**Stage of Punishment: How the Caning Law is Enforced in Aceh**

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**Abstract**

This study tried to question, how the caning punishment was staged in Aceh through the application of the Qanun Jinayat? This paper attempts to describe the implementation of a caning sentence carried out at the caning stage, how the community was involved in this caning legal procession and how the sharia police designed the punishment. Why is this interesting, because so far caning sentence is not much different from entertainment: Mass gather in one place, there is a permanent stage, VIP seats for invited guests, loudspeakers, mass cheers, the presence of children, street vendors, journalists, administrative arrangements and caning execution procession. Caning law execution as a show of state power because this procession involves the state through the presence as organizer, rules, and procedures for the execution of caning law. This research uses qualitative methods with a deep interview. And the result of this study, this law is intended to show the implementation of sharia. The caning law is not intended for self-purification and caning law aims to give a deterrent effect.

**Keywords**: The Qanun Jinayat, Aceh, The Caning Punishment, Stage, Entertainment.

**Introduction**

The Qanun Jinayat is the Islamic Criminal Law that has been implemented in Aceh since 2014. Aceh is the only province in Indonesia that implements Islamic criminal law. The Qanun Jinayat regulates acts which are prohibited by sharia such as Khamar (alcohol consumption), Maisir (Gambling), Seclusion (certain intimacy outside married), Ikhtilat (intermingling between women and men), Liwath (Homosexuality), Musahaqah (Lesbianism), Qadzaf (certain intimacy outside married), Adultery (fornication), sexual harassment, and rape. Punishments include caning, fines, and imprisonment (Fadlia, 2018).

Study of caning law in Aceh was conducted by Rizky Rullya Ananda (2016) say that this paper uses a symbolic interactionism approach which states that human communication takes place through the exchange of symbols and the meaning of symbols in which perceptions are influenced by understanding and knowledge of a person or group (community) through a series of stages of thought that develops in a society that is influenced by social background and culture that shapes self-concepts through a process of developing socialization of values and norms. This study found a positive impact of caning law for the Cot mosque and Rukoh communities because the caning law not only creates a deterrent effect but rather provides educational, moral and social values of religion in people’s lives.

The terms of the implementation of the execution of caning, the perpetrators are placed on stage so that they can be witnessed by the public. In the execution that must be present are the supervising judge, the medical team, the prosecutor, and the executor as part of the ceremonial caning law. Furthermore, Junaidisyah Sanja (2016) in a study conducted "Deviations in the Criminal Execution of Caning (A Research in the Jurisdiction of the Meulaboh and Jantho Court)".

This study found that there has been a deviation in the implementation of the caning law in the form of caning carried out across the back limit (shoulder to hip) and the presence of many children under the age of 18 years. Further research related to whipping, but seen from a legal perspective conducted by Madiasa Ablisar (2014) with the title "The Relevance of Caning Penalty As One Form of Criminalization in Criminal Law Reform". This study sees the presence of Islamic law as a renewal of criminal law in Indonesia as part of guarantees of religious freedom.

Another research is on the study of Caning of Non-MuslimPerformers of “*Jarimah”* in Nanggroe Aceh Darussalam (Study of Decision No. 01 / JN / 2016 / MS.TKN) by Sudirman Suparmin (2017), Sharia Economics academic, North Sumatra State Islamic University, Medan. This study tries to look at the decision of the State Attorney General Takengon, Central Aceh for the offender of the “*Jarimah”* offense which is non-Muslims. This study concludes that the application of The Qanun Jinayat even though non-Muslims, of course, this is in accordance with the common good and to create peace of society, so that the purpose of the implementation of The Qanun Jinayat can be implemented properly and perfectly.

Siregar (2009) through a survey on the implementation of sharia law in Aceh showed that 95.6% of respondents agreed and the remaining 6% of respondents disagreed with the establishment of sharia in Aceh. The above study is a study of caning law that has been carried out, both in terms of public perception, from a legal perspective and deviations in the procedure of implementation.

Different from the above study, this paper tries to see caning law from another perspective. The main focus of this paper is how the caning law is staged and how the caning law stage is used by the state and the community in every implementation of caning. This paper is expected to enrich the study of caning law in Aceh. To get a new perspective around this issue, this paper makes the caning punishment or often called *“Uqubat” a*s the punishment stage as the focus on the paper.

