

## **THE AUTHORITY OF WILAYATUL HISBAH IN CARRYING OUT PREVENTION CONCLUSION IN THE CITY LHOKSEUMAWE**

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### **ABSTRACT**

The process of implementing Islamic law in Aceh began on March 15, 2002, with the formation of Wilayatul Hisbah (WH) as part of the Civil Service Police Unit to enforce the Qanun, including prevention of mixing between non-mahram men and women. WH faces challenges in its implementation, including social resistance, limited resources, and dualism of authority with customary courts. Although there are strict regulations in Aceh Qanun Number 6 of 2014 concerning punishment for ikhtilath, problems still often occur. This research method uses an empirical legal approach to analyze the implementation of the authority of Wilayatul Hisbah in preventing ikhtilath in Lhokseumawe City. This research is descriptive and qualitative, with an analytical descriptive method to describe the existing phenomenon. The population includes all related elements. Data were collected through interviews, literature studies, and documentation, and analyzed inductively to produce interpretations. Wilayatul Hisbah (WH) in Lhokseumawe City carries out prevention of ikhtilath through routine patrols, education, and law enforcement in accordance with Qanun Jinayat Number 6 of 2014. Although successful in controlling violations such as alcohol and adultery, cases of khalwat are still dominant. To increase effectiveness, WH established the Dayah Balai Rehabilitasi Moral dan Akhlak (BERAKHLAK) in 2023 and considered the budget and operational difficulties in choosing rehabilitation over caning. WH faces obstacles such as socio-cultural resistance, limited resources, and institutional dualism, including conflicts between qanun and customary courts and inability to detain. Qanun Number 7 of 2013 expands the authority of WH.

**Keywords:** *Authority, Prevention, Ikhtilath*

## 1. INTRODUCTION

TermThe Endused to mean the mingling of men and women who are not mahram in a place that allows them to interact with each other, whether in terms of views, actions, gestures or speech. This type of action is included in the prohibited actions, the prohibition of Ikhtilath is based on the prohibition of khalwat. Because these two actions are part of the actions that can bring one closer to adultery.<sup>1</sup>

In this case, Aceh Province adheres to Islamic sharia law which has been enforced precisely on 1 Muharram 1425 H, coinciding with March 15, 2002. This process is actually not the end of the struggle of the Acehnese people, but rather another step of the great command decision in the design for the Acehnese people towards a sharia-compliant atmosphere in accordance with the vision and mission of the Province.<sup>2</sup>In Aceh Province, the Aceh Government Law is enforced as a guideline for the Aceh Government. Article 244 of the Aceh Government Law (UUPA) explains that the Governor, Regent/Mayor in enforcing Qanun in organizing public order and public tranquility by forming the Civil Service Police Unit, and also forming the Wilayatul Hisbah Police unit as part of the Civil Service Police Unit.

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<sup>1</sup> Abdillah, Masykuri, et al. *Formalization of Islamic Law in Indonesia: A Never- ending Struggle*. Jakarta: *Renaissa*, 2005.

<sup>2</sup> Ampuh Devayan and M Hamzah, 2015, *The Islamic Sharia Polemic in Aceh, Banda Aceh, Insan Cita Madani Foundation*, Banda Aceh, p.25.

Regarding the process of Islamic Sharia in Aceh, the regional government has issued a decision regarding the rules included in the Qanun:<sup>3</sup>

1. Qanun of the Province of Nanggroe Aceh Darussalam (Aceh) No. 11 of 2002 concerning the process of Islamic Sharia in the field of Islamic Creed, Worship and Propagation of Islam
2. Qanun Number 9 of 2008 concerning the Development of Customary and Traditional Life
3. Qanun No.6 of 2014 concerning Jinayah Law

Article 6 of the Lhokseumawe Mayor's Regulation Number 10 of 2017 concerning the position, organizational structure, duties, functions, and work procedures of the Civil Service Police Unit and Wilayatul Hisbah of Lhokseumawe City explains that the Civil Service Police Unit and Wilayatul Hisbah have the task of implementing policies in the field of enforcing Qanun or Regulations.

Mayor, Implementation Peace of mind And Order General, Community Protection and implementation of Islamic Sharia.

