

The Effectiveness of Islamic Law Enforcement to Empower and Protect Women in Aceh Province, Indonesia

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Abstract

The province of Aceh is the only province in Indonesia that has the authority to fully implement the Islamic law. The authority of Islamic law enforcement is then implemented through the establishment of a number of provincial regulations known as qanun. However, the enforcement of Islamic law is criticized by some non-governmental organization because it can increase discrimination against women. Therefore, this study aims to see the effectiveness of Islamic law enforcement to empower and protect women. This research is a quantitative research that tests the effectiveness of Islamic law enforcement. The purpose of this research is to know the effectiveness of Islamic law enforcement to empower and protect women in Aceh province, Indonesia. The population of this research is women who use social media located in the province of Aceh, Indonesia. Respondents of this research taken from a particular population. Questionnaires are used as data collection methods. Data analysis method used is Structural Equation Modeling (SEM) using IBM SPSS Amos software. The result of this research shows that Islamic law enforcement has a significant impact to empower and protect women in Aceh Province, according to the principle adopted by the Aceh government that women as noble beings need to be empowered and are entitled to protection in accordance with Islamic law.

Keywords: Islamic law; Empower women; Protect women.



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1. Introduction

Aceh province is the only province in the Republic of Indonesia who runs the Islamic law based on Act No. 18 of 2001. Under the Act, the authority to run the Islamic law is an integral part of the special autonomy granted by the central government in accordance with the special needs of regions and communities in the province of Aceh (Surbakti, 2015).

The authority of Islamic law enforcement is then implemented through the establishment of a number of provincial regulations known as qanun or Syariah qanun. The compilation of various qanun is done based on the policy lines set forth in the regional regulation No. 5 of 2000 as the implementation of the law No. 44 of 1999. Qanun is an application of Islamic law which is the only one in the Republic of Indonesia. It is not easy to create a Qanun that can be approved by the legislature and the executive. Once approved, it becomes part of legislative rules that have permanent legal force in Aceh which is one of the provinces in Indonesia. The spirit of maintaining Islamic law in Aceh and implementing it in the form of qanun is based on Islamic law since centuries ago into an integral part of Aceh's tradition. Even sometimes difficult to distinguish where Muslims who follow Islamic law or follow the tradition (Shadiqin, 2010)

Based on these regional regulations, the Islamic Law in Aceh must be fully enforced on three main principles: (1) Adhering to the Qur'an and Sunnah; (2) Understanding and reasoning on the provisions of the Qur'an and Sunnah are based on scientific methods to meet the needs of the people of Aceh today in the framework of the Republic of Indonesia, and (3) forward-oriented to anticipate the needs of the people that arise because of development and progress in the twenty-first century.

After the Helsinki MoU in 2005, the implementation of Islamic law in Aceh is getting stronger. Law Number 18, 2001 on Special Autonomy for the Special Province of Aceh became the basis of the birth of several qanuns of the implementation of Islamic law in Aceh. However, after the enactment of Law Number 11, 2006 regarding Aceh Government, Law Number 18, 2001 becomes no longer valid. Law Number 11, 2006 affirms the birth of a law

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regulating Islamic law in Aceh called qanun. Qanun was born through the process of negotiation in the DPRA (Aceh House of Representatives), this qanun which became the official law of Islamic law in Aceh (Ulfa, 2016)

As a society, the province of Aceh has long been known as the "Veranda of Mecca" (Dhuhri, 2017) This status indicates that Aceh is the most prominent social ecosystem of Islamic law in Indonesia. The existence of this stereotype suggests that Islamic law including *jinayah*, by itself can be easily established because of the good religious understanding of all layers of society (Berutu, 2016). These include the implementation of Islamic law to empower and protect women who have been criticized by several NGOs and human rights activists. In fact, some activists are urging review and evaluation of the implementation of Qanun Jinayat or the Regional Regulation of Islamic Law in Aceh because it is considered discriminatory by punishing vulnerable groups and 'minimal community participation' (Artharini, 2016).

They not only criticized the application of Islamic law, but the punishment of caning was also in the spotlight, they considered the sentence to be contrary to the laws of Indonesia and the various anti-discrimination conventions against women ratified by the Indonesian government, including strengthening corporal punishment which has been banned in Indonesia (Artharini, 2016). Based on this fact, this research is conducted to know the effectiveness of Islamic law enforcement to empower and protect women in Aceh province, Indonesia.

2. Literature Review

Research conducted by Bahri (2013) explained that the implementation of Islamic Law in Aceh is not something new within the territory of the Republic of Indonesia. Since before the Indonesian state gained its independence, the region of Aceh has been known for its Islamic empires, such as Samudera Pasai and the kingdom of Aceh Darussalam and until now, Islamic law is still practiced by the people of Aceh Province. However, he found that in the process of implementation there are some obstacles due to the absence of a standard format that can be used as a guide for implementation in Aceh. Attempts to find the form of Islamic Law in Aceh are still continuing up to now in all areas of life, which will give its own color in the study of law and politics of the territory of the Republic of Indonesia (Bahri, 2012). However, this study does not mention at all about the effectiveness of Islamic law enforcement to empower and protect women in the province of Aceh.

