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A study of policy implementation strategy of the Shari'ah in Aceh Barat

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Abstract

The aim of the study is to investigate the policy implementation strategy of the Shari'ah in Aceh Barat. The research method is qualitative with primary and secondary data collection. Data analysis is conducted with descriptive analysis and qualitative approach. The results of this research show the necessity of the development strategy of socialization to the community in the implementation of the qanun. Furthermore, education support and people understanding are also important to the implementation strategy well underway. In conclusion, the formation of rules for the offenders as well as non-Muslim and foreigners should be in the implementation strategy.

Keywords: Islamic, Shari'ah, implementation, policy, strategy.

Un estudio de la estrategia de implementación de políticas de la Sharia en Aceh Barat

Resumen

El objetivo del estudio es investigar la estrategia de implementación de políticas de la Sharia en Aceh Barat. El método de investigación es cualitativo con la recopilación de datos primarios y secundarios. El análisis de los datos se realiza con análisis descriptivo y enfoque cualitativo. Los resultados de esta investigación muestran la necesidad de la estrategia de desarrollo de socialización para la comunidad en la implementación del qanun. Además, el apoyo a la educación y la comprensión de la gente también son importantes para la estrategia de implementación en curso. En conclusión, la formación de reglas para los delincuentes, así como para los no musulmanes y extranjeros, debe estar en la estrategia de implementación.

Palabras clave: islámica, sharia, implementación, política, estrategia.

1. INTRODUCTION

In general, the implementations of Islamic Shari'ah in Aceh Barat have its own challenges and weaknesses in its implementation. Several regulations of the Islamic Shari'ah in Aceh Barat are based on regency's qanun. The qanuns are i.e. qanun number 11/2002 (about Islamic dress), the Qanun No. 12/ 2003 (prohibit the use of alcohol), the Qanun No. 13/ 2003 (banning gambling) and qanun No. 14/ 2003 (prohibit doing seclusion). The overall results of the implementation of the qanuns above have not shown maximum results in applying Islamic Shari'ah implementation. Aceh Barat regency is a Regency in the Aceh Province which is designated as a city of unity that prioritize the implementation of Islamic Shari'ah based on Mazhab Syafi'I as one of

the flagship programs of the local government. Aligned with the implementation of the policy by the Government of Aceh Barat, based on reviews in the community, the results up to now shows there are still weaknesses of these policies (Nauendorf, 2012).

2. LITERATURE REVIEW

According to Anderson (2008), there are three reasons (aspects) that influenced public policy, which is: consideration or scientific reasons. Public policies are studied to gain deeper knowledge. Originally, the process is started by policy development, and the consequences arising for the community. According to the Freeman Wednesday and Sherwood, the policy development process model (social-policy development process model) can be divided into 3 stages which are the identification, implementation, and evaluation. The process of the formulation of this policy can be described in Figure 1 (Pearson, 2006).

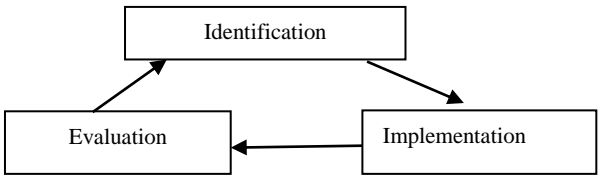


Figure 1: The Triangular Model of Policy Formulation

Phase identification, according to the Freeman Wednesday and Sherwood is an issue and needs; this is the first step in the formulation

of social policies. This step includes gathering data about the social problems that are experienced by communities and identify the community needs that have not been fulfilled (unmet needs). The implementation of policies, according to Vanmeter (1975), is a complex process that even rarely politically charged with the intervention of various interests. The actions that are done either by individuals or officials or groups of private or government directed vendors, often the goals are outlined in its discretion; As well as, the implementation is considered simple even though this assumption is misleading. In other words, there seems to contain no major issue.

