

# Gayo Lues Traditional Law Regarding Community Order for Visitors at Sarah Juli Hotel

**Dewi Robiyanti<sup>1</sup>, Zetria Erma<sup>2</sup>, Yulkarnaini Siregar<sup>3</sup>, Erwin Hamonangan Pane<sup>4</sup>, Syabri<sup>5</sup>**

<sup>1,2,3</sup>Universitas Pembinaan Masyarakat Indonesia (UPMI)

<sup>4</sup>STAI Barumun Raya, Indonesia

<sup>5</sup>Satuan Pol Pamong Praja Gayo Lues, Indonesia

*dewirobiyanti071188@gmail.com, zetriaermaupmi2018@gmail.com, yulkarnainis@gmail.com, erwinhamonanganpane@gmail.com, syabri2021@gmail.com*

## Abstract

*The prohibition of seclusion is an early prevention of adultery because the act of adultery basically starts from the things that lead to it. The ratification of Qanun No. 14 of 2003 concerning Seclusion at the beginning of the application of Islamic law in Aceh as a qanun in the field of jina>ya>t was not without reason, the selection of the qanun had at least two reasons. The first reason, the act of seclusion is a form of immorality (haram) in Islamic law and is very disturbing to the community but has not been handled properly. Second, the existence of euphoria within the community in the form of 'people's justice' against the types regulated in this qanun jina>ya>t, in order to avoid taking vigilantes in the midst of society, the Aceh Government ratified Qanun No. 14 of 2003 as a form of anticipation to various disturbances in Acehnese society.*

## Keywords

Traditional law;  
community; visitor  
hotel



## I. Introduction

The Gayo Lues community is an integral part of the Indonesian nation. They have specific traditional and cultural characters and values like Indonesian society in general. Tradition is something that is passed down from the heritage of the ancestors to the next generation in a relay descends performed by the indigenous communities that have become deeply entrenched the culture in life. (Purba, N. 2020). The values of Gayo customs and culture, they make as customary law 1 in everyday life. C. Snouck Hurgronje, said that the traditional values of the Gayo people expressed in various traditional proverbs, when viewed at a glance, sometimes contain a riddle-like meaning. However, after all, these customary words are the basis of customary law, which must continue to live and develop in the joints of the life of the Gayo people.

### 1.1 Problem Formulation

Based on the background of the problem above, the problem is formulated as follows:

- How is the Gayo lues customary law?
- How the Application of Qanun Number 14 of 2003 is applied in the Gayo Lues Community

## **II. Review of Literature**

This paper is about Gayo Lues customary law related to Qanun Number 14 of 2003 Customary law in the Gayo Lues community related to the concepts of the community knowledge system can be used as a reference. The literature review aims to obtain an overview of the relationship between the topics to be studied with this writing which has been done by previous authors so that there is no repetition. This activity is carried out by exploring what has been stated or found by previous experts and adding new things from this research. The writings that discuss the Gayo Lues Customary Law, it can be said that no one has raised the issue for a scientific work or become a source of reference for writing materials. The writing of scientific papers on Customary Law in Gayo Lues departs from the problems listed in the formulation of the problem above. However, there are several writings related to Customary Law in Gayo Lues, including writings that are not directly related to the research object of Gayo Lues Customary Law. In general, this book explains about norms, religion and culture or values that have been passed down from generation to generation in order to create a harmonious life, ethnicity, race, language, and religion. Thus, it has high socio-cultural-religious values as understood by the culture of the Indonesian people, which can be said to be very plural. In another part, Agus Budi Wibowo, wrote in his book in 2007 with the title "The Tradition of Eating and Drinking in Gayo Farmers" published in Banda Aceh by BPSNT, He explained about the marriage system, explained by the influence of marriage, they themselves have the same ancestor and the same social system of territorial ties. In addition, marriage is very decisive because it is able to bind various kinds of rights and relationships into one or several packages, in other words a society can have more than one form of marriage. In addition, Agus Budi Wibowo discussed the importance of marriage in terms of social stratification. The types of marriages in the Gayo community were also explained such as Ango/Juelen marriages, Angkap marriages and Kuso Kini marriages. Badruzzaman Ismail and his friends wrote in 2012 with the title "Romantika Waran Warni Adat Ethnis Ethnis Aceh Etnisan adat" (Achehnese Ethnic Marriages) which was published in Banda Aceh by the Aceh Province Customary Council, they explained about the Gayo marriage custom. In addition, they also describe the stages carried out at the Gayo community wedding or what is called Mengerje.