There are also studies conducted by Fahmi (2012). He conducts research by approaching the literature by collecting various secondary sources related to the topic of Islamic law in Aceh. He found that the application of Islamic law in Aceh requires a thorough and simultaneous revitalization and reform so that the application of Islamic law will bring about the value of justice, prosperity and peace as a whole in Aceh. He also found the fact that the current qanun is still not maximized because the behavior of society and law enforcement that does not reflect the order and values of Islamic law (Fahmi, 2012). But the effectiveness of Islamic law enforcement has not been discussed.

Research conducted by Ulfa (2016) studied the implications of *jinayat* legal qanun through several aspects such as justice and human rights for the people of Aceh and the active role of the Aceh government in applying *jinayat* law. The results of this study indicate that the law of Jinayat regulated in Qanun no. 6 of 2014 has accommodated the values of Islamic law and is therefore believed to have accommodated the value of human rights and the principles of justice (Ulfa, 2016), but this research has not discussed the effectiveness of qanun to empower and protect women in Aceh province.

Abubakar (2011) in his research entitled "Islamic Law In Aceh: A Model of Harmony and Religious Freedom" found that there is no compulsion for non-Muslims to apply Islamic law. In other words, Islamic law is for Muslims only. The Aceh government simply asks non-Muslims to respect the qanun of Islamic law that has been implemented. In a different study (Kamarusdiana, 2016), he argued that Law No. 18 of 2001 on Special Autonomy of the Special Province of Aceh and Law Number 11, 2006 regarding the Government of Aceh has confirmed that the existence of Islamic law in Aceh has become a national law, both in terms of legal materials, law enforcement officers, as well as raising public awareness in Aceh of Islamic law. Qanun jinayat in Aceh Province is a reform of criminal law in Indonesia, because good law should reflect the living law within the community itself, so that the current law in Aceh can be used as a model for the development of a pluralistic Indonesian law yet within the framework of the State of law Indonesia (Kamarusdiana, 2016)

Based on the literature review above, there has been no discussion yet about the effectiveness of Islamic law enforcement to empower and protect women in Aceh province, Indonesia. That's why the empowering woman and protecting woman will be the main focus of this study to see the effectiveness of Islamic law in Aceh province, Indonesia

3. Methodology

The research method used is quantitative, and data were analyzed using Structural Equation Modeling (SEM) with IBM-SPSS-AMOS program version 21.0. The population of this research is women who use social media located in the province of Aceh, Indonesia. Respondents of this research amounted to 100 people as samples taken from particular social media group in the province of Aceh. Questionnaires are used as data collection methods. We made questionnaires with Google form apps.

SEM is formed with two main models namely measurement model and Structural model. Before tested SEM, prior adjustment tests should be made to ensure that the tested indicator actually represents the measured construction. There are two analyzes as prerequisites that must be met before the SEM analysis is performed: (1) Exploration Analysis Factor (EFA), and (2) Confirmation Factor Analysis (CFA). CFA is a test of measurement

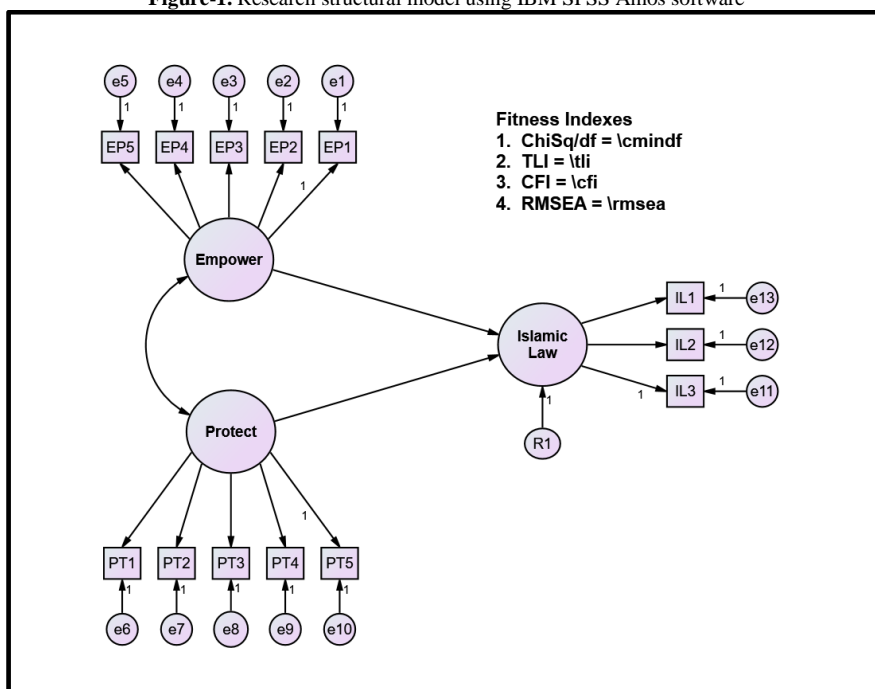
model to ensure that each construction meets procedures such as validity and reliability for each experiment being built (Awang, 2014); (Byrne, 2013); (Hair *et al.*, 1998); (Kline and Santor, 1999); (Piaw, 2009); (Schumacker and Lomax, 2012). Comparison of model measurement is essential to ensure that any latent construction in this study is compatible with the data studied before SEM can be continued (Awang, 2015); (Kline and Santor, 1999); (Schumacker and Lomax, 2012)