The discussion of this paper covers how the execution of caning, the timing and place, who is involved, the composition of the program, and how the operational standard of implementation and who has power over the execution of caning on the podium will be important points reviewed in this paper. Flogging is one form of punishment in Islamic law that applies in Aceh as an implementation of the privileges of the Province of Aceh through Law No. 44 of 1999 concerning the implementation of the Privileges of the Special Province of Aceh which was then followed by Regional Regulation No. 5 of 2000 concerning the implementation of Islamic law.

The Qanun regulated include Aceh Province Qanun No. 12 of 2003 concerning “*Khamar ”* (alcohol consumption), Aceh Province Qanun No. 13 of 2003 concerning “*Maisir”* and Qanun of Aceh Province No 14 of 2003 concerning *“khalwat”.* After the Helsinki MoU, with the granting of broader authority to the Aceh government through the Law on the Governing of Aceh, The Qanun Jinayat was born as Qanun Aceh Province No. 16 of 2014 with more comprehensive. However, The Qanun Jinayat is a legal regulation in Indonesia which is considered controversial because ordinary Islamic law only regulates civil law, but in the Qanun for the first time in Indonesia that Islamic law also governs criminal law.

Besides, the application of caning law is the first form of physical punishment carried out in Indonesia while the Indonesian government has ratified the International Convention Against Torture and Cruel, Inhuman or Degrading Treatment or Punishment and the Convention on Civil and Political Rights and the Convention Against Torture. This causes the implementation of caning law in Aceh to always get criticism from human rights activists in Indonesia and internationally (Yuliawati, 2017).

Therefore, It is interesting to find out more about the application of caning law in Aceh because so far the basic essence of caning law as self-purification is even more visible to provide a deterrent effect and "entertainment" through the process of caning. In a presentation Abi Fadlullah Wilmot (2015) (Director of Islamic Relief of Pakistan in International Conference 10th Years Anniversary of Mou Helsinki in Hermes Palace Aceh) with the theme The Changing Focus of Sharia said that the focus of Islamic law in Aceh should not only be on punishment as applied in the implementation of The Qanun Jinayat. Conversely, Islamic sharia must be seen more broadly, namely how to use the Islamic sharia lens in all aspects of life, the environment, budgeting, education, social, economic and others. That ensures that people can live well and prosperously is a priority of the country. Abi said that applying the law fairly was important. Apart from being a Muslim, he believes that forgiveness is better than giving punishment.

Referring to the time of the Messenger of Allah the 'punishment' case of adultery was very rare, only three times the stoning was carried out. Two of them because of the direct, conscious, without coercion from the perpetrator's confession. Testimony to the behavior of adultery itself is not easy because there are several conditions, including the four witnesses may not know each other is aware of the incident or plan to 'spy' the perpetrators of adultery and see clearly. In contrast to what happened during the time of the Prophet, adultery cases in Aceh were found in quite a large amount. From January to November 2016, 301 executions have been carried out and those convicted. Most of the cases were found because there were 'raids', in which residents or officers broke into or entered the house as part of someone's private space without permission from the owner or the person who allegedly committed a violation of Sharia which was carried out in someone's private space.

This research will discuss how the caning legal procession looks like a show or entertainment. In the initial survey conducted, a mother who was present at the caning legal procession in Jantho Aceh Besar said, she happened to pass by and saw the crowd then decided to stop and look at the caning law procession by inviting all family members. "... *We were passing by and saw a lot, then stopped by ... I was scared but curious to see how the caning law*". ( Interview with visitors of the implementation of the caning law in Jantho, Aceh Besar on March 10, 2017).

A preliminary interview was also conducted with one of the drink street food sellers at Teuku Umar Mosque, "*I had have been praying dzuhur in the mosque while seeing the crowd, there was a stage installation, so I remained in the courtyard of the mosque because surely people would come and bought later.*" (Interview with visitors of the implementation of the caning law at Teuku Umar Mosque, Banda Aceh on 29 October 2018). In addition to residents and sellers, Fitriady (2018) said that the caning legal procession was also attended by Malaysian tourists who were visiting Banda Aceh.

Afif (2018) said that even the caning legal procession is considered to have its appeal for tourists, Malaysia. In addition to the presence of the community which enlivened the caning legal procession, a set of procedures for implementation also made this procession like a show. The event procession refers to the operational standards established by the Islamic Sharia Service, and the stage is made either permanently or not. A WH officer said that the caning legal procession was indeed designed with certain standards in terms of the stage, invited government officials and the placement of VIP seats, spectators, convicted, executors and the parties involved. (Interview with a WH officer during a caning legal procession in Jantho, Aceh Besar on March 10, 2017)

From the explanation above shows that the caning legal procession is far from the main goal as self-purification but more visible as a show of state power, ceremonial and entertainment for the community. The tentative conclusion of this paper is that caning punishment is seen as a way for the government to show their power, while for the people the caning stage is only regarded as entertainment.

