

Strengthening Jinayat Law Enforcement Post Covid-19 Pandemic in Banda Aceh

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Abstrak

This research aims to ascertain the dynamics of jinayat law enforcement and the strategies employed by the Banda Aceh's Government to reinforce the jinayat law. The strengthening of jinayat law enforcement in Banda Aceh has become a matter of concern in the context of a general decline in jinayat law enforcement in other regions and the appointment of acting regents/mayors who are more inclined to pursue national interests than regional ones. This research employs a qualitative methodology with a legal sociology approach. This research found that the dynamics in the enforcement of jinayat law are primarily regulated by the relevant legislation. Criticism of Qanun Jinayat Law has focused on a number of key areas, including human rights issues, the children and women protection, and discriminatory practices against non-Muslims. Furthermore, the strengthening of jinayat law enforcement in Banda Aceh has been influenced by pro-sharia political policies implemented by the Banda Aceh administration. The implementation of pro-sharia politics in Banda Aceh is evidenced by the establishment of effective coordination between law enforcement agencies, the provision of sufficient budgetary resources, and the implementation of comprehensive socialization programs. This strengthening is also corroborated by statistical data, which indicates a notable decline in the incidence of jinayat violations, with a 34.32% reduction observed in the period preceding the pandemic.

Kata kunci: Sharia, Jinayat Law, Qanun, Law Enforcement, Implementation

Introduction

The presence of Islam in Aceh led to the formation of an Islamic culture in the daily lives of the Acehnese people. This was achieved through the application of Islamic and customary laws, which influenced the cultural life of the Acehnese people and resulted in a blending of cultural and Islamic teachings. Prior to the development of Islam in Aceh, the prevailing legal system was customary law, which was further diversified by the presence of numerous ethnic tribes in Aceh, leading to the formation of distinct customary laws (Iskandar, 2019). Even today, customary law continues to be applied by the government.

Aceh constitutes an autonomous region within the Indonesian archipelago, situated on the island of Sumatra. Aceh has been at the vanguard of implementing sharia law, a departure from the approach taken by other Indonesian provinces. Aceh's legal code, Qanun Jinayat, encompasses a range of criminal sanctions, including those applicable to specific criminal offenses. The enactment of Qanun Jinayat is inextricably linked to the history of the Memorandum of Understanding (MoU) between the Indonesian government and Aceh Freedom Movement (GAM) which is considered representative of the Acehnese people (Iskandar et al., 2023). In other words, the Qanun Jinayat is the result of an agreement between the government and the people of Aceh to implement the law in accordance with sharia law.

The Jinayat law, which has been in effect in Aceh until now, continues to be a matter of debate in legal studies. Its presence is considered a potential source of legal dualism in Indonesia, including with regard to the Jinayat law. Aceh has a criminal law system that is distinct from other regions in Indonesia. The application of sharia law in Aceh is directly legitimized by laws, including the Aceh Privileges Law No. 44/1999, the Aceh Special Autonomy Law No. 18/2001, and the Aceh Government Law No. 11/2006. The three aforementioned laws recognize the application of sharia law in Aceh, including its jinayat law, which is recognized as a sub-system of national law (Iskandar et al., 2022).

These three laws gave rise to a multitude of qanuns that regulate the application of sharia law in Aceh. Three qanuns play a pivotal role in safeguarding the implementation of sharia law in this westernmost province of Indonesia. The three most significant qanuns regulating the application of sharia law in Aceh are Qanun on the Principles of Islamic Sharia No. 8/2014; Qanun Jinayat Procedure Law No. 7/2013, and Qanun Hukum Jinayat No. 6/2014. The implementation of jinayat law in Aceh is guided by the directives set forth in these qanuns (Mann & Afrianty, 2020).

The application of the jinayat law has experienced fluctuations over time. A multitude of factors influence the fluctuations in jinayat law enforcement, including the political will of regional leaders, the commitment of law enforcement officials, budget availability, and community support for or against the spotlight on the enforcement of jinayat law, which is often discriminatory and ill suspects human rights (Feener, 2013). These factors have consistently been a significant influence on the fluctuations in jinayat law enforcement (Dewandaru, 2023).

Numerous previous studies have been conducted on the enforcement of jinayat law in Aceh, such as a study entitled *"The Politics of Law on the Fulfillment of Restitution Rights for Rape Victims Based on the Qanun Jinayat in Aceh"* similarly, the second study talked about *"Law Enforcement of Jinayat Cases in Syar'iyah Court in Aceh Province Indonesia During Covid-19 Pandemic"*. And finally, the research themed

"Dynamics of Sharia Law Taqnin in Aceh 2013-2017: Analysis of Regulative Policies and Social Reality"

The three studies above, while both examining the enforcement of jinayat law and the dynamics that occur around it, do not specifically discuss the enforcement of jinayat law after the Covid-19 pandemic. Moreover, previous studies have focused on the enforcement of jinayat law in specific segments, rather than examining all aspects of jinayat law. The first study addressed the enforcement of the jinayat law in the rape victims according to Qanun Jinayat Law (Aljamalulail et al., 2024). The second study highlighted the enforcement of jinayat law in the Shariat Court during the pandemic, not after the outbreak (Iskandar et al., 2023). While the last study examines the dynamics of jinayat law in the period 2013-2017, the last study also focused more on policy and social reality rather than jinayat law enforcement (Abbas et al., 2024).

