

Response of Women Activists To the Implementation of the Mayor of Banda Aceh's Instructions NO. 2 of 2015

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Info Articles	Abstract
<p>Article History Received : 2017-09-02 Revised: 2017-09-10 Published: 2017-09-30</p> <p>Keywords: <i>Women, Activists, Aceh, Organization</i></p>	<p>Based on the theory of social construction, justice, Women in Development (WID) and Women and Development (WID). This paper tends to responses of women activists againts the mayor of Banda Aceh Instructions no 2 yers 2015. sources of data obtained through legal research are empirical. Through data analysis and discussion, research shows that (1) The results of responses of women activists in Banda Aceh contributed to broaden understanding of the gender perspective of Islamic sharia in Aceh is KKTGA organization, disagree with the imposition of hours of night work for women, because it obstructs women's profession, and the violence is not outside but at home. Aceh GeRAK organization disagrees with the reasons enough that rule does not need to be applied because of existing tradition. Different from the organization LKBHuWK even agrees with the premise of maintaining the dignity of women. According to KKTGA that Islamic syari'at is a gender perspective rather difficult to implement in Aceh for Acehnese understand the law only written in the Qanun. (2) This case, these three organizations to criticize the wisdom do not need to be restricted, the law sharply upwards and downwards blunt need evaluation, and must have their own consciousness. (3) Three of these organizations provide solutions including Islamic law should be firm, more attention to small communities and active in socializing any regulations made.</p>

I. INTRODUCTION

Historically, Aceh has been known as the "veranda of Mecca." Its people are known to be highly religious, adhering to religious teachings and upholding the customs and legal traditions inherited from their ancestors. Culture is defined as "the product of thought and reason, or 'customs,' related to a culture that has developed and become habits that are not easily changed." Meanwhile, law is "regulations or customs that officially bind society, made by the ruler or government, with the aim of regulating order in society 9Abdul, 2013)."

Aceh is also one of the provinces on the Sumatra Peninsula that implements Islamic law. This has been the case since the declaration of Islamic law on 1 Muharram 1423 H, corresponding to March 15, 2002. The implementation of Islamic law in Aceh has been legally binding in local laws and regulations. (Majid, 2010). Aceh Qanun consists of two categories, namely: Qanun that regulates the

material for organizing government and Qanun that regulates the material for organizing community life (Qanun Aceh, 2015).

There is a message in the Acehnese language that enforces Sharia on the Veranda of Mecca, the contents of which are: "adat bak peutu mereuhum, law bak Syiah Kuala, Qanun bak Potroe Phang, resam bak laksamana, adat ngon hukom, lagee Zat ngon sifeut." Men, habits cannot be separated like substances and characteristics.

Thus, Islamic law was revealed by Allah for the benefit of humanity, not to cause it suffering. Humans require creativity (ijtihad) to understand and interpret these sacred texts, which will determine the level of benefit that can be realized in practical applications (Syahrizal, 2004).

However, Aceh is a province/district/city that has seen considerable controversy among scholars, practitioners, activists, and the general public. This is particularly true regarding the Banda Aceh city government's policy of enforcing

a curfew for women, based on Mayoral Instruction No. 2 of 2015.

This study will outline the direction and policies for implementing Islamic law in Aceh in relation to government policy regarding Instruction No. 2 of 2015. Therefore, these directions and policies are understood as the chosen orientation, tendency, or perspective. This means whether the policy will refer to existing Islamic jurisprudence provisions or, conversely, attempt to formulate new Islamic jurisprudence provisions to meet current needs and even current trends.

Meanwhile, the term "policy" will be understood in two meanings: formal and substantive. The first (formal) meaning refers to the approved laws and regulations that serve as the basis for developing programs and activities in the field of Islamic law. These laws and regulations are national level laws and regulations, such as laws and government regulations whose implementation is the responsibility of the (central) Government and the Aceh Government, and there are those which are provincial level laws and regulations including provincial regulations and gubernatorial regulations (the term Aceh Provincial regulations was used before Law 18/01 and Law 11/06 were passed: these two laws introduced the term Aceh qanun to refer to Aceh Provincial regulations, with higher authority than provincial regulations whose implementation is the responsibility of the Aceh Provincial Government and district/city governments. While the second meaning (substantial), namely the policy of implementing Islamic sharia includes offering ideas regarding the principles, systematics and contents of fiqh that will be implemented, even the systematics and procedures for its enforcement. However, what will be covered by this researcher is limited to the policy of Banda Aceh Mayor's Instruction No. 2 of 2015.

