

# The Current Evaluation of Implementation on Sharia' Sharia Policy in Aceh Province, Indonesia: Bottom-up Approach

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**Keywords:** Bottom-Up Approach, Sharia' Sharia Policy, Aceh.

**Abstract:** The implementation of Sharia' policy in Aceh was imposed by central government of Indonesia. Aceh has been granted a special autonomous province that can issue a local policy or Qanun. There is a necessary to evaluate the implementation of Sharia' policy through a bottom-up approach. This is a model of development to integrate the local people into the policy. This paper is aimed to investigate a current status of sharia policy implementation in Aceh. This research will be carried out using qualitative method. The interview with key stakeholder in implementation of sharia policy will be conducted. A content analysis will examine to capture a conclusion. This research will be useful to understand the problem of the policy implementation sharia policy in Aceh Province. Therefore, the solution will be presented to improve the current policy.

## 1 INTRODUCTION

Aceh is a region of the Republic of Indonesia. The presence of Aceh in the scope of Indonesian as a very unique part of the region, Aceh in the beginning became a region of conflict from the new order to the order of reform. However, the conflict ended in peace after Aceh experienced a tsunami disaster in 2004 ago. The inauguration of peace is as it has been enshrined in the Helsinki MoU agreement and is now a draft law No. 11 of 2006 concerning the Aceh government.

Therefore, Aceh at this time has become an obligation and demand for the implementation of overall development of policy elements from various dimensions both political, social and cultural that are based on Sharia'.

Development of the Aceh region in social and cultural aspects in the perspective of Sharia' has been carried out which aims to improve the competitiveness of the nation. This increased development has become a good momentum for the Aceh region in promoting economic growth, as well as advancing community welfare. Strategic and quality regional development is the hope for the Indonesian State. Likewise, hopes for the people of Aceh, besides developing regional competitiveness, regional development also seeks a balance of

development between regions in accordance with their respective potential. The development of key indicators in regional development including economic growth, unemployment reduction and poverty reduction can illustrate the achievement of regional development performance in general.

The Aceh region is a part of the Indonesian government that has the obligation to carry out autonomous development for harmony in people's lives. Alignment in the implementation of development in Aceh is carried out by the Aceh government based on the memorandum of understanding of the Helsinki MOU as mandated in UUPA No. 11 of 2006 concerning the Government of Aceh. The argument as carried out in the 2006 Law on the Government of Aceh is fostered from five factors, namely:

- i. That the government system of the Unitary State of the Republic of Indonesia according to the 1945 Constitution of the Republic of Indonesia recognizes and respects special or special regional government units that are regulated by law;
- ii. That based on the constitutional journey of the Republic of Indonesia, Aceh is a regional government unit that is special or special related to one of the historical characteristics of the

- struggle of the Acehnese people who have high resilience and struggle;
- iii. That high resilience and fighting power is sourced from a view of life that is based on Sharia' which gives birth to a strong Sharia' culture so that Aceh becomes an area of capital for the struggle to seize and defend the independence of the Unitary Republic of Indonesia
  - iv. That the administration of governance and the implementation of development in Aceh have not been able to fully realize the people's welfare, justice and the promotion, fulfillment and protection of human rights so that the Aceh Government needs to be developed and implemented based on the principles of good governance;
  - v. That the natural disasters of the earthquake and tsunami that occurred in Aceh have fostered the solidarity of the entire potential of the Indonesian people to rebuild the people and territory of Aceh and resolve conflicts peacefully, comprehensively, sustainably and with dignity within the framework of the Unitary State of the Republic of Indonesia Invitation to Aceh Government 2006.

The development of the Aceh region which was carried out based on the understanding of the Helsinki MOU that had been paralleled by the memorandum was Law Number 11 of 2006 concerning the Government of Aceh in the Unitary State of the Republic of Indonesia. The location of the Aceh region can be stated in the following map:



Figure 1: Location of Aceh (www.acehprov.go.id).

