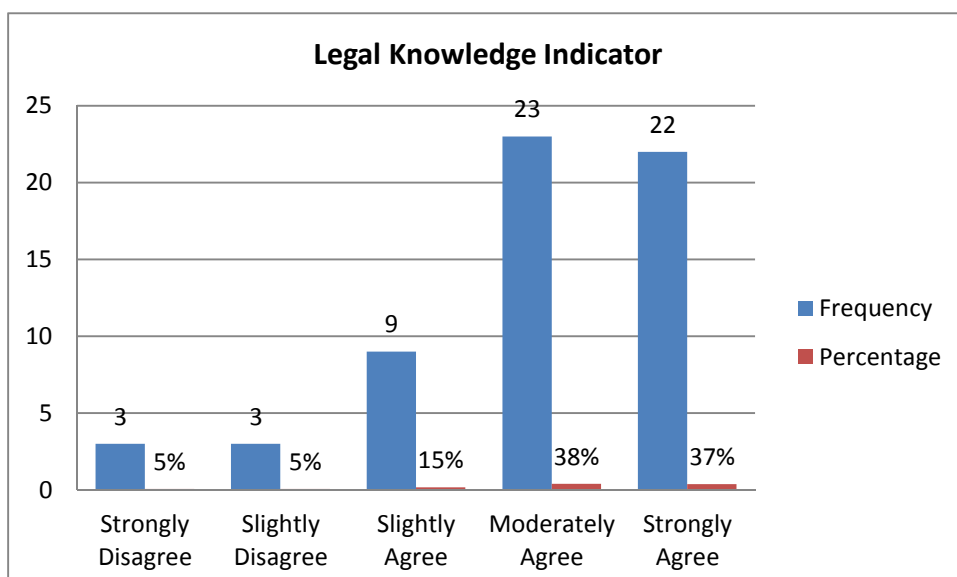
2) Knowledge of the contents of the Qanun on Jinayat Law

The next statement is regarding students' legal knowledge of the contents of the Qanun Jinayat, 42 percent of students agree that they understand the contents of the Qanun on Jinayat Law after thoroughly reading the contents of the Qanun, 27 percent strongly agree with the statement in the questionnaire that the researcher wrote, as contained below this:



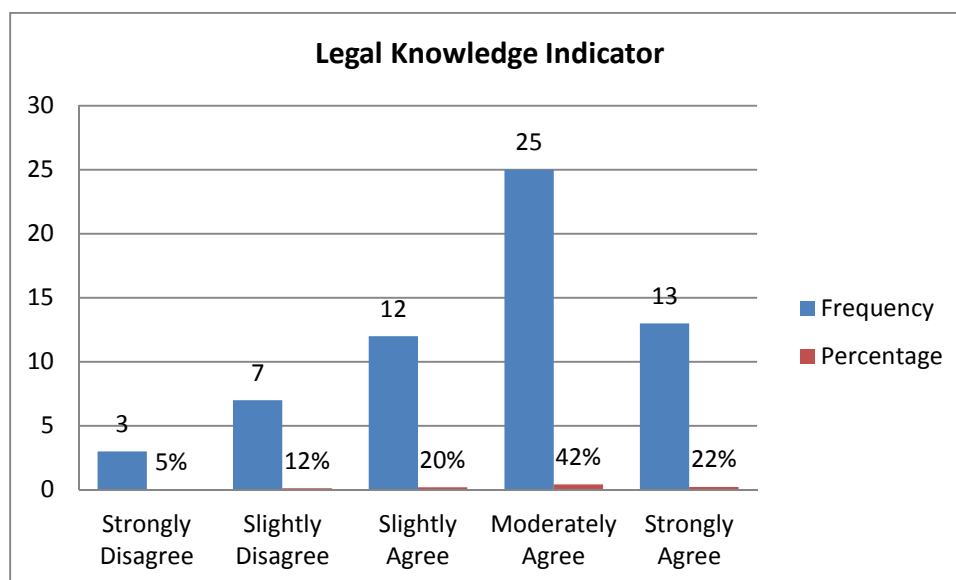
3) Have basic knowledge of Qanun Jinayat

The next statement is regarding students' legal knowledge of the contents of the Qanun Jinayat, 38 percent of students agree that they understand the contents of the Qanun on Jinayat Law after thoroughly reading the contents of the Qanun, 37 percent strongly agree with the statement in the questionnaire that the researcher wrote, as contained diagram below:



