

## A Review of Islamic Criminal Law on *Non-Penal* Policies in Combating Sexual Violence in Banda Aceh City

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### Abstract

The crime of sexual violence arises from the intention and opportunity of the perpetrator due to the lack of conditions that provide legal protection for the victim. Therefore, it is important to carry out policies and preventive measures before the crime of sexual violence occurs. This research focuses on non-penal policies, namely policies that are more preventive. This study aims to examine the review of Islamic criminal law in looking at the non-penal policies that have been carried out by the Banda Aceh City Government in overcoming sexual violence. The research method used in this study is empirical legal research with a sociological approach and the main data source is the policy carried out by the Banda Aceh City Government, in terms of tackling sexual violence, then the data obtained from the field will be seen in the perspective of Islamic criminal law. As for the results of this research, many efforts have been made to minimize the occurrence of sexual violence crimes in the city of Banda Aceh. Among them, there is the role of the Pamong Praja Police Unit (Satpol PP) and the Wilayatul Hisbah Police Unit in enforcing qanun, as well as the appointment of Muhtasib Gampong personnel. In addition, the Banda Aceh City Government also issued a Mayor's Circular Letter containing an appeal to wear Muslim/Muslim women's clothing, and the Islamic Sharia Office through the Da'wah Field routinely runs programs in the context of overcoming sexual violence. The various non-penal policies implemented by the Banda Aceh City Government are basically in line with the principles required by Islamic law, and can be categorized as part of the provisions of *ta'zir*. However, based on the understanding of the Qur'an and Hadith, Islamic criminal law essentially emphasizes preventive aspects that are rooted in people's personal awareness, such as maintaining views, regulating associations, controlling lust, and other behaviors that can prevent offenses.

**Keywords:** Non-penal Policy, Sexual Violence, Islamic Criminal Law.

### Abstrak

Tindak pidana kekerasan seksual timbul dari niat dan kesempatan pelaku karena minimnya kondisi yang memberikan perlindungan hukum bagi korban. Sehingga pentingya melakukan kebijakan serta langkah-langkah pencegahan sebelum terjadinya kejahatan kekerasan seksual. Penelitian ini berfokus pada kebijakan non-penal yakni kebijakan yang lebih bersifat preventif. Penelitian ini bertujuan untuk mengkaji tinjauan hukum pidana Islam dalam melihat kebijakan non-penal yang telah dilakukan Pemerintah Kota Banda Aceh dalam penanggulangan kekerasan seksual. Metode penelitian yang digunakan dalam penelitian ini adalah penelitian hukum empiris dengan pendekatan sosiologis dan sumber data utama adalah kebijakan yang dilakukan oleh Pemerintah Kota Banda Aceh, dalam hal penanggulangan kekerasan seksual, kemudian data yang diperoleh dari lapangan akan dilihat dalam perspektif hukum pidana Islam. Adapun hasil dari penelitian ini banyak upaya yang telah dilakukan untuk meminimalisir terjadinya kejahatan kekerasan seksual di Kota Banda Aceh. Di antaranya, terdapat peran Satuan Polisi Pamong Praja (Satpol PP) dan Unit Polisi

Wilayatul Hisbah dalam menegakkan qanun, serta penunjukan tenaga Muhtasib Gampong. Selain itu, Pemerintah Kota Banda Aceh juga menerbitkan Surat Edaran Wali Kota yang berisi imbauan untuk mengenakan busana Muslim/Muslimah, dan Dinas Syariat Islam melalui Bidang Dakwah secara rutin menjalankan program-program dalam rangka penanggulangan kekerasan seksual. Berbagai kebijakan non-penal yang dilaksanakan oleh Pemerintah Kota Banda Aceh pada dasarnya sejalan dengan prinsip-prinsip yang dikehendaki oleh syariat Islam, dan dapat dikategorikan sebagai bagian dari ketentuan *ta'zir*. Namun demikian, berdasarkan pemahaman terhadap nash-nash Al-Qur'an dan Hadis, hukum pidana Islam secara esensial lebih menekankan aspek preventif yang berakar pada kesadaran pribadi masyarakat, seperti menjaga pandangan, mengatur pergaulan, mengendalikan hawa nafsu, dan perilaku lainnya yang dapat mencegah terjadinya pelanggaran.

**Kata kunci:** Kebijakan Non-penal, Kekerasan Seksual, Hukum Pidana Islam.

## Introduction

Cases of sexual violence have recently become increasingly reported, both through print media, electronic media, social media, television, and other information channels.<sup>1</sup> Ironically, it is not uncommon for such incidents to occur in our immediate environment, with the perpetrators actually coming from circles known or trusted by the victim.<sup>2</sup> This phenomenon shows that sexual violence is no longer considered a taboo issue in Indonesian society. This situation is certainly very concerning and requires serious attention from the Law Enforcement Apparatus (APH) to take concrete steps in dealing with cases that are increasingly showing significant increases.<sup>3</sup> As a country that upholds cultural values, customs, and decency, Indonesia is required to provide a comprehensive response to this problem.<sup>4</sup> Therefore, sexual violence needs to continue to be studied in depth in order to formulate a more systematic and massive prevention strategy in society.<sup>5</sup>

Based on data from the Ministry of Women's Empowerment and Child Protection (KPPPA),<sup>6</sup> during the period from January to September 2023, there were 19,593 cases of violence against women and children throughout Indonesia. This number is real-time data that was updated at 14.35 WIB and collected through the Online Information System for the Protection of Women and Children (Simfoni PPA). Of the total cases recorded, the most dominant type of violence was

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<sup>1</sup> Ira Aini Dania, "Kekerasan Seksual Pada Anak," *Ibnu Sina: Jurnal Kedokteran Dan Kesehatan-Fakultas Kedokteran Universitas Islam Sumatera Utara* 19, no. 1 (2020): 46–52. <https://doi.org/10.30743/ibnusina.v19i1.15>

<sup>2</sup> S H Ismantoro Dwi Yuwono, *Penerapan Hukum Dalam Kasus Kekerasan Seksual Terhadap Anak* (MediaPressindo, 2018). h. 1-24.

<sup>3</sup> Rosania Paradias and Eko Soponyono, "Perlindungan Hukum Terhadap Korban Pelecehan Seksual," *Jurnal Pembangunan Hukum Indonesia* 4, no. 1 (2022): 61–72. <https://doi.org/10.14710/jphi.v4i1.61-72>

<sup>4</sup> Zaenal Abidin, "Manajemen Peningkatan Mutu Pendidikan Karakter Berbasis Agama, Budaya, Dan Sosiologi," *Al-Afkar, Journal For Islamic Studies*, 2021. <https://doi.org/10.31943/afkarjournal.v4i1.167>

<sup>5</sup> Polres Pidie, "Penerapan Qanun Aceh Nomor 6 Tahun 2014 Tentang Hukum Jinayah Kepada Pelaku Pelecehan Seksual Di Wilayah Hukum Polres Pidie" 4 (2024): 174–97.

<sup>6</sup> <https://kekerasan.kemenpppa.go.id/>, accessed May 17, 2025.

sexual violence with 8,585 cases, followed by physical violence with 6,621 cases, and psychological violence with 6,068 cases.

Similarly in Aceh, based on data recorded at the Aceh Women's Empowerment and Child Protection Office (DP3A<sup>7</sup>), in the last three years the number of cases of sexual violence against women and children has fluctuated. In 2020, there were 905 cases, increasing to 924 cases in 2021, and reaching a peak in 2022 with 1,029 cases. However, in 2023 there was a significant decrease, namely 575 cases. This decrease of around 50% shows the effectiveness of the efforts and policies taken by the Aceh Government, including the regulations enforced and the active involvement of the community in supporting the implementation of rules related to the prevention of sexual violence. This has a positive impact on the decrease in the number of cases of sexual violence in Aceh.