In light of the aforementioned explanation, the objective of this study is to address the following two questions. This study aims to examine the dynamics of jinayat law enforcement in Banda Aceh in the aftermath of the outbreak. Additionally, it seeks to investigate the strategies employed by law enforcement authorities in Banda Aceh to reinforce jinayat law enforcement. Banda Aceh was selected as the site for this study due to its status as the capital city of Aceh province. It is anticipated that the findings will be representative of the enforcement of jinayat law in other districts and cities throughout Aceh.

Methods

In order to address these two questions, this research employs a qualitative research method with a legal sociology approach. The data for this study were collected through both primary and secondary sources. Primary data was obtained through in-depth interviews and focus group discussions, which were then validated through observation. Secondary data is obtained through the examination of literature, including books, journals, and papers, etc.

Results and Discussion

A. Results

1. The Legislation and Implementation Dynamics on Jinayat Law

Since the establishment of the Indonesian Republic, Aceh has been regarded as the capital region of the nation. This designation is attributed to the significant contributions and sacrifices made by the people of Aceh in their struggle for independence from colonial rule. Among the notable historical events in Aceh's history is its role as the temporary capital of an emergency state during the period of resistance.

The initial legal recognition of Aceh's privileges was enacted by the central government through the issuance of the Decree of the Prime Minister of the Republic

of Indonesia No. 1/Mission/1959 concerning the Privileges of Aceh (Iskandar et al., 2023). In the regulation, which would later be more commonly referred to as the Misi Hardi, the central government formally acknowledged Aceh's rights in the domains of religion, customary practices, and education. Since that time, Aceh has been designated as the official name of the Special Region of Aceh.

In essence, the designation of Aceh as a special region is merely nominal, lacking any clear special authority. In terms of authority, there is no distinction between Aceh as a special region and other regions that do not hold the designation. Aceh is only differentiated from other provinces by name (Feener et al., 2015).

The designation of Aceh as a "special region" was a relatively recent phenomenon, emerging following the issuance of the Aceh Privileges Law No. 44/1999. The aforementioned legislation reaffirmed Aceh's privileges in three key areas: religion, education, and customs. Subsequently, the Aceh Privileges Law was reinforced and expanded with the enactment of the Aceh Special Autonomy Law No. 18/2001 (Usman, 2022).

In 2005, following protracted negotiations, the central government finally concluded a peace agreement (Memorandum of Understanding, MoU) with the Free Aceh Movement. Both parties consented to the cessation of the years of armed conflict in Aceh. A subsequent development was the enactment of the Aceh Government Law No. 11/2006, which constituted a follow-up to the Memorandum of Understanding (Simon Butt, 2023). This legislation revised, reinforced, and broadened the scope of autonomy previously granted to Aceh by the central government.

The Law on the Government of Aceh stipulates that the jinayat law must be applied in the implementation of Islamic sharia in Aceh. Article 125 of the Law on the Government of Aceh stipulates that the jinayat law is an integral component of Islamic sharia as it is implemented in Aceh. In order to achieve this objective, the Aceh Government Law empowers Aceh to enact qanun as a regulatory instrument for Islamic sharia. The term "qanun" itself is derived from the Arabic vocabulary, which means "to make law" or "role," "code," and "meaning of law," "legislation." (Feener, 2013) Additionally, there are those who interpret that qanun is custom and the results of ijtihad on a law derived from Islamic law. It can be posited that qanun represents the enactment of laws derived from normative reasoning based on Islamic legal sources (Hasyim, 2024).

In essence, qanun is distinct from regional regulations. Nevertheless, in its formal designation, the qanun is identical to the regional regulation (Iskandar, 2019). The enactment of qanun is analogous to the enactment of regional regulations, differing only in the terminology employed. This is exemplified by the Indonesian legal system. The status of Qanun is elucidated in the Regulations Formation Law No 15/2019. In conclusion, it can be stated that it is equivalent to regional regulations

(Simon Butt, 2023). The equation can be observed in the authority and stipulation of the regulation, with the exception that the substance of the Qanun Jinayat Law refers to Islamic law.

The process of formulating qanuns in the province of Aceh is analogous to the process of enacting local regulations. In this context, the Governor, in collaboration with the Regional/City Representative Council, is responsible for approving the regulation. This mechanism demonstrates that the status and function of qanuns are equivalent to those of local regulations, thereby establishing their equal binding force (Pepinsky et al., 2018).