**Result and Discussion**

 **Caning Law as a Show of State Power**

Caning law is a place for the state to show power in giving punishment to citizens, in the case of Aceh can be seen from the following four things. First, through the rules and procedures for the execution of caning laws such as Standard Operating Procedures (SOPs) regarding spatial settings, invitations, event schedules, and so forth. Secondly, the presence of officials as state representatives is considered as the government's commitment to sharia enforcement policies, but also as part of political promises, even Aminullah (Mayor of Banda Aceh) uses this stage to prove his campaign promises. Third, the majority of those convicted of caning are people from the lower middle class. Fourth, the State sees that the number of caning executions is part of the achievement of The Qanun Jinayat implementation.

At each caning legal execution, there are four government institutions involved as a committee, namely; WH / SATPOL PP is responsible for preparing ceremonies. Second, the police are present to help secure the caning, third, the Health Service is tasked with examining convicts before and after caning, and ensuring that there are convicts who experience health problems and the Prosecutor's Office is responsible for guiding the core program by reading court decisions, summoning the convicted and directing the caning. In addition, there is the executioner who is a WH employee who is chosen to do the whipping of the convicted.

According to Marzuki, the executioner who was chosen to carry out the caning execution was someone who was mentally and physically strong. All WH members have the opportunity to become executioners and those who are chosen to become executioners are people who meet the criteria set out in Aceh Governor regulation number 10/2015. The identity of the executioner was kept secret by the way this officer covered all members of his body including his face.

Before performing the task, the executioner received training or direction in how to do the whipping. Usually, in the implementation of the caning law, there are more than one executioner, so that if one person is exhausted or can no longer carry out the execution it will be replaced by another executioner. In addition to the executioner, the caning legal procession also presented theologian. The scholars who attended the caning event consisted of invited guests and one person who gave “*tausiah*” (islamic motivation) as part of the ceremony. Sometimes the WH provides one of their members to give tausiah and there is no specific format regarding the contents of the tausiah. ( Interview with WH in Aceh Besar District, Jantho 10 March 2017). In addition to being present as an executive, the state was also present to show power through the presence of government officials as guests. According to one WH officer in Jantho City, inviting government officials is part of the SOP that must be met. *"Indeed, the rules are like that, ma'am ... must invite government officials in every implementation of the caning law*". Officials at government institutions include: Mayor, Regent, Head of WH / Satpol PP, District Attorney's Office, and the Police are VIP guests who get special treatment from the implementing committee. It includes sitting in the front VIP place with wooden chairs (read: luxury), a table complete with food and drinks. (Interview with WH in Aceh Besar District, Jantho 10 March 2017)

Sometimes, this VIP guest will be asked to give a speech such as the presence of the Mayor of Banda Aceh, Aminullah during the execution of the caning on October 19, 2018. In the speech Aminullah explained about the implementation of the caning law in accordance with the campaign promises that were delivered during the Election of Regional Leaders (Pilkada) ) "*The implementation of the caning law today is in line with the vision and mission of my government and we are committed to implementing Islamic law in Banda Aceh*." ( Aminullah's speech/remarks during the implementation of the caning law in Banda Aceh, 19 October 2018, at Teuku Umar Mosque).

The Islamic Sharia Service Office through Muzakir who is in charge of the legal division of the Islamic Sharia Service stated that the official who was present was part of the ceremonial because because the office is providing the budget and was given to the Islamic Sharia Service (DSI), as proof of the implementation of the activities caning law then a number of officials were present.

The presence of officials as state representatives in the execution of the caning law became a demonstration of power because on this occasion it was usual for state officials to present themselves as responsible parties and committed to the implementation of Islamic law in Aceh. That the execution of caning is also seen as a result of government performance in sharia enforcement. For example, after being elected Mayor of Banda Aceh, Aminullah was present at the execution of the caning 29 October 2018 and used the execution of the caning to prove the promise of the campaign before being elected to support the implementation of Islamic law in Banda Aceh.