If you look back, the existence of Aceh as a special region with special legality gives authority for its government to implement Islamic sharia in its territory.<sup>8</sup> This allows Aceh to have the freedom to regulate and formulate its own policies for its territory, as long as the policy does not conflict with the provisions of national law that are final and cannot be challenged.<sup>9</sup> With this freedom, the Aceh government has issued many regulations in both the civil and criminal fields, known as qanun or special regional regulations for the Aceh region.<sup>10</sup>

Qanun Jinayat Aceh Number 6 of 2014 concerning the Aceh Jinayat Law regulates various criminal acts (jarimah), including gambling/maisir, liquor/khamar, khalwat, ikhtilath, adultery, sexual harassment, rape, qadzaf, liwath, and musahaqah. From the scope of jarimah regulated in the Qanun, the author sees that sexual violence is one of the types of jarimah regulated in Qanun Jinayat Aceh Number 6 of 2014 concerning the Law of Jinayat.<sup>11</sup>

In this section, the researcher presents several previous research results that are relevant to the study to be conducted, so that the extent of originality, novelty, and position of this research can be seen in the context of existing studies. Each research result presented has a relationship and relevance to the problem to be researched. One of them is a research conducted by Sumardi

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<sup>7</sup> <https://dinaspppa.acehprov.go.id/>, accessed on May 17, 2025

<sup>8</sup> Taufik Adnan Amal, *Islamic Sharia Politics: From Indonesia to Nigeria* (Alvabet Library, 2004). p.1-30.

<sup>9</sup> Muji Mulia, "Implementation of Sharia-Based Governance in Aceh" (Sahifah, 2020).

<sup>10</sup> Masrino Ganapradipta, "The Regulation of Jinayat Law in Qanun of Nanggroe Aceh Darussalam Province" (University of August 17, 1945 Surabaya, 2021).

<sup>11</sup> Dicky Armanda, Yusrizal Yusrizal, and Nurzamli Nurzamli, "Implementation of Qanun Aceh No. 6 of 2014 on Jinayah Law," *Asia-Pacific Journal of Public Policy* 6, no. 2 (2020): 59–105.

Efendi and Dar Kasih<sup>12</sup> entitled "*Efforts to Overcome Sexual Violence Against Children in West Aceh in the Perspective of Islamic Law*." The results of the study show that in 2021, West Aceh Regency, based on data from the Integrated Service Center for Women's and Children's Empowerment (P2T2A) of West Aceh, recorded 5 cases of sexual violence. The percentage of sexual violence cases is high, which is 27.7% of the total 18 cases of violence against children. Sanctions that can be imposed on perpetrators of sexual violence against children from an Islamic perspective include hudud jarimah, qishas and diat, and ta'zir jarimah. Especially for perpetrators of sexual violence against children, the criminal sanctions that can be imposed are in the form of ta'zir, where the determination of the punishment is the authority of ulil amri (government/law enforcement). The suggested countermeasures are to socialize the 4P program, namely Mentoring, Protection, Imposition of Sanctions, and Recovery, to the community.

Second, a study conducted by Dicky Armanda, et al<sup>13</sup>, entitled "*Strategy for the implementation of Qanun Number 6 of 2014 concerning Jinayat Law in Aceh*" shows that the implementation of Qanun Jinayat has not been running optimally. This is due to the lack of effective communication between stakeholders and the inconsistent treatment of qanun violators, resulting in inequality in its implementation. Third, research conducted by Nuzulul Rahmi and Nofriadi<sup>14</sup> on strategies to overcome sexual violence against children by the Women's Empowerment, Child Protection, Population Control, and Family Planning Office in Banda Aceh City, shows that efforts to overcome sexual violence against children include aspects of handling, protection, and prevention. In dealing with cases of sexual violence, synergistic cooperation from various elements, both government, community, and parents, is very necessary. Victims and people who experience or witness cases of sexual violence are expected to immediately report the incident to the authorities. It is hoped that the community and policy makers can be more participatory in efforts to overcome sexual violence against children.

Based on a number of previous studies relevant to this study, the author considers that there has been no study that specifically discusses non-penal policies carried out by the government in

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<sup>12</sup> Sumardi Efendi and Dar Kasih, "Efforts to Overcome Sexual Violence Against Children in West Aceh in the Perspective of Islamic Law," *Legalite: Journal of Islamic Legislation and Criminal Law* 7, no. 2 (2022): 88–100. <https://doi.org/10.32505/legalite.v7i2.4705>

<sup>13</sup> Junaidi Junaidi, Muhammad Rusdi bin Muhammadiyah, and Muhazir Muhazir, "Revitalization of the Application of Qanun Number 6 of 2014 concerning Jinayat Law in Langsa City of Aceh," *Al-Manabij: Journal of Islamic Law Studies* 14, no. 1 (2020): 147–60. <https://doi.org/10.24090/mnh.v14i1.3261>

<sup>14</sup> Nuzulul Rahmi and Saddam Rassanjani, "Strategies for Countering Sexual Violence Against Children by the Women's Empowerment Office, Child Protection, Population Control and Family Planning in Banda Aceh City," *Student Scientific Journal of the Faculty of Social & Political Sciences* 8, no. 1 (2023).

dealing with sexual violence in the city of Banda Aceh. Previous studies tend to focus more on the aspect of sanctions (penal policies) and strategies for the implementation of sexual violence in general. Therefore, this study is directed to examine in depth the review of Islamic criminal law on non-penal policies in dealing with sexual violence in the city of Banda Aceh. It is hoped that the results of this study can contribute valuable information as a reference in formulating policies or efforts to prevent and handle sexual violence, especially in the context of the application of Islamic criminal law.

### **Research Methods**

This research is an *empirical*/legal research with a qualitative approach through field research, which is interpreted as a research procedure that produces descriptive data in the form of written or spoken words from the research subject and observed behavior.<sup>15</sup> This type of research is descriptive, with the aim of describing and interpreting the data as it is based on real conditions in the field.<sup>16</sup> The research location was centered on the city of Banda Aceh, which was chosen based on data showing a significant decrease in sexual violence cases in Aceh Province from 2022 to 2023, thus encouraging researchers to further examine non-penal policies implemented by city governments in efforts to address sexual violence.<sup>17</sup> This study uses two types of data, namely primary data and secondary data. Primary data was obtained directly from the resource persons through interviews and observations, which included the Banda Aceh City Wilayatul Hisbah, the Pamong Praja Police Unit, the Banda Aceh City Islamic Sharia Office, Community Leaders, the Banda Aceh City Shura Council, the Women's Empowerment and Child Protection Office (DP3A), and the Banda Aceh City Women and Children Protection Unit (UPTD PPA).<sup>18</sup> Meanwhile, secondary data was obtained through documentation studies of supporting sources such as official documents, books, archives, laws and regulations, and relevant literature.<sup>19</sup> The data collection techniques in this study include observation, in-depth interviews, *focus group discussions* (FGD), and documentation studies, while data analysis is carried out in a descriptive-qualitative manner by going through the stages of data reduction, data presentation, and drawing conclusions or verification.

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<sup>15</sup> Seva Maya Sari and Toguan Rambe, "Preventive Measures against Sexual Violence on Campus (Study at UIN North Sumatra and UIN Syahada Padangsidimpuan)," *YUSTISI* 11, no. 2 (2024): 174–83. <https://doi.org/10.32832/yustisi.v11i2.16673>

<sup>16</sup> Zainuddin Ali, *Legal Research Methods* (Sinar Grafika, 2021). p. 1-35.

<sup>17</sup> Budi Julardi et al., *Legal Research Methods* (CV. Gita Lentera, 2023). p.2-20.

<sup>18</sup> Jonaedi Efendi, Jhonny Ibrahim, and Prasetijo Rijadi, "Legal Research Methods: Normative and Empirical," 2016. ch. 1-50.

<sup>19</sup> Nurul Qamar et al., *Legal Research Methods* (CV. Social Political Genius (SIGn), 2017). ch. 1-44.