Implementation problems are assumed as a row of decisions and daily interactions that do not actually need to get the attention of scholars in the study of politics. Implementation policy is conducted through different approaches to the analysis of how policies are implemented and put into practice. The question in the above approach conveys in a framework for Top-Down and Bottom-up framework that it tends to simplify the complexity of implementation. Two early models that integrate and develop the views of both approaches is a model developed by (Lewis and Flynn, 1978).

Implementation of the policy, in fact, is uncertainty about the policy goals and objectives; vagueness and ambiguity about policies and uncertainty about its implementation; complex procedures; inconsistencies between power and the problem; and the conflict comes from the participation of the public; and the activity of the political strife and suppressor Group. Interaction with organizations

and institutions outside the context means also that the purpose of the policy is not a source of guidelines for action. Therefore, very important to know that the actions of conflict resolution between the two policy areas of priority may precede. The formulation of procedures for addressing the policy with similar cases in the future or with what is perceived according to the situation rather than fulfilling its original purpose (Suharto, 2012).

Evaluation of the policy, according to Winarno (2007) evaluation is the assessment itself but at the same time is also a tautology. Evaluation is a question of fact and logic and it is more important than the most important. As for the function, evaluation policy plays several key functions in analyzing policy. Firstly, the evaluation provides information which is valid and reliable regarding performance how far the need, value and opportunity must be achieved through the actions of the public. Then this evaluation reveals how far the destination is certain and specific targets have been in accomplished. Secondly, an evaluation must analyze the contributions, clarification and critique of the values that underlie the selection of goals and targets. Thirdly, the evaluation must analyze the contribution on the application methods of other policies include the formulation of problems and recommendations.

2.1. The Concept of Islamic Jurisprudence

The implementation of Islamic Shari'ah in Aceh is currently

based on the legislation of the Republic of Indonesia Number 44/ 1999 about the Organization of the specialness of Aceh. Act No. 18 / 2001 about Mangrove Aceh Darussalam Autonomy and Act no. 11/ 2006 about the Government of Aceh (Dunn, 1992).

3. THE CORNERSTONE THEORY

3.1. Marxist Theory

This theory introduced by Sugiyono (2005) which is about mixed scanning theory that is used as an approach to decision making. It is relatively different from the theory of decision making before. Mixed-scanning theory considers both the fundamental theory of rational decision comprehensive and incremental. The theory of mixed scanning will involve elements of the above approaches by using two cameras: camera with a large angle of coverage that will include all the parts from the view but not so detail and the second camera which is not covering the area great but would have even more detail. There is a small possibility of getting difficult in areas that are not so well known. Mixed scanning theory decision makers use either rational-comprehensive theory or the theory of incrementalism in different circumstances. Mixed scanning theory considers the different decision-makers, usually the higher the ability of decision makers, in providing power to carry out his decision.

Then the more scanning which excluded and the more coverage

in the scanning which make the decision maker more effective. This theory state that to be a sort of compromise with the approach using a combination of instrumentalism theory with rationalism. The incremental theory is to find out about policy in decision-making which is simultaneously conducted by the Government in the past by making alterations as needed (Lindblom, 1968).

4. RESEARCH METHODS

The location of this research is in the Aceh Barat Regency of Aceh Province. Aceh Barat consists of 12 districts. This research is field research and begins in January 2016 until October 2016. This research was using primary and secondary data; primary data is the result of in-depth interviews and the direct key informants associated with Regent, former Regent of Aceh Barat, Scholars, academics, Office of the Islamic Shari'ah, Department of education. Determination of the informants using snowball sampling in which the determination of the smallest number of informants to the largest amount so that it reaches the saturation data. The main Instrument used in this study is simple. It is expected to complement the data and compare with the data that has been found through observation and interviews. The researcher will conduct the research by performing data collection, analysis and conclusion.

Data analysis is conducted using qualitative descriptive analysis. In general, analysis is complex in terms of organizing the data (results) of

interviews from informants. As for making the definition of the operational concept in this research are as follows:

4.1. Implementation of the Policy

Policy Implementation is a complex process and often is influenced by politically charged with the interventions of the various interests. As well as the actions that are done either by individuals or officials or groups of private or Government directed vendors that have goals outlined in its discretion.