The implementation of sharia law in Aceh represents a pivotal moment in the evolution of sharia law and the national legal system. Consequently, sharia law can be practiced in social life, thereby reinforcing the enthusiasm of the community in carrying it out. The consequences of the positivization of sharia law, the legal force is equivalent to that of national law, which is binding and compelling (Usman, 2022). This endeavor will not succeed unless it is accompanied by tangible action. To that end, it is essential that all elements of society, particularly legislators and regional leaders, demonstrate a genuine commitment to realizing this goal through the enactment of Qanun.

In accordance with Law 11/2006, a number of other regulations must be implemented, particularly the Aceh's Qanun, in order to implement sharia law. Qanuns function as operational legislation, enabling the Aceh's Government to fulfil its mandate. In order for sharia law to become a positive legal material, it must under a legislative process that results in a Qanun Aceh. This Qanun will make the material law and procedural law of sharia in Aceh (Kuncoro et al., 2024). The Qanun Aceh is a type of local regulation that regulates the governance and life of the people of Aceh. This definition of qanun provides an understanding that qanun in Aceh consists of two categories: qanun that regulates the material of government administration and qanun that regulates the material of organizing the life of the people of Aceh (Harahap et al., 2023).

The jinayat law currently implemented in Aceh is based on the Qanun Jinayat Law No. 6/2014. Prior to the enactment of the Qanun Jinayat, some of the criminal acts regulated in the Qanun Jinayat were previously regulated in separate qanuns. For example, the Qanun Khamar (Prohibition of Alcohol) No. 12/2003, the Qanun on Prohibition *Maisir* (Gambling) No. 13/2003, and the Qanun on Prohibition *Khalwat* (an unmarried couple being alone together in a hidden and obscured place) were subsequently consolidated into the Qanun Jinayat. The Qanun Jinayat Law regulates ten types of offense are as follows: *khamar* (liquor); *maisir*; *khalwat*; *zina* (adultery), *ikhtilath* (intimate acts between unmarried men and women); sexual harassment; rape; *qadzhaf* (criminal act of accusing adultery); *liwath* (sodomy) and *musahaqah* (lesbian sex) (Iskandar et al., 2023).

In its implementation, there are various criticisms related to Qanun, especially Qanun Jinayat. The criticism of Qanun Jinayat is aimed at the flogging law and *qadzaf* (Aljamalulail et al., 2024). The flogging law is considered a violation of human rights. Meanwhile, *qadzaf* is considered harmful to women. The practice of flogging is considered to violate human rights on the grounds that it contravenes the guarantee of human rights protection, which stipulates that cruel punishment is not permitted (Muhtar et al., 2024). Furthermore, flogging is also considered to be contrary to the anti-torture convention, which has been ratified by Indonesia in the form of Law No. 5 of 1998. Consequently, Indonesia is considered to be in breach of the convention due to the fact that it is unable to take effective measures to prevent torture within its territory (Makruf & Halimatussa'diyah, 2014). In addition to being considered contrary to the anti-torture convention, the flogging law is also contrary to the Indonesian Penal Code (KUHP), as the Penal Code does not recognize flogging as a type of sanction.

In addition to flogging, criticism has been directed at *qadzaf*, which is considered detrimental to women and has the potential to reinforce violence and discrimination against women. *Qadzaf* is considered detrimental to women because if a woman who has been the victim of rape or adultery reports the act, she is required to present evidence and at least four witnesses (Muhtar et al., 2024). If the victim does not have evidence, she will be accused of committing the act. It is a cruel reality that the accused perpetrator of rape can only be released from legal bondage by taking five oaths. The first four oaths state that the accusation against the accused is false, while the fifth oath states that the accused is willing to face Allah's curse if they lie about their oath. This is a significant detriment to women who are positioned as victims of rape or adultery cases (Halim, 2022).

In light of these considerations, numerous parties have exerted pressure on the Indonesian government to review the regulations in Aceh (Buehler, 2016). In addition to external parties, some Acehnese individuals also express skepticism and disagreement with the implementation of qanun jinayat, which is perceived as discriminatory. Some Acehnese perceive that the qanun jinayat is only applicable in cases of moral transgression (Abbas et al., 2024). However, they argue that corruption represents a significant challenge in Aceh, impeding the realization of the welfare of the Acehnese people. Furthermore, they contend that the implementation of qanun jinayat is not impartial, as they maintain that qanun jinayat does not apply to officials and only applies to a select few individuals. Those in positions of authority who are convicted of immoral acts and are caught in the act are not subject to the qanun jinayat and may evade punishment (Pore & Kamase, 2024).