## **Research and Discussion Results**

### **Sexual Violence Prevention Policy in Banda Aceh: Synchronization between Qanun Jinayat and Local Government Preventive Efforts**

This research focuses more on the analysis of *non-penal* policies in dealing with sexual violence.<sup>20</sup> Sexual violence often arises as a result of the intention and opportunity of the perpetrator, which is generally triggered by the lack of protection systems available to the community.<sup>21</sup> Therefore, prevention efforts before the occurrence of sexual violence crimes are very important to be carried out. In this context, preventive criminal policies, namely *non-penal* policies, are very relevant, especially because this approach emphasizes more on the identification and handling of factors that correlate and have the potential to cause crimes, rather than the *repressive* penal approach.<sup>22</sup>

Non-penal *policies* are oriented towards preventive measures through education, socialization, community involvement, and strengthening institutions related to victim protection and empowerment.<sup>23</sup> In line with this approach, Article 79 paragraph (3) of Law Number 12 of 2022 concerning the Crime of Sexual Violence<sup>24</sup> emphasizes that the implementation of the prevention of sexual violence crimes must be carried out by paying attention to the principles that support comprehensive protection and prevention efforts, as follows:

- a. Conflict situations;
- b. Disaster;
- c. Geographical location of the region;
- d. Other special situations.

Non-penal *policies* are seen as more effective in dealing with sexual violence crimes because they are able to touch the root of the problem directly, especially in the context of the educational unit environment, before the crime occurs.<sup>25</sup> This approach does not solely rely on the deterrent

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<sup>20</sup> Ibrahim Sinambela, "Analysis of the Protection of Crime Victims as Part of Non-Penal Policy," *DICTUM* 2, no. 3 (2023): 67–74. <http://dx.doi.org/10.46930/diktum.v2i3.3749>

<sup>21</sup> Cahya Wulandari, "Non-Penal Criminal Policy with Techno Prevention (Analysis of Negative Content Prevention via the Internet)," *Pandecta Research Law Journal* 15, no. 2 (2020): 228–41. <https://doi.org/10.15294/pandecta.v15i2.23650>

<sup>22</sup> Beby Suryani Fithri, "Integral Approach of Penal Policy and Non-Penal Policy in Combating Child Crimes," *Doctrine: Journal of Law* 1, no. 2 (2018): 69–89. <https://doi.org/10.31289/doctrine.v1i2.1922>

<sup>23</sup> Resty Mutiara, "Non-Penal Policy for Countering Crimes Committed by the Land Mafia," *Lex Lata* 4, no. 1 (2022).

<sup>24</sup> Desi Puspita Sari et al., "Legal Protection for Victims of Sexual Harassment According to the Perspective of Law Number 12 of 2022 concerning the Crime of Sexual Violence," *Al-Qisth Law Review* 7, no. 1 (2023): 65–87. <https://doi.org/10.24853/al-qisth.7.1.65-87>

<sup>25</sup> Fiqih Rizki Artioko, "The Adoption of Meaningful Community Participation in Law Number 13 of 2022 concerning the Second Amendment to Law Number 12 of 2011 concerning the Establishment of Laws and Regulations," *Al-Qisth Law Review* 6, no. 1 (2022): 52–83. <https://doi.org/10.24853/al-qisth.6.1.52-83>

effect through the threat of punishment as commonly found in *penal policies*, but emphasizes the importance of preventive measures that are educational and promotive. Non-penal policies should not only be interpreted as instruments that foster fear of sanctions due to violations of written regulations, but must be implemented in a sustainable manner through various strategies that can prevent, deter, and control the potential for sexual violence.<sup>26</sup>

The strategy includes strengthening moral values, increasing legal awareness, supervising the social environment, and the active involvement of all parties, including educational institutions, families, and the community in creating a safe and conducive environment for all citizens, especially children and women as vulnerable groups. Prevention needs to be carried out in ways that prevent before crime occurs, including:<sup>27</sup>

- a. Handling the object of crime with physical or concrete means to prevent the relationship between the perpetrator and the object with security, providing supervision to the object of crime;
- b. Reducing or eliminating the opportunity for crime with environmental improvements;
- c. Counseling awareness about shared responsibility in the occurrence of crime which will have an influence on crime prevention.

The Banda Aceh City Government, together with various parties who have concerns about the issue of sexual violence, have formulated and implemented a number of policies in order to overcome the crime of sexual violence in the region.<sup>28</sup> These policies are part of the implementation efforts of *Qanun* Aceh Number 6 of 2014 concerning the Jinayat Law, which normatively provides a legal basis for the handling and prevention of sexual crimes in Aceh.<sup>29</sup> Through an integrated approach between preventive, educational, and repressive aspects, local governments seek to create a comprehensive legal protection system for the community, especially vulnerable groups such as women and children, including:

1. From the policy side of the policymakers, the Banda Aceh City Government has had a role in efforts to handle cases of sexual violence in the city of Banda Aceh, to implement its

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<sup>26</sup> Vina Rohmatul Ummah, "Legal Politics of the Establishment of Law Number 13 of 2022 concerning the Second Amendment to Law Number 12 of 2011 concerning the Establishment of Laws and Regulations," *Staatsrecht: Journal of State Law and Islamic Politics* 2, no. 2 (2022).

<sup>27</sup> Yaffi Jananta Andriansyah, "The Criminalization of Forced Marriage in Law No. 12 of 2022 concerning the Crime of Sexual Violence from the Perspective of the Theory of Maslahah Mursalah Imam Ghazali" (Maulana Malik Ibrahim State Islamic University Malang, 2023).

<sup>28</sup> Maisa Putri, "Analysis of Cases of Human Rights Degradation in Women (Case Study: Sexual Harassment of Women in Banda Aceh City)," *Student Scientific Journal of the Faculty of Social & Political Sciences* 9, no. 1 (2024).

<sup>29</sup> Rina Safputri, "The Strategy of the Indonesian Family Planning Association (PKBI) in Anticipating Risky Sexual Behavior for Adolescents in the City of Banda Aceh" (UIN AR-RANIRY, 2020).

policies related to the implementation of Qanun about jinayat. The city of Banda Aceh has a Pamong Praja Police Unit (Satpol PP) and the Banda Aceh City Wilayul Hisbah in accordance with the Aceh Government Law Article 244 paragraph 2. The Governor/Regent/Mayor in the enforcement of Islamic Sharia sends a police unit in the Tusbah area in accordance with the Law of the Republic of Indonesia concerning the Government of Aceh Article 244 paragraph 2. That the Governor/Regent/Mayor in the Enforcement of Islamic Sharia establishes the Pamong Praja and Wilayatul hisbah police as part of the pamong praja police unit, in enforcing the qanun in the implementation of public order and public order, including in the management of sexual violence, both in supervision and enforcement. Then in several other policy rules starting from PERDA Number 5 of 2000 including Qanun Number 11 of 2002 concerning the Implementation of Sharia in the Field of Islamic Faith and Worship, then in Regulation Number 8 of 2014 concerning Islamic Sharia Principles which mandates the Pamong Praja Police and Wilayatul Hisbah to enforce Islamic Sharia in the Aceh region. So far, SATPOL PP/WH has the field of Islamic Sharia Supervision, the field of countermeasures, and the field of enforcement.

2. The Islamic Sharia Office has a Village Police or Gampong Muhtasib Personnel program in Banda Aceh City and there is a budget for the cost of the salary. Their task is to identify the violators of sariah in the local village. Identify Then supervise the places, boarding houses, stalls that exist and identify violations of sharia. Muhtasib collaborates with Tuhapwe village, Tuhapwe village, as the village BPD and village officials and babinsa (Village Supervisory Officer). Each coordinated one samalian in exposing sharia violations in the village.
3. The city of Banda Aceh is also in its policy of preventing the occurrence of sexual violence crimes, in this case has a Circular Letter from the Mayor of Banda Aceh related to the appeal to wear Muslim/Muslim women's clothing. The Banda Aceh City Government officially issued an appeal letter regarding dress codes. The letter numbered 451/0945 and dated July 22, 2020 was immediately signed by the Mayor of Banda Aceh, Aminullah Usman. This is a derivative of the implementation of Qanun Aceh number 11 of 2022 concerning the Implementation of Islamic Sharia in the Field of Aqidah, Worship and Islamic Syiar. The Mayor of Banda Aceh, Aminullah Usman, has appealed to every activity outside the home to cover the awrah perfectly, maintain the principle of politeness and



maintain traditional values based on sharia. Meanwhile, the Head of the Islamic Sharia Office of Banda Aceh City, Ridwan, M.Pd<sup>30</sup> said that the people in Banda Aceh are obliged to maintain and obey the values of politeness, feasibility and propriety in their lives. "The entire community and the Gampong (village) muhtasib are asked to report to the Banda Aceh City government (in this case Satpol PP and WH) if they find violations of Islamic law in their area," continued Ridean. With this appeal, the Head of the Islamic Sharia Office of Banda Aceh City asked all people to comply and carry out the appeal on how to dress in Aceh, especially Banda Aceh, so that they can prevent unwanted things and crimes.

