

The Role Of Wilayatul Hisbah In Prevention Of Khamr In Simeulue District

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Abstract

Efforts to prevent the abuse of khamr in Simeulue Regency refer to the Aceh Governor Regulation (Pergub) Number 10 of 2005 which regulates the supervision and prosecution of the circulation and consumption of khamr. In the regulation, it is stated that one of the elements that have an important role in supervision is Wilayatul Hisbah (WH). This research is a type of empirical legal research or known as nondoktrinal research which is qualitative in nature that emphasizes the process and operation of law in society. The results of this study indicate that so far the role of Wilayatul Hisbah Simeulue Regency has not been running optimally, due to various internal and external obstacles faced by Wilayatul Hisbah, such as limited personnel, lack of operational budget, and lack of cross-sector coordination with related agencies. Therefore, to maximize the role of Wilayatul Hisbah in preventing khamr cases, several strategic steps are needed, including: increasing the capacity of WH human resources, providing adequate facilities and infrastructure, and strengthening coordination between WH, police, and community leaders. In addition, an educative and preventive approach is needed, not only repressive, to build public awareness of the dangers and prohibitions of khamr consumption according to Islamic law and positive law in Aceh.

Keywords: *Qanun Jinayah, Khamr, Simeulue District*

Introduction

The enactment of Qanun Jinayat Law in Aceh is a reformation of criminal law in Indonesia. The Government of Indonesia through Law No. 11/2006 on Aceh Government (Aceh Government Law) gives full authority to Aceh to determine its own path, especially in implementing local regulations based on Islamic law.¹ Qanun itself is a type of legislation that regulates the administration of government and society in Aceh Province in accordance with Regional Regulation No. 5 of 2000 concerning the Implementation of Islamic Law. Aceh's Qanun No. 12/2003 on khamr and the like required a special institution to oversee the implementation of Islamic law in Aceh. For this reason, in 2004 Wilayatul Hisbah was born as an institution to supervise and guide people who violate Islamic law.

Wilayatul Hisbah has the task of solving problems related to morals, religion and culture. One of the problems of Islamic law that often occurs in society is khamr. Khamr is something that can cloud the mind made from grape juice, while in the sense of syarak, khamr

¹ Muhammad Yusuf, "The Effectiveness of Jinayah Law Implementation in Aceh". *Journal of Family Law and Islamic Law*, Vol. 3, No. 1, 2019, hlm. 117

is not limited to grape juice alone, but all intoxicating drinks.² In this day and age, intoxicating drinks can be found anywhere, the development of the modern world has given birth to a variety of substances that can be consumed and intoxicated. The amount of khamr found to be circulating in Simeulue Regency has the potential for violations of Islamic law that cause khamr cases to increase, especially among teenagers, the reason is because they want to try it. This is due to the supervision and guidance that has not been optimally carried out by Wilayatul Hisbah and the local government. The enforcement of Islamic law is expected to be implemented optimally in every aspect of people's lives in Aceh, especially in Simeulue Regency. So in this case, the basic question is how the level of spread of khamr cases in Simeulue Regency, then how the role of Wilayatul Hisbah in preventing and handling khamr cases in Simeulue Regency, and how the implementation of flogging punishment for khamr offenders in Simeulue Regency. This study aims to examine in depth the extent of the spread of khamr cases. In addition, researchers want to see the cooperation or coordination between Wilayatul Hisbah with village officials and other institutions, as well as the effectiveness of the implementation of flogging punishment for khamr offenders in Simeulue Regency.