As the Aceh Government has issued special regulations, namely through Aceh Qanun Number 6 of 2014 concerning Jinayat Law, it explicitly makes acts...The End as one of the crimes. Crimes are acts prohibited by Islamic law which in the Qanun are threatened with a predetermined punishment. According to Article 1 number 24 of Qanun Number 6 of 2014 concerning Jinayat Law, it states that The End is an act of affection such as making out, touching, hugging between a man and a woman who are not husband and wife in a closed or open place.<sup>4</sup>As for the punishment for the perpetrators The End varies according to the criteria of the perpetrator. Article 25 paragraph (1) stipulates 30 lashes for perpetrators who are not mahram and are adults. Article 25 paragraph (2) and Article 26 each stipulate 45 lashes for people who provide facilities for The End and for the perpetrators who do The End with children under the age of 10. For perpetrators who have a mahram relationship, both are subject to a punishment of 30 lashes and will be subject to Ta'zir Punishment in the form of an additional punishment of a maximum of 30 lashes in accordance with Article 27 of Aceh Qanun Number 6 of 2014 concerning criminal law. Different punishments are also determined for people who accuse The End will be threatened with 30 lashes and for perpetrators who repeat the accusation will be subject to a maximum punishment of 45 lashes, this is as stated in Article 30 paragraph (1) and paragraph (2).

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<sup>3</sup> Siradjuddin, *Implementation of Islamic Law in Aceh Post-Reformation*, Teras, Yogyakarta, 2011, p.59.

<sup>4</sup> Aceh Government, Article 1 Number 24 of Qanun Number 6 of 2014 concerning Law

In a study conducted by Andre Febrian, Dr. Mahyuzar, Drs., M. Si, entitled *The Role of Public Relations of Wilayatul Hisbah in Socializing Islamic Sharia Law in Banda Aceh*, the results of the study showed that Public Relations has two roles, namely Public Relations as inter-institutional liaison and public relations as a mentor. In carrying out activities, public relations has several obstacles, namely: (1) limited facilities and infrastructure, (2) limited personnel or employees, (3) limited budget, and (4) lack of public awareness. Meanwhile, the difference from the researcher is in the process of effectiveness in the role of WH in handling iktilath cases in the city of Lhokseumawe, as the results of his research showed that Wilayatul Hisbah (WH) in Lhokseumawe City prevented iktilath through routine patrols, education, and law enforcement in accordance with Qanun Jinayat Number 6 of 2014. Although successful in controlling violations such as alcohol and adultery, khalwat cases are still dominant. To increase effectiveness, WH established the *Dayah Balai Rehabilitasi Moral dan Akhlak (BERAKHLAK)* in 2023 and considered the budget and operational difficulties in choosing rehabilitation over caning.

Based on the above, the author sees the effectiveness of the implementation of the regulations and the role of the WH, because there were several cases that occurred in Lhokseumawe City on February 19, 2020, in Gampong Cut Mamplang, Kandang, Muara Dua, Lhokseumawe.<sup>5</sup>Where residents arrested the unmarried couple YI (37) who has the status of a widow, and JM (41) who is a Foreign Citizen. Then after being arrested by residents, the unmarried couple was taken to the Meunasah and then handed over to the Wilayatul Hisbah. Not only that, the author's observation also saw many cases of Iktilath such as on the streets, on the edge of the pondok, cafes, holding hands for unmarried relationships. So the author sees the effectiveness of the implementation or role of WH in handling the Iktilath cases that occurred in Lhokseumawe often occur on the streets, and various places according to the author's observation, has the Wilayatul Hisbah carried out its duties by arresting several cases above, but Based on what researchers saw directly in the field, the Wilayatul Hisbah has not yet exercised its authority optimally because there are still many cases of illegal acts. The Endin various areas in Lhokseumawe City. Such as on several beaches, then at the reservoir, and in various other quiet places.

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<sup>5</sup><https://www.google.com/amp/s/www.ajnn.net/news/diduga-khalwat-warga-portugal-and-widow-secured-in-lhokseumawe/amp.html>, Accessed Friday, November 24, 2023.

## **2. RESEARCH METHODS**

Based on the background that has been described above, there are two formulations of this problem, namely: How is the implementation of the authority of the Wilayatul Hisbah in carrying out prevention The Lhokseumawe City? and what are the obstacles for Wilayatul Hisbah in carrying out prevention The Lhokseumawe City and what efforts are made by Wilayatul Hisbah?