4. The Sharia Office for Da'wah has routine programs in the socialization of qanun jinayat including on the prevention of Sexual Violence in the city of Banda Aceh. The socialization with Da'kwah to mosques, mosques, public places/tourists, gentlemen's offices, women's offices and schools. Socialization Everything that has to do with government policy The main message is about the socialization of sharia or qanun Those who deliver the da'wah are da'i who are decreed and have salaries budgeted by the government, in this case as many as 55 da'i are assigned, it consists of various disciplines limu there are da'wah lecturers there are doctors Some are Middle Eastern graduates, there are American graduates, there are graduates of traditional and modern Islamic boarding schools, all kinds of Full Backgrounds.<sup>31</sup>
5. The existence of UPTD PPA as the Regional Technical Implementation Unit for the Protection of Women and Children of Banda Aceh City. The establishment of the UPTD PPA is targeted to be able to handle cases of violence, including sexual violence against women and children, faster. This service unit has a different function from the agency in charge of protecting women and children. If the agency has the responsibility of coordinating and operationalizing policies. Meanwhile, he said that the UPTD provides handling of cases of violence, with a quick response. Both in terms of physical rehabilitation, health, social and economic rehabilitation. In addition, UPTD PPA carries out activities that technically include five main services, namely; complaint, recording and reporting services; health services and referrals (physical and psychological); legal aid

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<sup>30</sup> Interview with the Head of the Islamic Sharia Office of Banda Aceh City, Ridwan, M.Pd, (July 9, 2024).

<sup>31</sup> Interview with the Head of the Da'wah Division of the Islamic Sharia Office of Banda Aceh City, Irwanda (July 9, 2024).

services and referrals; Social Rehabilitation Referral Services and Social Reintegration Referral Services.<sup>32</sup>

6. The existence of Balaisyura accommodates all institutions concerned for women and children, including individual figures who play an active role in building sustainable peace in Aceh, in this case advocacy and mentoring programs in handling cases of sexual violence. Bali syurah also advocates in policies, for example, related to qanun about jinayat. that the Qanun is a discriminatory part, but the part of the one that is dissected, then revised, then proposed, then seen, then we also do some research related to the implementation of this Qanun. We convey a dialogue to the figures who are willing to compile the Qanun like that. Until the last Qanun there was a proposal to be revised, the real desire of friends was that the two articles related to sexual violence be removed from this Qanun. Because looking at it, considering the experience in the field, the complaint reports, then there are the results of the research, then there are seminars, workshops that dissect this Qanun, and the results are like that. But indeed this is still said to be a long road, yes, it is still not this. One of the roles of Balai Sura is advocacy.<sup>33</sup>

The policy to combat sexual violence in Banda Aceh City shows the commitment of the local government in creating a holistic protection system for the community, especially for vulnerable groups such as women and children.<sup>34</sup> This countermeasure is not only oriented to a penal approach through the implementation of *Qanun* Aceh Number 6 of 2014 concerning the Law of Jinayat, but also focuses on non-penal policies that are preventive and educational.<sup>35</sup> Through the involvement of various institutions such as Wilayatul Hisbah, the Islamic Sharia Office, DP3A, and the UPTD PPA of Banda Aceh City, the government carries out programs that include counseling, socialization, institutional capacity building, and assistance for victims. This non-penal approach is considered more effective in addressing the root of the problem of sexual violence, because it targets the social, cultural, and structural factors that trigger the occurrence of the crime. Thus, the prevention of sexual violence in Banda Aceh City requires continuous synergy

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<sup>32</sup> Interview with the Head of Women and Child Protection DP3AP2KB Banda Aceh City, Risda Zuraida (July 10, 2024).

<sup>33</sup> Interview with the Management of the Banda Aceh Syurah Center, Siti Maysarah (July 10, 2024).

<sup>34</sup> Febrina Azhara Siregar, "The Effect of Curfew Restrictions for Women on Sexual Harassment in a Criminological Perspective (Case Study in the City of Banda Aceh)" (UIN Ar-Raniry, Faculty of Sharia and Law, 2024).

<sup>35</sup> Governor of Aceh, "Qanun Aceh Number 6 of 2014 concerning the Law of Jinayat," *Google My Maps*, 2014.

between the government, the community, educational institutions, and religious leaders in order to build collective awareness and a social ecosystem that is safe, fair, and on the side of the victim.<sup>36</sup>

### **Implementation of Sexual Violence Prevention Policy in Banda Aceh City**

The implementation of the policy to overcome sexual violence in the city of Banda Aceh is an integral part of the implementation of Qanun Aceh Number 6 of 2014 concerning the Law of Jinayat.<sup>37</sup> The policy is implemented by various institutions that have complementary tasks and functions.<sup>38</sup> The Pamong Praja Police Unit has a role as a public order enforcement officer who is tasked with supervising and securing the implementation of government decisions in its work area. The Wilayatul Hisbah is an institution that is specifically authorized to remind the public to comply with the applicable legal provisions, including procedures for the application and compliance of Islamic Sharia and the prohibition of actions that are contrary to sharia values.<sup>39</sup>

According to Article 244 paragraph (2) of Law Number 11 of 2006 concerning the Government of Aceh, Wilayatul Hisbah is part of the structure of the Pamong Praja Police and functions as an enforcer and supervisor of the implementation of Islamic Sharia. On the basis of these provisions, the Pamong Praja and Wilayatul Hisbah Police Units (Satpol PP and WH) were formed which are tasked with carrying out the enforcement of sharia law in an integrated manner.<sup>40</sup> This provision is emphasized in Article 13 paragraph (1) of the Regulation of the Minister of Home Affairs Number 95 of 2016 concerning the Aceh Regional Apparatus, which states that the Pamong Praja and Wilayatul Hisbah Police Units are the Aceh Government's apparatus in the field of enforcing Qanun and Islamic Sharia, maintaining public order and public order, protecting the community, and establishing relations between institutions. In paragraph (2) it is stated that this unit is led by the Head of Unit who is responsible to the Governor through the Regional Secretary of Aceh.<sup>41</sup>

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<sup>36</sup> Qanun Aceh Number, "Year 2014 Regarding the Law of Jinayat," *Banda Aceh: Dinas Sharâ'atM at Islam*, 6AD.

<sup>37</sup> Tia Maqfirah, "Analysis of the Implementation of Child Protection Policies in the City of Banda Aceh" (Ar-raniri State Islamic University, 2024).

<sup>38</sup> Putri, "Analysis of Cases of Human Rights Degradation in Women (Case Study: Sexual Harassment of Women in Banda Aceh City)."

<sup>39</sup> Muhammad Jailani, "Socio-Legal Review of Sexual Violence Prevention and Management Policy (PPKS) at Islamic Religious Universities (PTKI)-SK Dirjend Pendis Ministry of Religion of the Republic of Indonesia-Draft Rector's Regulation on PPKS," *JGSIMS: Journal of Gender and Social Inclusion in Muslim Societies* 1, no. 2 (2020).

<sup>40</sup> Elidar Sari and Yusrizal Yusrizal, "The Legal Position of Candidacy for 120% Quota of Prospective Legislative Members in Aceh," *Sulob: Journal of the Faculty of Law, Malikussaleh University* 11, no. 2 (2023): 508–30. <https://doi.org/10.29103/sjp.v11i2.13271>

<sup>41</sup> M H I Mariadi, "The Implementation of Islamic Sharia in Qanun Number 11 of 2002 in the Field of Aqidah, Worship, and Islamic Syiar," n.d.

