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The urgency of drafting the Southwest Aceh District Qanun on the implementation of public order in creating security and peace in society

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Abstract

Introduction: The Regional Government has the authority in government affairs in the field of public order and peace in society. For the Government of Aceh Barat Daya District, efforts to maintain order are very important considering that Aceh Barat Daya District is part of the province of Aceh which highly upholds values in people's lives. **Aims/Objectives:** This discussion will examine what problems are faced in society so that it is necessary to stipulate a Draft Aceh Barat Daya District Qanun concerning the Implementation of Public Order and Peace.

Methods: The type of research used is normative legal research (normative juridical), where the materials or data sources are obtained simply by conducting library research. Materials or data sources are obtained from literature, scientific journals, mass media and other documents that are relevant to the topics discussed qualitatively.

Result: The people of Southwest Aceh District need rules regarding the administration of public order and public order, because it is difficult to maintain order and peace in society, these rules are urgently needed.

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Introduction

Participating in carrying out world order is one of the goals of the Unitary State of the Republic of Indonesia (NKRI) contained in the Preamble to the 1945 Constitution of the Republic of Indonesia (UUD NRI 1945) ^[1]. This reflects that Indonesia is a peace-loving country by participating in carrying out world order. At every opportunity, both domestically and internationally, the Government of Indonesia has always voiced its commitment as a peace-loving country as part of its commitment to maintaining international peace and security. This is one of Indonesia's foreign policy efforts to take part in realizing world peace ^[2]. Likewise at home, the Government of Indonesia must be able to realize security and peace in society, because that is also a part of providing protection for Indonesian citizens.

UUD NRI 1945 mandates that every citizen maintain public order and peace. This is an indirect shared responsibility between the state and society, which must be upheld by citizens through their human rights. When it comes to social issues, such as family, friends and work relationships, this shows the importance of human rights. UUD NRI 1945 states in Article 28J paragraphs (1) and (2) that everyone is obliged to respect the human rights of others in society, nation and state. It also states that everyone must comply with laws designed to protect their rights and freedoms. This law is intended to guarantee the recognition and respect for the rights and freedoms of each person, as well as to provide just actions based on considerations of morality, religion, security and public order.

The Regional Government has the authority in government affairs in the field of public order and peace in society. In the Appendix to Law No. 23 of 2014 concerning Regional Government, it is regulated regarding provisions for the division of

¹ Lihat Alenia IV Pembukaan UUD NRI Tahun 1945.

² RI Tegaskan Komitmen Sebagai Negara Cinta Damai, <https://investor.id/archive/ri-tegaskan-komitmen-sebagai-negara-cinta-damai>.

government affairs in the field of public order and public order. Even though in the normative order we already know that the government and everyone have their respective portions in the administration of public order and public tranquility, the fact remains that there are a number of problems in the field of implementing public order and public peace in Aceh Barat Daya District. These problems include the absence of a clear scope covering which areas, areas or locations require and need to create public order and public order.

For the Government of Aceh Barat Daya District, efforts to maintain order are very important considering that Aceh Barat Daya District is part of the province of Aceh which highly upholds values in people's lives. So maintaining order and peace is a fundamental requirement for the creation of a prosperous society. Moreover, the threat from the potential for community behavior that violates order is very likely to occur. Of course it becomes an irony for a region that is considered to uphold values if peace and order cannot be created. Therefore, the maintenance of order which is manifested in the form of disciplined and orderly behavior as a culture of society is very important.

The Aceh Barat Daya District Government has not fully implemented its mandatory affairs^[3] in the field of public order. This can be measured from the absence of legal instruments that comprehensively regulate public order and public order. In fact, this is a mandatory matter for the regional government, so its implementation must be regulated in a legal instrument, namely the Aceh Barat Daya District Qanun concerning Public Order and Public Peace. On the other hand, arrangements regarding the implementation of public order and public order need to be formed in order to become a legal umbrella for the Satpol PP and WH in carrying out their duties and authorities.

Then it was found that there were a number of violations against the implementation of public order and public order. Even though Aceh Province has the status of a special autonomous region with the implementation of Islamic Sharia, in reality in the districts/cities in Aceh Province there are still members of the public who behave in a deviant manner or disturb public peace and disturb public order. For example, traders who sell all the way to the road,^[4] parking carelessly,^[5] beggars at crossroads,^[6] guests who stay more than 1 x 24 hours do not report,^[7] young people dating in quiet places^[8] and so on. Therefore it is necessary to have a study of what problems are faced in society so that it is necessary to establish a Draft Aceh Barat Daya District Qanun Concerning the Implementation of Public Order and Public Peace.