**Caning Law is Intended for The Lower Middle Class**

Caning law is more intended for lower-middle-class people. On one occasion attending the caning legal procession, a journalist who had covered this activity several times confirmed this*. "The average convicted is indeed people with odd jobs and low levels of education".*

Meanwhile, the perpetrators of *“Jarimah”* who have positions and access to power can actually avoid the caning law, as happened in Central Aceh District, the case of a islamic leader who committed obscenity of santri was made a criminal case (not caned) and the case of the Bies Penantan village head free from caning law by the "*khalwat*" article was ignored and eliminated by the Central Aceh Islamic Sharia Service,, because the two suspects were people who were close to the Muhsin Hasan winning team who at that time served as Chairperson of the Central Aceh District Representative Council (AJNN, 2016).

According to the chairman of the Central Aceh GMNI DPC, the action was unfair for suspects who did not have access to officials, "*this illustrates how bad the Islamic Sharia is in Central Aceh itself."* (Interview with Aramiko Aritonang on August 17, 2019, in Takengon, Central Aceh). According to He's view the narrow understanding of the Islamic Sharia Service and the government in seeing the application of Islamic Sharia in Aceh has caused people, especially those from the middle to lower classes, to have a tendency to violate “*Jarimah”*.

He sees that Islamic law is always associated with caning. According to him, the Islamic Sharia must also talk about welfare and education, according to him, these two things are urgently needed by Aceh after the conflict and tsunami. "*For me, those who are convicted are just unlucky, they are people who are economically and educationally poor, besides there are also many people who are present at the whipping event, people who also commit violations of the people, many of the civil servants, police who have an affair, but are not caught because only known by the people around and not reported*”. He also saw that the implementation of the caning law and the timing of the caning in Central Aceh were influenced by those in power: "*Here, the flogging is done in front of the Art Building (GOS) or in the Musara Alun field, not in front of the mosque, but it is also not done on Friday as was done in Banda Aceh or Aceh Besar".*

Alleged him this was done to reduce the number of people present at the caning procession. Qanun Jinayat which only applies to middle-class people also occurs in Banda Aceh. During a WH's raid, he conducted a raid at the Hermes Hotel and found the husband of the Mayor of Banda Aceh in a karaoke room with several call girls. Interestingly, this arrest did not lead to whipping and news of the arrest also can no longer be found in online media. In addition to the husband of Illiza, a mayor's aide, Banda Aceh under Illiza's leadership had also been arrested obscenely with a woman by WH officers. The suspect was not only released on the instructions of the WH leadership and was automatically not tried through the caning law, but Ismail Ahmad as WH WH's patrolman even patrolled and was transferred to become a regular member of the Satpol PP. Ismail was previously a member of the Satpol PP and was later withdrawn to become a sharia police officer (WH) until he was promoted as Danton. (Mardira, 2013).

The discussion above shows that The Qanun Jinayat and the implementation of the caning law only apply to the lower-middle-class. In an interview with, Alyasa Abu Bakar, he confirmed that the application of The Qanun Jinayat at this stage was intended for the lower-middle-class community, "at the initial stage of implementing The Qanun Jinayat, this is indeed what we meant for the lower-middle-class, after which it succeeded in changing behavior, then we will apply it to all levels of society.” (Interview with Alyasa Abubakar on March 20, 2017).

 **Caning Law as a Ceremonial Event**

This section will discuss how the caning legal procession actually looks like a ceremonial event. This is caused by the following two things: First, there are a stage complete with loudspeakers. Second, the crowd consisting of people present, food and street food vendors, children and journalists. Caning legal procession looks like entertainment because there are a stage and loudspeakers. This was conveyed by a respondent, Miko "*The caning law in Aceh is like a concert, there is a stage and loudspeakers*". (Interview with respondents on 25 June 2017). As a former photographer, he admitted that he had several times visited the execution of caning and made the conclusion that the process of caning did indeed look like an entertainment stage.

Caning punishment procession was attended by Spectators, Spectators were those who were present at the caning event, both those present because they knew the execution program (from where and who) or those who were present because they happened to pass by and were interested in watching. The audience generally consists of men and women, and those aged over 18 years. Note, although there are rules in the Qanun not to allow children to watch the caning execution, the presence of children still exists. The audience group consists of Children, Ladies, Gentlemen, Traders. In addition, The Malaysian tourists and The researchers local and international researchers even though they were not always present in every implementation of caning law. Following is an explanation of the audience of caning in Aceh.