Furthermore, according to Article 4 of the Aceh Governor's Regulation Number 139 of 2016, the Pamong Praja and Wilayatul Hisbah Police Units are the implementing elements of the Aceh Government in the field of public order and public order.<sup>42</sup> The existence and function of Satpol PP and WH in Aceh are further regulated through provincial and regency/city Qanun, as well as through governor, regent, or mayor regulations. Thus, the role of these institutions is crucial in ensuring that the implementation of policies to combat sexual violence runs consistently, integratedly, and in accordance with the principles of Islamic Sharia that apply in the Aceh region.<sup>43</sup>

The Pamong Praja and Wilayatul Hisbah Police Units (Satpol PP and WH) have a central role in supervising the implementation of *Islamic Sharia Qanun* in the community of Banda Aceh City. This supervision is carried out through two main approaches, namely routine patrols and supervision based on community reports. In addition, this institution also carries out a coaching function for the community, both those suspected of committing violations and the general public as part of preventive efforts. Satpol PP and WH are also actively socializing various *Islamic Sharia Qanun*, not limited to *the Qanun* about Jarimah Zina, but covering all the provisions of sharia law that apply in Aceh. This socialization is aimed at various parties, including government institutions, non-government, and communities at the gampong or village level.<sup>44</sup>

In the implementation of law enforcement, Satpol PP and WH are also involved in the process of monitoring the execution of whipping sentences as well as carrying out the function of investigation and investigation of alleged violations. If there are reports of violations from the public, the legal process will begin at the Satpol PP and WH offices, which include examining witnesses, suspects, and the preparation of case files. This process is based on *Qanun* Aceh Number 6 of 2014 as the basis of material law, and *Qanun* Aceh Number 7 of 2013 concerning the Jinayat Procedural Law as a formal legal basis. After the case file is declared complete (P21), the file is submitted to the District Attorney's Office, considering that in Indonesia there is no special Sharia

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<sup>42</sup> Safira Maulina, "The Effectiveness of the Performance of Satpol PP and WH in the Control of Civil Servants According to the Aceh Governor's Regulation Number 139 of 2016 (Case Study in Aceh Besar Regency)" (UIN AR-RANIRY, 2020).

<sup>43</sup> Safira Maulina, Khairani Khairani, and Rispalman Rispalman, "Effectiveness of Satpol PP and WH Performance in Controlling Civil Servants Based on Aceh Governor Regulation Number 139 of 2016 in Aceh Besar," *Legitimacy: Journal of Criminal Law and Legal Politics* 9, no. 2 (2020): 197–218. <http://dx.doi.org/10.22373/legitimasi.v9i2.8512>

<sup>44</sup> Fajar Adi Putra, "Implementation of Aceh Governor's Regulation Number 5 of 2018 in East Aceh Regency," *Suloh: Journal of the Faculty of Law, Malikussaleh University* 9, no. 1 (2021): 24–49. <https://doi.org/10.29103/sjp.v9i1.4801>

Prosecutor's Office, so the prosecution is still carried out by the Prosecutor of the Republic of Indonesia.<sup>45</sup>

In the next stage, the prosecutor filed a complaint with the Syar'iyah Court, not with the District Court, because Aceh has its own jinayat court system as a consequence of the specificity given through Law Number 11 of 2006 concerning the Government of Aceh. The Syar'iyah Court then hears the case, examines the witnesses, and decides on the appropriate sanctions, either in the form of caning or imprisonment. It should be noted that not all cases of sexual violence and rape are decided by caning, but most are now sentenced to prison. Thus, the Syar'iyah Court in Aceh has a wider jurisdiction than the Religious Courts in other regions of Indonesia, including handling sharia criminal cases such as the ten main *jarimah* and even sharia economic criminal cases.<sup>46</sup>

The gampong *muhtasib* staff in Banda Aceh City is the spearhead of the implementation of *amar ma'ruf nahi munkar* at the local community level. They are tasked with identifying potential violations of Islamic sharia in their respective village areas, including supervising boarding houses, stalls, and other locations that are indicated to be places where violations of sharia values occur. In addition to serving as supervisors, the *muhtasib* also play an active role in conducting community development, conducting routine patrols, and holding educational activities such as recitations at mosques to strengthen the community's religious understanding and prevent the occurrence of *jarimah* or violations of sharia law.<sup>47</sup>

In carrying out its duties, the *muhtasib* gampong is under the coordination of the Islamic Sharia Office of Banda Aceh City and cooperates synergistically with Wilāyah al-Ḥisbah. They are obliged to report all the results of the implementation of their duties to the Mayor of Banda Aceh through the Islamic Sharia Office as a form of administrative accountability. As a form of operational support, the Banda Aceh City Government provides incentives to each *muhtasib* of Rp400,000 per month. In addition, the Islamic Sharia Office also routinely provides training and debriefing to *muhtasib* so that they are able to carry out their duties professionally and in accordance with applicable regulations.<sup>48</sup>

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<sup>45</sup> S Syuhada and and Ulfa Yuranisa, "Analysis of Siyash Al-Qadhaiyah on the Supreme Court Decision Number 39 P/Hum/2018 concerning the Material Examination of the Aceh Governor's Regulation Number 5/2018," *Journal of Criminal Law and Political Law*, 2021.

<sup>46</sup> Interview with the Head of Investigation and Investigation of Satpol PP and WH, Marzuki, S.Ag., MH (July 9, 2024)

<sup>47</sup> Melisa Putri, "The Effectiveness of the Role of Gampong Muhtasib in Preventing the Occurrence of Jarimah Khalwat Violations (Case Study of Gampong Lamgugob, Syiah Kuala District, Banda Aceh City)" (UIN Ar-Raniry Banda Aceh, 2025).

<sup>48</sup> Aditya Yoga Prayudhi, "The Role of Gampong Muhtasib in Minimizing Jarimah Khalwat (Research in the Peunayong Gampong Area, Kuta Alam District, Banda Aceh City)" (UIN Ar-Raniry Banda Aceh, 2023).

The establishment of *the gampong muhtasib* is essentially a concrete implementation of Aceh's special autonomy policy in the field of the implementation of Islamic law, as stipulated in various regulations such as Law Number 11 of 2006 concerning the Government of Aceh and the Islamic Sharia Qanun-Qanun that applies in the region. Their existence reflects the systematic efforts of the Banda Aceh City Government in building a religious and law-abiding society based on the principles of Islamic law.<sup>49</sup>

The function and role of Wilāyah al-Ḥisbah and *the muhtasib* gampong greatly determine the effectiveness of the implementation of Islamic sharia in Aceh. Wilāyah al-Ḥisbah has duties and authorities that are regulated in detail in the local regulations that apply in the Aceh region. Technically, the role of Wilāyah al-Ḥisbah is closely related to the role of the Prosecutor's Office as a public prosecutor in the legal process, especially in the implementation of legal determinations in cases that have acquired permanent legal force (*inkracht*).<sup>50</sup>

Juridically formal, Wilāyah al-Ḥisbah has a clear and adequate position within the framework of Indonesian national law. This shows that the existence and activities of Wilāyah al-Ḥisbah are not only administrative or socio-religious, but also have a strong legal basis in accordance with the applicable laws and regulations in Indonesia. Thus, Wilāyah al-Ḥisbah acts as a legal and integrated Islamic sharia enforcement agency in the national legal system, contributing to maintaining order, morality, and the implementation of sharia law in Aceh effectively and sustainably. In accordance with the Governor's Decree No. 1 of 2004 concerning the Organization and Work Procedures of Wilayatul Hisbah, it is stated that the duties of Muhtasib are to supervise and conduct guidance and are given certain authorities, including:<sup>51</sup>

- a. Receive complaint reports from the community;
- b. Ordering the arrest of someone who should be suspected of being a perpetrator of the violation;

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<sup>49</sup> Dasni Wati, "The Role of Wilāyah Al-Ḥisbah of Banda Aceh City in Preventing the Abuse of Beauty Salon Places as a Means of Vices (Implementation of Qānūn Aceh Number 6 of 2014 concerning the Law of Jināyah)." (UIN AR-RANIRY, 2020).