Research Methods

³ Chadijah Rizki Lestari, Suhaimi, Roslaini Ramli, Enzus Tinianus, Juridical Analysis of the Importance of the Southwest Aceh Regency Draft Qanun Concerning Corporate Social and Environmental Responsibility, *International Journal of Multicultural and Multireligious Understanding (IJMMU)*, Volume 10, Issue 2, February 2023, pp. 63-73.

⁴ Antaranews.com., Petugas Tertibkan Lapak Jualan di Badan Jalan, <https://aceh.antaranews.com/berita/31824/petugas-tertibkan-lapak-jualan-di-badan-jalan>, accessed on 05 February 2023.

⁵ Opsi.id., Mobil Parkir Sembarangan, Membuat Jalan di Pasar Blangpidie Abdy Sempit, <https://opsi.id/read/mobil-parkir-sembarangan-membuat-jalan-di-pasar-blangpidie-abdy-sem-pit>,

⁶ Serambinews, Pengemis Curi Uang Bidan di Aceh Barat Daya Terekam CCTV, Gasak Uang Sebesar Rp 3,5 juta, <https://www.youtube.com/watch?v=6WOXtsnVrTs>,

In answering the problems mentioned above, the type of research used is normative legal research (normative juridical), where the materials or data sources are obtained simply by conducting library research. Materials or data sources are obtained from literature, scientific journals, mass media and other documents that are relevant to the topics discussed. However, it is also possible to carry out direct observations in the field concerning conditions in society that cause discomfort, so that security, tranquility and peace in society are disturbed. The collected data will be processed and then analyzed qualitatively.

Result and Discussion

One of the 23 regencies/cities in Indonesia that are in the administrative area of Aceh Province is Aceh Barat Daya District. Aceh Barat Daya District is in the western part of Aceh Province which connects the western corridor with direct borders on the open sea (Indian Ocean), being downstream from major rivers and has a very fluctuating topography, ranging from flat (beach) to undulating (mountain and hills)^[9].

Aceh Barat Daya or often abbreviated as "ABDYA" is a division of South Aceh District. The division of this district was not the result of reforms in 1998. Although the change in the national government at that time accelerated the division, the discourse for division itself had been developing since around the 1960s^[10].

Some of the names nicknamed for Southwest Aceh Regency include: As a City of Commerce, Nanggroe Breuh Sigupai, City of History, Bumoe Teungku Peukan, Bumi Cerana, Bumi Persada, Alue Malem Dewa, Tanoh Mano Pucok, and Putroe Aloeh, Hijab Beach, Bali Beach, etc.^[11]. With these nicknames, coupled with its natural beauty, Southwest Aceh District, with its capital city Blang Pidie, has become a tourist destination for both domestic and foreign tourists.

Geographically, Southwest Aceh District is located at 96034'57"-970 09 '19" East Longitude and 3034'24"-4 0 05'37" North Latitude. Administratively, Southwest Aceh District has the following regional boundaries:

- North: Gayo Lues Regency;
- South: Indian Ocean;
- West: Nagan Raya Regency; And
- East: South Aceh District^[12].

Southwest Aceh Regency with its capital Blang Pidie has an area of 1,882.05 Km² or 188,205.02 Ha, divided into 9 (nine) Districts, 23 Mukim, and 152 Gampongs^[13]. All gampongs in Southwest Aceh District, totaling 152 gampongs, last March 2022 held definitive Keuchik elections which were held simultaneously in all gampongs^[14]. The newly elected keuchiks in the village head elections (Pilkades) were sworn

⁷ Panteraja.com., Tamu wajib lapor 1 x 24 jam pada Kadus atau perangkat Gampong, Demi tertib administrasi, <https://panteraja.com/index/4>,

⁸ Antaranews.com., Bupati Aceh Barat gerebek pasangan pacaran di Pantai Wisata Ujung Karang, <https://aceh.antaranews.com/berita/240709/bupati-aceh-barat-gerebek-pasangan-pacaran-di-pantai-wisata-ujung-karang>,

⁹ <https://acehbaratdayakab.go.id/halaman/demografis>.

¹⁰ https://id.wikipedia.org/wiki/Kabupaten_Aceh_Barat_Daya.

¹¹ Adi Yanto, 10 Hal Yang Harus Kamu Tahu Sebelum Berkunjung ke Aceh Barat Daya, <https://phinemo.com/10-hal-yang-harus-kamu-tahu-sebelum-berkunjung-ke-aceh-barat-daya/>.