Using the CFA method can assess the extent to which factors are observed significantly to the latent construction used. This assessment is done by examining the stiffness value of the regression pathway from factor to observed variable (factor loading) rather than the relationship between factors (Byrne, 2016). Through the use of CFA, any item not conforming to the measurement model is derived from the model. This inequality is due to the low load factor value. Researchers need to apply the CFA process to all model-related constructions, either separately or collectively (combined CFA models) (Alias and Hartini, 2017).

The compatibility of the hypothetical models tested is verified using the Fitness Indexes to see the values of Root Mean Square Error of Approximation (RMSEA<0.08), Goodness of Fit Index (GFI>0.90), Comparative Fit Index (CFI>0.90) and Chi-Square/Degree of Freedom (chisq/df <5.0).

The hypothetical model is considered to be in accordance with the research data when the chisq/df value is less than 3.0 (Marsh and Hocevar, 1985). The hypothetical model is also considered to correspond to a GFI value greater than 0.90 (Jöreskog and Sörbom, 1993). The value of RMSEA is very good if it is smaller than 0.08 (Browne and Cudeck, 1993); (Hair *et al.*, 1998) but still less than 0.1 (Byrne, 2013); (Byrne, 2016). Bentler (1990) also recommends receiving CFIs over 0.90. But the CFI value between 0.80 and 0.89 is still at the margin received. To verify the model developed, the bootstrapping value is determined. According to Bollen and Stine (1992), the developed model is considered to have validity when the bootstrap value exceeds 0.05 means there is no difference between the data collected from the sample with the proposed model. Therefore, the proposed model is valid based on data collected from the research sample.

Figure-1. Research structural model using IBM SPSS Amos software

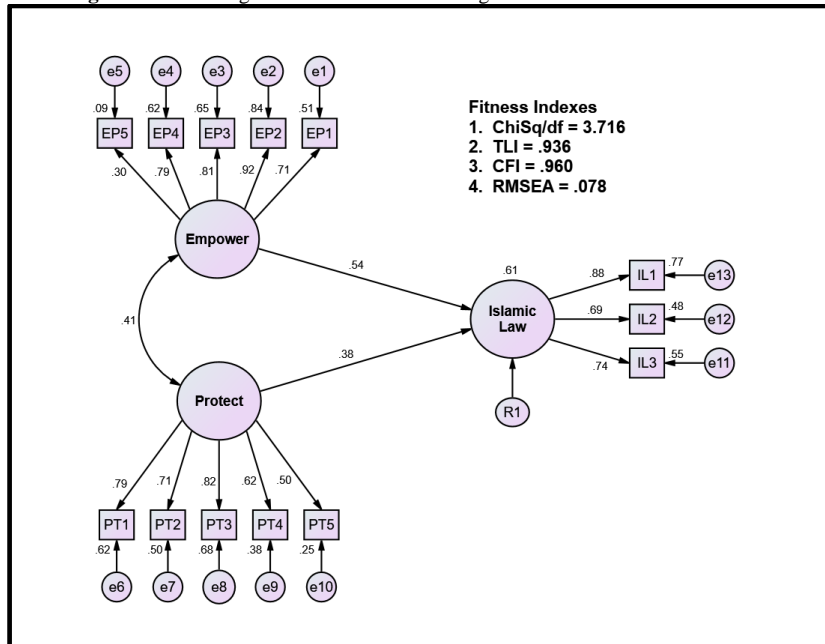


4. Results and Finding

4.1. Impact Analysis between Empower, Protect and Islamic Law

Analysis by using SEM yields a standard regression value between the construct and the usual regression value and both have their own utility. Figure 2 shows the standard regression weight findings, whereas Figure 3 shows a typical regression value as a result of the SEM procedure.