<sup>50</sup> Wafi Kautsar, "The Authority of Wilāyah Al-Ḥisbah in Aceh in the Perspective of Imām Al-Māwardī" (UIN Ar-Raniry, 2023).

<sup>51</sup> Sinta Nanaveria, "Decree of the Governor of Aceh Number 01 of 2004 concerning the Organization and Work Procedures of Wilāyah Al-Ḥisbah (Study of the Effectiveness of WH Performance in West Aceh)" (UIN AR-RANIRY, 2020).

- c. Request information on the identity of every person who should be suspected of violating laws and regulations;
- d. In the process of construction, the muhtasib is authorized to ask for help from the local keuchik and tuha peut;
- e. Muhtasib in carrying out the task of coaching a person at least 3 times in a certain period of time;
- f. Everyone who has received guidance from muhtasib officers, but still violates is submitted to further investigators.

The Islamic Sharia Office (DSI) has a da'wah program to convey the rules of sharia contained in the qanun, which is carried out on a scheduled basis every day starting from lectures from mosque to mosque, offices, schools, public places, and there are da'i assigned and these da'i-da'i are budgeted for the cost.<sup>52</sup> Socialization Everything that has to do with government policy The main message is about the socialization of sharia or qanun Those who deliver the da'wah are da'i who are decreed and have salaries budgeted by the government, in this case as many as 55 da'i are assigned, it consists of various disciplines limu there are da'wah lecturers there are doctors Some are Middle Eastern graduates, there are American graduates, there are graduates of traditional and modern Islamic boarding schools, all kinds of Full Backgrounds.<sup>53</sup>

The Islamic Sharia Office (DSI) of Banda Aceh City has a planned and scheduled da'wah program to convey an understanding of Islamic sharia rules contained in the qanun. This da'wah activity is carried out routinely every day and reaches various places, ranging from mosques to mosques, offices, schools, to other public locations.<sup>54</sup> The implementation of this da'wah is carried out by da'is who are officially assigned and have a Decree (SK) from the government. The government provides a special budget to support the activities of these da'is, including the provision of salaries and operational costs. The number of da'is assigned by DSI is currently 55 people. The da'i have diverse educational backgrounds and disciplines, including da'wah lecturers, medical personnel (doctors), graduates of Middle Eastern education, graduates from America, and alumni of traditional and modern Islamic boarding schools. With this diversity of backgrounds, da'is are expected to be able to deliver da'wah comprehensively and effectively to the community.

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<sup>52</sup> Ade Irma, "Communication Management of the Islamic Sharia Office in Applying Islamic Appearance to Students at State University of Banda Aeh City" (State Islamic University of North Sumatra Medan, 2020).

<sup>53</sup> Wawancara dengan Kepala Bidang Dakwah Dinas Syariat Islam Kota Bnada Ace, Irwanda (9 juli 2024)

<sup>54</sup> Muhammad Ansor, "Celebrating Religious Power: Ethnography of the Islamic Sharia Enforcement Raid in Langsa, Aceh," *Academic: Journal of Islamic Thought* 22, no. 1 (2017): 103–28. <https://doi.org/10.32332/akademika.v22i1.562>

The main message in the socialization conveyed is the understanding and practice of Islamic sharia and qanun that have been set by the government, so that the community can understand and implement these rules correctly and in accordance with sharia principles.<sup>55</sup>

In addition, socialization to schools was also carried out on safari at half past 8 o'clock, DSI entered the school at 7 o'clock and was ready, the way was that all school children were gathered and given da'wah and socialization about qanun jinayat as well as about morals and creed. Going to school every Friday morning, then every Friday Already and then Friday after Friday continued to the Mothers' office.<sup>56</sup> Then in addition we have the name Safari Da'wah Simpati It has no place There is no place everywhere on the street In the market Use a car with 10 Dai people in it, Then two people in front of them Use their mic to preach and socialize.<sup>57</sup>

In addition to the regular implementation of da'wah in mosques and schools, the Islamic Sharia Office (DSI) of Banda Aceh City also intensifies da'wah and socialization activities in various strategic locations where people gather. On Sunday afternoons, da'wah and socialization are especially carried out in parks and tourist attractions, because these locations are prone to sharia violations such as khalwat. Da'wah is delivered directly to the community in the location. In addition, the da'is also conveyed da'wah messages, qanun, and policies of the Aceh government and the city government directly in coffee shops, markets, shops, and other public places. Usually, this activity is carried out using a sympathetic car that goes around to various areas that are crowded with people.<sup>58</sup>

At each location, the da'is gave short lectures for about 15 minutes in an effort to convey the messages of sharia and qanun effectively. One of the policies that was socialized was a circular that prohibited women from being in coffee shops after 11 pm, in order to prevent violations of sharia. The socialization also involved police officers to strengthen supervision and enforcement of the rules. DSI also runs the "Da'wah Warung Kopi" program which focuses on targeting cafes and coffee shops, places that are often meeting points for the community, to provide guidance and understanding of Islamic law more intensively.<sup>59</sup>

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<sup>55</sup> Cut Adella Filira, "The Role of the Central Aceh Islamic Sharia Office in Participating in Musabaqah Tilawatil Qur'an (MTQ) Activities in Aceh Province" (UIN Ar-Raniry Banda Aceh, 2024).

<sup>56</sup> Interview with the Head of the Young Generation Development section, Rosmani (July 9, 2024)

<sup>57</sup> Indrawansyah Indrawansyah and Farhan Indra, "Management of Supervision of the Islamic Sharia Office on the Border Da'i of Lake Paris District, Aceh Singkil Regency," *Journal of Da'wah and Communication Student Research* 6, no. 2 (n.d.): 146–63. <http://dx.doi.org/10.24014/jrmdk.v6i2.30030>

<sup>58</sup> Bukhari Muslim, "The Problems of the Hafidz Fund Distribution Program at the Islamic Sharia Office of Gayo Lues Regency" (Uin ar-raniry, 2024).

<sup>59</sup> Interview with the Head of the Da'wah Division of the Islamic Sharia Office of Bnada Ace City, Irwanda (July 9, 2024).



In DP3AP2KB there is a division of duties related to the handling of sexual violence cases, for handling cases of sexual violence, it means that the receipt of reporting until the end is carried out in DP3A and for prevention efforts, efforts to prepare an environment What are the other things related to how this case is not many and does not repeat it is carried out by the UPTD PPA. Legally, the legal process will be carried out by the police Matters related to psychological recovery, psychological assistance will be carried out at UPTD-PPA. If the child is also a child, some of the cases are reversed with the Social Welfare Department For that case, it can be reached or assistance can be carried out by the UPTD-PPA, it is the policy If the technical handling is in accordance with the Minister of PPPA Regulation number 2 of 2022 concerning service standards.<sup>60</sup>

Qanun Aceh is the main reference for companions in carrying out the process of assisting victims of sexual violence in the Aceh region. In technical handling, clear procedures have been arranged, including the assessment stage or initial assessment and psychological assistance to the victim. For preventive efforts, the approach applied consists of two main paths. First, a service-based approach is carried out through Pustaga (Family Learning Center), an institution specifically established to implement violence prevention efforts. UPTD-PPA directs its preventive response to Pustaga as an early detection and community education center. Pustaga empowers four counselors who are tasked with reaching out to the community at large, including schools, Islamic boarding schools, and other communities, to provide education and socialization to increase awareness and prevention of potential sexual violence.

The second approach to preventive efforts is based on programs and activities that are designed in a structured and systematic manner. These programs are prepared from the regional medium-term planning stage (RPJM) and continue to the regional work plan document (RENSTRA) and the local government work plan (RKPD) at the official level and related fields. The data obtained from UPTD-PPA is the main basis in the preparation of this program. Every month, UPTD-PPA sends a report containing case types, regional distribution, and other relevant information. This report is used as a baseline to determine the appropriate intervention. For example, semester data is used to identify the gampong (village) with the highest number of cases, which then becomes a priority for intervention. Although cases at the gampong level usually only range from 3-4 cases per location, the spread is wide enough to cover almost all sub-districts. Currently, there are 10 gampongs with the highest cases that are used as pilot projects to prepare

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<sup>60</sup> Siti Aisyah, "The Implementation of Qanun Aceh Number 9 of 2019 concerning the Implementation of Handling Violence Against Women and Children" (UIN Ar-Raniry, 2022).

regulations for the prevention and handling of violence against women and children, considering that at the gampong level there is no special regulation that regulates the handling of this problem. The program focuses on the protection of women and children based on reported case data.