**The people attending and witnessing the caning execution**

**1**. **Children**

Although The Qanun Jinayat does not allow the presence of children in the place of execution, in general, in every implementation of the caning law, there are always children present. There are present together with the two people, there are also those present because of their own desires and without being accompanied by parents. In an interview on the implementation of the caning law in Jantho, Friday, August 25, 2017. They said that they came to the execution program out of curiosity, the caning law which was done after the Friday prayer caused the children who participated in Friday prayer to choose to gather in the courtyard of the mosque to witness the caning. When asked why they were interested in watching the spectacle, they stated that they were curious and wanted to see, one of the children said: "nice to see there are people in pain". From the observations, it can be seen that these children watch caning while running and playing in the mosque's spacious courtyard. They were also seen making this caning law as entertainment and feeling comforted by the pain felt by the convicted according to the interview results above.

Some other children even laugh loudly and make jokes with each other. They seemed to enjoy the process of punishment by flogging with absolutely no fear. A mother once reprimanded them for not laughing at the caning law, "*Hey kid, don't laugh, people are being tortured, why are you laughing! What if you were punished,*" the child paused for a moment but then returned laughing, though not as big as before. Almost all of the children who watched the caning execution in Jantho on August 25, 2017, were boys, probably because it was Friday, besides the legal location of the caning away from residential areas there were no girls who watched the execution. The number of children who attended the caning sentence was quite a lot even reaching 30% of the audience who attended.

The execution of the second caning law observed by this study was carried out at Teuku Umar Mosque on September 11, 2017, although it is located in the city and residential areas, the presence of children is not too much, only a few children present with their parents. Besides, WH officials have announced from the beginning that children under the age of 18 prohibited from watching this execution. One 17-year-old high school student immediately followed the instructions and moved away from the platform guardrail when he heard the announcement.

However, there was one mother who kept carrying her toddler because there was no one to look after her child because her husband also watched in a separate place, but the officer did not explicitly ask the mother and child to leave the place. It's just that the officer had said that watching the caning law was not good for her child. as far as observation, the mother remains in place. A little note for the implementation of the caning law in Teuku Umar mosque has a better committee than the implementation in Jantho. Some officers direct men and women to take separate places and remind parents not to bring their children. While in Jantho, the announcement of children not to watch was delivered in the middle of the program after a researcher asked this. even so, children remain free even to take a place to watch that is close enough to the stage. at Teuku Umar Mosque, officers provide compensation so children are not near the guardrail that closest to the stage.

**2**. **Convict**

The legal suspect is a woman or man over the age of 17 who violated accordance with The Qanun Jinayat. The convicts will wear special clothes, generally white, but in each district, uniforms have different colors. For example in Aceh Besar, even though it is white, the uniform of the convicted person is given a black color on the back. According to Kasatpol PP and WH, Rahmadaniaty, the addition of the color was intended as a sign where the executioner dropped the caning. The initiative was taken when during one of the executions, the executioner was "accused" of wrongly swinging the rattan and hit the neck of the convicted. At that time the WH could be prosecuted by the convicted. It turned out that after being investigated, the convicted cheat by adding cardboard paper in the back, because of the existence of the paper, the rattan which usually hits the back finally hits the neck of the convicted. To avoid similar problems from happening, the WH took the initiative to add black on the back.

**3**. **Journalists and Media Contributors**

Journalists and media contributors who are present usually represent print, online or TV. Regular caning law will be published in local, national and international media such as BBC, DW Indonesia, CNN, The Sun Daily, Reuters. The implementation of caning by specific cases such as homosexuals, non-Muslim canings that are flogged has a strong appeal for international media. A journalist and media contributor, Oviyandi Emnur said that some of his shots during the caning legal procession were used by foreign media in the news. *"Yes, there are some photos of the caning law that I took used by foreign media."* (Interview with respondents on 6 September 2018). As a freelance contributor, Oviyandi is not always present when the implemention of caning law, only when he has free time.

**4**. **Mothers/Women**

The mothers/women group also attended the caning law program. During the caning execution in Jantho, a mother said that her presence was out of curiosity*,*

*"I came out of curiosity, when I passed in front of the mosque, we saw a crowd, we were curious and chose to come and see. It is the first time I am present at a caning execution*.”

Another mother stated that she was afraid of seeing the caning law, but there was curiosity that forced her to keep seeing and following the execution of the caning. Several times he looked away, especially when the rattan hit the back of the convicted.

*"... I am afraid I do not dare to look but I am curious ... how pitiful the child was whipped 130 times looked very painful".*

In Banda Aceh on the implementation of the caning law at Teuku Umar Mosque a woman said she was interested to see because there was a crowd.