Therefore, before it was announced in the Aceh Governor's Instruction Number 2 of 2014, it was stated that female workers in cafes and internet services were not allowed to work after 9:00 PM WIB and cafes and internet services were also not allowed to serve female customers after 9:00 PM, except with their Mahram. This Aceh Governor's Instruction was then followed up by the Mayor of Banda Aceh by issuing Instruction Number 1 of 2015 which was then revised with Instruction Number 2 of 2015 by extending the working hours limit for women in these places until 11:00 PM WIB .

The curfew policy is intended to only apply to women, particularly women working in tourist/recreational areas, cafes, and similar services. Women working in professions such as doctors and nurses are exempt from the policy. It also applies to minors, unless they are with their families. This policy is regulated through Mayoral Instruction No. 2 of 2015 concerning Supervision and Regulation of Tourist/Recreational Areas, Entertainment, Internet Service Providers, Cafes, and the Like. This instruction was signed by Mayor Illiza Saaduddin Djamal in June of last year.

This issue has become a major concern for the Banda Aceh City Government, which is currently working to realize its vision of making Banda Aceh a civilized city and is committed to implementing Islamic law comprehensively and improving environmental security. Thus, seeing the many cases of crime against women in Banda Aceh, the Banda Aceh City Government has taken steps by issuing a policy that regulates work hour restrictions, or what is currently better known in the community as the implementation of a curfew for women.

Banda Aceh, in this case, has a socio-political context of Islamic law that is relevant to strengthening the role of women in the public sphere. The fact that Aceh (Banda Aceh) is located within this context, is currently undergoing a transitional process in reformulating women's

activism, and the implementation of Islamic law is an interesting theme. Banda Aceh, like many urban areas in Indonesia and the Muslim world in general, is demonstrating the increasing role of religion in the public sphere. The strong association between Islam and the collective identity of the Banda Aceh community indicates a strengthening of this trend. Indeed, the ongoing modernization in Aceh is a perfect example of the implementation of Islamic law in public life, due to the struggle of our ancestors in upholding the religion of Allah in the porch of Mecca.

In this regard, the widespread implementation of curfews for women, which often lead to injustice, has shown that the issue of gender equality is a matter that needs to be discussed. In this context, the author presents how women activists responded to the implementation of Banda Aceh Mayoral Instruction No. 2 of 2015, why Acehnese women activists criticized the Instruction on curfews for women, and what solutions were taken by three women activist organizations in Aceh regarding the Implementation of Instruction No. 2 of 2015. Because the topic of this paper is related to the response of women activists to the Implementation of Instruction No. 2 of 2015, this research is of an empirical legal nature using a socio-anthropological approach.

The reason this paper chooses three organizations (KKTGA, GeRAK Aceh, and LKBHuWK) as research objects is because they represent female activists in Banda Aceh who are quite concerned with the experience of criticizing the implementation of Islamic law in Aceh, as recorded in their doctoral dissertations, which serve as the main reference in writing this theme. Besides that, the background of these female activists, coming from the lower classes, is quite inspiring for the author. This is because the curfew regulation for women is intended to protect women from violence and crime.

II. RESEARCH METHODS

This study employed a qualitative research method with a descriptive-analytical approach. The research focused on examining the perspectives of women's activist organizations in Aceh regarding the implementation of Banda Aceh Mayor's Instruction No. 2 of 2015 concerning restrictions on women's nighttime activities and working hours. Data were collected through field research by conducting interviews with representatives of several women's organizations, including the Aceh Gender Transformation Working Group (KKTGA), GeRAK Aceh, and the Legal Aid Institute for Women's Welfare (LKBHuWK). In addition, the study utilized library research by reviewing relevant legislation, scholarly literature, books, journals, and documents related to women's rights, gender equality, Islamic law, labor law, and public policy. The collected data were analyzed qualitatively through descriptive interpretation to identify the views, criticisms, and proposed solutions offered by women's activist organizations regarding the implementation of the policy.