This research was inspired by several previous studies, including the following. Research by Ratna Gustina (2019) entitled "The Da'wah Strategy of Wilayatul Hisbah in Implementing Islamic Sharia Supervision in Langsa City". In this study, Islamic law supervision is carried out through the Wilayatul Hisbah preaching strategy which is carried out according to standards and good coordination between government and non-government.³ Then Research by M. Sukron Siregar Year (2023) entitled "Khamr in the view of Muslim and Non-Muslim Communities in Simpang Semadam Village, Southeast Aceh Regency". This study aims to determine the obstacles in the effectiveness of the application of Qanun Jinayat Law on khamr and the like, and it turns out that the main factor is due to the mixing of cultures and associations between Muslims and Non-Muslims who have different views on tuak so that it permeates community life.⁴

Method

This research is empirical legal research or known as nondoktrinal research. It is said so because this research examines the applicable law and has been applied in the field by the community, namely research conducted to obtain an overview in the form of data and facts that occur in the field so that later it can describe how the role of Wilayatul Hisbah in preventing khamr cases. This research was conducted by going directly to the field to observe the phenomenon directly. Data was collected through interviews, observations, and documentation, with the research location at Civil Service Police Unit and Wilayatul Hisbah Office in Simeulue Regency. The author conducted interviews with employees in the Regional Legislation Division of Simeulue Regency then the head of the Gampong village and several residents of Simeulue Regency. Qanun Hukum Jinayat itself is seen as a foreign law due to the lack of public knowledge. Heavy sanctions and far from fairness make the

² Mardani, *Drug Abuse in the perspective of Islamic Law and National Criminal Law* (Jakarta: Rajawali press, Raja Grafindo Persada, 2008), hlm. 73-74.

³ Ratna Gustina, *The Da'wah Strategy of Wilayatul Hisbah in the Implementation of Islamic Sharia Supervision in Langsa City* (Thesis, UIN Ar-Raniry Banda Aceh, 2019), hlm. 45

⁴ M. Sukron Siregar, *Khamr in the View of Muslims and Non-Muslims in Simpang Semadam Village, Southeast Aceh Regency* (Thesis, UIN Ar-Raniry Banda Aceh, 2023), hlm. 53.

community disapprove of Qanun Hukum Jinayat and reap a lot of criticism and are considered contrary to Human Rights (HAM), so that Qanun Hukum Jinayat does not run well and there are still many people who violate it, but are not given any sanctions. Based on the results of the researcher's observations in 2020, 2021, and 2022 there was an increase in khamr cases, this occurred due to the Covid factor which hindered Wilayatul Hisbah in conducting patrols. However, in 2023 and 2024 there was a significant change in the implementation of the supervision of khamr cases so that khamr cases decreased, Wilayatul Hisbah conducted many patrols and socialization so as to increase legal awareness of khamr abuse.

Discussion

Khamar in Qanun Jinayat Law

Qanun is referred to as the rule of law inherent in Acehnese society whose existence has existed since long ago, so that it is part of Acehnese customs and culture. According to the Big Indonesian Dictionary, qanun or kanun is defined as a law, regulation, law book, legislation, or rule.⁵ In Arabic, qanun means law, custom, or tradition, so it can be interpreted as the legal rules that apply in a particular region, especially in Aceh. Local regulations issued by the Governor together with the Aceh legislature are called qanuns. This provision refers to Article 1 Number 21 About the General Provisions of Law No. 11 of 2006 concerning the Government of Aceh " The Qanun Aceh is a provincial regulation governing the administration of government and the life of the people of Aceh".⁶

Jinayat comes from the word Jana which means sin or wrong, while Jinayat in language is a sinful act or wrongdoing. In the legal language Jinayat is defined as a criminal offense. Terminologically, the term refers to acts that are prohibited by Islamic law and punishable by Allah SWT with had or ta'zir punishment.⁷ The implementation of Qanun Jinayat is based on several laws and regulations, one of which is Law No. 44 of 1999 concerning the Implementation of Special Privileges for the Special Province of Aceh. Article 3 states that the implementation of Islamic law is a privilege for Aceh. In addition, Law No. 18 of 2001 on Special Autonomy emphasises that the Qanun Aceh and the Sharia Court are part of the Indonesian judicial system. Furthermore, in 2006, the central government passed Law No. 11/2006 on the Government of Aceh, which gave legitimacy to the Aceh Regional Government to implement Islamic Sharia passively based on legal regulations. In 2014, the Aceh Government and the Aceh Regional Representative Council enacted Qanun Aceh No. 6 of 2014 on Jinayat Law, which regulates jarimah and 'uqubat (hudud or ta'zir) for perpetrators of jarimah.⁸