*"After praying I saw a lot of crowds and there were police, I decided to see, and I just learned that there would be a caning sentence. I've never seen it before and I'm interested to see it.”*

**5.** **Teenager**

Some teenage students of High School (SMA) and Vocational High School (Vocational School) were seen busy attending the caning implementation at Teuku Umar mosque which happened to be close to their school. "*I came because the caning was carried out near my school and coincided during the afternoon break so my* *friends and I decided to watch. this is the first time I have seen and my teacher also attended so I just relaxed not need to rush back to school ".* When asked what was expected by these students after watching this they joked with each other with their friends:

*"Later if I get caught and get a caning, I know this will be the way he is punished".* Another student added that they were just curious and wanted to know how the caning was carried out: *"Watching caning is good so we have new experience so if asked by people we can answer that we have watched caning”.* Two or three teachers were also seen on the spot, not until the event was finished dozens of students were running around leaving the caning law event.

**6.** **Gentlemen/Men**

Men also attended this event. As a note that the audience, especially at Teuku Umar Mosque, was separated between men and women. This is different from in Jantho, where separation is not strictly defined but there is indeed no mixing between female and male audiences. A father at the Jantho mosque chose to see the caning law from inside the mosque building. While sitting relaxed with two or three of his friends, he conveyed the reason why he was not too enthusiastic about the caning law program, *".... why should it be shown in front of the public, the sin will be borne by itself.”*On another occasion someone present at the implementation of the caning law said that the caning law was more like an entertainment show, except because someone was sentenced to flogging: "as *a music concert, there is a sound system, stage, loudspeakers, arrangement of events and VIP seats ... the caning is no different from a music concert ... but the most problematic is that many children watch the execution ... it's dangerous that I don't know what the future of those children.”*

**7***.* **Street Food Vendors**

The street food vendors are those who peddle food or drinks at the whipping event. In Jantho, food vendors may not be seen because of the small number of spectators and caning law enforcement venues far from the center of the crowd and settlements. But 3 or 4 food vendors were present at the caning execution at Teuku Umar mosque. A father selling cold drinks said that he happened to pray dzuhur in the mosque this afternoon and saw the crowd. Because there are potential buyers, he stays in the courtyard of the mosque and sells them. He admitted that this was the first time he was present at caning and selling. In addition to the seller of cold drinks, there are also several other sellers such as satay food vendors, dumplings and small snacks. Common food vendors are present when there is a crowd.

1. **The Place of the Flogging Procession**

The place of whipping is usually in a mosque or other representative place such as in Central Aceh who chooses to carry out executions in the Art Building (GOS). The two places observed in this paper are two, first the Jantho mosque and the second Teuku Umar mosque. There are several differences between these two places: First, the Jantho mosque is located in the central government of Aceh Besar Regency, which is actually far from the settlements and crowds, so that at the time of execution (specify date), the audience who attended was not too crowded, although some journalists remained present and proclaim the execution. Second, the Teuku Umar mosque is located close to the city as well as settlements and activity centers. This causes more spectators in attendance either to know this event or who just happened to be passing by. There were also quite a lot of audience changes between those who came and those who left.

**Time of the Flogging Procession**

Flogging is usually done on Friday. According to Marzuki, the considerations were taken because on Friday, especially after the Friday prayers at the mosque where the caning law is usually quite busy. However, the implementation of caning does not have to be on Friday, for example, the caning of gay couples is carried out on Tuesday, May 23, 2017. For the time, it is usually chosen between after the midday prayer and before the asr prayer (14.00-15.30 WIB).

**How the Caning Procession is Carried out**

This section will discuss how the caning procession in two places. First, at the Raya Jantho mosque, Aceh Besar and Teuku Umar Mosque, Banda Aceh. Caning “*Uqubat*“ at Masjid Raya Jantho, the stage used for caning “*uqubat”*, is made permanently even though it is smaller than the usual and non-permanent execution stage. In front of the stage that reads 'the caning “*uqubat”* stage', in front of the stage there is a pink tent and strikingly seated chairs intended for VIP guests, two sound systems, loudspeakers, banners that read "We Increase Community Awareness In The Implementation Of Sharies Islam In Aceh Besar District.” In the banner, there are three logos; WH logo, Satpol PP and Prosecutor's Office. Around the stage there is a barrier from the white rope, the possibility of this barrier is to limit the space that cannot be entered by the public. The officials concerned were present one by one to witness the execution, shake hands and take pictures, the WH especially female officers prepared cake boxes to be distributed, WH officers also tidied up the seats so that they were quite neat, reprimanding the public who wanted to sit in VIP seats so as to avoid sun. The public is forbidden to sit on chairs because of the limited seats available only for government officials about 50 seats only. The implementation of the caning law in Jantho is not too crowded with spectators, this might be due to the distance and the existence of the mosque which is far from where the community lives.