4.2. Evaluation Policy

Evaluation of the assessment itself but at the same time is also a tautology. Therefore, the assumption of evaluation is a question of opinion or taste. Evaluation is a question of fact and logic and it is more important than the most important.

4.3. The Islamic Shari'ah

The Islamic Shari'ah in Aceh is currently based on the legislation of the Republic of Indonesia no. 44/1999 about the Organization of the specialness of Aceh; Act No. 18/ 2001 about Aceh

Darussalam Autonomy and Act no. 11/ 2006 about the Government of Aceh.

4. RESULTS AND DISCUSSION

4.1 Identification of Social Issues

Identification of social issues stress the two aspects: Social problems and identify community needs which have not been fulfilled. According to Soerjono (2003), social problems are the result of the development process of the community. This means that the problem indeed reasonably arises when undesirable existence of barriers against new discoveries or a new idea. Many changes in society are beneficial, although it may result in a few problems arisen especially when changes take place quickly and relentlessly. Implementation of Islamic Shari'ah in Aceh Barat is derivative legislation resulting from the thinking of scholars and translated as well as make it through local regulations (PERDA) about Islamic Shari'ah in various areas in Aceh. Aceh Barat district as part of Aceh province has been granted privileges by the Government in the implementation of the Islamic Shari'ah; however, the community still shows less concern and support in the running of the Shari'ah Islam.

This is demonstrated each year by the number of cases that not too much different. Despite this fact, the khalwat cases are still common even though is not been well documented, due to still weak rules and implementation approaches. Therefore, there needs a

movement strategy in the implementation of comprehensive rules in applying Islamic Shari'ah in Aceh Barat. The results of the above data make interpretation of policy the Government of Aceh Barat in the setting of regency regulation Number 5/ 2010 about the application of the Shari'ah of Islam in the Aceh Barat regency. Implementation of Islamic Shari'ah in Aceh Barat Regency after the implementation of regency regulation no.5/ 2010 runs continuously but in its application, the cases are increasing, as in Figure 2 as follows:

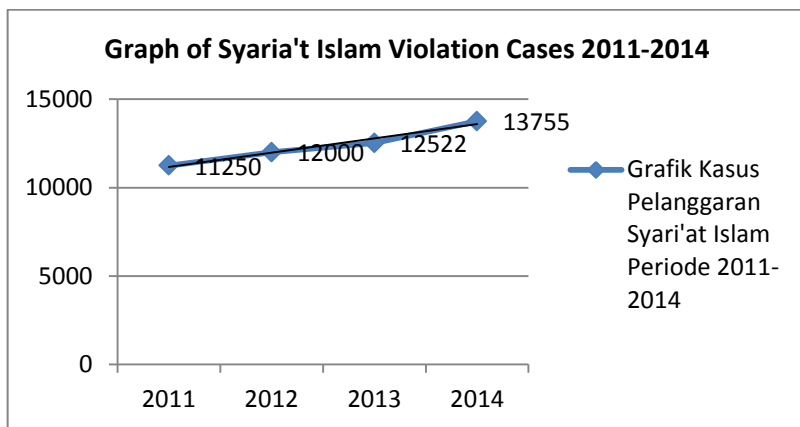


Figure 2: Cases of violations of Islamic jurisprudence 2011-2014
Period

Source: Wilayatul Hisbah Aceh Barat

The results of the identification, with the key informants on July 25th, 2016 at the service of the Shari'ah of Islam West Aceh Regency, shows that the case handling of the violation of Shari'ah of Islam has not been running at maximum level. Therefore, the community requires rules that are binding and rules or Qanun which gives

deterrent effect to whom violated Islamic Shari'ah as well as the development of the Islamic Shari'ah character early on. The Islamic Shari'ah needs to include in education as local content at the elementary school level up to the college. The Government begins to publish the rules in the implementation of the qanun jinayah no. 7/2014. The number of violations of Shari'ah law is 13,755 cases; however, there is a significant decline in the Shari'ah Islam violation case in 2015 with about 282 cases. The implementation of the qanun jinayah can reduce violations of Islamic Shari'ah among the public.