From the preceding analysis, it can be discerned that the local regulation, or qanun, enacted in Aceh has attracted criticism from a number of quarters, including the people of Aceh itself. The criticism is directed at the flogging law, which is

deemed to be in contravention of human rights, the anti-torture convention that has been ratified by the Indonesian government, and contrary to the Indonesian Penal Code (KUHP), given that the latter does not provide for any form of sanction in the form of flogging. Another criticism of the qanun pertains to *qadzaf*, which is perceived to be detrimental to women. It is evident that individuals who have been raped or engaged in adultery are required to provide evidence and witnesses when reporting the incident. In the event that the victim is unable to provide evidence or witnesses, they will be presumed to have committed the act of rape. Furthermore, the presence of Article 55 on Qanun Jinayat Law, which stipulates that individuals accused of rape may avoid conviction by swearing five times, gives the impression that the legislation protects those accused of rape and fails to adequately protect victims of rape.

The jinayah law is also perceived as being applied in an uneven manner, with the law being applied to a select few individuals, rather than to officials who are clearly engaged in immoral acts (Abbas et al., 2024). Those in positions of authority who are caught committing illicit acts are able to evade legal consequences with relative ease. Consequently, it would be prudent for the government to review the existing regulations in Aceh in order to address any remaining criticisms from external sources and to clarify the appropriate penalties for those who have committed offences.

B. Discussion

1. Revising the Qanun Jinayat: Making Shariat Stronger or Weaker

A number of issues and concerns have been identified with regard to the implementation of the jinayat law. These include the potential for human rights violations and the impact on women and children. In response, human rights activists, women, and children have urged the Aceh Parliament through Commission I on Politics and Law to undertake a revision of the qanun (Aljamalulail et al., 2024). However, this process has focused solely on the material law, with the formal law/procedural law of jinayat remaining outside the scope of the legislative review.

The impetus for the revision of the Qanun Jinayat Law can be attributed to the occurrence of several cases of rape and a significant number of instances of sexual abuse against children (Kuncoro et al., 2024). In the case of rape against children, there are at least two instances where the Sharia Court (MS) has acquitted the defendant from the threat of *uqubat*, which can be understood as a form of corporal punishment, including whipping, fines, or imprisonment. For example, in the case of rape by an uncle against a 10-year-old child that occurred in the jurisdiction of Aceh Besar.

In point of fact, the Jantho's Shar'iyah Court panel of judges, based on Decision Number 22/JN/2020/MS.Jth dated March 30, 2021, had sentenced the

defendant to 200 months in prison, deducted from the detention period. However, Jantho's Syar'iyah Court decision was annulled by Syar'iyah Court. In a decision dated May 27, 2021, the panel of appellate judges determined that the defendant was not legally and convincingly proven guilty of committing the crime of rape against the victim. Consequently, the defendant was acquitted of all charges. The panel of judges provided a rationale for their decision, citing the victim's confession at the appeal trial as not meeting the formal requirements set forth in Article 162 of Aceh Qanun Number 7 of 2013 concerning the Jinayat Procedure Law. This article states, "Questions that are incriminating in nature may not be asked either to the accused or to the witness."

During the examination, the victim provided testimony to leading questions, which were answered with sign language in the form of nods and head shakes. The nodding and shaking of the head by the child victim, as recorded in the Minutes of the Trial (BAP), was subjectively interpreted by the panel of judges. Consequently, the panel of the Aceh's Syar'iyah Court (Court of Appeal) determined that the victim's witness testimony did not qualify as witness evidence, as the child victim was not impaired in speech or hearing.

Furthermore, the Aceh's Syar'iyah Court determined that the inquiries posed by the first-instance judges were in conflict with Article 162 of Qanun Aceh No. 7 of 2013, which outlines the procedures for implementing the jinayat law. Consequently, the panel of judges of the Aceh's Syar'iyah Court ruled in favor of the defendant, concluding that the formal elements were not fulfilled in the enforcement of the rape. The decision of the panel of judges was met with criticism from various quarters, with some claiming that it was unjust and did not favour victims, but rather protected child predators. In light of these developments, there has been a call for the Qanun Jinayat Law to be revised.

The question thus arises as to whether it is pertinent to undertake a revision of Qanun Jinayat Law (material law) but not to evaluate the norms of Qanun Acara Jinayat (formal law) No. 7/2013. The numerous controversies that have arisen as a result of the application of this qanun serve to highlight the necessity and significance of revising Qanun Jinayat (Mann & Afrianty, 2020). Nevertheless, it is of greater consequence to reinforce the Qanun Jinayat Procedure, in order to ensure that cases of rape against children are not overlooked due to the victim's inability to provide an adult-like explanation of the incident. In the aforementioned case, procedural justice has been prioritized over substantive justice. This implies that the victim's right to justice is negated due to the failure of the panel of judges to adhere to procedural law norms, which they have interpreted as requiring the presence of reliable testimony (Din & Abubakar, 2021).

