

IMPLEMENTATION OF QANUN NUMBER 6 OF 2014 CONCERNING JINAYAT MAISIR LAW IN BANDA SAKTI DISTRICT, LHOKSEUMAWE CITY

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Abstract

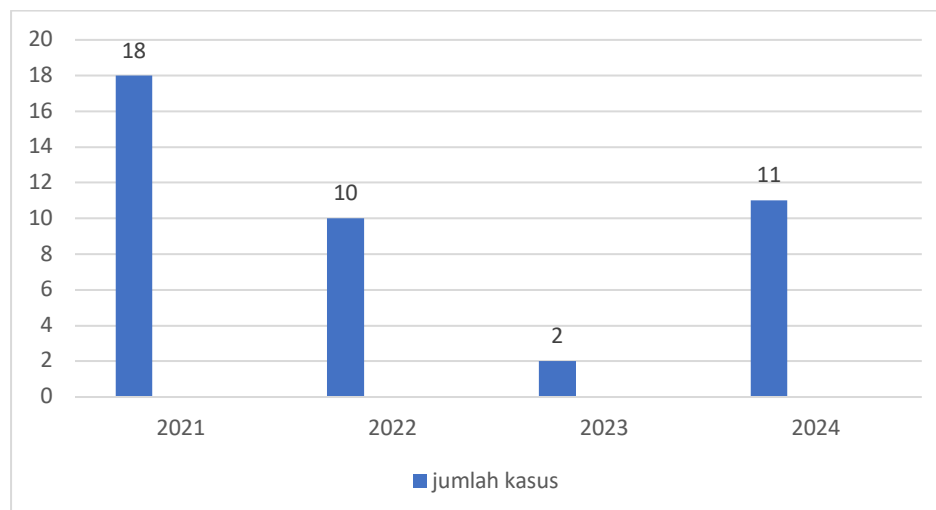
Gambling/maisir activities in Banda Sakti District, Lhokseumawe City oppose the implementation of Qanun Number 6 of 2014 concerning the Jinayat Maisir Law in force in Aceh Province. This study aims to analyze the extent to which the implementation of this Qanun has been carried out and to identify the factors that are obstacles in its implementation. The method used is a descriptive qualitative approach, with data collection techniques through interviews, observations, and documentation of law enforcement officers, religious figures, academics, and the community. The results of the study indicate that the implementation of the Qanun has not been running optimally. This can be seen from the still high number of gambling cases in Banda Sakti District. The communication aspect is considered ineffective because the dissemination of information is limited to sticker media and socialization to schools, without utilizing digital channels that are more relevant to the characteristics of today's society. In addition, limited human resources and budget are obstacles to supervision and law enforcement. The lack of disposition and commitment from the authorities is also an obstacle in the implementation of this policy. A more modern, collaborative and participatory communication approach is needed, as well as increasing the capacity of legal apparatus and infrastructure so that this qanun can be implemented consistently and effectively.

Keywords: *Policy Implementation, Maisir, Qanun Jinayat*

INTRODUCTION

Van Meter and Van Horn stated that policy implementation is an important stage in the policy cycle that bridges the gap between policy formulation and real impact in society. This process involves a series of concrete actions carried out by various actors, from within and outside the government structure, to realize the goals that have been set in a policy. One of the policies implemented in Indonesia is a policy that regulates gambling activities. Gambling is defined as a deliberate bet, namely betting something that is considered valuable by knowing that there are certain risks and expectations for an event, game, or match whose results are not or are not yet certain. Gambling in Indonesia is a criminal act. This type of crime is regulated in Article 303 of the Criminal Code which carries a maximum prison sentence of ten years or a maximum fine of twenty-five million rupiah. The type of online gambling is regulated in Article 27 paragraph (2) of Law Number 11 of 2008 concerning electronic information and transactions which regulates the prohibition of electronic gambling. In Aceh Province itself, there is a Qanun that regulates gambling (maisir), namely based on Aceh Qanun Article 18 and 19 Number 6 of 2014 concerning criminal law.