4.2 Problems in the policy implementation of the Islamic Shari'ah

There are several problems among the public in the implementation of the policy of the Islamic Shari'ah in Aceh Barat: a. the lack of socialization into the community in the implementation of the qanun, b. There are people/Muslims that are very persistent in the position of opposing and very anti with Islamic Shari'ah, c. lack of development of religious values early toward the next generation, d. the current globalization with western culture has become the atmosphere among the public, and e. the lack of supervision of the parents to the child in using the smartphone. More details are shown in Table 1.

Table 1: Islamic Shari'ah Implementation based on matrix

| Results | Output |
|---|---|
| <p>1. Approach to the community in the implementation of Islamic Shari'ah is indeed very hard to do because some people do not have universally understanding about the Islamic Shari'ah in Aceh Barat.</p> <p>2. Application of pattern by implementing a small part of the task in the field regarding the Islamic sharia is not humanistic make Community against Islamic Shari'ah.</p> <p>3. The lack of the role of parents in guiding children makes the children easily influenced by modernization which is detrimental to the children which can be seen in the common violation cases which is Muslim clothing violation among adolescents.</p> | <p>1. The necessity of actively and sustainability approach by stakeholders from the very top to the very bottom in the implementation of the Islamic Sharia.</p> <p>2. The need for synchronization to the level of perception that the actions taken must be based on Islamic principles.</p> <p>3. The need for the role of parents to communicate the values of the Shari'ah of Islam to children so the implement Islamic Sharia qanun will be easier.</p> |

Source: The results of Islamic Shari'ah Qanun Socialization (2018)

Output results of the Community Approach in applying Islamic Shari'ah is indeed very hard to do because some people do not have universally understanding about the Islamic Shari'ah in Aceh Barat. Application of pattern by implementing a small part of the task in the field regarding the Islamic Shari'ah is regarded as not humanistic which make the community against Islamic Shari'ah. The lack of the parents' role in guiding children makes children are easily influenced by modernization which is detrimental to the children. It can be seen in most cases of qanun violation is Muslim clothing among adolescents.

The necessity of active and sustainable approach by stakeholders from the very top to the very bottom in the implementation of the Islamic Shari'ah. The need for synchronization to the level of perception that the actions taken must be based on Islamic principles. The need for the role of parents to communicate the values of the Shari'ah of Islam to children so the implementation of Islamic Shari'ah qanun will be easier (Ulandari et al., 2019).

5. CONCLUSIONS AND SUGGESTIONS

Implementation strategy of Shari'ah in the West Aceh Regency is based on Act No. 11 2006 about the Aceh Government. The application of Islamic jurisprudence is a major aspect to value in making government policy in the whole area of Aceh. Aceh Barat Regent Regulation No 5/ 2010 about the obligation of wearing the Islamic fashion for the sake of enforcing whole Islamic jurisprudence is based the Aceh Barat government to make the West Aceh town of Tauhid and Syafi'iyah. However, this only became a political symbol; because in the process of the implementation of Shari'ah in the Aceh Barat Regency is still found an increase of the cases of violations of Islamic jurisprudence, particularly the Muslim clothing regulation.

Hence the strategy against ongoing policies is needed to develop and provide knowledge and understanding of Islam to the people. So, they will understand about Islam and the importance of the implementation of the Islamic jurisprudence in kaffah. Based on the

results of the implementation of the application of Shari'ah Qanun Islam in Aceh Barat district, it is discovered that the need for the development of strategies in the socialization to society about the application of the Qanun, the need for education support and understanding of the people so that strategy implementation well underway, the formation of regulation strategy both for the non-Muslims or foreign national offenders, the strategy implementation that show the objections against the intervention of certain groups outside Aceh that illustrates the law enforcement of Islamic Shari'ah is violating human rights.

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