This research method uses an empirical legal approach to analyze the implementation of the authority of Wilayatul Hisbah in preventing ikhtilath in Lhokseumawe City. This research is descriptive and qualitative, with an analytical descriptive method to describe the existing phenomenon. The population includes all related elements. Data were collected through interviews, literature studies, and documentation, and analyzed inductively to produce interpretations.<sup>6</sup>

## **3. RESULTS AND DISCUSSION**

### **A. Implementation of the Authority of Wilayatul Hisbah in Carrying Out Prevention The End In Lhokseumawe City**

The authority of Wilayatul Hisbah in carrying out prevention compromise in Lhokseumawe City is one of the efforts to prevent the occurrence of compromise. This aims to monitor and prevent violations of Islamic law in force in the area. The authority of Wilayatul Hisbah also conducts socialization and education to the community about the importance of maintaining Islamic law, including the prohibition compromise. This activity is carried out through The authority of Wilayatul Hisbah in carrying out prevention compromise in Lhokseumawe City is one of the efforts to prevent the occurrence of compromise. This aims to monitor and prevent violations of Islamic law in force in the area. The authority of Wilayatul Hisbah also conducts socialization and education to the community about the importance of maintaining Islamic law, including the prohibition compromise. This activity is carried out through various media, such as lectures, seminars, and distribution of brochures, with the aim of increasing public awareness and understanding of the importance of obeying religious rules. The implementation of the authority of Wilayatul Hisbah in preventing ikhtilath in Lhokseumawe City involves several strategic and operational steps as follows:

1. Routine Patrols: Wilayatul Hisbah routinely patrols public places such as parks, beaches, shopping centers, and other recreational areas. These patrols aim to

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<sup>6</sup> Lexy J. Moleong, *Qualitative Research Methodology*, Revised Edition, Rosdakarya Youth, Bandung, 2012, p. 37.

monitor and prevent free mixing between men and women who are not mahram. The presence of Wilayatul Hisbah officers in these places acts as a direct prevention against the occurrence of compromise.

2. Education and Socialization: Wilayatul Hisbah also plays a role in providing education and socialization to the community about the importance of obeying Islamic sharia rules, including the prohibition of ikhtilath. This education is carried out through lectures, seminars, distribution of brochures, and other activities aimed at increasing public awareness of sharia values and the negative impacts of compromise.
3. Law Enforcement: When violations are found, Wilayatul Hisbah has the authority to take action against violators. Actions taken can be in the form of warnings, coaching, or even sanctions in accordance with applicable provisions. This law enforcement aims to provide a deterrent effect and ensure compliance with sharia rules.
4. Supervision of Special Places: Wilayatul Hisbah also carries out special supervision at public events and recreational facilities. In these places, they ensure that the rules of sharia are followed and take preventive measures if there are indications of violations. This supervision is important to maintain the sanctity and order in places that are frequently visited by the public.

According to Cut Maulida S.Kom., M.Sos as Head of the SDA Ikhtilath Section, these steps are routinely carried out, however, cases have occurred. *The End* It has indeed become a common occurrence in the Lhokseumawe City community. In fact, this act is prohibited and violates Qanun Number 6 of 2014 concerning Jinayat, because in this day and age *compromise* It's the same as people who are dating, who commit acts that violate Islamic law, namely riding pillion with someone who is not a mahram, hugging on the train, with mutual consent and not even being ashamed to do it in public.<sup>7</sup>

Based on these steps and operations, throughout 2023, cases of violations of sharia in the region showed different cases. For example, cases related to alcohol consumption (khamar) were only recorded once in November, indicating a good level of security. Likewise, gambling (maisir) only occurred once in October. But the act of compromise became the most frequent type of case with 58 cases, especially in December which recorded 6 cases, indicating the need for serious attention in preventing meetings between men and women who are not mahram in hidden or open places. Meanwhile, cases of adultery were detected 7 times, mostly occurring in August, September, and December, indicating an

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<sup>7</sup> Interview with Mrs. Cut Maulida S.Kom., M.Sos as Head of the SDA Ikhtilath Section, Lhokseumawe, July 25, 2024, 10:30 WIB.

increase in violations at the end of the year. Meanwhile, there were no cases of sexual harassment, rape, qadzaf, liwath, or musahaqan recorded. Finally, cases of people providing facilities for violators were recorded 5 times, with the highest number also occurring in December. Overall, the strategic steps taken have been effective in controlling most violations, although cases compromise still requires further handling.