Qanun is a regional regulation that regulates the implementation of government and the lives of the people of Aceh. Lhokseumawe City is one of the cities in Aceh Province that also applies the Qanun Regulation in the implementation of government and the lives of the people in Lhokseumawe City. In this case, Lhokseumawe City has carried out many arrests for gambling perpetrators. Based on data sampling conducted by the Lhokseumawe City Police. The people of Lhokseumawe City openly gamble in public such as in coffee shops, cafes, and other public places. The problem that occurs in the Lhokseumawe City area is the increasing number of gambling users among the community which is a violation of the law in Aceh, namely Aceh Qanun Article 18 Jo. 19 number 6 of 2014 concerning the Jinayat Maisir law. This is also supported by data obtained from the Lhokseumawe City Resort Police which shows that the data on cases of gamblers caught red-handed in Lhokseumawe City fluctuates as shown in the graph of data on cases of online gamblers caught red-handed in Lhokseumawe City below:



Source: Lhokseumawe City Police, 2024

The data above shows that the number of gambling cases caught red-handed at the Lhokseumawe City Police in 2024 increased to 11 cases, the number of gambling cases caught red-handed in Lhokseumawe City fluctuates or it can be said that the number of gambling cases in Lhokseumawe City is uncertain or unstable. If every year the number continues to increase, it is possible that the number of people who gamble unreported is even greater. One of the sub-districts in Lhokseumawe City that has the most cases of online gambling caught is Banda Sakti Sub-district. This is in line with what was conveyed by Kaur Mutu Satreskrim Polres Lhokseumawe City who said that in Lhokseumawe City, the sub-district that has the most cases of online gambling caught in Lhokseumawe City is Banda Sakti Sub-district. Of course, this is a big concern for the officers involved and also for the surrounding community, considering the increasing number of other crimes caused by this online gambling problem. By considering various theoretical approaches, this study aims to analyze the implementation of Qanun Number 6 of 2014 concerning the Jinayat Maisir law in Banda Sakti District, Lhokseumawe City. The focus of the study is directed at the theory of Edward III's policy implementation by focusing on three main aspects: (1) Communication (2) Resources, and (3) Disposition. The results of this study are expected to provide empirical and theoretical contributions in the implementation of more effective, adaptive, and responsive social policies to gambling issues.

LITERATURE REVIEW

Public Administration

Public administration based on Chander and Plano's perspective in (Sri Arlina, 2020) is the process of organizing and coordinating public resources and employees to formulate, implement, and manage public policy decisions. While Keban stated that the term public administration describes how the government acts as a single agent in power or an active regulator and always takes the initiative in regulating and taking steps and initiatives that they think are important or beneficial to society, because society is considered a passive and less capable party and must submit and accept what is regulated by the government.

Public Policy

Agustino (2016) quoted in (Nura Ustrina et al., 2024) defines policy as a series of actions/activities proposed by a person, group or government in a particular environment that provides obstacles and opportunities proposed by the policy to be used and overcome in an effort to achieve a goal or realize a goal or intention. Policy in (Desrinelti et al., 2021) is a set of actions, attitudes, program plans, and decisions made by parties involved in an effort to solve problems. To achieve certain organizational goals, the existence of policies is very important.

Policy Implementation Model

George C. Edward III in (Manongga et al., 2018) argues that four factors that influence policy implementation are communication, resources, disposition and bureaucratic structure. Good communication between policy makers and implementers determines the effectiveness of qanun implementation. Human resources, finances, and facilities and infrastructure are vital. The commitment and attitude of policy implementers play an important role in implementing qanun. An efficient bureaucratic structure influences the smooth implementation of jinayat policies, including in the context of maisir action.

RESEARCH METHODS

This study uses a qualitative approach with a descriptive method. According to (Harahap, 2020) Qualitative research is a type of research that begins with data, uses current theory as an explanatory material, and ends with theory. This approach was chosen because it is appropriate for studying the process of policy implementation in a complex and dynamic social context. The researcher seeks to understand in depth how the implementation of qanun number 6 of 2014 concerning the law of jinayat maisir in Banda Sakti District, Lhokseumawe City. The research location was determined in Banda Sakti District, which is the District with the most online gambling cases caught in Lhokseumawe City. Research informants were selected purposively by considering their direct involvement in the policy implementation process. Informants consisted of the Lhokseumawe City Police, Banda Sakti District Police, Lhokseumawe City Ulama Consultative Assembly, Academics, Lhokseumawe City Satpol PP/WH and community informants who were selected accidentally.