In the latest coordination with the governance section, it has been agreed that the handling of violence against women and children will be carried out through a top-down policy. This means that this policy will be applied simultaneously in all 90 gampongs in Banda Aceh, not only limited to the 10 gampongs with the highest cases that were previously used as pilot projects. Case data received by UPTD-PPA shows that there are an average of 12-14 cases per month from all 90 gampongs. Although this figure is relatively small when divided by gampong, monitoring continues to be carried out intensively as a baseline for determining the next work program. The data collected every semester and annually is also analyzed based on the age group of the victims, specifically to determine the goals of the intervention. For early childhood victims, the intervention is focused on involving parents, while for school-age victims, the intervention involves parents, students, and teachers. This approach is carried out through active coordination with gampong apparatus to map social conditions and potential causes of violence at the local level. Based on the results of this mapping, targeted intervention programs and activities are then designed to provide an appropriate response to the phenomenon of violence in Banda Aceh. Thus, the handling of sexual violence and the protection of women and children is carried out comprehensively through two approaches, namely service-based and program-based and activity-based.<sup>61</sup>

The Shura Center has an important role in the implementation of the task of handling cases of sexual violence, especially in the aspect of mentoring and advocacy. In carrying out its function, Balai Shura is a forum for various institutions that care about women and children, as well as individual figures who are active in efforts to build sustainable peace in Aceh. The main focus of the Shura Center program related to sexual violence is advocacy, including policy advocacy, which aims to review and encourage revisions to policies that are considered discriminatory. Although the Aceh Qanun is not considered discriminatory as a whole, some of the articles in the Qanun have been dissected and analyzed through various researches, dialogues with policymakers, seminars, and workshops. The results of the study suggest that two articles related to sexual violence be issued or revised in the interest of better protection of victims. However, this revision process is still a long way and has not been fully realized. Therefore, one of the strategic roles of

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<sup>61</sup> Interview with the Head of Women and Child Protection DP3AP2KB Banda Aceh City, Risda Zuraida (July 10, 2024).

the Shura Center is to carry out an advocacy function to encourage such change and strengthen protection for women and children in Aceh.<sup>62</sup>

Then also build *casadaran*, understanding, and increase understanding to the community, through nodes in 23 places and cities. Receiving reports, even though they are not handled, the results of the reports are followed up as recommendations to the government, especially the women's empowerment office, and then also recommend, for example, for researchers to follow up on findings in the field. So that we can convey the results to the government, I am included in the legislature, so that there is a review, there is a review, those are the regulations that have been treated. Then from the policy side, if from the side of implementation, so for example there is no case, for example, the executor who is WH, for example, arrested, the role of this, the role of this institution? He does not handle it directly, but he is in the service institution, in some members of the Surah Hall there are also those who handle it directly, so when this is then they do assistance, there are things that need to be advocated, maybe it is his role in the Surah Hall, for example when the handling is discriminated against, things are very urgent and it is conveyed to the Surah Hall, later the Surah Hall, This is the second role, for example, this is the plug in law enforcement, at APH, later the Surah Center will hold hearings, dialogues, later bring cases that may be considered very urgent, but not one case or one case, but seen from the urgency, from the case as well.<sup>63</sup>

### **Analysis of Obstacles to the Implementation of Sexual Violence Prevention Policy in Banda Aceh City: Perspectives of Islamic Criminal Law and Positive Law**

Sexual violence is a violation of Human Rights (HAM) that has a serious impact, especially on women and children.<sup>64</sup> In the city of Banda Aceh, the handling of sexual violence is carried out with a distinctive legal framework, namely through the application of Islamic criminal law as enshrined in the Qanun Aceh, as well as the national positive law. Although various policies and countermeasures programs have been initiated, the implementation of these policies still faces various obstacles that are complex and require special attention.<sup>65</sup>

Sexual violence in Indonesia generally refers to various national laws and regulations, such as Law Number 23 of 2004 concerning the Elimination of Domestic Violence, as well as special regulations governing the protection of children and women. This policy aims to provide legal

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<sup>62</sup> Interview with the Management of the Banda Aceh Syurah Center, Siti Maysarah (July 10, 2024).

<sup>63</sup> Interview with the Management of Balai Syurah Banda Aceh, Rasyidah (July 10, 2024)

<sup>64</sup> Esmu Diah Purbararas, "Traumatic Problems: Sexual Violence in Adolescents," *Journal of Ijtima'iyah* 2, no. 1 (2018): 63–89.

<sup>65</sup> Utami Zahirah, Nunung Nurwati, and Hetty Krisnani, "The Impact and Handling of Child Sexual Violence in the Family," *Proceedings of Research and Community Service* 6, no. 1 (2019): 10.

protection, victim recovery, and prevention of sexual violence through a comprehensive approach. In Banda Aceh, the implementation of sexual violence prevention has its own peculiarities because it refers to two legal systems that run in parallel, namely national positive law and Islamic criminal law regulated through the Aceh Qanun. This Qanun is the main foundation in handling cases of sexual violence, including in the aspects of victim assistance, legal processes, and preventive policies. The integration of the Aceh Qanun with national law presents its own dynamics in the implementation of policies. On the one hand, Qanun Aceh provides space for local values and Islamic law, but on the other hand, there are challenges in harmonization and effective implementation, especially related to the protection of victims' rights and legal certainty.

For this reason, the policy to combat sexual violence in Banda Aceh is prepared with a holistic approach, involving various government agencies, community organizations, as well as traditional and religious leaders, to ensure optimal coordination between Islamic criminal law and national positive law. This approach aims not only to enforce the law, but also to prioritize victim recovery and empowerment and the prevention of violence in a sustainable manner. Sexual violence is based on what was recorded in DP3A Aceh that in the last three years the number of cases of sexual violence against women and children has increased.<sup>66</sup> This can be seen from the data that in 2020 the number of cases of sexual violence was 905 cases, then in 2021 there were 924 cases, and the most increase in 2022 reached 1029 cases. However, based on data from DP3A Aceh, in 2023, the number of cases of sexual violence against women and children in Aceh has decreased, amounting to 575 cases.<sup>67</sup> This attracts about 50% of sexual violence cases in Aceh to decrease. However, there are still obstacles in reducing the number of sexual violence in Aceh. In implementing the Sexual Violence Prevention Policy in Banda Aceh City, each institution has obstacles in its implementation, including:

- 1) Financial or budgetary constraints in the investigation of infrastructure facilities to support the implementation of policies related to the prevention of sexual violence as an effort to enforce the Aceh qanun on jinayat;
- 2) Considering cases of sexual violence as a disgrace, so they are reluctant to report and the long reporting process. In society, there is still a stigma that sexual violence experienced is a disgrace. It is strongly suspected that the data recorded at the Banda Aceh City Women's

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<sup>66</sup><https://www.acehprov.go.id/berita/kategori/pemerintahan/kemen-pppa-dp3a-aceh-cegah-dan-tangani-kekerasan-terhadap-perempuan>

<sup>67</sup><https://dinasppa.acehprov.go.id/berita/kategori/rekap-kekerasan/jumlah-kasus-kekerasan-terhadap-perempuan-dan-anak-pada-kabupaten-kota-di-aceh-januari-mei-tahun-2024>

Empowerment and Child Protection Office (DP3A) only reflects a part of the cases that actually occurred, considering that there are still a number of cases of sexual violence that are not reported to the authorities;

- 3) The legal culture of the community that has not fully supported the implementation of Islamic sharia (qanun) is one of the significant obstacles. This is reflected in the findings in the field, where the perpetrator continues to repeat his actions even though he has been given a reprimand, made an agreement, and even sanctioned. In addition, the public tends to ignore various appeals submitted by related parties regarding the implementation of sharia;
- 4) The absence of witnesses in the investigation and investigation process is a serious obstacle in legal proof efforts. This condition often occurs due to various factors, including intimidation, fear of being targeted by the suspect, fear of dealing with law enforcement officials, or feelings of embarrassment because the case is related to the crime of sexual violence. As a result, the law enforcement process experienced significant obstacles;
- 5) The procedural law in the implementation of Qanun in Aceh is not fully in line with the principles of Islamic law, because many still follow the provisions of the national positive criminal procedure law. Therefore, it is necessary to increase the capacity of sharia law enforcement officials, especially in terms of understanding and applying procedural law based on Qanun Aceh. In addition, adequate support of facilities and infrastructure is also an urgent need to support the effectiveness of the implementation of comprehensive Islamic sharia law enforcement.