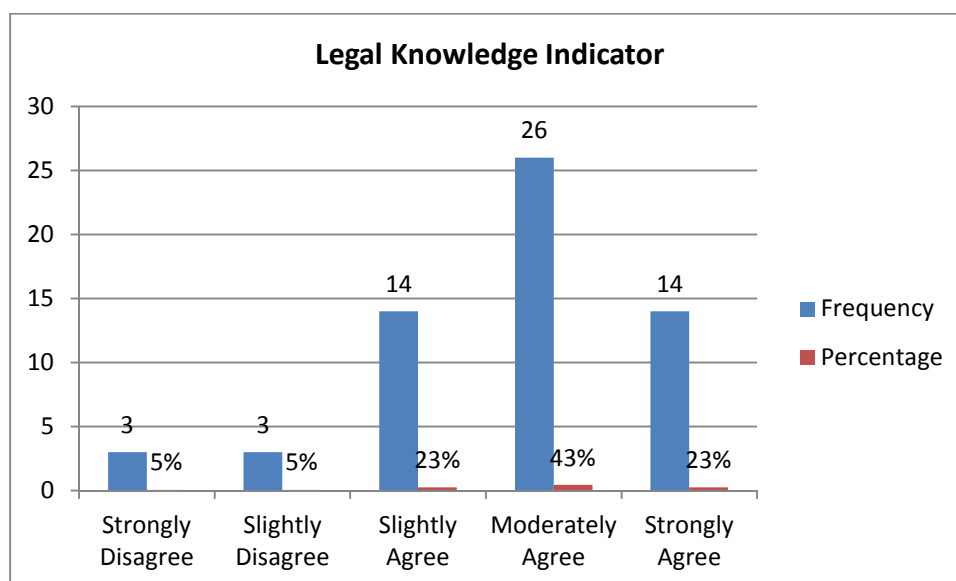
4) Enforcement of Qanun Jinayat for non-Muslims

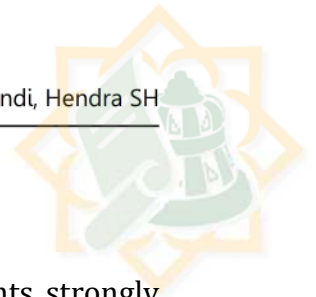
Regarding the enactment of Qanun for non-Muslims, 42 percent of students agree and even 22 percent strongly agree, and only 12 percent of students disagree with the enactment of Qanun Jinayat for non-Muslims. Here's a diagram of the details of the answers



5) Students notify Qanun Jinayat of other people.

Based on the survey results, 43 percent of students agreed that they would tell others what they know about the Qanun Jinayat. Only a small percentage of students answered disagree, as shown in the diagram below:

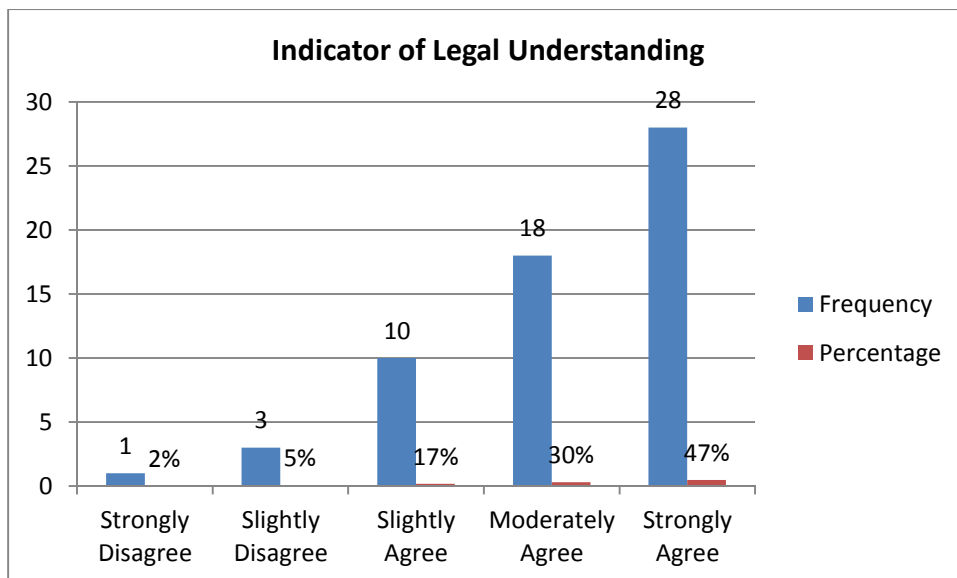




b. Legal Understanding

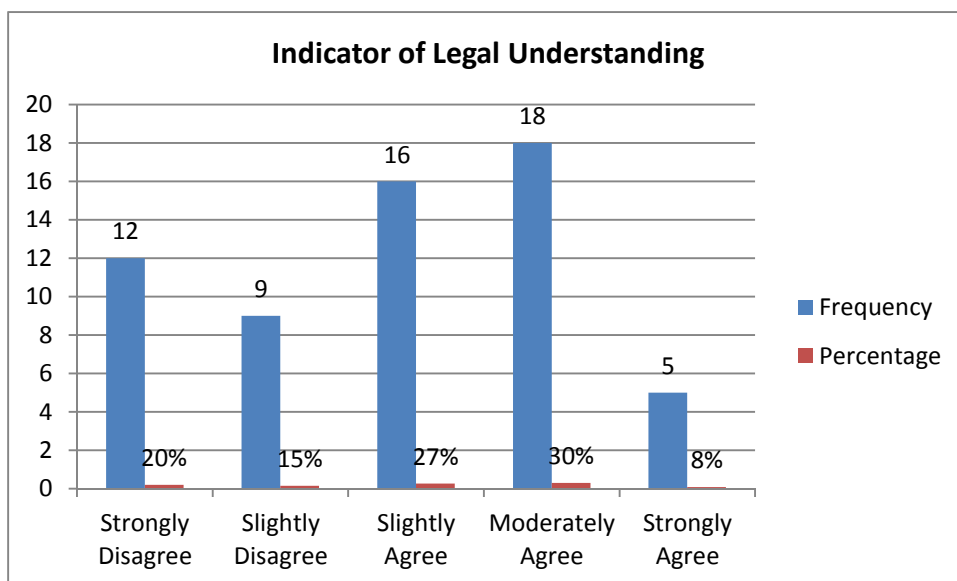
1) Qanun Jinayat guarantees the benefit of the Acehese people

Based on the results of the questionnaire, 47 percent of students strongly agree with the statement that the Qanun Jinayat guarantees the benefit of the Acehese people. Only 3 percent of students disagree as can be seen from the following diagram:



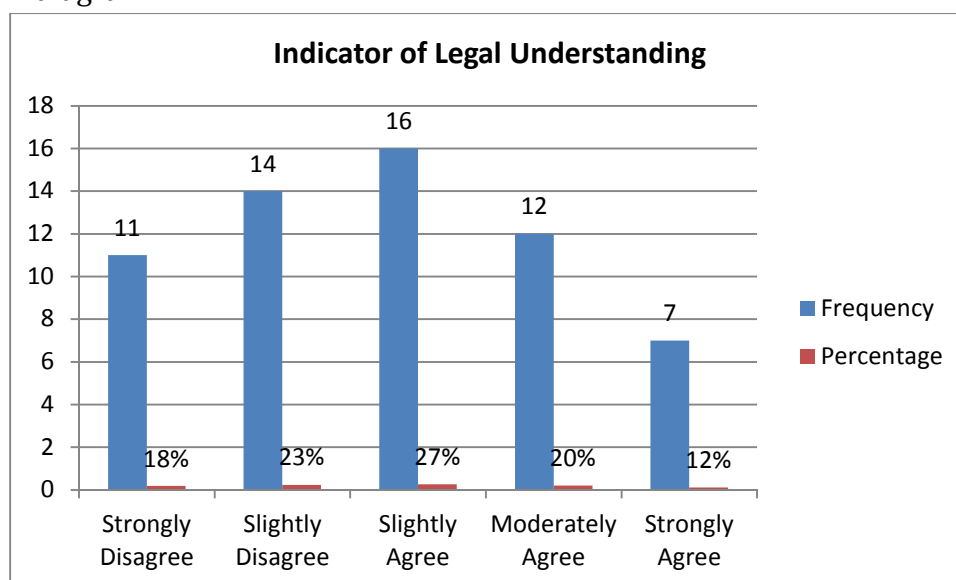
2) Uqubat Ta'zir in the form of fines on Qanun Jinayat is too large

From the survey results obtained, according to students of the Faculty of Sharia and Law, Uqubat Ta'zir in the form of a fine on Qanun Jinayat is too large, the evidence can be seen from the number of students, 30 percent chose the answer agree plus 8 percent with the answer strongly agree, as seen in the diagram below:



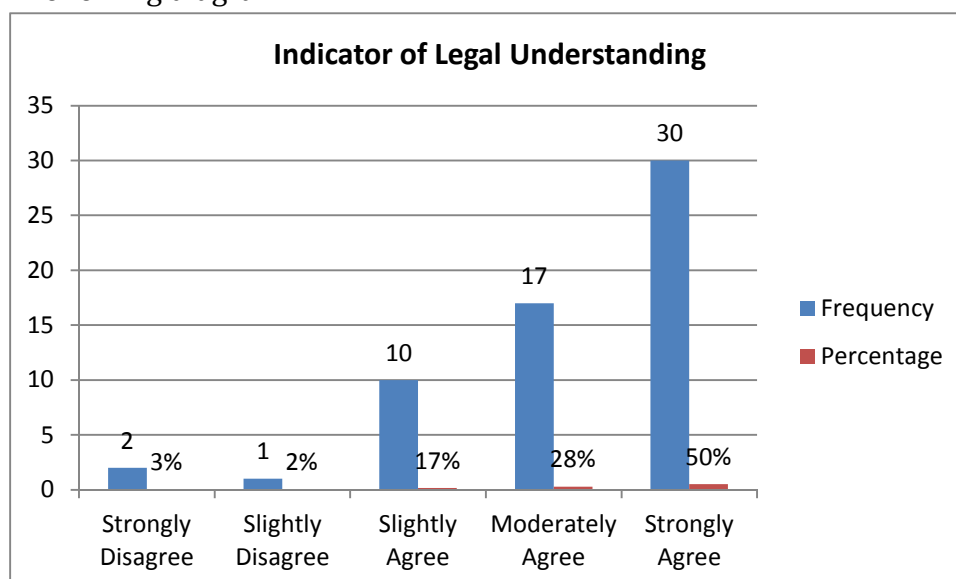
3) Students gain an understanding of Qanun Jinayat from the socialization held by the government