Data collection techniques were conducted through in-depth interviews, field observations, and documentation studies of regulations, activity reports, and official local government news. Interviews were conducted in a semi-structured manner to allow for richer and more open exploration of information. During the interview process, researchers took notes and recorded data with the consent of the informant. Data were analyzed using an interactive analysis model. (Miles and Huberman, 2014) through 3 (three) stages, namely Data Condensation, Data Display and Conclusion Drawing/ Verification. Researchers conducted source triangulation to ensure data validity, compare information from various implementing actors, and test the consistency between empirical data and Edward III's implementation theory which is the main analytical framework in this study.

RESULTS AND DISCUSSION

1. Implementation of Qanun Number 6 of 2014 concerning the Jinayat law on gambling in Banda Sakti District, Lhokseumawe City

Policy is an instrument used by the government, organization or institution in regulating and directing actions to achieve certain goals. Each region has its own policies, including Aceh which has special autonomy rights in making its own regional policies. Aceh is known as a region that upholds Islamic law and has regulations based on Islamic law known as Qanun Aceh. This study aims to analyze the implementation of qanun number 6 of 2014 concerning the law of jinayat maisir in Banda Sakti District, Lhokseumawe City. Based on the results of interviews, observations and documentation of the implementation of this qanun, it is studied using George C. Edward III's policy implementation theory which includes 3 indicators, namely communication, resources and disposition.

a. Communication

Communication is the process of exchanging information between communicators and communicants. Communication theory according to Edward III emphasizes the importance of clear and effective information transmission in the success of policy implementation. This includes a deep understanding of the goals and objectives of the policy that must be conveyed appropriately to the target group. Thus, distortion in the implementation process can be minimized. Communication factors are considered as very important factors because in every activity process involving every human element and resources will always try to deal with the problem of "how the relationship is done". The success of implementing public policies requires implementers to know what must be done clearly, the goals and targets of the policy must be informed to the target group so that it can reduce the gap between the plan and the policy implementer. (Edyanto *et al.*, 2021).

The results of the observation show that the method of transmitting information to the public in several cafes and coffee shops is still fairly common and ineffective. Information is distributed only through the installation of stickers on walls or certain areas that often do not attract the attention of visitors. In addition, the communication of the dissemination of information is still not up-to-date because it does not utilize digital platforms or social media that are closer to people's lives today. As a result, the information conveyed is not widely distributed and does not reach young people who are more familiar with technology. The results of this observation are supported by interviews with several research informants who revealed that the communication used by policy implementers is still fairly common and ineffective in reaching target targets. Communication in the implementation of this qanun is still ineffective. Information related to the prohibition of gambling is only conveyed through the placement of stickers in public places such as cafes and coffee shops. However, this method has proven not to reach all levels of society, especially young people who are the dominant group in gambling cases. Interviews with the community and officials showed that the message conveyed was not fully understood by the community. In addition, the socialization carried out was limited to school students, not yet reaching young people, parents and the general public as a whole. This shows that policy communication is still conventional and less innovative.

b. Resource

The implementation of this qanun faces limitations in terms of human resources and facilities. The number of officers handling maisir cases is still limited. In addition, the budget to support socialization and law enforcement activities is still very limited, thus hampering the effectiveness of the qanun implementation. The observation results show that there are resource problems in the implementation of qanun number 6 of 2014 concerning maisir in Banda Sakti District, Lhokseumawe City, namely in human resources and budget. The Banda Sakti Resort Police (Polsek) lacks investigator personnel. This certainly hampers the implementation of this qanun policy.

The results of interviews with the Banda Sakti District Police revealed significant challenges in the implementation of Qanun Number 6 of 2014 concerning Jinayat Law, especially in handling maisir (gambling) cases. One of the main obstacles faced is the lack of human resources, especially in the investigation team. According to the statement from the Police, they experienced limited personnel which hampered the investigation process of cases related to maisir. In fact, the implementation of this qanun requires an adequate number of personnel considering the complexity and urgency of the maisir problems faced. Maisir is not a trivial problem, but a serious problem that requires fast and effective handling to eradicate it. With a limited number of investigators, efforts to handle and resolve these cases are less than optimal. This shows that even though the qanun has been implemented, its effectiveness is still hampered by limited human resources at the operational level, especially at the Banda Sakti Police.