Throughout 2022, data on violations of the Qanun showed that they occurred in various types of cases. The End recorded as the most frequent violation with a total of 26 cases, spread almost evenly throughout the year, with a peak in October (5 cases). Zina was only recorded twice, in January and February, while people providing facilities for violators were recorded once in January. There were no cases related to alcohol, gambling, sexual harassment, rape, qadzaf, liwath, or musahaqan reported throughout the year. Overall, there were 29 violations recorded, with the majority being dominated by cases compromise, indicating that although most types of violations were successfully controlled, compromise remains a major challenge that requires special attention for more effective supervision and law enforcement.

Meanwhile, throughout 2021, 46 cases of violations of the Qanun were recorded. The End became the most frequent violation with 38 cases, spread every month, with the highest number recorded in July (7 cases). Khamar and maisir were each only recorded once, each in May. Zina was recorded twice, namely in January and April. In 2020 there were 55 cases of violations of the Qanun. The End again became the dominant violation with 43 cases, with the peak in January and February, each recording 8 cases. Alcohol was recorded 4 times, with the highest number of cases occurring in March (3 cases). Maisir was recorded 8 times, with the highest number occurring in February (2 cases) and September (2 cases). Meanwhile, there were no cases recorded for zina, sexual harassment, rape, qadzaf, liwath, musahaqan, or people who provide facilities for violators. These data show that although violations compromise still high, other violations are relatively under control.

Based on data on violations of Qanun from 2020 to 2023, Wilayatul Hisbah (WH) plays an active role in handling cases through various strategic and operational steps that have proven effective in controlling violations of sharia. Routine patrols in public places such as parks, beaches, and shopping centers have proven successful in preventing free mixing between men and women who are not mahram, as reflected in the absence of cases. Education and socialization carried out by WH have also been effective, as seen from the low number of cases of alcohol, gambling, and adultery, which indicate an increase in public awareness of Islamic sharia rules. However, the high number of cases compromise, especially in 2020 and 2021, indicate that although the WH has taken strict action against violators, law enforcement needs to be further strengthened to provide a greater

deterrent effect. Good cooperation between the WH, and civil society organizations has also been effective in controlling other serious violations, such as rape and sexual harassment, which were not recorded at all in the three-year data. WH surveillance in public and recreational areas also appears effective, despite the high number of cases compromise indicates the need for increased surveillance in more private or hidden places.

According to Mr. Alfian, as the Head of the Guidance, Supervision, and Counseling Section, he has initiated a strategic step by establishing the Dayah Balai Rehabilitasi Moral dan Akhlak (Berakhlak) in Lhokseumawe in 2023. This dayah functions as a coaching center for perpetrators of violating Islamic law, replacing the previously ineffective home coaching method. Before this dayah existed, perpetrators of violations often could not be found at their homes when officers came to provide coaching. With this facility, WH can ensure that violators receive structured and ongoing coaching in one safe and controlled place, namely at the Japanese Cave tourist attraction which has been used as a rehabilitation center.<sup>8</sup>

Interview with the perpetrator Dio Hendrawandi from Gayolues who committed the act compromise around Blang Panyang, he said that there are facilities for coaching for perpetrators compromise, placed in Dayah Balai Rehabilitasi Moral dan Akhlak (Berakhlak) precisely located near Goa Jepang. The guidance can provide education and enlightenment for perpetrators of acts against Islamic law, so that this guidance can provide good morals and ethics.<sup>9</sup>

Based on the above, the decision not to enforce the caning punishment as stated in the Qanun Jinayat is also part of a more pragmatic and realistic approach. Mr. Alfian said that several factors such as the lack of complete files, a large budget for the implementation of the caning law, and the absence of witnesses during the execution are the reasons why the caning punishment is not always carried out. Instead, the approach through coaching at Dayah Berakhlak is seen as more feasible and oriented towards moral rehabilitation, with the hope that violators can return to society with better behavior. This approach is also in line with other strategic steps of the WH, such as routine patrols, education, and cooperation with various parties, which overall aim to enforce Islamic law in the Lhokseumawe area in an effective and humane manner.