Based on the results of the study, the percentage of answers that did not agree and agreed to get the same answer, namely 12 percent of students agreed that they gained an understanding of Qanun Jinayat from the socialization held by the government, the evidence is shown in the following diagram:



4) Students must understand the Qanun Jinayat

The next statement is that students of the Faculty of Sharia and Law must understand the Qanun Jinayat. Based on the survey results, 50 percent of students strongly agree and plus 28 percent of students agree that every student must understand the Qanun Jinayat and only a small percentage of students disagree with the statement, namely 3 percent, as shown in the following diagram:

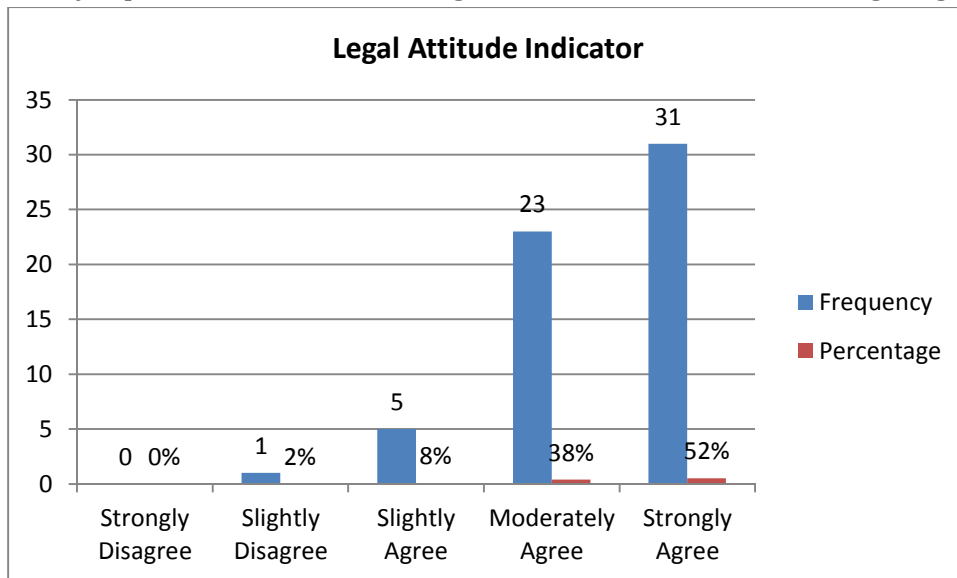




c. Legal Attitude

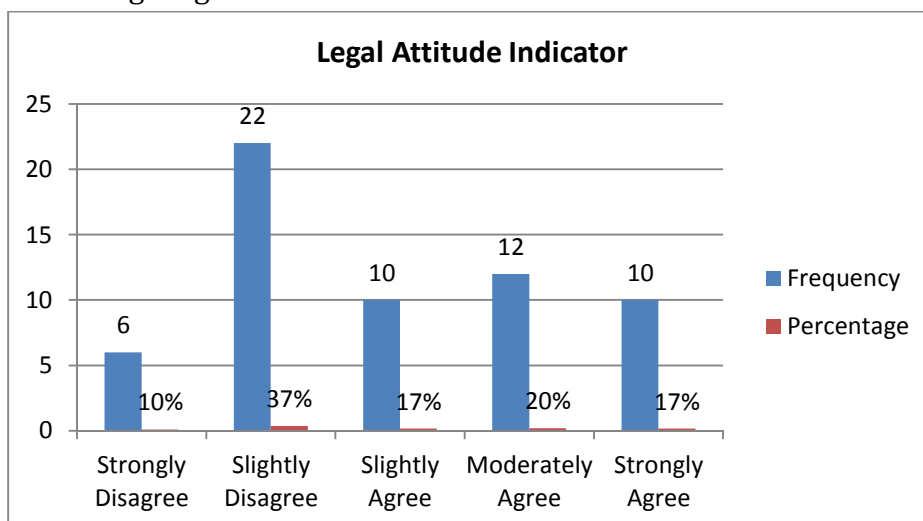
1) Enforcement of Qanun Jinayat as an effort to implement Islamic Shari'a kaffah

From the survey results that the researchers conducted, 52 percent of students strongly agreed with the implementation of the Qanun on Jinayat Law as an effort to implement Islamic law in a Kaffah manner in Aceh, and only 2 percent of students disagreed as shown in the following diagram:



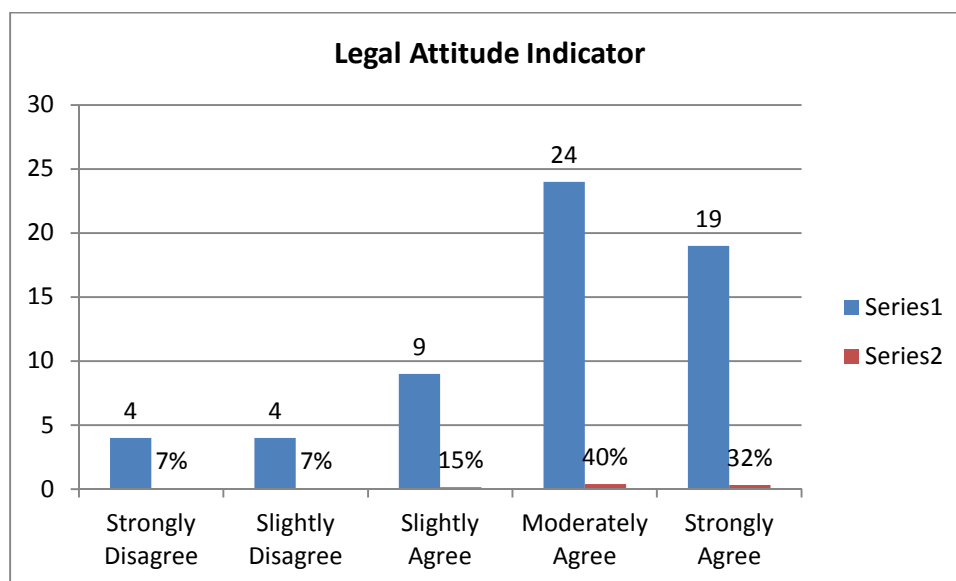
2) Students often follow the news about Qanun Jinayat.

From the results of the research conducted, it is clear that the percentage of respondents who answers that do not agree is higher than the percentage of agreed answers, namely 37 percent answered disagree and 20 percent of students answered agree. This proves that the answer that does not agree indicates the respondent's neutral answer to the statement about whether or not they often follow the news about Qanun Jinayat, as shown in the following diagram:



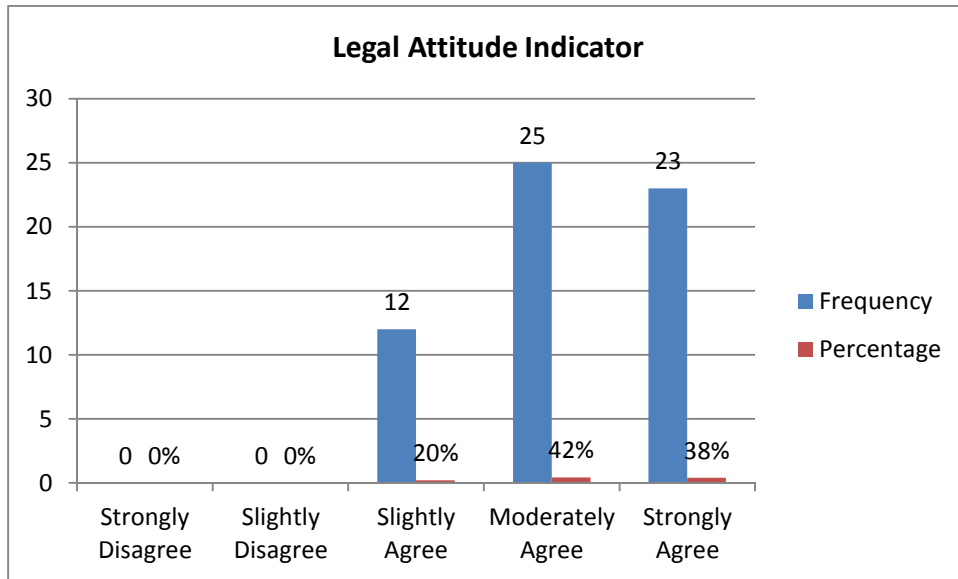
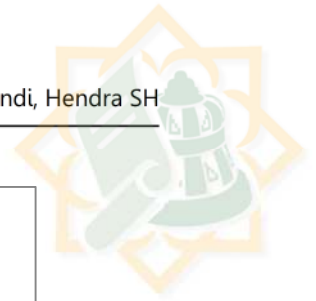
3) Students pro-actively support the government in the implementation of Qanun Jinayat.