Khamr is understood as a drink that makes the drinker drunk or lose consciousness and is dangerous. Khamr can lead a person to become addicted and even dependent. The influence of khamr drinks causes many problems in society, namely the occurrence of various violent

⁵ Department of Education and Culture, *Big Indonesian Dictionary* (Jakarta: Balai Pustaka Jakarta, 1991), hlm. 42

⁶ Law of the Republic of Indonesia Number 11 of 2006 on the Government of Aceh

⁷ Lubis, Zulkarnain, and Bakti Ritonga, *Basics of Jinayah Procedure Law*. (Jakarta: PRENADAMEDIA Group,2016) hlm. 2

⁸ Hudzaifah Ahmad Qotadah, and Adang Darmawan acjmad, "Qanun Jinayat Between Implementation, Issues and Challenges". *Journal of Law and Humanity*, Vol. 14, No. 2, hlm. 117

crimes, including: persecution, theft, rape, murder and so on.

A person who consumes khamr is not maintaining his mind, while the purpose of Sharia is to maintain the mind. Without a sound mind, humans will damage themselves and others. In this case it can be seen in the Qur'an surah Al-Maidah verses 90-91:

يَا أَيُّهَا الَّذِينَ آمَنُوا إِنَّمَا الْخَمْرُ وَالْمَيْسِرُ وَالْأَنْصَابُ وَالْأَزْلَامُ رَجْسٌ مِّنْ عَمَلِ الشَّيْطَانِ فَاجْتَنِبُوهُ لَعَلَّكُمْ تُفْلِحُونَ, تَمَّا يُرِيدُ الشَّيْطَانُ
أَنْ يُوقِعَ بَيْنَكُمُ الْعَدَاوَةَ وَالْبَغْضَاءَ فِي الْخَمْرِ وَالْمَيْسِرِ وَيَصُدَّكُمْ عَنْ ذِكْرِ اللَّهِ وَعَنِ الصَّلَاةِ فَهَلْ أَنْتُمْ مُنْتَهُونَ

"O you who believe, verily (drinking) wine, gambling, (sacrificing to) idols, casting lots with arrows are abominable deeds among the deeds of the devil. So avoid them so that you may have good fortune. Indeed, the devil intends to cause enmity and hatred among you by alcohol and gambling, and to prevent you from remembering Allah and praying; so stop (from doing those things)."

Based on Aceh Qanun Number 6 of 2014 concerning Qanun Jinayat Law, it states that:

"Khamr is an intoxicating drink and contains alcohol with a level of 2% (two percent) or more. Based on this definition, several conclusions can be drawn, namely khamr is a type of drink that has intoxicating properties or drinks containing 2% alcohol; non-intoxicating drinks that contain alcohol below 2% percent cannot be categorized as khamr. Drinks that contain alcohol below 2% but are intoxicating are categorized as khamr.⁹"

Looking at the definition of khamr in the Qanun Jinayat Law, it is still very limiting to the type of drink or something liquid so that it does not accommodate future world developments that can create types of objects that are not liquid substances that are intoxicating or contain alcohol; for example in the form of jelly candy or other solid foods. This qanun should be used as a legal basis to ensnare perpetrators who eat intoxicating (solid) foods.

The development of the modern world has given birth to various substances that can be consumed and cause intoxicating effects and eliminate the mind and even greater harm than khamr, which is known as drugs. The Shari'ah Court defines khamr only as a substance in the form of intoxicating drinks or containing 2% or more alcohol, although scholars have judged that drugs are included in the khamr category.

Aceh has only reached the early stages of the positivization of Jinayat Law, so the stipulation is done very carefully and the lightest punishment is chosen. Even in the history of its formulation, the punishment for novice khamr offenders was proposed to be less than 40 lashes. However, the legislature or the Aceh Regional People's Representative Council (DPRA) stated that such a punishment was not serious, so they then set a punishment of 40 lashes.