## **III. Research Method**

This research is about Customary Law in Gayo Lues, is a qualitative research using descriptive method, which is trying to describe every event and its relation to the people involved in a certain situation. This research is classified as field research, which is an investigation carried out in the field or research location. The subject of this research is directed to Customary Law and Qanun Number 14 of 2003. The method used in this research is a qualitative method, namely the study of a study that seeks to collect data, process and analyze descriptively and interpret qualitatively. For this reason, the research data collected is in the form of narrative concepts. The method used in researching a study is the interview and observation method where interviews with community leaders and traditional leaders in the Gayo Lues area are located in Gayo Lues Regency. The location of this research was conducted at Hotel Sarah Juli Jl. Colonel Muhamadin No. 54 (in front of the Pancasila field) Blangkejeren Kab. Gayo Lues, Aceh on February 18, 2022.

## IV. Results and Discussion

### 4.1 Overview of Gayo Lues Regency

Gayo Lues Regency is one of the regencies within the Aceh Province, which was formed based on Law Number 4 of 2002 concerning the Establishment of Southwest Aceh Regency, Gayo Lues Regency, Aceh Jaya Regency, Nagan Raya Regency and Aceh Tamiang Regency. The regency, whose capital is Blangkejeren, has an area of 5,719.58 km<sup>2</sup>. Geographically, Gayo Lues Regency is located at latitude 03°40'-04°17' North Latitude and longitude 96°43'-97°55' East Longitude. With administrative limits as follows:

- North: Regency. Central Aceh, Kab. Nagan Raya, and Kab. East Aceh
- South: Regency. Southeast Aceh, and Kab. West Aceh Power
- West : Regency. West Aceh Power
- East : Regency. Aceh Tamiang, and Kab. Langkat (North Sumatra Province)

Administratively, Gayo Lues Regency consists of 11 sub-districts, 25 settlements, and 144 villages. The largest sub-district area is Pining District with an area of 1617.14 km<sup>2</sup> (28.27% of the total area), and the sub-district with the smallest area is Blangkejeren District which is also the center of government with an area of 158.74 km<sup>2</sup> (2, 78% of the total area of the whole area). The following is a breakdown of the area of Gayo Lues Regency by sub-district (km<sup>2</sup>).

Gayo Lues Regency is an area located at an altitude of 500-2000 m above sea level, whose physiographical area is dominated by hills and mountains. For this reason, the district has also been nicknamed "The Land of a Thousand Hills". The district, which has cold climates with temperatures up to 150 Celsius, has a topography of the area where the average slope of the land is between 25-40%.

Gayo Lues Regency is generally the same as other regions in Indonesia, which have a tropical climate and moderate temperature. The average rainfall is below 3,000 mm per year and rainy days below 150 days per year.

The number of people who inhabit Gayo Lues Regency based on data from the Central Bureau of Statistics of Gayo Lues Regency in mid-2011 was 81,382 people, thus the population density of this regency at that time reached 14.23 people/km<sup>2</sup>. The main livelihood of Gayo Lues residents is from the agricultural sector, with the role of the agricultural sector in Gayo Lues GRDP in 2009 amounting to 58.13%, followed by other sectors. This means that Gayo Lues Regency is a district that has an economic base from the agricultural sector. Of course, in developing this district, one must start from revitalizing the agricultural sector towards a civilized and prosperous agrarian district.

### 4.2 Law and culture of the Gayo Lues community

The cultural system of the Gayo community basically contains knowledge, beliefs, values, religion, norms, rules, and laws that become references for behavior in people's lives. Therefore, Gayo customary law is a rule or act based on Islamic Shari'a which is obeyed, respected, obeyed and implemented consistently (*īstiqāmāh*) and comprehensively (*kāffāh*) in an effort to resolve legal cases in the Gayo community. Legal case resolution is essentially an effort to make the population of a country (especially the weak and the poor) feel not only fair, but also socially more protected and more self-aware.

To find out more deeply about the Gayo Lues customary values based on Islamic law in resolving the legal cases above, a more serious, systematic and humanist study is needed. Therefore, this study is very interesting, even very significant. Its benefits include contributing ideas to local governments, traditional leaders, religious leaders, Muslim

experts and scholars in making policies to organize the customary law of the Gayo community that is peaceful, just, wise, and prosperous.