The following statement is about students' attitudes towards the implementation of Qanun Number 6 concerning Jinayat Law, based on the results of the study, 40 percent of students chose the answer to agree, this proves that STAIN Teungku Dirudeng Meulaboh students support the implementation of this Qanun. 32 percent of respondents answered strongly agree, as shown in the diagram below this:

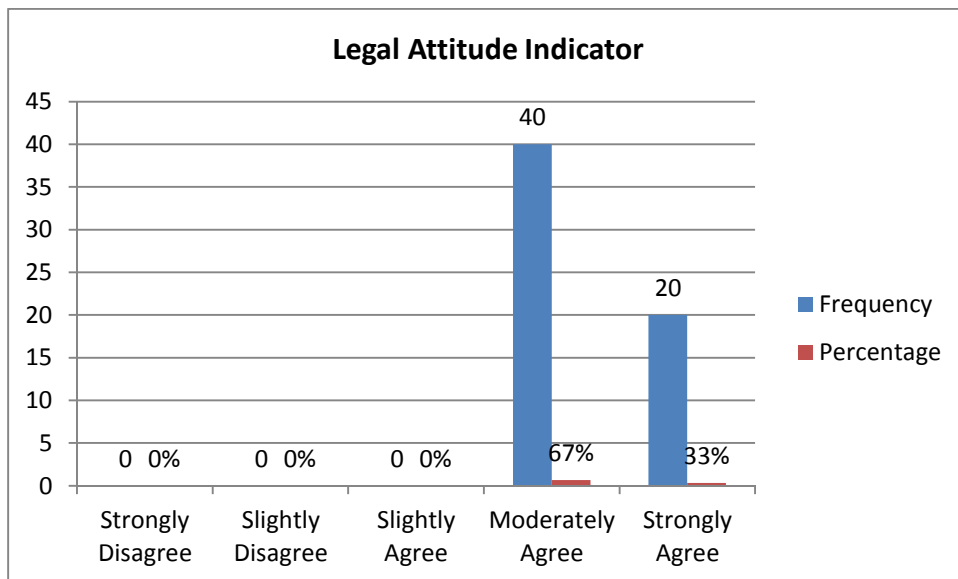


4) Students of STAIN Teungku Dirudeng Meulaboh must set a good example for others.

As an academic, students are supposed to set a good example for others in any case. Regarding this, 38 percent of respondents answered strongly agree with the statements in the questionnaire. In the case of Qanun Jinayat, students set an example to others in the form of behavior that does not violate any provisions contained in the Qanun. as shown in the diagram below:

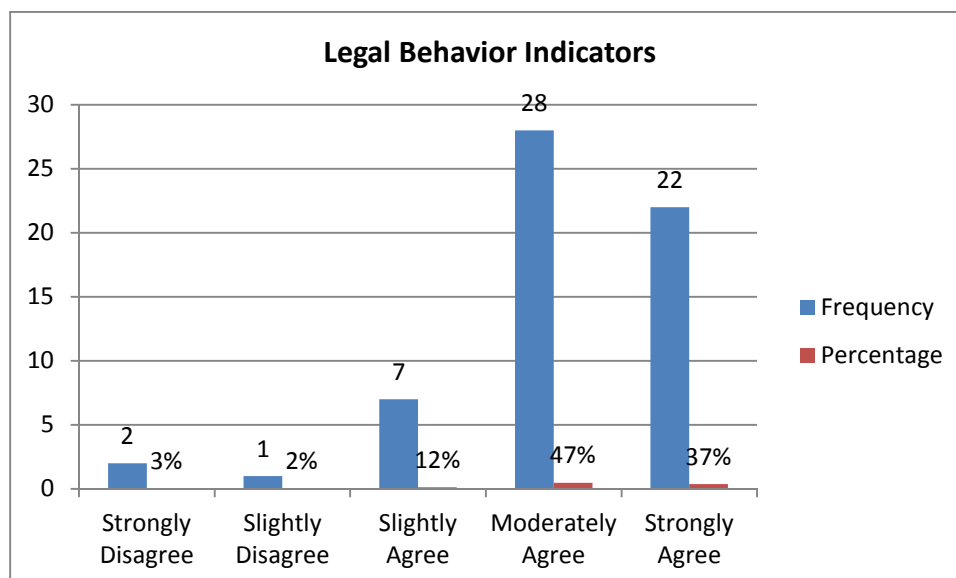


5) The government needs extra efforts in socializing the Qanun Jinayat
 Based on the survey results, 33 percent of students who gave answer choices strongly agree that the government needs extra efforts in disseminating the Qanun Jinayat to the public so that the implementation of Islamic law is Kaffah in the province of Aceh. 67 percent of students chose the answer to agree as shown in the following diagram:

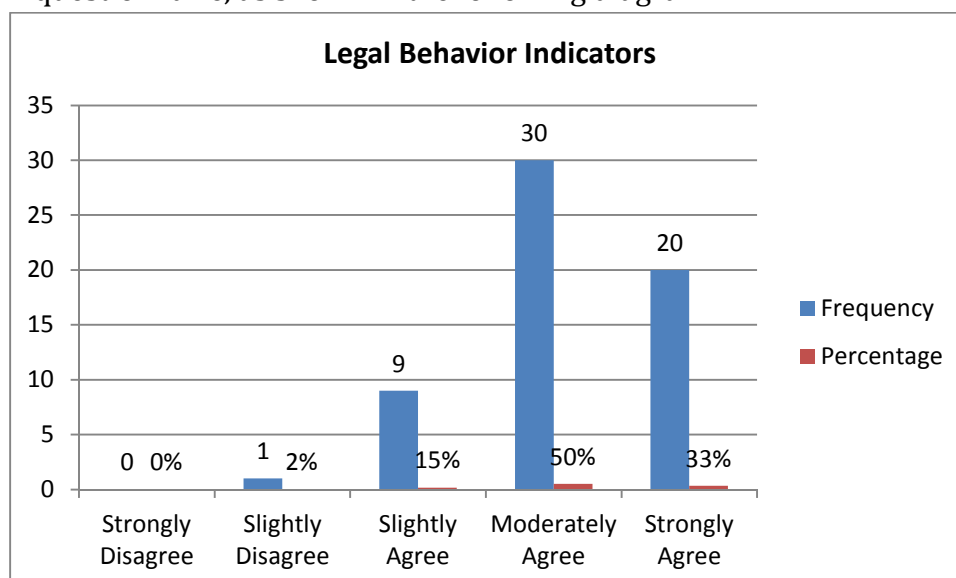


d. Legal Behavior

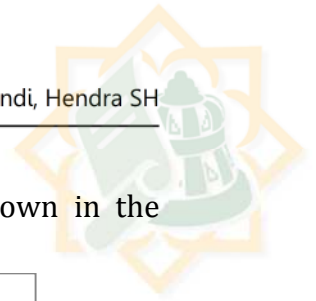
1) The student does not perform the actions regulated in the Qanun Jinayat.
 The first statement on the indicators of legal behavior is that students do not do the actions regulated in the Qanun Jinayat. Based on the survey results, 47 percent of students chose the answer to agree even 37 percent answered strongly agree, and only 12 percent of students did not agree as written in the diagram below:



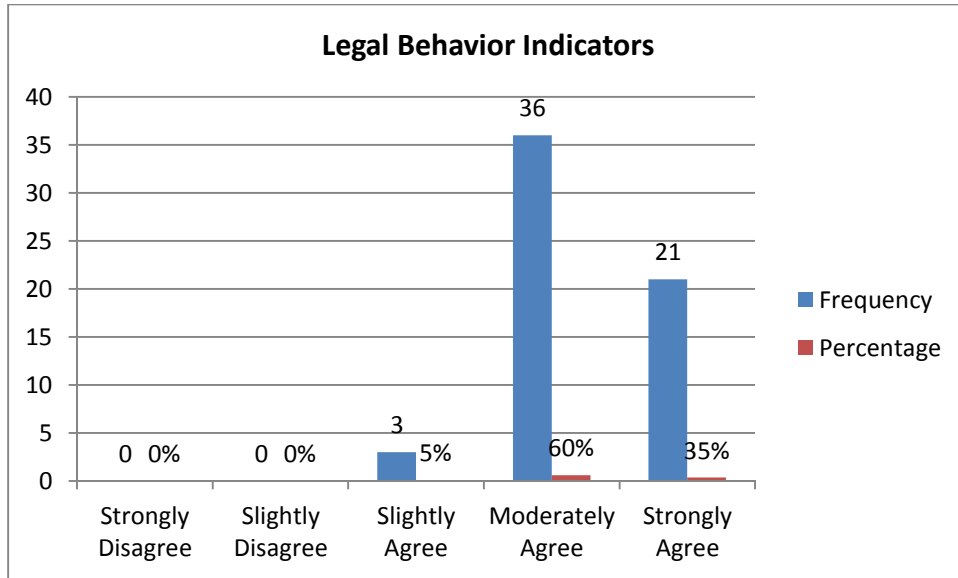
- 2) Students reprimand and advise others who violate the Qanun Jinayat. Based on the results of the study, 50 percent of students agreed that they were reprimanded and advised when they saw others who violated the Qanun Jinayat, and only 15 percent did not agree with the statement on the questionnaire, as shown in the following diagram:



- 3) Provide socialization to family and closest people
The next statement regarding the socialization of Qanun Number 6 of 2014 concerns the Jinayat Law. In addition to the socialization provided by the government to the people of Aceh, as students, we are also in a position to assist the government in socializing the Qanun Jinayat. In this case, STAIN student Teungku Dirudeng Meulaboh agreed to provide socialization to his family and closest people about the Qanun Jinayat, with a percentage of