In Law Number 6 Year 2014 on Jinayat Law, Article 15 states:

(1) "Anyone who deliberately drinks alcohol is subject to hudud punishment in the form of 40 lashes. If the offence is repeated, the offender is subject to hudud punishment of 40 lashes plus ta'zir punishment in the form of lashes, a maximum fine equivalent

⁹ Aceh Qanun Number 6 Year 2014 on Qanun Jinayat Law

- to 400 grams of pure gold, or a maximum imprisonment of 40 months"¹⁰
- (2) "Anyone who deliberately produces, stores, sells, or imports khamr is subject to 'uqubat ta'zir in the form of a maximum of 60 lashes, a fine of up to 600 grams of pure gold, or imprisonment for a maximum of 60 months".
 - (3) " Anyone who deliberately purchases, transports, or gives khamr is subject to 'uqubat ta'zir in the form of a maximum of 20 lashes, a fine of up to 200 grams of pure gold, or imprisonment for a maximum of 20 months".¹¹

Qanun Hukum Jinayat provides severe punishment to perpetrators who intentionally produce, store/stockpile, sell or import khamr. Producers are the ones who procure khamr and are most responsible for its presence in an area. The same applies to those who sell it. The seller of khamr is the party most responsible for opening access for the public to obtain khamr.

The circulation of khamr and the like in Simeulue Regency has reached an alarming stage. In Simeulue Regency, the dominant community life is working as farmers. Meanwhile, the social life conditions of the community are peaceful. However, behind this there are influences that tend to occur in community life such as the circulation of khamr by some people. This is influenced by environmental factors, pleasure factors, economic factors, lack of religious understanding, and easily available raw materials. In Simeulue Regency there are many nira trees, so that from these trees it becomes one of the sources of livelihood to meet the needs of life. One of the benefits of the nira tree is that it can be used as palm sugar by taking the juice water by tapping it.

But in addition to using the nira water as raw material for making palm sugar, there are some people who misuse the nira by processing it. The nira is fermented first and mixed with drugs so that it contains alcohol and becomes an intoxicating drink. According to the Head of Legislation, the type of drink consumed by the perpetrators is Tuak. Tuak water is formulated by putting one or several kinds of bark or roots such as garu bark into the nira and leaving it for one to several days for the fermentation process. Meanwhile, if the Wilayatul Hisbah officers find the perpetrators consuming other than tuak type, it does not come from Simeulue Regency, but there are other individuals who bring it from outside the area.

The age of the perpetrators who consume this type of tuak drink is from teenagers and women. When officers find adult perpetrators who consume khamr with alcohol levels in drinks that have reached more than 2%, they will be immediately processed according to Qanun No. 12 of 2003, but if they find perpetrators from adolescents who are referred to as beginners they are only given guidance and called by parents because the alcohol content consumed does not reach 2%, and so far no teenagers have been found who consume khamr drinks of the tuak type with alcohol levels above 2%.

Effectiveness of the Implementation of the Whipping Penalty Applied by Wilayatul Hisbah in reducing Khamr Cases

Law enforcement against khamr crime is an action that is seen from the success of something that is achieved, Law Enforcement of Islamic Sharia is something that is done by related agencies, to minimize violations of Islamic Sharia, especially regarding khamr. So that

¹⁰ Aceh Qanun Number 6 of 2014 on Islamic Criminal Law, article 15

¹¹ Qanun Aceh Number 6 Year 2014 on Islamic Criminal Law, article 16-17

Islamic law runs as expected. In the implementation of flogging punishment to the perpetrator of khamr case, the Head of Law Enforcement Division said that "In resolving the khamr case, we do not immediately punish the perpetrator with flogging punishment. However, this only applies to perpetrators who consume khamr drinks with alcohol content below 2%, for perpetrators who consume khamr drinks with alcohol content above 2%, We will execute him in accordance with Qanun No. 12 of 2003 on Jinayat Law, which will be given 40 times of flogging through the procedure for flogging procedures that have been stipulated in Article 31, Article 32, and Article 34" he said.¹² Then " The flogging punishment shall be carried out by an officer appointed by the Public Prosecutor, in accordance with the provisions of this qanun and/or the provisions stipulated in the formal law qanun" (Qanun Jinayat, No.12 Year 2003, Article 31).¹³