Based on the tattoo list shows the location of the Aceh region is an archipelago in the Unitary State of the Republic of Indonesia. The implementation of development in Aceh can explain that the

development model adopted is based on five (5) benefits based on an explanation of the LoGA (the Law on the Governing of Aceh) as follows:

1. Aceh is a special region of the Indonesian archipelago, a province of Aceh located in the western region of the Sumatera island, which has the authority to carry out development in an autonomous manner which is special in carrying out the development of Aceh based on Law Number 44 of 1999 concerning Aceh Privileges which are based on peace in the implementation of Sharia' Sharia as a derivative of the Regional Regulation on the Special Region of Aceh Number 5 of 2000 concerning the Implementation of Sharia policy' in the Special Territory of Aceh;
2. Aceh is a region that implements development based on a special autonomy law that has been held by the Aceh government based on the authority of the central government based on Law Number 18 of 2001 concerning special autonomy for the Aceh special region as the territory of Nanggroe Aceh Darussalam. Based on this law shows that the Acehnese government has redesigned it through regional regulations, namely the Qanun of the Nanggroe Aceh Darussalam Region Number 10 of 2002 concerning Sharia' Sharia Courts and the Qanun of the Nanggroe Aceh Darussalam Region Number 11 of 2002 concerning the Implementation of Sharia' Sharia in the Field of Aqidah, Worship and Symbols of Islam;
3. Development of Aceh that has been carried out Resilience and high fighting force is sourced from a view of life that is based on Sharia' sharia which gave birth to a strong Sharia' culture as a cultural civilization that has a spirit of high fighting value globally;
4. The development of Aceh that has been carried out by the Aceh government in the administration of government has not been able to fully realize the people's welfare, justice and the promotion, fulfillment and protection of human rights. So in this case the implementation of development that has been carried out can not be maximized properly in accordance with the best practices and innovations of governance based on good governance in creating peace based on Sharia' policy. At point four (4) this makes the center of attention in the analysis of Aceh's integrated development model in a sustainable manner in the implementation of Sharia' policy;

5. The tsunami disaster that has occurred in Aceh can instill the solidarity of the lives of the people of Aceh in planting a dignified personality in maintaining sustainable peace in Aceh.

The development of Aceh that has been implemented which is a capital of cultural value integrity that must be associated in maintaining peace as an area that is influenced by the development of the economic life of the people in the life of the nation in an area that receives the effects of the state as a suburb in the Unitary State of the Republic of Indonesia. Therefore, the approach of development planning in the perspective of Sharia' Sharia in a bottom-up planning approach becomes a measure in the success of Sharia policy in Indonesia's Aceh Province.

Situation implementation of Sharia' law in Aceh is generally acknowledged to exist many challenges and shortcomings in its implementation. This fact can be observed from the many challenges faced by the government in a number of cases classified as severe cases or even mild cases in violation of Sharia' policy in Aceh. What is meant by serious cases is that cases in society require debate and legal comparison in solving problems. Whereas with the light case it is the deviation of behavior in daily life that is contrary to Sharia' policy.

The objective of the discussion in this paper is to find out the bottom-up playning planning method in enforcing the power of Islamic policy. And can understand the obstacles in the implementation of Islamic Sharia policies in Aceh in the order of the presence of various Islamic Sharia regulations in Aceh.

## 2 LITERATURE REVIEW

### 2.1 Bottom-up Playning Approach

National development in Indonesia is directed at all sectors and in all regions, including rural areas. Village development is important because most of the Indonesian population live in the countryside. So therefore the Bottom-up Playning approach. This concept is a bottom up development in a concept that is strong enough, because small areas manage their resources independently and are integrated with other regions that allow local areas to build themselves. However, in a world economic trend without limits, the concept offered is centralized (Solihin, 2005).

The bottom up playning approach was pioneered by Elmore (1978), Lipsky (1971), Berman (1978),

Herjn and Porter (1978). The focus of attention on the bottom up approach is on the role of street level bureaucrats and target groups. The bottom-up approach believes that implementation will succeed if the target group is involved from the beginning from the process through to policy implementation. According to Solihin (2005) The steps in the bottom up approach in community development planning can be explained as follows:

1. Mapping stakeholders involved in implementing policies at the lowest level
2. Looking for information from these actors about understanding policy
3. Mapping the relationship between actors at the lowest level and actors at the level above
4. Researchers move up by mapping the actors at a higher level by looking for the same format.
5. Mapping continues to the highest level.

According to Muhammad (2004) the approach in bottom-up playning develops from small units or subordinates to larger or more important units, such as in organizations or processes. "Isn't it ironic that the definitions already show that subordinate units are less important when in fact the opposite. as can be seen in diagram 1.1 above the bottom-up approach to community playning is that the main actor can interact with the government, not only emphasizing the focus on public service standards, but also that knowledge about sustainable development planning from planning and implementing and controlling the community must Involved in a participatory manner. Large potential that lies in "collective expertise and creativity of all government organizations" is utilized, because the bottom-up approach creates a foundation for sharing knowledge and collaboration. This approach can also create individual involvement because individuals with knowledge are involved in identifying and providing optimization. This approach also increases job satisfaction and motivation through higher commitment and identification by being part of the solution, as presented in Figure 2.