III. RESULTS AND DISCUSSION

A. The Phenomenon of Women Activists Against Working Hour Limits

As a result of my interview with the KKTGA organization (Aceh Gender Transformation Working Group) regarding the implementation of Instruction No. 2 of 2015. According to him, the implementation of the restrictions. The working hours for women that are currently in effect are not in accordance with the current era because women now have many activities outside the home, even though organizations. The KKTGA remains convinced that the curfew for women from the Eastern perspective is justified. The KKTGA Chairperson stated (Maryati, 2017)

If viewed from For us Easterners, enforcing a curfew for women fulfills our tradition as Acehnese, and in villages, women are advised not

to go out at night. However, the current curfew for women is inappropriate, as it hinders women who work at night. I disagree with the curfew because it doesn't protect women. In my opinion, violence against women currently occurs mostly at home, both against children and women.

In this case, the author analyzes that there is some truth in the opinion of the KKTGA organization, if seen from a chronological perspective, violence against women is widespread happened at home, not in a public place, and the author agrees with this opinion.

A textual understanding of women is often used as a basis for responding to women activists. From the explanation above, it can be seen that the reasons for rejection that should be put forward regarding the Instruction of the Mayor of Banda Aceh No. 2 of 2015 concerning the working hour limits for women in Banda Aceh, there is always rejection from women activists regarding anything related to women and the reason that often arises for women's rejection is the reason of gender bias. This is in line with what was stated by J. Humphrey as quoted by Agnes Widanti, macro policies in the field of development tend to be gender blind, meaning that these policies are designed and implemented without first considering their impact on women as workers, as family members and as citizens.

Women-specific policies are hampered by two main obstacles. First, these policies are functionalist, meaning that they give women the function to be able to play a role in development, not the other way around. Second, these policies contain contradictions, on the one hand, these policies are made within the dominant conception of development centered on the values of development and modernity. Meanwhile, on the other hand, development produces a gender ideology that glorifies traditional understandings about the place of women in society (Agnes, 2005).

Regarding this, the KKTGA organization also said that: (Maryati, 2017)

As the head of the Acehese Women's Consultative Assembly (KKTGA), I see that Islamic law has contributed more broadly to the governance and regulations established by the Aceh government. However, it's somewhat difficult for me to contribute to broadening the understanding of Islamic law from a gender perspective. I see Acehese people understanding Islamic law as regulated in the Qanun (Islamic law), such as Maisir (gambling), alcohol (alcohol), and khalwat (seclusion). This means that what is indicated by a person's Islam is freedom of association, abstinence from gambling, and abstinence from drunkenness.

Based on the author's observations, people often talk about Islamic law, stating that it is merely a formality and political reference. Although people claim this, sometimes they adhere to it, and sometimes they don't. For example, consider the government's policy on curfews. For women, until 23.00 they are not allowed to go out unless they are with their mahram. However, there are also writers who see that up to 00.00, women are still in the cafe and they don't come out with their mahram. This means that the bad image of Aceh which makes regulations with the aim of reducing violence and protecting women is just a formality.

B. Female Activists Criticize the Policy Limiting Night Working Hours for Women

The author will discuss the critical views of women activists regarding the implementation of Night working hours for women in Banda Aceh while linking it to development theory.

In the Employment Law No. 14 of 1969 which was updated by Law No. 13 of 2003 states that there are equal rights without discrimination between male and female workers in the labor market (articles 5 and 6). Although there is a widely known stereotype of women, namely that women's "work" is "domestic jobs" (taking care of

the household, cooking/washing, caring for children, gardening and other activities carried out around the house), while work outside the home to earn a living is considered a man's world, but in reality many female workers are found to have left their "domestic" jobs. Such stereotypes are not natural, but tend to be maintained through the process of socialization in groups of people who respect patriarchal cultural values.