Based on follow-up data on violations of Qanun Number 12 Year 2003 for the last five years (2020-2024) in Simeulue Regency, there were a total of 59 cases resolved through two types of 'uqubat (punishment), namely 'uqubat flogging and 'uqubat pembinaan. On an annual basis, there were fluctuations in the number of cases. In 2020, there were 13 cases with a predominance of coaching punishments (9 men and 2 women), as well as 2 men who were subject to flogging. This figure increased in 2021 to 15 cases, with 5 perpetrators subject to flogging and 10 others to coaching. The peak came in 2022, when the number of cases reached 19, the highest in five years. The year saw an increase in both male and female offenders, with 3 offenders receiving flogging and 16 receiving guidance.

However, the trend saw a drastic decline in 2023 and 2024, recording only 6 cases each. This decline could reflect several possibilities, such as increased public awareness of Sharia norms, the effectiveness of previous coaching programs, or a change in enforcement and reporting policies. The years 2023 and 2024 show that only male perpetrators were sentenced, with no record of female convictions, either flogging or coaching. This could be due to a decrease in the involvement of women in offenses or a more lenient approach towards them.

To overcome this, Wilayatul Hisbah made a strategy by dividing the patrol schedule, Wilayatul Hisbah members patrol in the morning around 09:00 until the afternoon around 17:00, but also patrol at night. Then the Head of Enforcement of Legislation said that Wilayatul Hisbah's strategy in reducing khamr cases was to cooperate with related institutions and agencies, such as the Islamic Sharia Office, the Police, the TNI and the community for patrols and all patrol reports. Then the achievement in implementation has been carried out properly such as conducting socialization, supervision, guidance, and implementation of flogging. Socialization to the community has been carried out both directly and in writing with printed media by adjusting the language to be easily absorbed or understood by the community.¹⁴ Increasing socialization, supervision, and coaching are the most significant points so that the implementation of Qanun Hukum Jinayat can be enforced optimally and continuously. In conducting socialization, Wilayatul Hisbah conducts counseling in villages, schools both junior

¹² The result of interview with the Head of Simeulue District Legislation Division on July 25, 2014.

¹³ Office of Islamic Shari'a of Nanggroe Aceh Darussalam, *Collection of Laws, Presidential Decrees, Regional Regulations/Qanuns, Presidential Instruction, related to the Implementation of Islamic Shari'a*, Edition IV, (Office of Islamic Shari'a of Aceh Province, 2008), hlm. 142. Aceh, 2008), hlm. 142

¹⁴ The results of the interview with the Head of the Regional Law Enforcement Division of Simeulue Regency

and senior high schools, as well as to places prone to violators of Islamic law, especially khamr, such as beachside stalls.

Referring to the results of a copy of the Annual report of Satpol PP / Wilayatul Hisbah of Simeulue Regency, it was found that the violation of khamr cases in 2020, 2021, and 2022 increased, this happened due to the Covid-19 factor. Based on an interview with the Head of the Law Enforcement Division, to overcome this, Wilayatul Hisbah increased cooperation with all parties, especially with the community. Then in 2023 and 2024 Wilayatul Hisbah returned to active patrols to prevent khamr cases, Wilayatul Hisbah members conducted routine patrols to suspected places so that khamr cases decreased.

The settlement of qanun cases in Simeulue Regency is carried out by flogging. Then the execution of flogging and coaching is carried out to violators of Qanun Jinayat Law based on Aceh Qanun No. 12 of 2003. Strengthened from the results of the copy of the Annual report of Satpol PP / Wilayatul Hisbah in 2020 there were 13 cases with a flogging sentence of 2 people and coaching 11 people, in 2021 there were 15 cases with a flogging sentence of 5 people and coaching 10 people, in 2022 there were 19 cases with a flogging sentence of 3 people and coaching 16 people, in 2023 there were 6 cases with a flogging sentence of 1 person and coaching 5 people, then in 2024 there were 6 cases with a flogging sentence of 3 people and coaching 3 people.