#### **4.3 Gayo Lues Customary Law Related to Qanun No. 14 of 2003**

Throughout history, the people of Aceh have used Islam as a guide in their lives. Through the appreciation and practice of Islamic teachings in a fairly long historical span (since the VII century AD) has created an atmosphere of Islamic society and Acehnese culture. Aceh's culture and customs were born from the reflections of the scholars, then practiced, developed and preserved. In a wise saying it is stated "Adat is like Poteu Meureuhom, Hukom is like Syiah Kuala, Qanun is like Putro Phang Reusam like Lakseumana". This expression is a reflection that Islamic Shari'a has been integrated and has become a way of life for the people of Aceh through the role of ulama as heirs of the Prophets. This historical fact has become blurred since the Dutch and Japanese Colonials controlled Aceh and even until Indonesia achieved its independence.

With the emergence of the reformation era in 1998, the hidden enthusiasm and opportunity to enforce Islamic Shari'a in several regions in Indonesia resurfaced, especially in Aceh, which has long been known as the Veranda of Mecca. This enthusiasm and opportunity was then accommodated in Law Number 44 of 1999 concerning the Implementation of the Privileges of the Province of the Special Region of Aceh. This opportunity is further emphasized in Law Number 18 of 2001 concerning Special Autonomy for the Province of the Special Region of Aceh as the Province of Nanggroe Aceh Darussalam. In addition, at the regional level the implementation of Islamic Shari'ah has been formulated in a juridical manner through Regional Regulation No. 5 of 2000 concerning the Implementation of Islamic Shari'a.

In general, Islamic Shari'ah in the field of law contains legal norms that regulate social/state life and legal norms that regulate morals or individual interests that must be obeyed by everyone. Obedience to legal norms that regulate morals is very dependent on the quality of one's faith, piety and conscience, also accompanied by worldly and hereafter sanctions against people who violate them.

In the Islamic legal system there are two types of sanctions; namely the definitive sanctions from Allah and the Messenger and the sanctions imposed by humans through the executive, legislative and judicial powers. Both types of sanctions encourage people to comply with legal provisions. In many cases law enforcement demands the role of the state.

The law does not work if it is not enforced by the state. On the other hand, a country will be disorderly if the law is not enforced.

Seclusion/mesum is an act committed by two people of the opposite sex or more, without a marriage bond or not a muhrim in a certain quiet place that allows immoral acts in the sexual field or which have the opportunity for adultery to occur.

Islam strictly forbids committing adultery. While khalwat/mesum is a washilah or opportunity for adultery to occur, khalwat/mesum is also one of the jarimah (criminal acts) and is threatened with 'uqbat ta'zir, according to the syar'i qaidah which reads:

In its development khalwat/mesum does not only occur in certain places that are quiet from the sight of others, but can also occur in a crowd or on the streets or in other places, for example in a car or other vehicle, where both men and women having fun without a marriage bond or a mahram relationship). This behavior can also lead to adultery.

This Qanun on the prohibition of seclusion/immorality is intended as a preventive, preventive and at the optimum level remedial as a repressive effort through the imposition

of 'uqubat in the form of 'uqubat ta'zir which can be in the form of uqubat whip and uqubat fine (garamah).

