

Derivatives from Aceh Qanun Number 04 of 2014 concerning Ikhtilath in
Improving the Performance of Wilayatul Hisbah (WH)
Lhokseumawe City

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Abstrak

Ikhtilath is an act of intimacy between a man and a woman who is not an open criminal. This has been regulated in Aceh Qanun Number 6 of 2014. In realizing Social Ecology based on Islamic Sharia values in Bandar Lhokseumawe there are still problems where implementation is far from what is expected, as evidenced by the Ikhtilath incident in Lhokseumawe City, this shows a low level of compliance with communities and implementers who fail to realize social ecology. The problem studied is the use of Qanun Jinayat Number 6 of 2014 in Case 1 Point 25 regarding Ikhtilath in the Kingdom of Bandar Lhokseumawe. In theory, he assessed the Islamic Sharia Officer, Wilayatul Hisbah in improving organizational performance in the kingdom of Lhokseumawe. Methods of qualitative investigation and descriptive analysis approach. Techniques for collecting data by observing, interviewing and documenting.

Keywords: Qanun, Wilayatul Hisbah (WH), Ikhtilath

Introduction

Since 2014 the Jinayat Qanun as the legal basis for the implementation of Islamic Sharia in Aceh, many problems have not been resolved in the implementation of the qanun, one of which is the issue of ikhtilath. "Ikhtilath is an affectionate act such as making out, touching, hugging and kissing between men and women who are not husband and wife with the willingness of both parties, both in closed and open places are regulated" in Aceh Qanun Number 06 of 2014 concerning Jinayat. With the

ratification of this Qanun, it is hoped that it will prevent crimes by providing punishment for perpetrators in accordance with applicable regulations.

Based on article 25 point 1 of Qanun Jinayat regarding sanctions for Ikhtilat violators, it is stated "Everyone who intentionally commits Jarimah Ikhtilath, is threatened with 'Uqubat whipping for a maximum of 30 (thirty) times or a fine of a maximum of 300 (three hundred) grams of pure gold or imprisonment for a maximum of 30 (thirty) times. 30

(thirty) months, and in point 2 "Everyone who intentionally organizes, provides facilities or promotes Jarimah Ikhtilath, is threatened with 'Uqubat Ta'zir lashes of 45 (forty five) times and/or a maximum fine of 450 (four hundred and fifty) grams of pure gold and/or imprisonment for a maximum of 45 (forty five) months." This sanction serves as a deterrent effect for both perpetrators and those who wish to commit Ikhtilath acts so that their intentions are discouraged.

The crime of ikhtilath must be viewed as a behavior that is not only prohibited in Islam, but can also disrupt social order and harmony. Thus, it is prohibited not only for Muslims, but also for anyone who does so in Aceh, including non-Muslims. This can only be applied to anyone, if it is objectified as a criminal act that disturbs social order. This model, in addition to having a philosophical basis, namely justice and truth, also has a sociological basis, namely the values that live in society.

In particular, the Jinayat law regarding Ikhtilat aims to maintain

five things that are found in humans, of which the five things have a very important position, namely, religion, soul, property, reason and lineage. These five things are obligatory for humans to maintain and it is also forbidden to omit any of these five things from others. So if he does, he will be fined. The form of the fine given also varies depending on the size of the mistake made. The fine consists of qisas, stoning, had and ta'zir. All of that is to deter the perpetrators of jinayah from repeating their actions, as well as for others so that they fail to commit crimes when they see the punishment that will be received if they commit a crime. Qanun Jinayat contains eleven cases, namely: Ikhtilath, Khalwat, Liwath, Musahaqah, Qadzaf, Jinayah, Uqubat, Hudud, Ta'zir, Maisir and Khamar, So that whatever activity is carried out it is always guided by Islamic law. Therefore, one thing that is often questioned is why Islamic law in Aceh has not brought significant results, at least in accordance with existing regulations. The following researchers attach data on violations of Qanun

Jinayat Number 06 of 2014 especially in Article 25 regarding Ikhtilath starting from 2015 to 2017.

Qanun Jinayat infringement of the year 2015-2017

No	Thn	Jenis Pelanggaran	Jumlah Kasus
1	2015	Khalwat	113
		Perjudian	15
		Aqidah, Ibadah & Syiar Islam	236
		Khamar	7
		Jumlah Total Pelanggar	371
2	2016	Ikhtilath	57
		Perjudian	5
		Aqidah, Ibadah & Syiar Islam	155
		Khamar	2
		Khalwat	36
		Zina	2
		Jumlah Total Pelanggar	355
3	2017	Ikhtilath	47
		Perjudian	109
		Khamar	9
		Liwath	2
		Zina	13
Jumlah Total Pelanggar	188		

Sumber : Kepala Bidang Penegakan Syariat Islam dan Kebijakan Daerah Wilayatul Hisbah Kota Lhokseumawe.