Then the settlement of qanun cases is mostly resolved by coaching. The form of coaching carried out is by providing direction and calling parents for perpetrators who are underage, conducting routine socialization and providing moral support to the perpetrators. Then for perpetrators who repeat the act, they will be punished with flogging. Determination of the type and form of uqubat, as well as the severity or lightness of the uqubat to be imposed. For people who have been convicted, who repeat the same jarimah, the judge can add to the uqubat specified in the qanun. The addition of punishment to khamr drinkers who repeat their actions is intended for aggravation, because they have played with Allah's law and are expected to have a deterrent effect on the perpetrators. In 2020 to 2021 due to the Covid factor, sanctions for perpetrators were carried out behind closed doors and not open to the public, this actually increased cases of khamr in 2022. In 2022, when Covid began to subside, sanctions for alcohol offenders were once again carried out in public, thereby creating a deterrent effect. As a result, in 2023 and 2024, alcohol-related cases declined.

Based on the above statement, the application of Qanun Jinayat to perpetrators of alcohol-related crimes is considered effective and capable of providing a deterrent effect. Although the results obtained have not been significant and require supervision from various parties, both village officials and other institutions.

The Role of Wilayatul Hisbah in reducing Khamr Cases in Simeulue Regency

Wilayatul Hisbah (WH) in the context of the implementation of Qanun Hukum Jinayat in Aceh, based on the Aceh Governor's decision on the establishment of the organization and work procedures of Wilayatul Hisbah can be interpreted as an institution in charge of supervising and fostering, and advocating for the implementation of legislation in the field of

Islamic law in the context of implementing amar ma'ruf nahi mungkar.¹⁵ In another qanun, it also explains some of the functions explained that Wilayatul Hisbah is an auxiliary institution to the police tasked with fostering advocacy and overseeing the implementation of amar ma'ruf nahi mungkar and can function as Polsus and PPNS.¹⁶

After the unification of Wilayatul Hisbah with Satpol PP into one unit, the qanun defines the Civil Service Police Unit and Wilayatul Hisbah as the Aceh Government apparatus in the field of enforcing the implementation of qanun and Islamic law, peace, public order and inter-agency relations.¹⁷ Furthermore, researchers will describe the phenomena studied based on the results of observations and studies through data and facts found in the field through interviews, observations, documentation related to the role of Wilayatul Hisbah in preventing khamr in Simeulue Regency. In the discussion at the beginning of the contents of Qanun Number 12 of 2003, it is explained that consuming khamr drinks is a violation of Islamic law, damaging health, reason, and community life and the opportunity for other immorality to arise. Of course, it can be understood that before providing prohibition and had (punishment), it must first provide education about the reasons for the prohibition of khamr. This is in accordance with the rule that reads "Before there is a nash (provision), there is no law for reasonable people".¹⁸

The scope of the prohibition of khamr drinks in Qanun Number 12 Year 2003 is all forms of activities / actions related to all intoxicating drinks including producing, distributing, selling, storing and drinking khamr. The one who acts as supervisor and guidance is Wilayatul Hisbah. Wilayatul Hisbah plays a role in preventing the community from evil and inviting towards the good. Thus, the realization of life based on Islamic law in everyday life.

Governor Regulation No. 139 of 2016 regulates the position, organisational structure, duties, functions and work procedures of Satpol PP and Wilayatul Hisbah Aceh, Article 5 regulates the main tasks of Wilayatul Hisbah as follows:

- (1) " Supervising the implementation and violation of laws and regulations in the field of Islamic Sharia"
- (2) " Providing Sharia guidance and advocacy to anyone who, based on preliminary evidence, is suspected of violating regulations in the field of Islamic Sharia"
- (3) "When the coaching task begins to be carried out, immediately notify the nearest investigator and send a note to the Keuchik, Head of Gampong and the family of the perpetrator"
- (4) " Referring cases of violations of Islamic Sharia law to investigators"
- (5) "Perform other duties within the framework of amar ma'ruf nahi mungkar"
- (6) " Providing information to the public regarding laws and regulations in the field of Islamic Sharia"
- (7) "Identifying violations of Islamic Sharia law and providing guidance by advising,

¹⁵ Ali Abu Bakar, and Zulkarnain, *Aceh Jinayat Law* (Banda Aceh: Prenadamedia group, 2019), hlm. 60-62

¹⁶ Aceh Qanun No. 11 of 2004 concerning Functional Duties of the Regional Police of Nanggroe Aceh Darussalam, Article 1 paragraph 8.