At the beginning of the formalization of the implementation of Islamic law in Aceh, the Aceh Government has ratified three Qanun Jinayat as the first step in implementing Islamic law in Aceh. The three Qanuns are, Qanun No. 12 of 2003 concerning the Prohibition of Alcohol (alcohol), Qanun No. 13 of 2003 concerning the Prohibition of Maisir (gambling) and Qanun No. 14 of 2003 concerning Seclusion (mesum). The selection of the three qanuns has at least a basic reason for the Aceh government, namely that the three regulated acts are actions or actions that are often encountered among the community, so as to avoid taking vigilante action against the perpetrators. So the Aceh government felt the need to regulate it in the form of a qanun, because at the beginning of the implementation of Islamic law the public euphoria was so great. Qanun No. 14 of 2003, is one of the actions that is prohibited in Aceh and the law is forbidden for anyone who lives in Aceh. The term khalwat comes from khulwah from the root word khala which means quiet or lonely. Meanwhile, according to the term, seclusion is the state of a person who is alone and away from the views of others. Seclusion is an act carried out by two people of the opposite sex or more without a marriage bond or not a marriage partner in a certain quiet place.<sup>3</sup> Meanwhile, the definition of seclusion in the Big Indonesian Dictionary (KBBI) is a pair of men and women who are not married in a quiet or hidden place.<sup>4</sup> As for khalwat according to Qanun No. 14 of 2003 is an act of seclusion between two or more converts of the opposite sex who are not married or without marriage ties. Seclusion (mesum) is an act carried out by two people of the opposite sex or more without a marriage bond (not a muhrim) in a certain quiet place that allows immoral acts in the sexual field or which have the opportunity for adultery to occur. Islam strictly forbids committing adultery. While khalwat (mesum) is opportunity for adultery to occur<sup>6</sup>, then khalwat (mesum) is also one of the jari>mah (criminal acts) and is threatened with 'uqu>ba>t ta'zi>r. In its development khalwat (mesum) does not only occur in certain places that are quiet from the sight of others, but can also occur in a crowd or on the streets or in other places, such as in a car or other vehiclewhere men and women are immoral (without marriage ties).<sup>7</sup> This behavior can also lead to adultery. The Qanun regarding the prohibition of khalwat (mesum) is intended as a preemptive, preventive and at the optimum level remedium as a repressive effort through the imposition of 'uqu>ba>t in the form of 'uqu>ba>t ta'zi>r which can be in the form of 'uqu>ba >t whip and 'uqu>ba>t fine (garamah). Qanun Khalwat (Mesum), when viewed from the type of action against the law, is not a new thing. The same thing is found in the decency rules contained in the Criminal Code (KUHP). Despite the controversy it has, this colonial product of the Criminal Code has long ago regulated the issue of decency. Even more detailed than Qanun Khalwat. In the qanun, Seclusion is defined as an act of solitude between two or more mukallaf people of the opposite sex who are not married or are not married. Meanwhile in the Criminal Code, "small" things that are immoral acts are even punished. This view was put forward by Muhammad Yani, in his thesis entitled Implementation of Jinayat Law in Aceh from the Fik}ih and Human Rights Perspective, which was quoted from Komnas Perempuan.<sup>8</sup> However, the two still have different legal orientations. The act of seclusion will still be punished whether it is done in a public place (open) or in a closed place. That is, the legal orientation of the regulation of seclusion is for the benefit and personal benefit of a person and also for others. Personal benefits so that a person does not commit acts that lead to adultery which is prohibited by religion, lead to sin and punishment in the future. While the benefits for others are to protect the community from various forms of activities and or actions that damage honor. As stated in Article 3 of

Qanun No. 14 concerning Seclusion, the purpose of prohibiting khalwat is to protect the community as early as possible from acts that lead to adultery and damage honor and protect the community from various forms of activities and/or actions that damage honor.

#### **4.4 Qanun of Nanggroe Aceh Darussalam Province Number 14 of 2003**

##### **Qanun of Nanggroe Aceh Darussalam Province Number 14 Year 2003**

###### **ABOUT KHALWAT (MESUM)**

**Bismillahirrahmanirrahim With the Grace of God Almighty  
Governor of Nanggroe Aceh Darussalam Province,**

Considering:

- a. that the Special Privileges and Autonomy granted to the Special Region of Aceh as the Province of Nanggroe Aceh Darussalam are based on Law Number 44 of 1999 and Law Number 18 of 2001, among others in the field of implementing Islamic Sharia in people's lives in order to realize good governance. an orderly, safe, peaceful, prosperous and just community life to achieve the pleasure of Allah;
- b. that khalwat/immorality is one of the evil deeds that prohibited in the Islamic Shari'ah and also contrary to the prevailing customs in the Acehnese society because such acts can lead a person to commit adultery;
- c. that based on the considerations as referred to in letters a and b, it is necessary to establish a Qanun concerning the Prohibition of Seclusion/Mesum;

Remember :