¹² <https://acehbaratdayakab.go.id/halaman/demografis>.

¹³ Ibid.

¹⁴ <https://aceh.tribunnews.com/2022/01/08/pemilihan-keuchik-serentak-di-aceh-barat-daya-digelar-maret>.

in simultaneously by the Regent Akmal Ibrahim on 25 May 2022 ^[15].

The keuchik who has been elected and appointed must, of course, carry out his duties and positions in accordance with the applicable laws and regulations. In this case both the Aceh Barat Daya District Qanun itself, as well as the Aceh Province Qanun and other higher level laws and regulations, such as Law no. 6 of 2014 concerning Villages.

The Keuchiks who have been appointed will also later become the main pioneers in realizing Public Order and Public Peace, because with order and peace in society, the goals of the Republic of Indonesia as mandated in the Preamble of the UUD NRI 1945 can be realized as expected. However, until now the rules that can be used as a legal basis regarding the implementation of order and peace in the people of Aceh Barat Daya District have not yet been formed. Therefore, the Draft Aceh Barat Daya District Qanun Concerning the Implementation of Public Order and Public Peace is the hope of the Indonesian people in general and the hope of the people of Southwest Aceh District in particular.

In the previous description it was stated that Southwest Aceh District is a division of South Aceh District. Even though the division was not a result of the reforms in 1998, with the Reformation Movement there had been very essential changes in the national government system, so as to accelerate the division process. Finally, in 2002 Aceh Barat Daya officially became Aceh Barat Daya District with the enactment of Law Number 4 of 2002 concerning the Formation of Aceh Barat Daya District, Gayo Lues District, Aceh Jaya District, Nagan Raya District, and Aceh Tamiang District in Nanggroe Aceh Darussalam Province.

Thus the Southwest Aceh District officially becomes an autonomous region, the Southwest Aceh District Government has the rights, authorities and obligations as an autonomous region to regulate and manage its own affairs of government and the interests of the local community within the system of the Unitary State of the Republic of Indonesia. However, the Southwest Aceh District Government has not fully carried out the obligatory functions as assigned to it. One of them is mandatory affairs in the field of public order. It can be seen that Aceh Barat Daya District does not yet have legal instruments that comprehensively regulate public order and public order. In fact, this problem is a mandatory matter for regional government, so its implementation must be regulated in a legal instrument, namely the Aceh Barat Daya District Qanun concerning Public Order and Public Peace. On the other hand, arrangements regarding the administration of public order and public order are very important issues to be formed immediately in order to become a legal umbrella for the Satpol PP and WH in carrying out their duties and authorities.

Based on the information provided above, Aceh Barat Daya District needs to establish a Qanun Concerning the Implementation of Public Order and Public Peace. This is due to the fact that no local law has been created to specifically regulate public order and public peace. Consequently, Aceh Barat Daya District won't be able to properly achieve a peaceful, secure and orderly region. Instead, Aceh Barat Daya District needs to rely on regional apparatus organizations and

units in order to achieve these goals. This will ensure that the local Aceh Barat Daya District government can properly perform their duties related to public order and public peace. Providing a stable and peaceful atmosphere is vital to Aceh Barat Daya District's Regional Government. Consequently, they must create and enforce a public order law to ensure a peaceful and orderly environment for the people of the district. Doing this is imperative and urgent; therefore, they must start creating a draft Aceh Barat Daya District Public Order and Peace qanun right away. This draft must be created and adopted by the Aceh Barat Daya District government before it can be implemented in society as a whole.

Based on the description above, it can be said that orderly behavior has not been fully developed in the community in Southwest Aceh District. Such conditions, if not organized and regulated from the start, actually become even bigger problems in the future which also result in the emergence of other problems in society. If you want the implementation of public order, peace and public protection to run as desired, a regulation is needed that rigidly regulates issues of public order and peace. To meet this need, it is necessary to establish a Draft Southwest Aceh District Qanun concerning the Implementation of Public Order and Public Peace, which of course begins with the preparation of an Academic Paper for the Draft Southwest Aceh District Qanun concerning the Implementation of Public Order and Public Peace.

The matters that need to be regulated in the Draft Aceh Barat Daya District Qanun concerning the Implementation of Public Order and Public Peace, include:

Chapter I as the chapter that regulates the meaning or explanation of the terms contained in the Draft Aceh Barat Daya District Qanun Concerning the Implementation of Public Order and Public Peace, the chapter is entitled General Provisions ^[16].