Instruction of the Mayor of Banda Aceh No. 2 of 2015 concerning supervision and regulation of tourist/recreational/entertainment services, internet service providers, cafes/similar, and sports facilities. This policy applies to women who work in the aforementioned places and to women who wish to go out at night unless accompanied by a mahram (a relative).

a. KKTGA Organization

Thus the results of my interview with the KKTGA organization criticizing government policy this is due to:

"Some people say that the implementation of night shifts for women is not discriminatory, because the policy is intended to protect women. However, I also see that the policy does not violate human rights and is not discriminatory. It is just how to limit women from working as career women and women who work in organizations. And this is a misguided protection effort, because women's protection does not need to be limited to their work. And excessive protection does not touch the foundation. The government should not need to implement such regulations; tradition is sufficient."

b. GeRAK Aceh Organization

Meanwhile, the Movement Organization criticized the policy, arguing that implementing a night work curfew for women does not violate human rights and is not discriminatory. However, if Islamic law is to be fully enforced in Aceh, the government must evaluate the Qanuns that have already been issued. However, the

Gerak organization argues that rather than enacting such a policy, it would be better to create a more important anti-corruption policy. What's the point of issuing such a policy if its implementation is inadequate and ineffective?

c. LKBHuWK Organization

In contrast, the LKBHuWK organization stated that Islamic law implemented in Aceh does not violate human rights and is not discriminatory. According to the organization, This means that the implementation of night shifts is a form of protection for women. Therefore, women are not allowed to go out at night because it is not good, because in Islamic tradition, women are supposed to stay at home.

In this case, the author concludes that the criticism of these three organizations is different. And this is the culmination of a human resource development program related to employment, which mentions activities to increase women's participation in economic development, including the supervision and protection of female workers. However, one organization strongly agrees with this policy: the LKBHuWK organization. Besides the participation of female workers in future development, there are many problems regarding the existence of female workers in the labor market if the implementation of working hours for women is implemented.

C. Solutions Taken by Women's Activist Organizations in Aceh to the Implementation of Instruction No. 2 of 2015

However, these female workers face many obstacles so that This limits their mobility in the job market, especially with the implementation of night shifts for women. This is the dilemma women face: why only women, or not the other way around? And most of those arrested by the WH are students and lower-level workers.

In this regard, we need to free ourselves from Marx's perspective, which divides the lower and

upper classes into classes, where a revolution between the lower classes would produce a just government. This picture is overly simplistic and has proven to be untenable. The lower and upper classes are not absolute; there are those who are relatively above and those who are relatively below. Furthermore, if the revolution is successful, it will only result in a new system of power. Therefore, fighting for gender justice from below must be understood as not a confrontation between men and women. Such confrontation is always ideological and will not produce gender justice (Agnes, 2005).

Therefore, the author concludes that the law currently applied in Indonesia, especially in Banda Aceh, is sharp downwards and blunt upwards. In general, the author sees that "rejection" whether directly or indirectly towards the implementation of Islamic law (limitation of working hours for women) is more directed towards legal instruments (concerning the norms and material of ideal qanun), legal institutions (concerning legal facilities and infrastructure), and legal culture (legal awareness of society is somewhat less noticed. Therefore, it is necessary to think that emphasizes that Islam provides protection for humanity.

In this context, it is necessary to explain the vision and mission of Islamic law in a persuasive, comprehensive and argumentative manner. We need to socialize the aims and objectives of Islam being revealed to all mankind, so that they are not misunderstood and there is no excessive suspicion.

However, the implementation of Islamic law in Aceh is through a series of regulations. Legislation is a historical mandate that must be maintained and passed down from generation to generation. The implementation of Islamic law in Aceh is a strong desire of the Acehnese people themselves, a legacy that has long been their identity (Al-Yasa, 2005). And this is a blessing from God for which we must be grateful.