1. Al-Quran;
2. Al-Hadith;
3. Article 29 of the 1945 Constitution
4. Law Number 24 of 1956 concerning the Establishment of the Autonomous Region of Aceh Province and Amendment to the Regulations for the Establishment of the Province of North Sumatra (State Gazette of the Republic of Indonesia of 1956 Number 64, Supplement to the State Gazette Number 1103);
5. Law Number 8 of 1981 concerning the Code of Criminal Procedure Code (State Gazette of the Republic of Indonesia of 1981 Number 76, Supplement to the State Gazette Number 3209);
6. Law Number 22 of 1999 concerning Regional Government (State Gazette of the Republic of Indonesia of 1999 Number 60, Supplement to the State Gazette Number 3839);
7. Law Number 44 of 1999 concerning the Implementation of the Privileges of the Province of the Special Region of Aceh (State Gazette of the Republic of Indonesia 1999 Number 172, Supplement to the State Gazette Number 3893);
8. Law Number 18 of 2001 concerning Special Autonomy for the Province of the Special Region of Aceh as the Province of Nanggroe Aceh Darussalam (State Gazette of the Republic of Indonesia Year 2001 Number 114, Supplement to State Gazette Number 4134);
9. Government Regulation Number 27 of 1983 concerning the Implementation of the Criminal Procedure Code (State Gazette of the Republic of Indonesia of 1983 Number

36, Supplement to the State Gazette Number 3258);

10. Government Regulation Number 6 of 1988 concerning Coordination of Activities of Vertical Agencies in the regions (State Gazette of the Republic of Indonesia of 1988 Number 10, Supplement to the State Gazette Number 3373);
11. Government Regulation Number 25 of 2000 concerning Government Authorities and Provincial Authorities as Autonomous Regions (State Gazette of the Republic of Indonesia Year 2000, Supplement to State Gazette Number 3952);
12. Presidential Decree Number 44 of 1999 concerning Techniques for Drafting Legislations and Forms of Draft Laws, Draft Government Regulations, and Draft Presidential Decrees (State Gazette of the Republic of Indonesia Year 1999 Number 70);
13. Decree of the Minister of Home Affairs Number 23 of 1986 concerning General Provisions Regarding Civil Servant Investigators in Regional Governments;
14. Regional Regulation of the Province of the Special Region of Aceh Number 5 of 2000 concerning the Implementation of Islamic Shari'ah (Regional Gazette of the Province of the Special Region of Aceh Year 2000 Number 30);
15. Qanun of the Province of Nanggroe Aceh Darussalam Number 10 of 2002 concerning Islamic Sharia Courts (Regional Gazette of the Province of Nanggroe Aceh Darussalam of 2003 Number 2 Series E Number 2, Supplement to the Regional Gazette of the Province of Nanggroe Aceh Darussalam Number 4);
16. Qanun of Nanggroe Aceh Darussalam Province Number 11 of 2002 concerning the Implementation of Islamic Shari'a in the Field of Aqidah, Worship and Islamic Syiar (Regional Gazette of the Province of Nanggroe Aceh Darussalam of 2003 Number 3 Series E Number 3, Supplement to the Regional Gazette of the Province of Nanggroe Aceh Darussalam Number 5)

With approval

**Nanggroe Aceh Darussalam Regional People's Representative Council**

Deciding :

**To Stipulate: Qanun Of Nanggroe Aceh Province  
Darussalam About Khalwat  
(Nasty)**

**Chapter I  
General Requirements  
article 1**

In this Qanun what is meant by:

1. The area is the Province of Nanggroe Aceh Darussalam.
2. The Provincial Government of Nanggroe Aceh Darussalam is the Governor and other officials as the executive body of the Province of Nanggroe Aceh Darussalam.
3. Regency/City Government is the Regent/Mayor along with other apparatus of the Regency/City government as the executive body of the Regency/City within the Province of Nanggroe Aceh Darussalam.
4. The Governor is the Governor of the Province of Nanggroe Aceh Darussalam.
5. Regent/Mayor is the Regent/Mayor within the Province of Nanggroe Aceh Darussalam.
6. The Camat is the head of government in the sub-district.
7. Imeum Mukim/Head of Mukim are leaders in a legal community unit consisting of a combination of several gampongs.