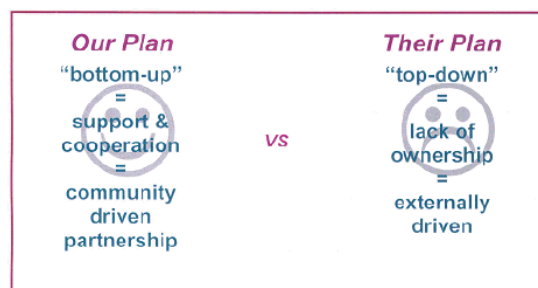


Figure 2: Schematic diagram of the “bottom-up” approach compared to the “top-down” approach (Ebbs, 2000).

## 2.2 Policy Implementation Model

The policy implementation phase can be characterized and distinguished from the policy making stage. Policy making on the one hand is a process that has a bottom-up playing logic, in the sense that the policy process begins with the delivery of aspirations, requests or support from the community. Whereas policy implementation on the other hand has a top-down logic, in the sense of decreasing abstract or macro policy alternatives into concrete or micro actions (Wibawa, 1994: 2).

According to Sabatier (1986: 21-48), there are two models that race in the policy implementation stage, namely the top down model and the bottom up model. Both of these models are present in every policy making process. The elite model, the process model and the incremental model are considered as a picture of policy making based on the top down model. While the bottom up model can be seen in the group model and institutional model.

Grindle (1980: 6-10) introduced the implementation model as a political and administrative process. The model describes the decision making process carried out by various actors, where the final output is determined by both the program material that has been achieved and through the interaction of decision makers in the context of administrative politics. The political process can be seen through the decision making process that involves various policy actors, while the administrative process is seen through the general process of administrative action that can be investigated at a particular program level. The policy making process in implementing a policy can be summarized in Figure 2 regarding the implementation of the policy administrative and political processes.

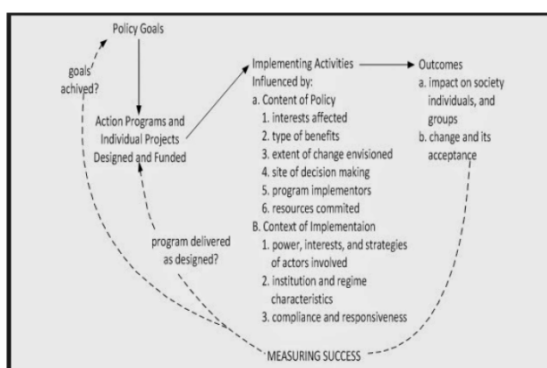


Figure 3: Implementation as a political and administrative process sharia' Islam in Aceh(Grindle, 1980. p. 11).

The study is available from the perspective of policy formulation in Aceh which leads to challenges during the period that need to be taken in the process of formulating policies in Aceh. Looking at policy references in Aceh in the context of the development of Islamic values and civilization as well as Indonesian socio-culture and Pancasila ideology and the 1945 Constitution (UUD 1945) which are about Islamic Sharia is a process of structuring policies during the reformation period in 1998 between the central kingdom Indonesia and the Aceh region (Siregar, 2008). According to the reviewer from Australia, Hooker (2008) stated that in the process of implementing Islamic Sharia policy in Aceh encountered many challenges in which the Sharia law that wanted to be applied must be "in line and consistent" with the national legal system. But in reality, the mention of the word "Shari'a" cannot be given with a clear definition.

Likewise in the statement Arskal (2004) explains that the formulation of Islamic sharia policies in Aceh is the fruit of a prolonged vertical conflict that occurred between the central kingdom to the Aceh region. Arskal (2008) also added that Islamic law is an alternative policy choice given to the Aceh region by the Indonesian central government judging that there are inconsistencies, contrary to national legislation, meaning ambiguity and impermanence in material formulation of the Islamic Sharia Qanun on the power held to regional ranks in enforcing regional ranks in upholding the regions Islamic law (Arskal, 2008).