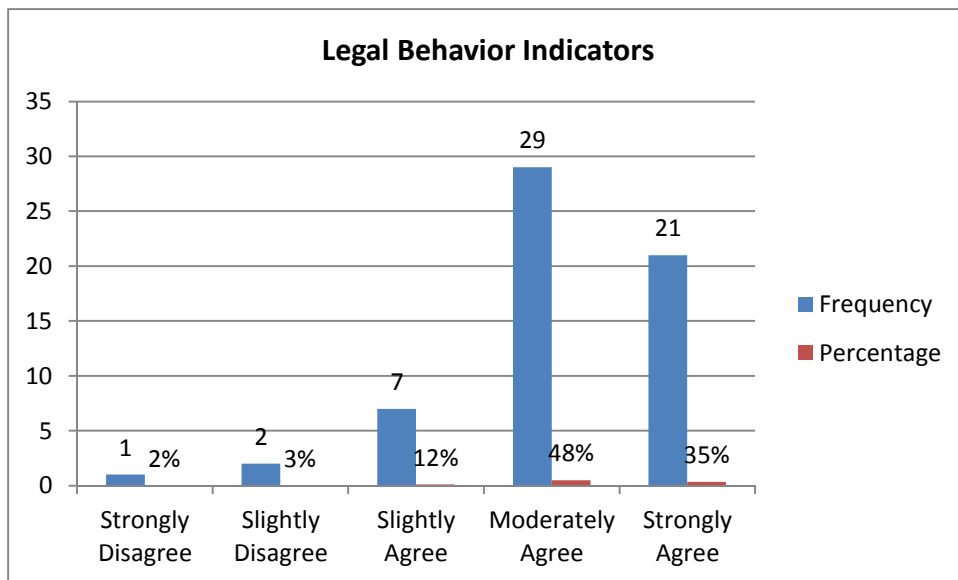


answers of 60 percent, even 35 percent strongly agree, as shown in the following diagram:



4) Worried and afraid to violate Qanun Jinayat.

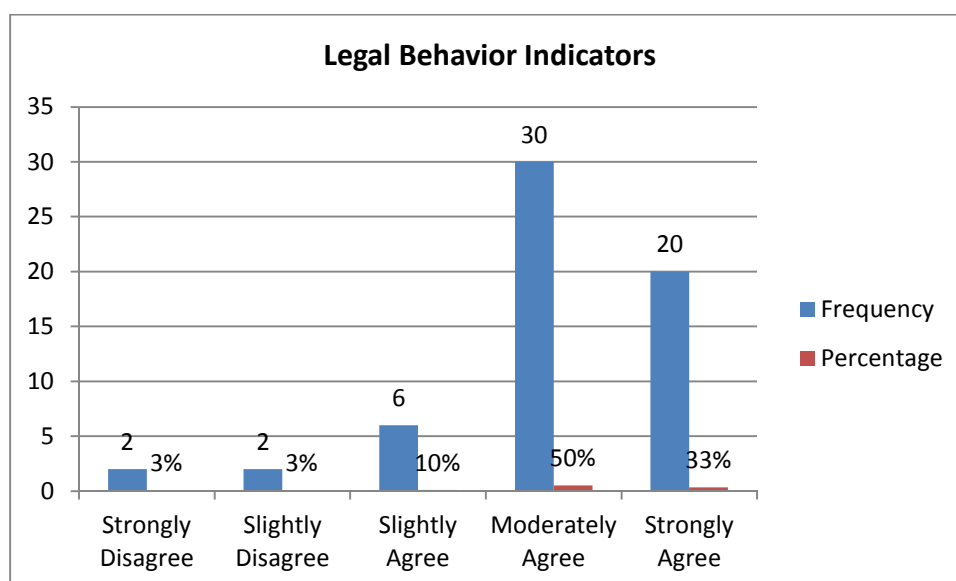
Based on the survey results, 54 percent of students feel worried and afraid to do the actions regulated in the Qanun Jinayat, because the uqubat (punishment) in the Qanun is very severe, as written in the diagram below:



5) Not doing prohibited acts even though the Qanun Jinayat is not enforced.

The last statement in this research questionnaire is regarding the ratification or disapproval of the Qanun Jinayat, 50 percent of respondents answered agree plus 33 percent strongly agree that they do not commit acts that are prohibited by Islam even though this Qanun is not enforced, this proves that

their awareness to Sharia law is very high, so even without rules they still do not do it, as shown in the following table:



D. CONCLUSION

Of all the indicators that have been set, the answer strongly agrees is calculated as the level of legal awareness of students in the very high category, for answers agree in the high category, while for answers less agree in the medium category. Furthermore, for answers that do not agree are in a low category and strongly disagree, the researcher gives a very low category.

From the research data, it can be said that the level of legal awareness of STAIN Teungku Dirundeng Meulaboh students is 33 percent of students have a high level of legal awareness, 42 percent of students have a very high level of legal awareness, only 4 percent of students have a low level of legal awareness plus 3 percent have a very high level of legal awareness. low, while another 17 percent have a moderate level of legal awareness.

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