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<sup>8</sup> Interview with Mr. Alfian, *as Head of the Guidance, Supervision, and Counseling Section, Lhokseumawe*, July 25, 2024, 11:30 WIB.

<sup>9</sup> Interview with Dio Hendrawandi, *Perpetrator of the Act of Ikhtilath*, August 19, 2024, At 13:30 WIB.



Mean while, the Legal Basis for Walidatul Hisbah is regulated in Qanun Number 11 of 2004, which is an institution that assists the police in carrying out development, advocacy and supervision of amar makruf nahi mungkar and can function as Polsus and PPNS. Legally and formally, these two institutions have a legal umbrella. Article 1 point 13 of the Aceh Qanun on Jinayat Procedural Law states: The Wilayatul Hisbah Police (WH) is an institution that functions to carry out socialization, supervision, development, investigation, inquiry and implementation of punishment. towards the implementation of Islamic law. Wilayatul Hisbah is specifically appointed by the Governor at the provincial level, at the district or city level by the Regent or Mayor while at the Gampong level it is appointed by the local tuha peut (Gampong elder) officer.<sup>10</sup>

Wilayatul Hisbah is an official state institution established by the government of an Islamic state and reintroduced to the people of Aceh. This was done because the institution had long been unknown to the people along with the development of the era towards modernization. Historians note that Wilayatul Hisbah was a popular institution during the golden age of Islam. Therefore, the term WH in the current context is often mentioned in fiqh books, especially in as-Siyasatusy Syar'iyah, al- Ahkamus Sulthaniyyah, or an-Nuzhumul Islamiyah.<sup>11</sup>

In the decision of the Governor of NAD No. 01 of 2004 concerning the authority to establish the WH Organization, it is explained as follows:

- a. Supervise the implementation and violation of laws and regulations in the field of Islamic Sharia.
- b. Conducting spiritual guidance and advocacy for any person who, based on preliminary evidence, is reasonably suspected of having committed a violation of laws and regulations in the field of Islamic law.
- c. Reprimand, advise, prevent and prohibit anyone who is suspected of having, is or will commit a violation of laws and regulations in the field of Islamic Sharia.
- d. Transferring cases of violations of laws and regulations in the field of Islamic Sharia to investigators.

According to Article 1 paragraph (1) of Qanun Number 6 of 2014 concerning Jinayat, Aceh is a provincial area which is a special legal community unit and is given special authority to regulate and manage its own government affairs and local community interests in accordance with statutory regulations in the system and principles of the

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<sup>10</sup> 2009. Wilayatul Hisbah: Civil Service Police with special authority in Aceh. Banda Aceh: Islamic Sharia Service, page 45.

<sup>11</sup> Faisal Ali. 2013. *Acehnese Identity in the Perspective of Sharia & Custom*. Banda Aceh: Aceh Archives and Library Agency, p 45.

Unitary State of the Republic of Indonesia based on the 1945 Constitution of the Republic of Indonesia, which is led by a Governor.

The results of the research obtained in the field are cases in handling criminal cases of qanun that occur in the community, if not caught red-handed, WH only accepts complaint reports given by the community via mobile phone, because reports via mobile phone that they often receive are not reports submitted to WH by visiting the WH office, based on the report, WH members follow up on the report by visiting the scene of the crime, the difference that occurs PPNS WH, is when receiving reports from the community they do not make a report like the report given to the police, where police members act based on the police report to follow up on the case and the report will be the basis for handling criminal cases, both general crimes and qanun crimes.<sup>12</sup> Meanwhile, according to community leader Muhammad Irfan, regarding WH or the role of WH in the Aceh government, it is very helpful in enforcing Islamic law, because the effort to form WH is an important step towards a glorious Aceh that is far from the word sin, as Aceh is a city in the struggle of great ulama. In the future, WH can participate more active in resolving cases that are prohibited in the Islamic religion or Islamic law.<sup>13</sup>

In carrying out its duties, the Wilayatul Hisbah continues to be guided by criminal procedural law, but in carrying out its duties in the field, between its main duties and duties as an investigator of qanun crimes, it is often not guided by criminal procedural law, where many things are not in accordance with the handling of qanun cases. As is known, the main task of the WH police is to conduct socialization, supervision, enforcement and guidance on the implementation of Islamic law, but in practice in the field they make arrests of people who are suspected of violating qanun, this is done by the WH Police almost every day after they will patrol the Lhokseumawe City area, Aceh, even though they should be carrying out their main duties that have been outlined, not intentionally making arrests that should not be made, because the main tasks of the Wilayatul Hisbah are as follows:

1. Introducing and socializing qanun and other regulations related to Islamic law and also reminding or reinforcing good morals and morals.
2. Supervise society so that they understand existing regulations and behave with the noble morals guided by Islam.