Syafingi's (2012) study shows that the Indonesian constitution of the 1945 Constitution also recognized the granting of regional autonomy from central government to regional government. Among its goals is autonomy. That is, it provides more space at the district level to plan, make arrangements or implement various administrations within the framework of national needs (Syafingi, 2012). In addition, the perspective of implementing the implementation of Islamic Shari'a as in the study of Latief (2013); Muhibbuttabary (2012) and Isa (2012) also explained that Islamic law is the result of a political compromise and negotiations with the central government conflict Aceh government that was established in the reform era in 1998. In this context, they explain that formulation instituted policies of the central government basic legislative Indonesia Aceh province based on these laws is through Act No. 44 of 1999, Act No. 18 of 2001 and Act 2006 Indonesian law also recognizes the autonomy in terms of enforcement of Islamic law. Third of this legislation was approved in a number

of Qanun in accelerating the implementation of Islamic law in Aceh province.

Review Latif (2009) implementation of Islamic law in Aceh as a political and legal transformation in the form of Islamic Sharia law in the state with either Canon or Government is a political product that has been produced. Martyrs (2012) examined formulation Islamic law in Aceh policies that take into account the views of scholars and translated by the existence of Regional Regulation (PERDA) in various areas of Islamic law in Aceh. The results of the study describes the policy formulation Islamic law in Aceh-based theory of the relationship between religion and state, the symbiotic paradigm. The argument is that religion needs a country and that is how a country needs religion. Martyrs (2012) also argues that the application of Islamic law in Aceh highlighted more symbolic than real. Although there are legal provisions on the application of Islamic law, the value of Islamic law in its application is very weak. This is why the main purpose of implementing Islamic law is not fully realized.

Aziz's (2012) study emphasized the demands of applying Islamic law that can be influenced by domestic politics, including elements of liberalization. According to him, this is the basis of politics at present among the Indonesian government. Fahmi's (2012) study revealed that decision making in the PERDA and argues that the scenario of implementation of the PERDA or Regulation Regulations is difficult to implement because of the political importance of decision makers in both institutions.

### 3 METHOD

According to Denzin & Lincoln (1994) qualitative research is a data collection technique with natural data techniques with the intention of assessing the phenomena that occur. Sampling and data sources are done purposively and snowball. And data collection techniques performed by data triangulation are data merging techniques that will be carried out with generalized data analysis techniques. According to Cathain (2008) qualitative research can contribute to the problem from various aspects which will be conducted in-depth interviews through interviews and documentation. Thus Asfi (2017) qualitative research methods have an intervertive, critical and postmodern paradigm in understanding truth through structured stadar of the

process flow in accordance with the paradigm and application rules used by researchers.

Data collection techniques in this study were conducted by in-depth interviews with informants. The speakers in this study are those who are involved in making Islamic Sharia regulations 7 elements of representation, namely the Aceh Islamic Sharia Service, Legislation, Wilayatul Hisbah, NGOs and community leaders at the level of village authorities in the Aceh region.

The data analysis method will be encoded by analyzing the data and well organized according to the research instruments. The intended data analysis that has been run with N Vivo 10.

## 4 RESULTS AND DISCUSSION

### 4.1 Bottom-up Playning Planning in Upholding the Strength of Islamic Sharia in a Participatory Manner and Community-based Partnerships

Participatory planning in the ranking of village government in upholding the strength of this practice consists of applying the overall community agreement in all walks of life to foster the provisions of existing laws and political actions based on dynamic results of groups thought in realizing Islamic law. Considering the value of Islamic law based on the existing law and as a political action is the implementation of Islamic law as the desire of society as a whole. As well as supporting the prevention of social problems according to Islami law is built rather than the existing law and as a political action is a conflict prevention measure in Aceh.

Rather than the law available and as a political measure is a conflict prevention measure in Aceh.

When in political action in applying an agreement is a dynamic result of group thought consisting of:

- i) Fiqh perspective clothing, human rights and legislation in Indonesia;
- ii) Clothing in the perspective of Islamic civilization and culture;
- iii) Women's participation in the diversity of Islamic fashion models;
- iv) The strategy of socializing the application of Islamic dress and the formation of formal education commodity pathways.

Considering the value of Islamic law is the desire of society as a whole. This consideration is based on the law which is available:

- i) Law Number 44 of 1999 concerning Implementation of Aceh Privileges;
- ii) Law Number 11 of 2006 concerning Aceh Government.

The two laws mentioned above show that:

- i) "Islamic Sharia policy is a requirement of Islamic teachings in all aspects of life" (Chapter 1 Law No. 44 of 1999: 1);
- ii) "The implementation of Islamic law can be further regulated in the form of a Qanun (Article 125 of Law Number 11 of 2006: 87).