The whipping ceremony at the Tengku Umar mosque, Setui took place on September 11, 2017. The non-permanent stage was set up in the southern part of the mosque, complete with a roof and VIP seating of around 50 chairs with two wooden tables at the front. The VIP venue is occupied by WH officers and officials, the Prosecutors' Office and performers, including the elected mayor of Banda Aceh, Aminullah. Around the stage, a fence is installed with two accesses, the first is a small gate, the second part of the mosque's yard is directly connected to the mosque's room, from where the convicted and the event committee accesses the stage. Those who are allowed near the stage besides those mentioned above are journalists, health workers and YARA (legal aid organizations). There was a separation of standing places between men and women. Officers also announced that children (under 18 years) did not witness the caning law. Most of this information is heeded, there are only a few children who continue to watch from a distance but it was covered by adults who were tight with fences built. In general the implementation of the caning “*uqubat”* in Teuku Umar mosque, Banda Aceh was more orderly and directed than the caning “*uqubat”* in Jantho. In addition, participants who attended the Teuku Umar Mosque, Banda Aceh were also more crowded than at Jantho.

**Why is the whip law enforced?**

In this section, we will discuss why caning law is enforced. There are two reasons; First as self-purification and Second, to provide a deterrent or learning effect for the convicted or the audience present.

**Caning as a Self-Purification**

In this section, we will discuss how the caning law should be an effort to purify oneself, however, the application of the Qanun Jinayat and the implementation of the caning law in Aceh is far from this spirit. This is caused by errors in interpreting the application of Islamic law and giving penalties that are not based on the recognition of violators.At the time of the Prophet the punishment for someone who violated Sharia was based on surrendering and making a confession of wrongdoing and the desire to purify oneself. This is because the Prophet's doctrine which explains that the punishment in the world will free someone from punishment in the hereafter and the punishment in the hereafter will be more severe when compared to the punishment in the world. On the basis of this doctrine at the time of the Prophet a people named, Maiz bin Malik claimed to have committed the sin of adultery with a slave named, Hazzal. Maiz then admitted his actions to Abu Bakr and Umar.

However, the two companions of the Prophet told Maiz to repent and cover up his disgrace. However, Maiz still felt that the solution was not enough. Then he went to the Prophet Muhammad and told his complaints and asked to be purified. The Prophet was at the mosque together with his friends. The action taken by the Prophet was to look away 3-4 times and tell Maiz to go home and repent. Nevertheless Maiz continued to urge the Prophet then there was a discussion between the prophet and Maiz who was then witnessed by friends (Ali 2014)."The Prophet examined Maiz's consciousness; Are you drunk or not? The Prophet also asked if Maiz only kissed, touched, touched, or saw his partner. In fact, the Prophet even asked: "Did you" sink "into his" like a bucket into the well? "All the Prophet's questions were answered with" Yes. "The Prophet then gave orders to stone Maiz. When executed, Maiz ran away, but was captured and stoned until he died. Responding to the incident, the Prophet said: "Why don't you just let it go? Perhaps he will repent and God will forgive him. "Maiz's body was not wrong. However, three days after the execution, the Prophet said: "Maiz has repented that if his repentance was distributed to these people, that was enough for them." The Prophet also said the same thing in the case of women Ghamidiah and Juhainah. The Prophet even prayed for them of both. "(Ali: 2014).

Based on the story above summarized by Ali (2014) explains two things. First, at the time of the Prophet the recognition by the people was based on the Prophet Muhammad's doctrine which said that punishment in the world was lighter when compared to the punishment of Allah in the hereafter. This became the foundation of the people to purify themselves and the stoning was handed down by the Prophet Muhammad because of the request of the perpetrators and the duties of the authorities at that time only as a facilitator.Second, the execution of stoning during Muhammad's time was carried out on the basis of the confession of the perpetrators. Ali (2014) asserted that there were very difficult difficulties to prove adultery cases. “Proof by testimony is indeed very difficult; four adult males must see the event of adultery as if they were watching the sunset in the Western horizon ... the witness must be a truly devout person ”. It can be concluded that the proof of a khalwat case will be very severe because the witness must be a pious person and the Prophet also strictly forbids someone to peek. With proving conditions that are so difficult it will be very difficult to prove the act of khalwat unless the act is done in a public space and during the day.