Therefore, it is appropriate to refine both material and formal aspects, including norms regarding the testimony of child victims, in order to strengthen and

protect victims (children). However, in relation to the effort to revise the material law, the continued existence of the offense of rape demonstrates that the jinayat legal norms are oriented exclusively towards the punishment of perpetrators, rather than the protection of victims' interests (Simon Butt, 2023). Article 50, which pertains to the penalties for perpetrators who victimize children, states: "Every person who intentionally commits criminal rape as referred to in Article 48 against a child shall be punished with '*qqubat ta'zir* (punishment for offenses at the discretion of the judge or ruler of the state) flogging at least 150 (one hundred and fifty) times". The punishment for perpetrators of this crime may be one of the following: a maximum of 200 lashes, a fine of at least 1,500 grams of pure gold, a maximum of 2,000 grams of pure gold, or imprisonment for a minimum of 150 months, a maximum of 200 months.

This offense is evidently an alternative, which implies that the judge is constrained to impose a singular type of punishment on the perpetrator, namely: flogging, a fine, or imprisonment. It is regrettable that the decisions of the panel of judges in jinayat cases have thus far been predominantly of the third option, namely imprisonment, rather than flogging or the payment of a fine of 2,000 grams of pure gold.

Notably, the draft amendments under consideration have not only proposed increased penalties but have also combined the types of punishments, from alternative to cumulative penalties. In the draft amendment under discussion, the form of punishment for rapists of children may include flogging, fines, or imprisonment (Aljamalulail et al., 2024). This is in accordance with the proposed draft amendment to Article 50, which reads: "Every person who intentionally commits the criminal of rape of a child shall be punished with '*uqubat ta'zir*, which is flogging at least 200 times, or a fine of at least 2,000 grams of pure gold, at most 2,500 grams of pure gold, and imprisonment for a minimum of 200 months, or a maximum of 250 months."

The precise nature of the fine, which is to be paid in the form of 2,000 to 2,500 grams of pure gold, is not clear. It is not evident whether the fine will be confiscated by the state or given to the victim. The researcher postulates that the fine is not intended to serve as compensation for the victim. In accordance with Article 51, the victim's right is solely in the form of restitution, namely compensation provided to the victim by the perpetrator or a third party. Furthermore, the qanun does not provide a comprehensive explanation of the restitution provision. This is in accordance with the proposed revision to Article 51. "Any individual subject to restitution as outlined in Article 46, Article 47, Article 48, Article 49, Article 50, or Article 50A may be liable for restitution up to 750 grams of pure gold."

Subsequently, in paragraph (2), it is stated that the judge must consider the financial capacity of the convicted person when determining the amount of

punishment restitution as referred to in paragraph (1). The term “may be imposed” is open to interpretation and not binding in and of itself. It could be understood to mean “may,” or “may be.” This lack of clarity regarding the restitution payment process leaves open the possibility that the perpetrator may be responsible for making the payment to the victims (Feener, 2013).

Moreover, restitution does not guarantee that the victim will receive the restitution after the court decision. This is due to the absence of coercive measures or norms of coercion in the event that the convicted individual fails to fulfill the restitution obligation (Dewandaru, 2023). Moreover, the provisions regarding restitution are planned to be regulated through a Governor Regulation (*Pergub*). In the event that restitution constitutes a criminal sanction, it is imperative that it be regulated through a Qanun, rather than a *Pergub*. The regulation of criminal sanctions is not permitted in derivative regulations, as stipulated in Article 15, paragraph (1) of Law Legislation’s Formation No. 12/2011. This stipulation states that criminal sanctions can only be contained in laws, provincial regulations, and district/city regulations. Consequently, those responsible for drafting the revised version of the Qanun Jinayat Law must determine whether restitution constitutes a primary or supplementary form of punishment. This will ensure that all offenses resulting in harm or suffering are subject to restitution.

2. Improving the Enforcement of the Jinayat law in Banda Aceh

In terms of policy standards and objectives, the implementation of Qanun Jinayat Law in Banda Aceh has met the policy standards. The standard for implementing the jinayat law is Qanun Jinayat itself. The Qanun Jinayat provides a comprehensive and clear explanation of the procedure for implementing jinayat law (Din & Abubakar, 2021). It begins with an overview of the fundamental principles underlying the implementation of Qanun Jinayat Law, followed by a detailed examination of the violations that are regulated, the sanctioning procedures, and other pertinent information. For instance, the Banda District Attorney carried out flogging executions on four individuals who had violated Islamic law, Qanun, in Bustanus Salatin Park, Banda Aceh, on Monday, July 1, 2024. Three of the convicts were found to have violated Article 15, paragraph 1, in conjunction with Article 16, paragraph 1, of Qanun Jinayat No. 6/2014. Each of the four individuals was subjected to 42 lashes. In addition, Cukri, another convict, was flogged 19 times for violating Article 16, paragraph 1 of Qanun Jinayat No. 6/2014.