8. The Keuchik is the lowest head of government in a legal community unit in the Province of Nanggroe Aceh Darussalam who has the right to carry out his own household affairs.
9. The community is an association of people who are domiciled in the Province of Nanggroe Aceh Darussalam.
10. The Courts are the District/Municipal Syar'iyah Courts and the Syar'iyah Courts of the Province of Nanggroe Aceh Darussalam.
11. Wilayatul Hisbah is an institution tasked with fostering, advocating and supervising the implementation of amar makruf nahi munkar and can function as an investigator.
12. Police are Nanggroe Aceh Darussalam Police who are given the task and special authority to handle the implementation of the enforcement of Islamic Shari'ah.
13. Investigators are General Investigators and/or Civil Servant Investigators.
14. Civil Servant Investigator is a Civil Servant Officer appointed by the Governor who is given the task and authority to investigate violations of Islamic Shari'ah.
15. The Prosecutor is the Prosecutor of Nanggroe Aceh Darussalam who is given the task and authority to carry out special duties in the field of Islamic Shari'ah;
16. Public Prosecutor is a prosecutor who is given a special task and authority to carry out prosecutions in the field of Shari'ah and implement decisions of judges of the court;
17. The authorized official is the Chief of Police of Nanggroe Aceh Darussalam and/or other officials in his/her environment who are appointed based on the prevailing laws and regulations.
18. Jarimah is a forbidden act that is threatened with qishash-diat, hudud, and ta'zir.
19. 'Uqubat is a threat of punishment for the violation of jarimah.
20. Seclusion/mesum is an act of seclusion between two or more mukallaf people of the opposite sex who are not muhrim or without marriage ties.

## **Chapter II** **Scope and Objectives**

### Section 2

The scope of the prohibition on seclusion/immorality is all activities, actions and circumstances that lead to adultery.

### Article 3

The purpose of the prohibition of seclusion/immorality is:

- a. enforce the Islamic Shari'a and the prevailing customs in the community in the Province of Nanggroe Aceh Darussalam;
- b. protect the public from various forms of activities and/or actions that damage honor;
- c. prevent member public as early as Possible from commit acts that lead to adultery;
- d. increase the participation of the community in preventing and eradicating the occurrence of khalwat/immoral acts;
- e. eliminate the possibility of moral damage.

## **Chapter III** **Prohibitions And Preventions**

Article 4 Seclusion/Mesum is unlawful.

### Article 5

Everyone is prohibited from doing khalwat / lewd.

## Article 6

Every person or group of people, or government apparatus and business entities are prohibited from providing convenience facilities and/or protecting people from committing khalwat/immorality.

According to Article 1 number 20 of Qanun Khalwat/Mesum, the definition of seclusion (mesum) is an act of seclusion between two or more mukallaf people of the opposite sex who are not married or without marriage ties.

### 4.5 Qanun Regulations on Hospitality

The Gayo Lues government also regulates Hospitality in its area with Qanun. especially Hotel Sarah Juli.

Hotel Sarah Juli itself has always followed the regulations of the Regent of Gayo Lues Qanun No. 4 of 2016 concerning Tourism Regulations Chapter IV Article 6 Upholding religious norms, customs and cultural values.

Hotel Sarah Juli itself is located at Jl. Colonel Muhamadin No. 54 (in front of Pancasila Square) Blangkejeren, Gayo Lues Regency, Aceh.

### 4.6 Inhibiting Factors in Enforcing the Law

The reality shows that the implementation of Qanun Khalwat/Mesum has not had the expected impact, in the sense that on the one hand there are still many cases of khalwat/mesum that occur in East Aceh District which are not resolved according to the provisions of Qanun Number 14 of 2003 concerning Seclusion/Mesum, while on the other hand, On the other hand, cases of seclusion/immorality continue to grow. In general, cases of khalwat/mesum are often resolved by custom. The Head of the Regional Law Enforcement and Islamic Shari'ah Division of the Civil Service Police Unit and Wilayatul Hisbah (Satpol PP and WH) of East Aceh Regency stated that in general, community members prefer khalwat/mesum cases which they do are resolved by custom, such as paying fines to the village community after that immediately carry out the marriage.

In order for this Qanun to be effective, in addition to the investigation and prosecution institutions, supervision is also carried out which includes efforts to foster the perpetrator by the Wilayatul Hisbah institution which is one of the fields of the Civil Service Police Unit and the Wilayatul Hisbah. The community is also given a role to prevent the occurrence of khalwat/mesum in order to fulfill the obligation as a Muslim to do amar ma'ruf nahi munkar. The role of this community, of course, is not in the form of vigilantism, but remains within the corridor of statutory provisions.

The form of the threat of 'uqubat whipping for khalwat/mesum perpetrators is intended as an effort to raise awareness for the perpetrators and at the same time be a warning to other potential violators not to commit khalwat/mesum jarimah. In addition, 'uqubat lashing will be more effective because it gives shame and does not pose a risk to the family. The type of whip uqubat also has an impact on the costs that must be borne by the government being cheaper than other types of uqubat as known in the Criminal Code.