Figure-2. SEM Insights Shows the Standard Regression Value between Constructs

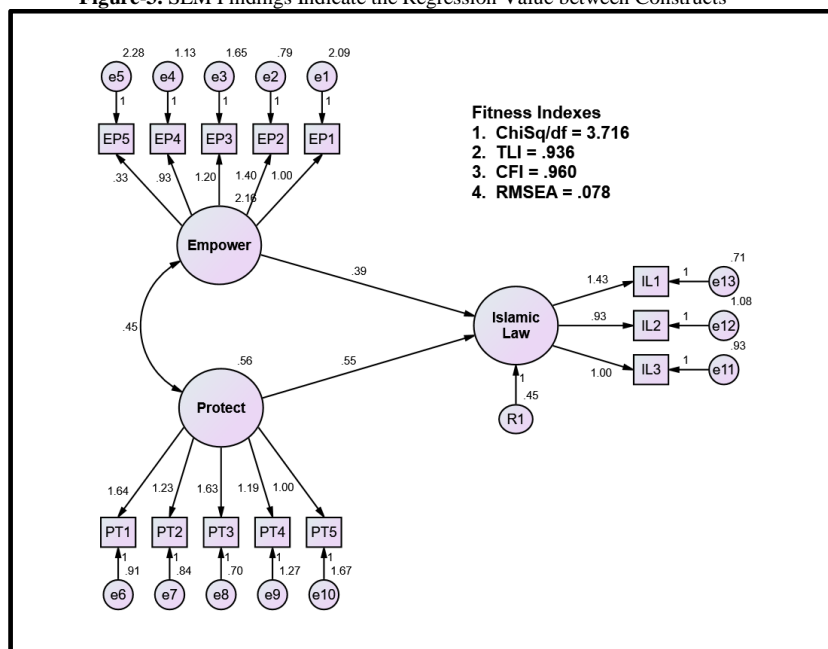


An important summary of the SEM findings in Figure 2 (standard regression):

a) The R² value for the constructs of the Islamic Law is 0.61. This shows the two constructors constructed in the model (see arrow), namely Empower (EP) and Protect (PT) which accounted for 61% of the Islamic Law (IL) among the populations in the study.

Figure3 shows the findings of regression values between the constructs in the model, to build the required regression equation and to test the next hypothesis.

Figure-3. SEM Findings Indicate the Regression Value between Constructs



An important summary of the SEM findings in Figure 3 (regression value): Regression equations for Islamic Law (IL) are as follows:

$$IL = 0.39EP + 0.55PT \quad (R^2 = 0.61 \text{ or } 61\%)$$

Furthermore, the researcher will test every hypothesis proposed in this research. Table 1 shows the approximation of the direct effects of the effects of each independent construct on the dependent construct in the model as shown in Figure 3 above.

Table-1. Regression Coefficients between Construct Value and Probability (p)

Construct	Construct	Estimate	S.E.	C.R.	P	Label
Islamic Law	<--- Empower	0.393	0.037	10.703	***	Significant
Islamic Law	<--- Protect	0.933	0.145	6.426	***	Significant

*** Significant value at the level of significance, p<0.001

4.2. Impact of Empower on Islamic Law

Table 1 shows that Empower has a significant direct impact on Islamic Law with estimated regression value (β) is 0.393 at significant level 0.001 (Estimate=0.393, CR=10.703, $p < 0.001$). This means that the construct of Empower has a positive and significant influence on the construct of Islamic Law. This means that if the Empower increased by 1 unit, Islamic Law will increase by 0.393 units. The findings of this study indicate that the construct of Empower has a positive and significant influence on the development of Islamic Law.

4.3. Impact of Protect on Islamic Law

Table 2 shows that Protect has a significant direct impact on the Islamic Law with an estimate of regression value (β) is 0.933 at a significant level of 0.001, (Estimate=0.933, CR=6.426, $p < 0.001$). This means that the construct of Protect has a positive and significant influence on the construct of the Islamic Law. This means that when Protect increases by 1 unit, the Islamic Law will increase by 0.933 units. The findings of this study indicate that the construct of Protect has a positive and significant influence on the development of Islamic Law.

5. Conclusion

The province of Aceh has long been known as the "Veranda of Mecca". The Aceh community has been using Islamic law for a long time. Now, the authority of Islamic law enforcement is then implemented through the establishment of a number of provincial regulations known as qanun. Qanun Aceh is an application of Islamic law which is the only one in the State of Indonesia. Once approved, it becomes part of legislative rules that have permanent legal force in Aceh which is one of the provinces in Indonesia. This study proves that Islamic law enforcement has a significant impact to empower and protect women in Aceh Province. Inference analysis findings also show Empower and Protect, have a positive and significant influence on Islamic Law. The effect of Empower and Protect on Islamic Law is 61%, which shows a very real effect.

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