Prior to undergoing the flogging execution, the convicts were first subjected to a medical examination by the medical team. The examination is conducted to ascertain that the convicts are in good health and are fit to under punishment in public and open places. The prosecutor from the Banda Aceh District Attorney's Office proceeded to call each convict by name, directing them to proceed to the

designated location. Subsequently, the executioner from the Sharia Police (*Wilyatul Hisbah*) proceeded to administer the whipping in accordance with the count and direction provided by the prosecutor. The executioner was instructed to pause when one of the convicts vocalized a moan of pain at the count of ten. Subsequently, the medical team administered a beverage and inquired as to the convict's condition, gauging his ability to continue the flogging.

Following the onset of the Covid-19 pandemic, numerous districts and cities in Aceh have been without a definitive regent or mayor. The majority of districts are currently being led by acting regents or mayors, who have been appointed by the central government through the Ministry of Home Affairs. The absence of duly appointed regional leaders has resulted in a precipitous decline in the implementation of jinayat law enforcement (Arnez, 2024). The definitive regent or mayor is a regional leader elected by the people. The majority of Acehnese people support the implementation of sharia law, including the enforcement of jinayat law (Iskandar et al., 2023). While the acting regents and mayors are leaders appointed by the central government, it is evident that the policies they implement must reflect the interests of the central government, which to some extent considers the jinayat law in Aceh to be contrary to the interests and national legal system (Simon Butt, 2023).

The Banda Aceh government has demonstrated a continued commitment to the enforcement of the jinayat law, as evidenced by the issuance of policies that are pro-enforcement of the jinayat law. These include the deployment of city preachers to all corners of Banda Aceh, the issuing of an appeal for curfew, the allocation of an adequate budget for education, socialisation and counselling to the community, and other measures.

In addition to the implementation that is in accordance with the procedure, the strengthening of the implementation of jinayat law in Banda Aceh can be observed in the increase in the budget allocated by the Government of Banda Aceh for the implementation of sharia law, including the enforcement of jinayat law. In accordance with Article 127, Paragraph 3 of the Law on the Aceh's Government No. 11/2006, it is stipulated that the Central Government, Aceh Government, and district/city governments are obliged to provide the necessary funds and other forms of assistance for the implementation of Sharia. This regulation is then elaborated in Article 10, Paragraph 2 of Qanun the Principles of Shariah No. 8/2014, which states in detail that at least 5% of Aceh's total revenue and expenditure budget must be allocated for the enforcement of sharia law, including the enforcement of the jinayat law. However, during the pandemic, many districts/cities in Aceh Province still budgeted less than 5% of the total budget for the enforcement of Islamic Sharia. The lack of budgetary support has undoubtedly rendered the enforcement of the jinayat law ineffective during the pandemic.

In fact, following the government's official revocation of the Covid-19 pandemic status through Presidential Decree No. 17/2023 on 21 June 2023, there are still numerous district/city governments in Aceh that have not yet normalised their budgetary allocations for the enforcement of sharia law (Abbas et al., 2024). From the 23 districts/cities in Aceh, Banda Aceh is one of the districts/cities that has normalised the budget for the implementation of sharia law to 5% as mandated by law and Qanun. Indeed, there has been a discernible upward trend in the budgetary allocation for the implementation of the jinayat law in Sharia Police over the past three years, as evidenced by the data presented in the table below.

Table 1. Budget for implementing the Qanun Jinayat in the WH' Administrator

No	List of Activities	2022	2023	2024
1	Case Handling of Qanun Violations	Rp. 312.209.000	Rp. 312.210.000	Rp. 313.353.200
	a. Staff Expenditure			
	b. Goods and Service Expenditure	Rp. 27.000.695	Rp. 27.578.000	Rp. 27.855.300
	• Expenditure on Propaganda and Documentation	Rp. 4.803.600	Rp. 4.900.769	Rp. 5.025.000
	• Expenditure on Laboratory Testing Services (alcohol content of liquor)	Rp. 2.150.500	Rp. 2.167.000	Rp. 2.200.000
2	Sharia Development Programme	Rp. 336.674.000	Rp. 336.790.050	Rp. 337.843.300
	Total	Rp. 682.837.795	Rp. 693.646.819	Rp. 686.276.800

Furthermore, effective collaboration between stakeholders is a crucial factor in the enforcement of jinayat law in Banda Aceh. The implementation of jinayat law involves numerous parties, including the Islamic Sharia Agency, sharia police, Prosecutor's Office, Shari'iyah Court, and the active participation of the community (Iskandar et al., 2022). The interrelationship between the five elements is governed by the Qanun on Jinayat Law and the Qanun on The Jinayat Procedural Law.

The Islamic Sharia Agency serves as a regulatory body that oversees the policy direction of the implementation of the jinayat law. Furthermore, the Islamic Sharia Agency is responsible for the dissemination of knowledge and guidance to the public on the tenets of sharia law, with the aim of preventing individuals from becoming ensnared by the legal framework of jinayat. Meanwhile, the Sharia Police serve as the authority responsible for regulating the implementation and enforcement of jinayat law within the community. The Sharia Police control is not merely limited to law enforcement functions such as prosecution, arrest, and punishment. It also extends to the administration of sharia law within the community. Consequently, the Sharia Police are frequently observed conducting patrols, providing counsel, and enforcing sharia law in locations frequented by tourists, such as protocol streets.