The implementation of Islamic law regarding Ikhtilath in Qanun

Jinayat, especially in Lhokseumawe City, is not as easy as imagined, one of which is because there is still controversy among the people themselves. The emergence of polemics at the level of thinking of young intellectuals is a reality that is quite positive for the public's intelligence to understand. Not to mention that since the implementation of Qanun Jinayat Number 6 of 2014 has not reaped good results, there are still hundreds of violators / year, this proves that the implementation of Qanun Jinayat in the city of Lhokseumawe has not been successful.

Chaos Theory regarding the Butterfly Effect where it is stated "the flapping of the butterfly's wings in the Amazon forest will cause a storm in California", based on this theory, it is possible that in the future the province of Aceh, especially young people, will lose their identity as Acehnese people, because today's social problems do not exist. can be resolved by the government, the government's lack of seriousness in implementing the Qanun Jinayat will

have an impact on the future. Based on these conditions, the researcher wants to take the first step to anticipate potential problems in the future because Qanun Jinayat is a form of resistance to the era of globalization that can eliminate the identity of a region or country.

Prove that with the arrest of the Ikhtilath perpetrator, if you look closely before someone performs Ikhtilath, there is a series of phases that caused the incident to occur, for example, such as allowing non-Muslims to have pairs, providing facilities for non-mukhrim alone, coffee shops with romantic decorations and the role of the office. Islamic law and weak Wilayatul Hisbah as supervisory institutions and so on. The various kinds of problems above are clear evidence that there is a series of phases that make the end point is adultery, because these phases are left unchecked, this problem keeps repeating and from year to year the violations of this Qanun are not reduced but increased. Not to mention the researcher's hypothesis

regarding the mindset of the community that considers a regulation to be a prohibition not part of the need, even though as we know every Qanun that is born is referred to from the Al-Quran and Hadith, so in this case the government has a role and responsibility to try to change the mindset. people who think regulations are prohibitions are part of their needs.

Literature Review

The definition of Qanun itself in the Big Indonesian Dictionary is known as Kanun, which means laws, regulations, books, laws, laws and rules. The meaning of Qanun according to the Arabic dictionary; law, custom or custom. So it can be concluded that the meaning of the Qanun is; a statutory regulation or rule of law that applies in an area (in this case in Aceh).

The people of Aceh, the mention of Qanun against a rule of law or the naming of a custom has long been used and has become part of Aceh's traditional culture and culture. Many of the legal and customary rules

issued by the Aceh Kingdom are called Qanun. The Qannun usually contains Islamic Shari'a rules that have been adapted into Acehnese customs (Rudsdi Ali Muhammad, 2003).

Qanun Jinayat in Aceh

Law Number 18 of 2001 concerning Special Autonomy for the Province of the Special Region of Aceh as the Province of Nanggore Aceh Darussalam (hereinafter UU PNAD) brought new developments in Aceh in the justice system. Articles 25-26 of the PNAD Law regulates the NAD Syari'ah Court which is an Islamic law court as part of the national judicial system.

Method

This study the author uses a qualitative approach, the final results of this study are described in words or sentences that indicate the final results of the study. Meanwhile, to present this research, the writer uses descriptive research method. Descriptive research is fact finding with proper implementation.

Descriptive research studies problems in society, as well as procedures applied in certain situations, including relationships, activities, attitudes, views, and processes that take place and the influence of phenomena.

In the use of qualitative data, especially in research that is used to request information that is explanatory in the form of a description, the data cannot be expressed in the form of numbers but in the form of an explanation that describes certain conditions, processes and events. To obtain the data and information needed in this study, the authors use field research techniques, namely direct field research, the user of this method is intended to obtain data and facts that have to do with the problems studied regarding the implementation of Qanun Jinayat.

Informan Penelitian

1. Kepala Dinas Syariat Islam Kota Lhokseumawe
2. Staff Wilayatul Hisbah Kota Lhokseumawe.

3. Ketua Majelis Permusyawaratan Ulama Kota Lhokseumawe.
4. Pihak eksternal atau Lsm Kota Lhokseumawe.
5. Pihak Akademisi Kota Lhokseumawe.
6. Masyarakat

Research Results and Conclusions
Derivatives of Aceh Qanun No. 6 of 2014 Article 1 Point 24 Regarding Jinayat.

Discussion

Implementation is a follow-up after agenda setting and formulation, in other words, the arrival of a policy product from the Legislature to the Executive with the hope that policy actors will implement the policy in order to achieve the goals of the aspired policy. At this stage the ability of the agency, namely the policy actor, must have a capable value both in terms of institutions and individuals, so that it does not burden the actor and has a major impact on the failure of a policy product, in this case the Qanun Jinayat, especially on the

Ikhtilath problem which from the interviews of informant researchers said that they as an actor does not understand about the ikhtilath intended by Qanun Jinayat No. 6 of 2014.