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<sup>12</sup> Interview with the Head of Satpol PP and WH Aceh, Lhkseumawe, July 25, 2024, 13:30 WIB. WH Office.

<sup>13</sup> Interview with Community Leader Muhammad Irfan, Lhokseumawe July 25 2024, 15:00 WIB.

3. Provide guidance so that perpetrators of criminal acts do not commit immoral acts (crimes).

The role of Wilayatul Hisbah between cities/regencies as regulated in Qanun no. 11 of 2000, all roles, duties and authorities are the same, as is the WH in enforcing Islamic law, especially against violations of Qanun Jinayat, one of which is the act of The End. As such, in carrying out its duties, the WH of Lhokseumawe City has three main roles that are carried out, namely:<sup>14</sup>

- a. Moving supervision or what is called field socialization.
- b. Non-moving supervision, namely issuing brochures regarding legal regulations, warnings such as on banners or pamphlets, etc.
- c. Guidance, namely providing legal education on regulations for the community not to commit adultery,
- d. Law enforcement, as stated in Qanun Jinayat no. 6 of 2014 article 33 paragraph (1) Any person who intentionally commits the crime of adultery, is threatened with "Uqubat Hudud 100 (one hundred) lashes. So anyone who violates or does this will be prosecuted."<sup>15</sup>

Based on the author's observations, in fact in the field, there are still many cases of this kind of action. Compromised namely female and male students riding together and hugging, sitting together and so on. In the case of Ikhtilat, in this case it leads to the crime of adultery, because something that happens must have a previous background starting from the introduction, approach, to the meeting which of these things returns to each person's personality or level of faith. Based on the author's observations, in fact in the field, there are still many cases of this kind of action. Compromised namely female and male students riding together and hugging, sitting together and so on. In the case of Ikhtilat, in this case it leads to the crime of adultery, because something that happens must have a previous background starting from the introduction, approach, to the meeting which of these things returns to each person's personality or level of faith.

The Wilayatul Hisbah of Lhokseumawe City should carry out periodic supervision in accordance with Qanun Jinayat Number 6 of 2014, that WH

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<sup>14</sup> Abdul Qadir Handuh Saiman and Kamil Hadi, 2017. "*The Role of Wilayatul Hisbah Supervision on the Implementation of Islamic Sharia in South Aceh Regency*", AL-Murlahan, Vol. 3 No.2, p. 25.

<sup>15</sup> Qanun Jinayat no. 6 of 2014 article 33 paragraph (1) Any person who intentionally commits the crime of adultery is threatened with the hudud punishment of 100 (one hundred) lashes.

members should first socialize and advise, and provide warnings, if there is no change then the WH must mobilize its members to dismantle or search the place, and will continue law enforcement in accordance with the rules of the qanun that have been regulated in qanun jinayat no. 6 of 2014. The supervision process carried out by Wilayatul Hisbah Lhokseumawe City, namely by socializing the community about the Qanun, and using Friday sermons, ta'lim assemblies, and socialization by mothers members to schools. Of the three methods, Friday sermons are the most frequently used to remind and inform the local community about the contents of Qanun Jinayat No. 6 of 2014, which includes zina, khalwat, ikhtilat, maisir, liwath, sexual harassment, rape, qadhaf, musahaqah, and others.