Meanwhile, the duties, functions and roles of the Prosecutor's Office are more aligned with the judiciary and law enforcement. The Prosecutor's Office is

responsible for prosecuting individuals who have violated the jinayat law and for executing the punishment to the convicted person. While the Syar'iyah Court is in charge of assessing whether the accused individual is guilty or not. Finally, the community plays a pivotal role in the enforcement of the jinayat law. According to the Banda Aceh Shariah Police, 90% of cases of jinayat law violations originate from community reports (Feener et al., 2015).

The interrelationship of these five elements is exemplified by the occurrence of *ikhhtilat* in early 2024. The case involved two couples in two different locations: one in the Syiah Kuala sub-district and the other in the Kuta Alam sub-district. This case originated from a public report to the Sharia Police. Following the arrest of the two pairs of suspects and the completion of the case files, the sharia police transferred custody of the suspects to the prosecutor's office. The prosecutor's office, in accordance with its authority, then proceeded to detain the two couples until the prosecution file was submitted to the Sharia Court. Subsequently, the Shar'iyah Court handed down a sentence of 17 lashes for each of the two couples, with a deduction of three months' detention (one lash per month). The four convicts were found to have violated Article 25, Paragraph 1 of the Qanun Jinayat Law. The Islamic Sharia Agency then facilitated the Prosecutor's Office in executing the punishment by providing a venue and an adequate budget.

Moreover, the strengthening of jinayat law enforcement in Banda Aceh was also influenced by the relentless socialization of the law conducted by the Islamic Sharia Agency. The Banda Aceh Islamic Sharia Agency has undertaken a number of initiatives to disseminate information about the Qanun Jinayat Law. These include:

- a. Sending preachers to sub-districts within the administrative area of Banda Aceh city
- b. Building cross-institutional communication both regional institutions and vertical institutions
- c. During the holy month of Ramadan, a Ramadan program was implemented and preachers were dispatched to specific areas within the Banda Aceh city.

Additionally, socialization was conducted in schools, particularly secondary schools within the district. Furthermore, socialization of the Qanun Jinayat Law was conducted for village officials within the district. Finally, invitations were extended to It is recommended that religious teachers of junior and senior high schools be invited to attend the socialization. Furthermore, it is proposed that billboards and pamphlets be installed in certain locations that are easily visible, with the message of the content of the Qanun Jinayat Law displayed alongside the relevant threats.

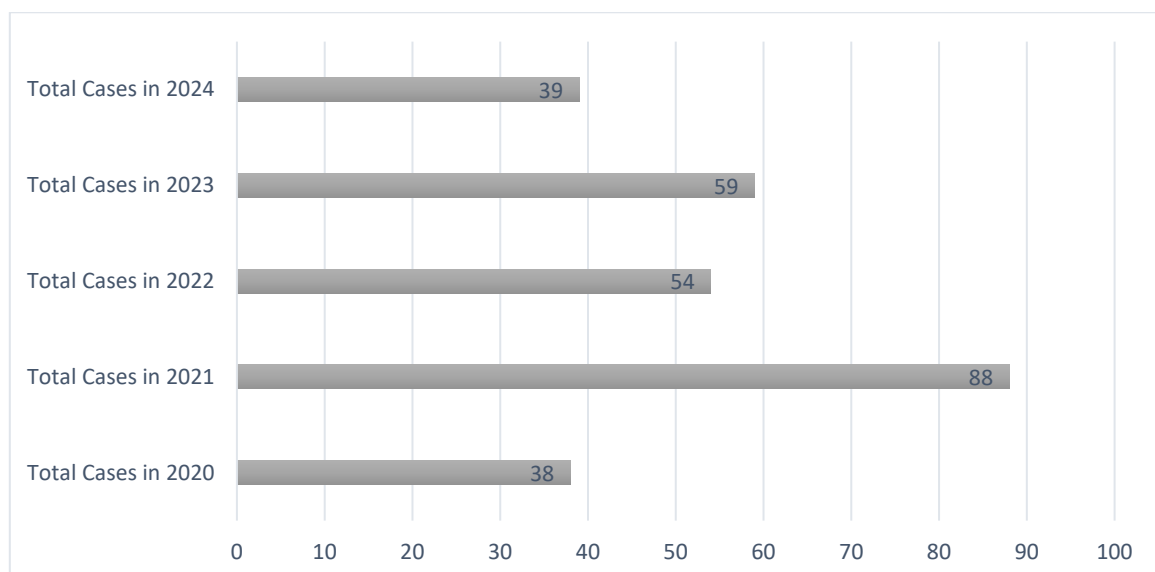
The data presented above indicates that the Islamic Sharia Agency in Banda Aceh has attempted to fulfill its socialization mandate as outlined in the Aceh Governor Regulation regarding the Position, Organizational Structure, Duties, Functions, and Work Procedures of the Islamic Sharia Agency No. 131/2016.