¹⁷ Aceh Qanun No. 5 of 2007 on the Organizational Structure and Work Procedures of Departments, Regional Technical Institutions and Regional Institutions of the Province of Nanggroe Aceh Darussalam, Article 202.

¹⁸ Ahmad Wardi Muchlis, *Introduction and Principles of Islamic Criminal Law: Fikih Jinayah* (Jakarta: Sinar Grafika, 2004), hlm. 113

reprimanding, and warning suspected violators; seeking to stop activities suspected of violating regulations; resolving cases through customary courts; and reporting suspected violations related to business premises or permits to the authorities".¹⁹

The level of law enforcement against khamr crime by Wilayatul Hisbah in reducing khamr cases in Simeulue Regency is going well, but there are still violations that occur so that law enforcement and in carrying out the authority of Wilayatul Hisbah in reducing khamr cases in Simeulue Regency are hampered.²⁰ However, based on observations made by the author, the organizational function of Wilayatul Hisbah Simeulue Regency has been running well, but the implementation is not optimal because there are still obstacles in patrols and raids. Then the lack of facilities and infrastructure in the office is also an obstacle to the effectiveness of this Qanun Hukum Jinayah. The Head of Law Enforcement Division said that the facilities and infrastructure in the office are not suitable for use because they have not been renewed since 2005, such as computers and pick-up cars. He also added that the biggest challenge is the lack of public understanding of Qanun No. 12/2003 on khamr. Although Wilayatul Hisbah has conducted socialization and provided understanding to the community regarding khamr, there are still many who violate the regulation.²¹ The importance of public understanding of the enforcement of Qanun Jinayat Law, especially on khamr, aims to create legal awareness in life and in an effort to uphold Islamic law in Aceh, especially in Simeulue Regency.

The next factor is the lack of communication between Wilayatul Hisbah and Village officials and other Village officials also hampers the effectiveness of this Qanun Hukum Jinayat. "When there is a perpetrator of khamr case, the perpetrator is directly handled by Satpol PP and Wilayatul Hisbah, then the perpetrator will be followed up at the office of Pamong Praja Police Unit and Wilayatul Hisbah and the process has nothing to do with the village apparatus" said Mr. Head of Along Village.²² But to overcome this, Wilayatul Hisbah made several efforts in preventing this case, the effort was divided into 2 stages, namely pre-emptif in the form of an appeal / appeal made to the community. Then preventive in the form of socialization carried out to the school environment and to the Village apparatus.²³ The participation of the Village apparatus or the representative in the socialization effort of Qanun Hukum Jinayat is very significant in its role, so that with the socialization, the community has consciously entered the initial stage to increase legal awareness.

Conclusion

Wilayatul Hisbah in enforcing Islamic law in preventing khamr cases in Simeulue Regency has been running optimally. Then in terms of interpretation of the application of flogging punishment has been carried out in an orderly manner. But it's just that in its

¹⁹ Governor Regulation Number 139 of 2016 concerning the Position of Organizational Structure, Function Duties and Working Procedures of Satpol PP and Wilayatul Hisyah Satpol PP and Wilayatul Hisbah Aceh, Article 5

²⁰ The results of the interview with the Head of the Regional Legislation Division of Simeulue Regency, on July 25, 2024.

²¹ Interview result with the Head of Regional Legislation Division of Simeulue Regency, on July 25, 2024

²² Interview with Mr. Kalvin Husin (Head of Along Village, Simeulue Regency), on July 24, 2024

²³ Interview with Mr. Rislan Syamsuddin, S.HI (Head of Enforcement and Regional Legislation of Simeulue Regency), on July 25, 2024

implementation there are obstacles experienced in the Wilayatul Hisbah supervision process, namely; limited facilities and infrastructure provided by the local government, the absence of communication and coordination between Wilayatul Hisbah and Village officials in preventing khamr cases in Simeulue Regency, as well as the lack of legal awareness and understanding of the community regarding Qanun No. 12 of 2003 concerning khamr. These inhibiting factors are not only shortcomings of Wilayatul Hisbah, but the lack of public awareness of the surrounding environment is also one of the obstacles in the prevention of khamr in Simeulue Regency.