Furthermore, the process carried out by WH in addition to the supervision process, there is coaching in the coaching process which is given different tasks according to the level of violation faced. Article 4 paragraph (3) points a, b, c, and d of the Governor's Decree Number 01 of 2004 explains the alternative actions that can be taken by Wilayatul Hisbah officers. In general, these four points state that if a violation of sharia occurs, then the coaching carried out by Wilayatul Hisbah officers is by reprimanding, advising, and warning the perpetrator; stopping their activities; and resolving the violation case through the Village Customary Meeting. These coaching actions can be considered as alternatives and can also be considered stages of coaching. Determining or identifying cases of sharia violations is one of the duties of Wilayatul Hisbah in its coaching function. If the three categories of coaching efforts (green, yellow, and red) above apply to newcomers, then for violations committed by local residents, only the first category applies, namely the green category in the form of on-site coaching.<sup>16</sup>

Based on the explanation above, WH carries out supervision of criminal actscompromisethere are several stages between others: 1. Conducting socialization regarding the existence of Aceh Qanun No. 6 of 2014 concerning Jinayat Law, which is delivered through preaching in mosque pulpits and in several pengajian halls. 2. Conducting supervision in every place where violations of Islamic Law often occur, such as coffee shops, hotels, schools, and institutions such as hospitals and various tourist attractions such as town squares, beaches, and so on.

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<sup>16</sup> Abubakar Marzuki, 2016. "*Journal of Islamic Law and Social Institutions*" Islamic Law in Aceh: A Model of Harmony and Religious Freedom. p.152

## **B. Obstacles to the Wilayatul Hisbah in Carrying Out Prevention The End In Lhokseumawe City and Efforts Made by Wilayatul Hisbah**

Wilayatul Hisbah (WH) is an institution tasked with enforcing Islamic law in Aceh, including Lhokseumawe City. One of their main focuses is to prevent the practice of *compromise*, namely the mixing of men and women who are not mahram in public places that can cause slander or violation of Islamic law norms. Wilayatul Hisbah has carried out several tasks, namely socialization and supervision. Socialization is carried out to introduce Islamic law rules to the community, while supervision is carried out by conducting raids, arresting perpetrators of violators of Islamic law, and imposing sanctions to create a deterrent effect for perpetrators of violations.

Obstacles to Wilayatul Hisbah (WH) in carrying out prevention *compromise* in Lhokseumawe City there are several interrelated aspects. First, the socio-cultural obstacles faced are resistance from the community, especially the younger generation, who have different views regarding *compromise*. In some cases, traditional values and modernity often collide, so that WH's efforts to enforce Islamic law are faced with challenges in the form of a lack of public awareness or understanding of the importance of preventing *compromise*. and legal and regulatory challenges also affect the effectiveness of the WH. Although Aceh has special autonomy in the application of sharia law, the implementation of related regulations *compromise* often face different interpretations, both in terms of law and its application in the field. This can creating legal confusion and uncertainty, which in turn affects the WH's ability to carry out its duties consistently.

Based on the above, many factors influence the effectiveness of implementing the Qanun on criminal acts. *compromise* in Lhokseumawe City, namely Referring to Soerjono Soekanto's theory, the main problems in law enforcement lie in several main aspects, namely: applicable laws and regulations, law enforcement officers responsible for implementing the law, means and facilities that support the implementation of community law, which is the subject of the law, and the legal culture that develops in society. These five factors are closely related to each other because they are the basis for law enforcement. Each of these factors also functions as a benchmark for the effectiveness of the implementation of laws.

In this case, seen in Qanun Number 14 of 2003 concerning khalwat, the author found that there is a certain form of 'uqubat (punishment) for those who violate the provisions related to khalwat in Aceh. This regulation expressly states that the act of khalwat is haram, and anyone who violates the provisions can be subject to 'uqubat ta'zir in the form of a maximum of 9 (nine) lashes. Likewise with Qanun Number 6 of 2014 concerning Jinayat Law, which is an update of Qanun Number 14 of 2003, where it is stated that khalwat is a haram act, and anyone who violates it is threatened with 'uqubat ta'zir in the form of 10 (ten) lashes.