Political action in considering the value of sharia is the desire of the community as a whole that the implementation of Islamic law has become a consideration of the lives of the people of Aceh in upholding Islamic law. And the public wants to realistically use Islamic clothing as a necessity in daily life.

Political action in considering the value of Islamic Sharia is as conflict prevention in Aceh is a support for positive actions that have been in effect before the issuance of the 2006 Act as the position of the Aceh legislation as an autonomous region in upholding Islamic Sharia. These prevention recommendations are as follows:

- i) Prevent the occurrence of actions or activities that arise due to drinking rooms in the community (Article 3 Qanun of Nanggroe Aceh Darussalam Province Number 12 of 2003: 4);
- ii) Preventing community members from carrying out actions that lead to Maisir or gambling (Chapter 3 Qanun of Nanggroe Aceh Darussalam Province Number 13 of 2003: 3);
- iii) Prevent members of the community as early as possible from committing acts that lead to adultery (Article 3 Qanun of Nanggroe Aceh Darussalam Province Number 14 of 2003: 2).

Community Based Partnership: Implement community agreements reached through the value of compromise. Implementing community agreements is the dynamic result of various group thoughts in making policy decisions. The second interpretation of this is based on the existing law that is, the Regent's Decree No. 1111 of 2009 concerning the Establishment of the National Seminar Committee for Enforcement of Islamic Sharia in the Use of Islamic Clothing in the Teuku Umar Region of West Aceh in 2009. The statement of the law states that that:

- i) Dynamic thinking that develops in group discussions with the community;

- ii) The formulation of each group will be read out at the plenary discussion that took place on Sunday, dated 20 December 2009;

Supporting prevention of social problems according to Islamic law is an act of conflict prevention in Aceh. This action is built from existing laws, namely:

- i. Qanun of Nanggroe Aceh Darussalam Province Number 12 of 2003 concerning Khamar Beverages and the Like;
- ii. Qanun of Nanggroe Aceh Darussalam Province Number 13 of 2003 concerning Maisir Gambling;
- iii. Qanun of Nanggroe Aceh Darussalam Province Number 14 of 2003 concerning Seclusion or Meusum.

The above legal statement asserts that:

- i) "Drinking wine or liquor drinks and the like is a violation of Islamic law" (Qanun Aceh Province Number 12 of 2003 on Alcoholic Drinks Production: 1);
- ii) "Maisir or gambling including one wrong act forbidden in Islamic law" (Qanun Aceh Province Number 13 of 2003 on Gambling Maisir: 1);
- iii) "Seclusion or Meusum including one wrong act forbidden in Islamic law (Qanun of Nanggroe Aceh Darussalam Province Number 14 of 2003 on Seclusion or Meusum: 1).

#### **4.2 Implementation of Policy Barriers or Weakness of Islamic Law in Aceh in the Process of Political and Administrative**

The weaknesses in practice are technical barriers and political constraints. Technical constraints can be built on existing laws, and political action is the policy decision to achieve the goals of the interest group. While political constraints show that politics is a reflection of poor socialization in action - education and service delivery to the public understanding of Islamic law in Aceh.

Technical constraints indicate that policy decisions to achieve the goals of the interests of the group While in the political perspective technical constraints indicate that policy decisions to achieve the goals of the group can be expressed as follows:

- i) Increasing costs in policy planning, such as due to budgetary allocation in other cost allocations;
- ii) Determination of criteria model garment worn by Muslim women in West Aceh. This situation tends to conflict with fellow decision-makers;
- iii) Refusing to think openly in the pursuit of policy goals Therefore, the implementation of policy

decisions is valued less professionally in the field and thus less confidence in the implementation by the authorities.

Political constraints indicate that the barriers to socialization are weak in the delivery of education services to the community regarding Islamic law. There are two ways in which the perceived weaknesses are summed up: First; The role of media in the transmission of information. This can be understood as a symbol of the obligatory symbol wearing a skirt in upholding Islamic law. Second: Obtaining consensus or coercion in the use of Islamic clothing. It is a fine for cutting pants in order to achieve the stated policy goals.

## 5 CONCLUSION

Enforcement of Islamic law in Aceh can be done through a bottom-up approach should playing must be carried out with the involvement of the community in a participatory and community-level governments in the village into a major partnership for relentless in understanding the meaning of Islamic law in Aceh. Barriers to the implementation of Islamic Shari'a politically and administrative processes of government resource capabilities in upholding Islamic Shari'a in the field.

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