However, when viewed through the lens of effective legal socialization methods, these efforts have been largely unvaried and uninnovative. A successful legal socialization method is diverse and tailored to the specific community it is targeting (Manan, 2020). Currently, the Islamic Sharia Agency's socialization efforts are largely limited to the lecture method or the direct oral delivery of information.

However, there are numerous other effective legal socialization methods that the central government has employed. Moreover, in the socialization of jinayat law in the Acehnese community of Banda Aceh, it is first necessary to understand the condition of the community and then to determine the most appropriate method, which must also vary so as not to be monotonous with one method only. Likewise, in terms of the media used, it is still very simple, only in the form of pamphlets, brochures and billboards, while internet media has not been used. As an urban society comprising numerous well-educated and technologically literate individuals, the residents of Banda Aceh have greater access to information from the internet and social media than from other sources. Therefore, the use of digital media can not only facilitate the community but also reach all segments of society. Consequently, it is imperative for stakeholders to utilize digital media as a means of transferring legal information to the community.

The strengthening of the application of jinayat law in Banda Aceh is reflected in the relatively decreasing number of violations of jinayat law. According to statistical data from the Banda Aceh Shari'iyah Court, in the last five years, the highest number of jinayat cases occurred in 2021, with 88 cases of jinayat law violations in the second year of the pandemic. Conversely, the lowest number of violations was recorded in 2024, two years after the onset of the Covid-19 pandemic. In that year, there were only 39 cases of jinayat law violations in Banda Aceh. Consequently, over the course of three years, there was a 34.32% reduction in the number of violations of the jinayat law in Banda Aceh.

Table 2. Statistical Data of Jinayat Law Violations in Banda Aceh



The data presented above is based on cases that were brought before the Banda Aceh Syar'iyah Court. Furthermore, it was discovered that a significant number of violations of the jinayat law were not brought before the Syar'iyah Court. Many cases were instead resolved at the gampong level and at the Banda Aceh Sharia Police level, particularly those pertaining to *ikhtilath* and *khalwat*, as well as other minor offenses (Iskandar, 2019). It is also pertinent to note that a significant proportion of violations of the jinayat law are allowed to occur without any intervention from the community or law enforcement. Consequently, it can be argued that the jinayat law has not been effective in reducing the overall crime rate in Banda Aceh. In other words, the enforcement of the jinayat law in Banda Aceh is currently limited to statistical data and paper-based records, and has not yet been effectively applied.

This is also evidenced by the manner in which cases are resolved, which does not fully adhere to the judicial system applicable in the Syar'iyah Court. Instead, vigilantism is often observed in the community. Those who have violated the jinayat law are frequently arrested, paraded, cheered, insulted, cursed, shaved, bathed, and told to pay a fine to purify the *gampong* (village) that they have defiled by committing immorality. This fine is typically one goat, which is handed over to the *gampong* where the crime occurred. Even in cases of adultery, *ikhtilath*, and *khalwat*, the offenders are often forcibly married off. This practice is in direct contradiction to the tenets of the law and the fundamental principles of human rights.

Conclusion

The enforcement of jinayat law was significantly weakened during the Covid-19 pandemic. This weakening was due to the low political will and budget allocated by the authority to enforce the jinayat law. This fact is confirmed in the statistical data of the Banda Aceh Syar'iyah Court, which shows that there have been 88 cases of jinayah law violations in 2021, the largest number of jinayah law violations in the last five years.

Following the outbreak, there has been a continued and accelerated weakening of the jinayat law enforcement apparatus. This is due to the fact that many regions in Aceh are led by acting regents and mayors. These acting regents and mayors are chosen by the Ministry of Home Affairs, and they are required to be able to represent the interests of the Central Government in the regions. It is understandable that the Central Government is reluctant to grant Aceh special autonomy, particularly with regard to the implementation of sharia and the enforcement of jinayat law.

In contrast to other regions in Aceh, there was a strengthening in the enforcement of jinayat law in Banda Aceh following the onset of the Covid-19 pandemic. This strengthening was inseparable from the pro-sharia policies carried out by the Banda Aceh City Government. The pro-sharia policy is in the form of the existence of synergy and good coordination between stakeholders in the enforcement

of jinayat law. The Islamic Sharia Agency, Sharia Police, Prosecutor's Office, Syar'iyah Court, and the community play a pivotal role in the implementation of jinayat law. The allocation of sufficient budgetary resources, which has increased annually, has also contributed to the effectiveness of jinayat law enforcement. Finally, relentless socialization has led to a significant decrease in the number of violations of jinayat law compared to previous years. The findings of this research are then corroborated by the statistical data of the Banda Aceh Syar'iyah Court, which indicates a 34.32% decline in jinayat cases during the pandemic period.

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