One of the main obstacles in the implementation of sexual violence prevention policies in Banda Aceh is the difference in norms and procedures between the sharia-based Qanun Aceh and the national positive law. Qanun Aceh, as a legal product that integrates Islamic sharia principles, has several provisions that are different from national positive laws, both in terms of definitions, procedures, and sanctions applied. For example, several articles in the Aceh Qanun that regulate sexual violence are still considered unclear and potentially discriminatory against victims. This ambiguity has led to various interpretations in the process of handling cases, thus causing legal uncertainty. In addition, the incompatibility between these two legal systems causes obstacles in law enforcement, both in terms of investigations, judicial processes, and victim recovery.

Furthermore, these inconsistencies also have an impact on the low level of reporting and handling of sexual violence cases, because victims and the public feel that the legal process is less

responsive and does not guarantee adequate protection. The advocacy process and revision of several Qanun provisions is still running with quite complex challenges, considering that it must consider the cultural and religious sensitivities of the Acehnese people. This obstacle shows the need for harmonization efforts between Qanun Aceh and national positive law through dialogue, legal studies, and the involvement of various related parties so that policies to combat sexual violence can be implemented effectively, fairly, and civilly.

In addition to legal problems, the implementation of sexual violence prevention policies in Banda Aceh City also faces significant obstacles related to limited human resources and budgets. The availability of professionals with special skills, such as psychological counselors and legal assistants, is still very minimal compared to the needs in the field. This condition has a direct impact on the quality and scope of assistance services provided to victims of sexual violence. The limited number of counselors means that not all victims can obtain adequate and continuous psychological assistance, so that the trauma recovery process is less than optimal. Similarly, the lack of legal assistance limits victims' access to justice and effective legal protection.

In addition, budget limitations are also an important inhibiting factor in the implementation of sexual violence prevention and handling programs. The limited budget limits the scope of education, socialization, and training that can be carried out by related agencies, including Pustaga and UPTD-PPA. This results in less extensive community outreach and prevention interventions cannot be carried out optimally. Therefore, increasing the capacity of human resources and adequate budget allocation is an urgent need so that the policy to combat sexual violence in Banda Aceh can run more effectively and have a real impact on the protection of women and children.

One of the main obstacles in the implementation of sexual violence prevention policies in Banda Aceh City is the social norms that are still very conservative and the strong negative stigma against victims of sexual violence. In a society steeped in traditional and religious values, cases of sexual violence are often considered a family disgrace that must be hidden in order to maintain the honor and good name of the family or community. As a result, many victims are reluctant to report or seek help, for fear of being ostracized, judged, or discriminated against by the surrounding environment. This situation causes the reporting rate of sexual violence cases to be low and far from the real conditions in the field, so the data obtained by case handling agencies does not fully illustrate the magnitude of the problem.

Low reporting rates also limit victims' access to legal protection and much-needed psychological assistance services. Victims who do not report are less likely to receive adequate

treatment, so the trauma and impact of the violence experienced can continue and further worsen their condition. In addition, this stigma also affects the attitude of law enforcement officials and the wider community, who are sometimes less sensitive in handling cases of sexual violence. This requires a more intensive and targeted approach to education and socialization to change social perceptions and provide support to victims to dare to report and get their rights.

These obstacles have a significant impact on the lack of access to justice for victims of sexual violence. In addition, low public awareness and understanding of the importance of case reporting is also the main inhibiting factor in efforts to overcome sexual violence. As a result, many cases are not revealed and not handled optimally, so that sustainable prevention efforts are disrupted. This condition not only worsens the psychological and social situation of the victims, but also creates an unsafe and uncondusive environment for women and children. Therefore, handling these obstacles is crucial to ensure the creation of effective protection and a safe and supportive environment for vulnerable groups.

The policies implemented by the Banda Aceh City Government are actually in line with the principles of Islamic law. In the study of Islamic criminal law, efforts to prevent sexual violence are often categorized as acts of *takezir*, which are non-penal policies that function as preventive measures. This prevention emphasizes the maintenance of the dignity and honor of the individual, which is manifested through the prohibition of approaching adultery both in general and in particular. This concept is reflected in several verses of the Qur'an, such as Surah Al-Isrā' verse 32 and Surah An-Nūr verse 33, which affirm the prohibition of approaching adultery.

In addition, there is a command to maintain one's eyes, genitals, and clothes as an effort to maintain one's purity, as written in Surah An-Nūr verses 30-31 and Surah Al-Ahzāb verse 59 which regulate the obligation to wear the hijab. No less important is the aspect of education and supervision of children, which is regulated in Surah An-Nūr verses 58-59, as a preventive measure to form character and early awareness in order to avoid behavior that can cause sexual violence. Thus, policies in Banda Aceh based on sharia are not only repressive but also pay great attention to prevention aspects through education and supervision according to Islamic values.

In Islamic criminal law, non-penal policies or *takezir* actions play an important role as a form of preventive efforts against various moral and social violations, including sexual violence. The concept of *takezir* provides space for the government or religious authorities to impose sanctions that are not explicitly regulated in the nash (sharia text) but aim to maintain public order and prevent damage (mafsadah). The prevention of sexual violence through non-penal policies in the

city of Banda Aceh can be seen as the implementation of *the principle of takzir* which focuses on education, coaching, and supervision of the community, especially women and children. Measures such as religious education, strict supervision of dress and behavior norms, and the establishment of a conducive social environment, in accordance with Islamic teachings, are part of this strategy.

However, although this non-penal policy has a strong foundation in Islamic law, its implementation on the ground faces challenges, such as differences in legal interpretations, limited resources, and social dynamics of communities that still maintain a stigma against victims. Therefore, this policy must continue to be refined and implemented with a sensitive, inclusive, and data-based approach to be effective in reducing and preventing sexual violence in Banda Aceh. Thus, the review of Islamic criminal law confirms that non-penal policies are not only an alternative to repressive law, but also an important foundation in building public awareness and creating a safe and dignified environment for women and children.

## **Conclusion**

The policy to overcome sexual violence in Banda Aceh City involves a number of institutional tools and strategies that synergize with each other in enforcing the qanun and maintaining public order and tranquility. Among them, the role of the Pamong Praja Police Unit and the Wilayatul Hisbah unit which are tasked with enforcing qanun syar'iyah, supervising and taking action against violations, including sexual violence. In addition, there is an appointment of Gampong Muhtasib personnel who play a role in identifying and supervising potential sharia violations at the local level. The Banda Aceh City Government also issued a Circular Letter appealing for the use of Muslim/Muslim women's clothing, as part of a preventive approach. The Islamic Sharia Office (DSI) actively runs a regularly scheduled da'wah program through lectures at mosques, taklim assemblies, schools, and other public spaces. On the other hand, the Women's and Children's Protection Unit (PPA) is the frontline in handling cases technically, while the Shura Center acts as a forum for advocacy and victim assistance, especially in dealing with discrimination. Nevertheless, the implementation of this policy faces a number of obstacles, including budget limitations, the stigma of people who consider sexual violence as a disgrace so they are reluctant to report, a long reporting process, a weak legal culture in the implementation of qanun, the lack of witness attendance, and the lack of full harmony of qanun procedural law with Islamic sharia principles because it still refers to the national criminal procedure law.



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