However, some of these inhibiting factors can be overcome by Wilayatul Hisbah through efforts made in the form of conducting socialization, increasing communication and coordination with related officials, and optimizing the budget for facilities and infrastructure. For more effective implementation of *Kaffah* Islamic Sharia, Wilayatul Hisbah must emphasize socialization to the community by providing understanding and knowledge about the importance of applying Islamic Sharia in everyday life, and the dangers caused by alcohol. In addition, the Simeulue Regency government should pay attention to facilities and infrastructure so that the implementation of Islamic law achieves its goals. Then it is hoped that the Village apparatus and the community can support and fully participate in the prevention of khamr in Simeulue Regency so that khamr violations can be reduced for the realization of Simeulue Regency based on Islamic law.

Bibliography

Journal

- Hudzaifah Ahmad Qotadah, Adang Darmawan acjmad, 2020, "Qanun Jinayat Between Implementation, Issues and Challenges", *Journal of Law and Humanity*, Vol.14, No 2
- Cindi Feli Etika.Hrhp, Putri Keumala Sari, 2023, "The Effectiveness of Law Enforcement Against Perpetrators of Qanun Jinayah Violations", *Journal of Law*, Vol.2, No 7
- Kamarusdiana, 2016, "Qanun Jinayah Aceh in the Perspective of the Indonesian Legal State", *Ahkam Journal*, Vol.15, No 2
- Cut Maya Apita Sari, 2016, "Pros and Cons of Islamic Qanun Implementation in Aceh, *JRP Journal*, Vol.6, No 1
- Muhammad Yusuf, 2019, "The Effectiveness of the Implementation of Jinayah Law in Aceh", *Journal of Family Law and Islamic Law*, Vol.3, No.2.
Family and Islamic Law, Vol.3, No 1

Book

- Mardani, , "*Drug Abuse in the Perspective of Islamic Law and National Criminal Law*", Jakarta: Rajawali Press, Raja Grafindo Persada, 2008
- Hamid Sarong, "*Aceh Shari'ah Court*", Banda Aceh: Global Education Institute, 2012
- Lubis, Zulkarnain, Bakti Ritonga, 2016, "*Basics of Jinayah Procedure Law*", Jakarta: Prenadamedia
- Ali Abu Bakar, M. D, "*Jinayat Law in Aceh*", Aceh: Prenadamedia group, 2019
- Jailani, S. M, "*Taqnin of Islamic Criminal Law in Aceh*", Banda Aceh: Ar-Raniry Press, 2020, Aceh Consultative Assembly, "*Fatwas of the Aceh Consultative Assembly*", Aceh: Prenadamedia Group, 2008
- Office of Islamic Shari'at Nanggroe Aceh Darussalam, "*Set of Laws, Presidential Decree, Regional Regulation/Qanun, Presidential Instruction, relating to the Implementation of Islamic Shari'a*", Aceh: Aceh Islamic Shari'a Office, 2008
- Ahmad Wardi Muchlis, "*Introduction and Principles of Islamic Criminal Law: Fikih Jinayah*", Jakarta: Sinar Grafika, 2004,
- Ratna Gustina, "*The Da'wah Strategy of Wilayatul Hisbah in the Implementation of Islamic Shari'a Supervision in Langsa City*" (Thesis, UIN Ar-Raniry Banda Aceh), 2019,
- M. Sukron Siregar, "Khamr in the View of Muslims and Non-Muslims in Simpang Semadam Village, Southeast Aceh Regency" (Thesis, UIN Ar-Raniry Banda Aceh). 2023,

Interview Results

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Ms. Ida: Staff of the Islamic Shari'a Supervision Division of Wilayatul Hisbah Simeulue Regency

Mr. Kalvin Husin : Head of Along Village, Simeulue Regency

Mr. Ali Safrin, S.Kom : Resident of Along Village, Simeulue Regency