If it refers to the explanation above, the jinayat qanun and the implementation of caning law in Aceh are far from the concept of self-purification. As the findings in the study of the Definition of Private Spaces and Public Spaces, that 'raids' where people or WH officers enter by force into someone's private space is a common form of finding sharia violators. Then violated this will be sentenced to flogging according to existing rules. Alyasa Abubakar confirmed that the application of caning law is not based on the recognition of violators and awareness of self-purification. In addition, the whip legal procession is also not used as an effort to return violators to the middle of society as someone who is not 'sinful' (Fadlia & Ramadani, 2019). As the Prophet Muhammad SAW said, "Maiz has repented that if his repentance was distributed to these people, it was enough for them." (Ali. 2014). This is important because the whip legal procession that does not restore the sanctity of offenders in the midst of society can have an impact on discriminatory treatment from the community. In some cases even violators who have been subjected to flogging have to leave their villages because they get ridicule from the surrounding community. In Central Aceh, there was a case of a woman who violated Jarimah who had been sentenced to be divorced by her husband because she was considered to have tarnished the family's good name.

**Caning as a Deterrent or Learning Effect**

The implementation of the caning law regulated in the Jinayat Qanun has become a polemic in the community. This debate arises because the implementation of caning is displayed in front of the public although this is contained in the qur’an in the An-Nur Verse 2 which is interpreted that the caning sentence (specifically adultery) must be witnessed by a group of godly. The aim is to provide a deterrent effect for the perpetrators as well as learning for the general public. However, the implementation of the caning law becomes less relevant than the intended purpose where this implementation provides a deterrent effect, but some people make this as entertainment that was shown.

The caning law that is publicly intended is intended to provide a sense of shame and deterrent effect (Feener 2013). This was conveyed by the Head of the Aceh Islamic Sharia Service, Syahrizal Abbas, that, the Qanun Jinayat which was carried out in public was aimed at education, learning and making people aware as stated below, "that is the rules that exist in sharia law, tradition. Actually, the main objective in the Qanun Jinayat is not to punish people or hurt people, the main objective is to educate, learn and raise awareness of the surrounding community.

This is in line with what Marzuki, a Satpol PP employee (on 14 August 2019), said: "The implementation of caning law is held on a stage or open place because the qanun mandates the implementation of the jinayat law in the open and can be witnessed by others. There is what is meant by the philosophy of tadabur in the jinayah law, which is to instill education, where people are flogged in front or displayed it becomes a therapeutic shock that causes a deterrent effect."It can be seen that almost all policymakers have only one point of view, which is about learning without having a point of view about self-purification. It is a matter of recognizing that the caning must be based on confession and evidence.

What is understood by policymakers is that when a perpetrator is interrogated after evidence is addressed, the perpetrator is led to admit his actions not for reasons of self-will but rather because there is already evidence that the perpetrator has violated the tomb. Alyasa said that there were some pieces of evidence and confessions including one of them and when Alyasa spoke with the perpetrators alyasa said "*I invited the perpetrator to sit down and speak after that the perpetrator admitted his actions*". Marzuki then also said that making confession as evidence was the thing most investigators avoided "*we most avoid taking confession as evidence because until the court, perpetrators can withdraw the confession*.

The method of execution in the execution of caning in public is intended to be able to provide a deterrent effect for the offender so that psychologically this will have a major impact on both the offender and the audience present compared to the imprisonment. For these caned convicts will become learning and preventive power so that later they do not do the same thing again (Melayu, 2011: 60). This statement cannot be traced to the truth because there is no data used to corroborate the statement. However according to him, this Foucault was a success of the state in the functioning of instruments of control over citizens. That is, through hierarchical observation or the ability of the apparatus to supervise all those below it with one single criterion.

**Conclusions**

This paper finds six conclusions about the caning law that is in effect in Aceh: First, the caning law is intended to show the implementation of sharia. Second, the caning law is not intended for self-purification. Third, caning law aims to give a deterrent effect. Fourth, the Caning Law is not intended to restore self-esteem. Fifth, the State makes caning as one of the "performance" of government work in disciplining the body of its citizens. Sixth, Children make the execution of caning as a playing field.

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