Although the implementation of the Qanun Khalwat/Mesum has been going on for 12 years and violations are also frequent, in East Aceh District in the last two years, this case has never been referred to the Court (in this case the Syar'iyah Court). According to data obtained from the Civil Service Police Unit Agency and Wilayatul Hisbah East Aceh Regency between 2013 - 2015 there have been 59 (fifty nine) cases of khalwat/mesum, but all of them are processed through customary settlements, not according to the provisions of the Qanun Khalwat/Mesum.

From the above background, the author formulates the problem of how to apply Qanun Number 14 of 2003 concerning Seclusion/Mesum in East Aceh District, what are the supporting factors in the implementation of Qanun Khalwat/Mesum in East Aceh district, and what can be factors barriers and efforts to overcome these obstacles.

## V. Conclusion

Based on the description that has been stated, several conclusions can be drawn as follows:

1. The implementation of the Qanun Khalwat/Mesum in Aceh Regency has not been effective so that it is difficult to achieve the expected target, namely reducing cases of khalwat/mesum as one of the community's diseases.
2. The implementation of Qanun Khalwat/Mesum basically has very significant supporting factors, such as the existence of a strong legal basis, credible institutions and characteristics of the Islamic Acehnese society.
3. Several factors can be an obstacle in the implementation of the Qanun Khalwat/Mesum including the perpetrators cannot be detained according to the provisions of the Criminal Procedure Code (KUHAP) so that the opportunity for suspects to avoid execution is very open, discrimination occurs in its application and the lack of funds both for socialization and for carrying out executions. . The solution currently being taken is only to intensify the socialization of the Qanun Khalwat/mesum so that it is understood by all levels of society.

## Suggestions

In order for the implementation of Aceh Qanun No. 14 of 2003 to be more effective in the framework of preventing khalwat/mesum in Aceh District, the authors suggest the following:

1. In the implementation of the Qanun of the Province of Nanggroe Aceh Darussalam Number 14 of 2003 concerning Seclusion/Mesum, it should not discriminate against certain groups, so that anyone who is guilty of committing an act can be processed to the Sharia Court so that the law is more authoritative and fosters public trust in institutions and law enforcement officers especially in the Gayo Lues area together with KasatPol PP and WH Syabri SP.d.
2. It is time for the Qanun of the Province of Nanggroe Aceh Darussalam Number 14 of 2003 concerning Seclusion/Mesum to be revised so that it is synchronized with the Criminal Code and its suitability is improved beforehand through special research, by trusted researchers from the field of Law, so that there is no gap for violators to be absent or avoid legal entanglements.
3. Support from the Gayo Lues Regent is needed for law enforcement officers, KasatPOL PP and WH Syabri SP.d to implement regulations with a full sense of responsibility and a humanistic attitude, so that security, order and justice can truly be realized in the midst of the life of the Gayo Lues community.

## References

Abubakar, Al-Yasa'. (2005). Islamic Shari'a in the Province of Nanggrow Aceh Darussalam, Paradigm of Policy and Action, Third Edition, Banda Aceh: Dinas Syariat Islam NAD Province.

Ali Zainuddin. (2014). Legal Research Methods, Cet. Fifth, Jakarta, Sinar Graphic.

Devayan, Powerful. (2004). Polemics on the Application of Islamic Shari'a, Banda Aceh: NAD Province's Office of Islamic Shari'a.

Idris, Safwan, et al. (2002). Shari'ah in the Shari'ah Region, Banda Aceh: NAD Province Islamic Shari'a Service.

Ministry of Religion of the Republic of Indonesia, Al-Qur'an and its Translation, Pelita III Year IV/1983/1984

Muhammad, Rusydi Ali. (2004). Revitalization of Islamic Law in Aceh Problems, Solutions and Implementation Jakarta: Rogos Discourse on Science.

Purba, N. (2020). The Use of Simalungun Language by Anak Boru Sanina in the Simalungun Wedding Ceremony (Sociolinguistic Studies). Lakhomi Journal: Scientific Journal of Culture. 1-7

Rahardjo, Satjipto. (2009). Law Enforcement: A Sociological Review, Yogyakarta: Geunta Pbuliisng.

Said, Muhammad. (1980). Aceh throughout the Ages, Medan; Pen: Alert.