However, there is a major weakness in Qanun Number 14 of 2003, namely the absence of authority given to the Wilayatul Hisbah (WH) to carry out detention. WH does not have the authority to detain or examine, so if detention is carried out by WH, it is considered to violate applicable legal provisions. Because Wilayatul Hisbah (WH) only has the authority to supervise enforcement Islamic law and provide guidance to violators of Islamic law in Aceh. WH does not have the authority to detain violators of sharia in Aceh, in accordance with the provisions contained in Qanun Number 14 of 2003. If WH arrests perpetrators of violations of khalwat cases or others, they must hand them over to investigators at the police, because only the police have the authority to detain.<sup>17</sup>

## **1. Solutions to Obstacles from Regulation**

Based on the obstacles above, according to the author, Aceh Qanun should mobilize or change the rules as according to Donald Black as quoted by Sadjipto Rahardjo, the dimension of human involvement in law enforcement is called legal mobilization. In this legal mobilization, humans intervene so that the law does not interfere only by threatening and promising on paper. However, after the ratification of Qanun Number 7 of 2013 concerning Jinayat Procedural Law, there were changes that provided a breath of fresh air for the enforcement of Islamic law in Aceh. This Qanun provides additional authority to the Wilayatul Hisbah to take real action in enforcing the Jinayat Qanun in Aceh. In the previous Qanun (Qanun Number 12, 13, and 14 of 2003), the authority of the WH was limited to supervising the implementation of Islamic law in Aceh. Article 7 and Article 9 of Qanun Number 7 of 2013 explain the expansion of this authority.

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<sup>17</sup> General Explanation of Aceh Qanun Number 14 of 2003 concerning Jinayat Law.

According to Qanun Number 7 of 2013 concerning Jinayat Procedural Law, investigators are Police Officers and PPNS who have been given authority by Law and/or Qanun to conduct investigations. Article 7 and Article 9 paragraph (2) explains:

(1) Investigators as referred to in Article 6, due to their duties, have the authority to:

- a. receive a report or complaint from someone about a crime;
- b. seeking information and evidence;
- c. ordering a suspicious person to stop and asking for and checking their identification; and
- d. carry out other actions according to the law responsibly and in accordance with the principles of Islamic law.

(2) Investigators as referred to in Article 6, upon the investigator's order, may carry out the following actions:

- a. arrest, prohibition of leaving the premises, search and confiscation;
- b. inspection and confiscation of letters;
- c. taking fingerprints and photographing a person; and/or
- d. bring and present someone to investigators.

(3) Investigators prepare and submit reports on the results of the implementation of the actions as referred to in paragraph (1) and paragraph (2) to the Investigator. Article 9 Paragraph (2): (2) PPNS Investigators as referred to in Article 8 paragraph (1) letter b, have the authority to:

- a. receive reports or complaints from someone regarding criminal acts violating Qanun and/or other laws and regulations;
- b. take the first action at the crime scene (TKP) and carry out an examination;
- c. ordering a suspect to stop and checking the suspect's identification;
- d. conducting searches, arrests and detentions;
- e. confiscate objects and/or documents in accordance with statutory regulations;

- f. taking fingerprints and photographing a suspect;
- g. summoning people to be heard and examined as Suspects or Witnesses;
- h. bringing in expert witnesses needed in connection with the case examination;
- i. make a Letter of Order to Commence Investigation (SPDP) to the Public Prosecutor with a copy to the PPNS supervisor after first coordinating with the supervisor;
- j. terminate the investigation after coordinating with the public prosecutor that there is insufficient evidence or the incident is not a criminal act and a copy is submitted to the PPNS Supervisory Committee and then notify the suspect or his attorney of this; and/or
- k. carry out other actions in accordance with statutory regulations

#### **4. CONCLUSION**

Based on the research results and discussion above, the author concludes this research, namely:

The implementation of the authority of the Wilayatul Hisbah (WH) in Lhokseumawe City in preventing ikhtilath involves strategic steps such as routine patrols in public places, education through lectures and socialization, and law enforcement against violators of Islamic law in accordance with Qanun Jinayat Number 6 of 2014. Although the WH has succeeded in controlling most violations such as alcohol, gambling, and adultery, cases of ikhtilath are still dominant, especially in previous years. To increase the effectiveness of coaching, in 2023 the WH established the Dayah Balai Rehabilitasi Moral dan Akhlak (Berakhlak) as a rehabilitation center for violators of sharia, replacing the ineffective home coaching method. The Wilayatul Hisbah (WH) in Lhokseumawe City faces various obstacles in preventing compromise, including socio-cultural resistance, resource constraints, legal challenges, and institutional dualism. To address this, Qanun Number 7 of 2013 expanded the authority of the WH in law enforcement, although structural and social obstacles remain major challenges.

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