In addition, the budget is also a problem in the implementation of this qanun. Because, the implementer cannot make a definite budget plan, so that in the implementation there are problems with the budget. The results of interviews with research informants related to financial resources in the implementation of Qanun Number 6 of 2014 concerning Jinayat Maisir Law in Banda Sakti District revealed significant challenges in budget planning and allocation, especially related to the uncertainty of the number of people who will undergo coaching at the Moral and Ethics Coaching Center (TEMORAL). The informant's statement that the budget is unpredictable due to the inability to predict the number of people who will be caught and coached shows the complex dynamics in the implementation of this qanun. This uncertainty arises because cases of jinayat maisir (gambling) are dynamic and highly dependent on factors such as the level of community compliance, the effectiveness of law enforcement, and changes in social behavior. This creates a situation where the government has difficulty planning the budget accurately, thus potentially causing inefficiencies in financial management.

c. Disposition

The disposition or commitment of the policy implementers is also a challenge. The results of the interviews showed that some officers have not shown a strong commitment to firmly prosecuting maisir violations. This has implications for the weak deterrent effect for the perpetrators. Some perpetrators who have been prosecuted continue to repeat their actions, which shows the weak pressure of sharia law at the community level.

Based on the above sources, the Statement highlights the importance of fair and non-discriminatory disposition from the implementers of Qanun. Fairness in the application of sanctions and legal equality are the keys to gaining full support from the community. Edward III emphasized that the attitude of implementers that differs from policy makers can complicate the implementation process. In this case, the source emphasized that implementers must be fair. This fair attitude is in line with the objectives of the policy to create order and justice in society, so that policy implementation can run effectively.

2. Factors Inhibiting the Implementation of the Qanun Jinayat Maisir

a. Understanding of the perpetrator's parents

The understanding of parents of gambling perpetrators is one of the obstacles in the implementation of Qanun Number 6 of 2014 concerning gambling in Banda Sakti District. This is in line with information provided by several informants who stated that the lack of understanding of parents of perpetrators who have been caught red-handed is related to the rules and procedures applied. Many parents do not fully understand the coaching mechanisms carried out by the authorities, especially when their children are taken to the Moral and Ethics Development Center (TEMORAL) to undergo the coaching process. In fact, coaching at TEMORAL aims to improve the morals and ethics of perpetrators so that they do not repeat the same mistakes. However, the lack of understanding of parents regarding this process often leads to rejection, which ultimately hinders efforts to enforce the law and coach perpetrators.

In this case, it is not possible to completely blame the perpetrator's parents, because the transmission of information carried out by the related implementers is considered uneven and does not reach all levels of society that are the target. This causes an information gap, where some people do not get an adequate understanding of the Qanun

and the goals and benefits of the guidance provided. As a result, the implementation of this Qanun is less effective because there is still resistance from the community, especially the perpetrator's parents, who should be the party that supports the process of moral and ethical guidance for their children.

b. Low public awareness and knowledge

Low public awareness and knowledge are significant obstacles in the implementation of Qanun Number 6 of 2014 concerning Jinayat Law, especially regarding maisir, in Banda Sakti District. The Aceh Jinayat Qanun is a legal regulation that regulates jarimah (criminal acts), perpetrators of jarimah, and uqubat (punishment) that can be imposed. Jarimah includes various acts such as khamar (alcohol), maisir (gambling), khalwat (immorality), ikhtilat (mixing with non-mahram), zina, sexual harassment, rape, qadzaf (accusing of zina), liwath (homosexuality), and musaqah (sexual relations with animals). The public's ignorance of these details, including the definition of maisir and its legal consequences, contributes to the lack of support for the implementation of the qanun.

Lack of public knowledge about Qanun Jinayat results in violations of this qanun still frequently occurring. Ineffective socialization and lack of involvement of community leaders and religious leaders in disseminating information exacerbate this problem. In addition, socio-economic factors also play a role, where some people may see gambling as a quick way to make money without fully realizing the serious legal and social implications. The community, especially gambling perpetrators, must be aware of the dangers of gambling. Gambling perpetrators are addicted to gambling, making it difficult to raise awareness of perpetrators to stop gambling. As a result, Banda Sakti District is the district with the most online gambling cases caught in Lhokseumawe City.