Ikhtilath is an intimate act such as making out, touching, hugging and kissing between men and women who are not husband and wife with the willingness of both parties, both in closed and open places. In the aim of creating a social ecology based on sharia values Islam, Qanun Jinayat is expected to be able to achieve this goal. This goal is achieved if the agency that has the authority/responsibility in its implementation has a capable value, this can be seen through communication, resources, disposition and bureaucratic structure according to Edward III.

1. Communication

The process of delivering communication from communicators to communicants is an important factor in private and state agencies both internally, namely between agencies and between superiors and

subordinates in order to reach an understanding of the program to be run, as well as communication from the agency to the target group/community. The fact that occurred in the field, researchers found that policy actors, in this case members of the Wilayatul Hisbah (WH) did not understand both in terms of content and implementation of the Ikhtilath regulated in Aceh Qanun No. how ang called Ikhtilath.

Problems regarding the clarity of information that WH members get is so minimal that this has an impact on the target group and other groups do not understand the aims, objectives, targets and substance of this policy. So that the indication of the failure of the implementation of the Qanun Jinayat that the researcher wrote on the background of the problem is justified by the phenomena found in the field.

2. Resources

Resources are the next indicator to support the successful implementation of qanun jinayat in terms of human resources, budgetary resources and authority resources.

Members of the Wilayatul Hisbah (WH) can be seen from the findings of the interviews in the field that it can be said that they have human resources that are not very good in carrying out their duties as policy actors, this can be seen from the level of education that is limited to High School, while the product implemented is a Qanun which has a high level of difficulty. enough to understand it both in terms of law and Islam.

Then the limited budget resources of the WH have an impact on the stagnation of law enforcement regarding the Aceh Qanun regarding Jinayat, other problems regarding the resources of authority are so complicated, we can see this from the function of the Islamic Shari'a Service as a Trustee, the WH as Enforcer and the Lhokseumawe Ulama Consultative Council as an advisor. . This agency makes the bureaucracy ineffective let alone efficient.

3. Disposition

Disposition is the willingness, desire and tendency of policy makers to carry out the policy seriously so

that what is the policy goal can be realized. This can be achieved through bureaucratic appointments such as promotions and providing incentives to WH members who carry out their duties well. However, data obtained by researchers in the field as well as results from interviews on incentives and job appointments are rarely carried out.

This problem has an impact on the motivation of WH members in carrying out their duties, not to mention that this year their workload has increased due to a large reduction in WH members due to the inability of the Lhokseumawe City Government in providing salaries due to limited budget. So that this condition is very worrying considering the importance of the objectives of the Qanun Jinayat to be implemented, especially regarding Ikhtilath.

4. Bureaucratic Structure

The bureaucratic structure that is not lean causes the ineffectiveness of the functioning of both private and public agencies, this problem will have a broad impact on what an agency does in this case DSI, WH and

MPU. In a convoluted bureaucratic structure, from a budget perspective, the longer a decision is made, the bigger the budget

References

- Basir Barthos. 2009. *Manajemen Kearsipan Untuk Lembaga Negara, Swasta, dan Perguruan Tinggi*. Bumi Aksara. Jakarta.
- Hadari Nawawi. 2000. *Manajemen Sumber Daya Manusia*. Ghalia Indonesia. Jakarta.
- Halim, dkk. 2005. *Manajemen Pesantren*. Pelangi Aksara. Yogyakarta.
- Hamalik. 2000. *Manajemen Pendidikan dan Pelatihan*. Y.P. Pemindo. Bandung.
- Moekijat. 2006. *Latihan dan Pengembangan Sumber Daya Manusia*. Mandar Maju. Bandung.
- Moleong. 2010. *Metodologi Penelitian Kualitatif*. Remaja Rosdakarya. Bandung.
- Mudrajat Kuncoro. 2005. *Strategi (Bagaimana Meraih Keunggulan Kompetitif)*. Penerbit Erlangga. Jakarta.

- Salusu. 2003. *Pengambilan Keputusan Stratejik Untuk Organisasi Publik dan Organisasi Non profit*. Grasindo. Jakarta.
- Sugiyono. 2006. *Metode Penelitian Bisnis*, Alfabeta. Bandung.
- Suyanto. 2007. *Metode Penelitian Sosial: Berbagai Alternatif Pendekatan*. Kencana. Jakarta.
- Suroto. 2002. *Makroekonomi*. Edisi Perdana. PT. RajaGrafindo Persada. Jakarta.
- Umar. 2008. *Strategic Management in Action*. Gramedia. Jakarta.