Therefore, many solutions and input from three organizations representing all Banda Aceh residents for the Aceh government include:

a. KKTGA Organization

The KKTGA organization hopes the Islamic law in Aceh is more committed to the regulations it has established, not just regulations written on paper. The Aceh government must be more assertive with its law enforcement officers. Therefore, it's not the qanun itself that's at fault, but rather its less-than-optimal implementation (Maryati, 2017).

b. GeRAK Aceh Organization

Organization Gerak Aceh also hopes the Aceh government will pay more attention to the lower classes, rather than focusing on the upper classes. Islamic law, for example, regarding the nighttime curfew for women, should not require regulation; it should simply be a tradition. Rather than addressing such issues, the Aceh government would be better off addressing corruption in Aceh and enacting regulations against it. The law is in effect, but it's as if it's sharp at the bottom and blunt at the top (Ayu 2017).

c. LKBHuWK Organization

The LKBHuWK organization is an organization that agrees with the implementation of sharia. Islam in Aceh, despite many people's negative views of Islamic law, remains a concern. However, I hope the Acehnese government will be more proactive in disseminating the regulations it has enacted so that the public is aware of what the government is doing

So here the Aceh government has not socialized enough about the regulations that have been issued, such as night working hours for women. Most Acehnese people, especially students, know about these regulations, but some don't (Futik, 2001).

Therefore, the author concludes that the government, both in Aceh and at the central level,

must be committed to enforcing sharia law in Aceh, not just written on white paper, and must not be influenced by lawsuits and external interventions against Islamic law in Aceh. Therefore, efforts to reformulate sharia law by continuously "harmonizing" with all existing regulations are considered relevant according to the needs of the community and must be balanced with an adequate understanding of humanitarian values in Islamic teachings, especially the accuracy in formulating priority law. Thus, the rights and obligations of each party can always be maintained as they should.

IV. CONCLUSION AND SUGGESTIONS

A. Conclusion

The results of the study indicate that the responses of women activists in Banda Aceh contributed to broadening the understanding of gender-based Islamic law in Aceh. The KKTGA organization disagreed with the implementation of a night work curfew for women. This hindered women who worked, and the violence occurred not outside but at home. The GeRAK Aceh organization also disagreed, arguing that the regulation was unnecessary because tradition was sufficient. In contrast, the LKBHuWK organization agreed, arguing that it protected women's dignity. According to KKTGA, gender-based Islamic law is somewhat difficult to implement in Aceh because Acehnese people only understand sharia as written in the Qanun (Indonesian Law). In this regard, these three organizations criticized the policy, stating that it does not need to be limited. The law is sharp downwards and blunt upwards, and requires evaluation and must have its own awareness. These three organizations offered solutions, including that Islamic law must be firm, pay more attention to the lower classes, and be active in socializing every regulation made.

B. Suggestions

Based on the findings of this study, several recommendations can be proposed. First, the Aceh Government should evaluate the implementation of Banda Aceh Mayor's Instruction No. 2 of 2015 to ensure that its objectives align with the principles of justice, gender equality, and the protection of women's rights. Policies aimed at protecting women should focus on addressing the root causes of violence and insecurity rather than merely restricting women's mobility and participation in public life.

Second, law enforcement agencies and government institutions should strengthen the effectiveness and consistency of implementing existing regulations. The success of a policy depends not only on the content of the regulation itself but also on the commitment of authorities to enforce it fairly and transparently. Therefore, greater attention should be given to improving legal institutions and law enforcement mechanisms.

Third, the government should intensify public education and socialization programs concerning Islamic law and related regulations. A comprehensive understanding of the objectives and values of Islamic law is essential to prevent misunderstandings, reduce public suspicion, and encourage broader community participation in the implementation of public policies.

Furthermore, policymakers should involve women's organizations, academics, religious scholars, and civil society groups in the formulation and evaluation of regulations affecting women. Such participation would help ensure that policies reflect the realities and needs of society while promoting inclusiveness and social justice.

Finally, future researchers are encouraged to conduct further studies on the impact of gender-related public policies in Aceh, particularly regarding women's employment opportunities, economic participation, and access to public spaces. Such research would contribute to the

development of policies that are more responsive to social change while maintaining harmony between legal, cultural, and religious values.

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