The results of interviews with the community in Banda Sakti District, Lhokseumawe City, revealed that one of the main inhibiting factors in the implementation of Qanun Number 6 of 2014 is the low level of public awareness and understanding of the contents and objectives of the qanun. The informant stated that the information conveyed by the implementer did not reach all levels of society. This statement indicates a communication gap between the parties responsible for the socialization of the qanun and the local community. Although efforts to disseminate information have been made, it seems that the information does not reach all levels of society evenly, so that many residents still do not understand the rules and policies contained in the qanun.

This shows that the process of socialization and dissemination of information has not been effective, both in terms of method, intensity and reach. As a result, the community does not have an adequate understanding of the importance of the qanun and how they should participate in its implementation. To overcome this, more comprehensive and inclusive efforts are needed in conveying information, such as using media that is more easily accessible to the community, increasing the frequency of socialization, and ensuring that the message conveyed can be understood by all groups. Without increasing public awareness and understanding, the implementation of Qanun Number 6 of 2014 will continue to face significant obstacles in Banda Sakti District.

c. Lack of Resources

Resources play an important role in policy implementation, because no matter how clear and consistent the provisions or rules of a policy are. If the resources, both human resources and financial resources needed, are lacking, the implementation of the policy will not be effective. In the implementation of Qanun Number 6 of 2014 concerning maisir in Banda Sakti District, Lhokseumawe City, the lack of human and financial resources is one of the inhibiting factors in implementation. Based on the results of interviews with several informants, it was stated that in the implementation of this qanun, the implementers experienced limited investigative personnel, whereas handling gambling (maisir) cases requires adequate human resources. This limited personnel has an impact on the effectiveness of law enforcement, where the investigation and prosecution process against gambling perpetrators is less than optimal.

Based on the results of interviews with research informants, it can be analyzed that the lack of adequate financial resources is also a major inhibiting factor in the implementation of Qanun Number 6 of 2014 in Banda Sakti District, Lhokseumawe City. This is due to the inability of the implementer to prepare a definite budget plan. As expressed by the informant, the budget needed for the implementation of guidance for violators of the Qanun is unpredictable. The implementer cannot accurately predict how many people will be caught red-handed and require guidance at the Moral and Ethics Guidance Center (TEMORAL). This uncertainty makes it difficult for related parties to allocate funds appropriately, because the number of people to be guided cannot be ascertained in advance. As a result, budget planning becomes unstable and often insufficient to support optimal coaching activities. This condition shows that the absence of a flexible and responsive budget planning system to the dynamics of cases occurring in the field is a serious obstacle in the implementation of the Qanun. Without the ability to plot the budget with certainty, the effectiveness of the implementation of Qanun Number 6 of 2014 is hampered, so that the goal of fostering community morals and ethics is difficult to achieve optimally.

CONCLUSION

From the results of the research that has been conducted and obtained by researchers in the field regarding the implementation of Qanun Number 6 of 2014 concerning the Jinayat Maisir law in Banda Sakti District, Lhokseumawe City, it can be concluded that:

1. The implementation of qanun number 6 of 2014 concerning the law of jinayat maisir in Banda Sakti District, Lhokseumawe City did not run optimally due to several problems in its implementation. The problems are:
 - a. Dissemination of information, lack of effective socialization to the community regarding the contents and legal consequences of this qanun, where the dissemination of information related to this qanun is uneven or does not reach all levels of the target community. In addition, the method of disseminating information used is also not up to date so that many residents do not understand the prohibitions and sanctions related to this maisir.
 - b. Resources, in the implementation of the qanun jinayat maisir in Banda Sakti District, Lhokseumawe City, the Banda Sakti Resort Police (Polsek) lacks investigator personnel. This certainly hampers the implementation of this qanun policy. In addition, the budget is also a problem in the implementation of this qanun. Because, the implementer cannot make a definite budget plan, so that in the implementation there are problems with the budget.
 - c. The attitude of policy implementers, the commitment of law enforcement officers is also considered not yet fully strong, which is seen from the still high number of gambling cases in Banda Sakti District. As a result, even though the qanun has been enforced, the number of people caught red-handed in gambling cases in Banda Sakti District remains high, indicating that this regulation has not been able to provide a significant deterrent effect among the community.
2. Inhibiting factors in the implementation of qanun number 6 of 2014 concerning the law of jinayat maisir in Banda Sakti District, Lhokseumawe City are the understanding of the perpetrator's parents, low public awareness and knowledge, lack of financial resources (budget) and lack of human resources. This results in the implementation of qanun jinayat maisir not running optimally.

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