Chapter II concerns the scope and objectives. In this case the scope of regulation includes: orderliness of roads, public facilities and orderly green lanes, orderly environment, orderly rivers, waterways and water sources, orderly occupants of buildings, orderly social, orderly entertainment venues, crowds, coffee shops/hawker centers, orderly boarding houses and inns/hotels, orderly markets, and orderly community participation. While the goal is:

- a. Realizing respect, protection and fulfillment of community rights.
- b. Fostering an orderly and law-abiding culture for the community in order to realize the vision and mission of the regency.
- c. Provide the basis and guidelines in the implementation of public order and public tranquility.

Furthermore, Chapter III regulates Community Rights and Obligations, in which everyone has the same right to feel and enjoy order and comfort, and has the right to get protection against threats of danger, riots and health problems as a result of a lack of order in society and environmental destruction. Chapter IV is entitled about orderly roads, public facilities and green lanes, regulating that everyone has the right to enjoy comfort and protection on the roads, in parks and on green lanes. And in order to create comfort and protection,

¹⁵ <https://aceh.antaranews.com/berita/286833/152-keuchik-terpilih-di-abdya-segera-dilantik>.

¹⁶ Suhaimi, M Gaussyah, Abdurrahman, Mahfud, Adjustment of Aceh Barat Daya district Qanun number 9 of 2012 concerning Gampong

government after the enactment of law number 6 of 2014 concerning villages, International Journal of Multidisciplinary Comprehensive Research, Volume 02, Issue 01, January-February 2023, pp. 25-30.

the Aceh Barat Daya District Government will control the use of roads and their facilities, public facilities and the green line.

Chapter V regarding environmental order, regulates guests who stay more than 1x24 hours, homeowners are required to report to gampong officials. Furthermore, every person and/or entity is prohibited from making, distributing, storing, stockpiling, selling, Igniting firecrackers and/or fireworks that can disturb public order and public peace. In addition, everyone is prohibited from making noise around the residence or doing something that can disturb the peace of others; and dispose of objects that smell bad which can disturb the surrounding residents except in a landfill that has been provided by the District Government.

Chapter VI deals with orderly rivers, canals and water sources, regulates the responsibilities of the Aceh Barat Daya District Government for the use of rivers, irrigation canals, water canals, drainage canals and the preservation of water sources. And the District Government together with the community maintain, plant and preserve shade trees on river banks, waterways and water sources.

Chapter VII regulates orderly occupants of buildings which are carried out through planting and maintaining protective/productive trees, ornamental plants, live pharmacies and productive plants in building yards, constructing rainwater infiltration wells in every building, whether existing or to be built, in accordance with the existing land area as well as the road/alley facilities in accordance with the applicable technical provisions, providing trash bins in the front yard; and maintain sidewalks, gutters (drainage) and shoulders around the building.

Chapter VIII on social order, in the form of prohibitions:

- a. Building huts or dwellings in public places, greenways, parks, under bridges, on bridges and other public facilities;
- b. Collect street children/tramps and beggars to be used as beggars/buskers to withdraw their income;
- c. Commit immoral acts and/or acts that lead to immorality;
- d. Distribute pornography and action pornography in all its forms;
- e. Organize entertainment venues and other places that lead to acts of violating decency;
- f. Carry out other activities that can damage the order of social life for children and the younger generation.

Chapter IX regarding the orderliness of entertainment venues and coffee shops/snack centers. In this case, every person and/or entity is prohibited from organizing entertainment or crowds without the permission of the Regent and is prohibited from carrying out activities/activities other than those stipulated in the permit. Furthermore, the organizer of the coffee shop/hawker center must obtain a business license from the Regent.

Chapter X regulates the orderliness of boarding houses and inns/hotels. In this case, every Boarding House organizer is obliged to act as the person in charge of security, order and all activities that occur at the Boarding Place; providing a special room for receiving guests that is separate from the boarding room; notify the local village apparatus when receiving guests who stay more than 1x24 hours; maintaining cleanliness and environmental health; and segregating boarding houses between male and female residents.

Chapter XI regulates market order, in which every person and entity carrying out activities in the market is prohibited from selling on sidewalks and street bodies and from selling in

storefronts and alleys/alleys that may hinder pedestrians; and leave trash scattered. This prohibition is exempted for Islamic holidays with the approval of the Regent

Chapter XII regulates community participation, which obliges every person or agency to submit/report violations of the Qanun to gampong officials and the district government.

Chapter XIII concerns the development, control and supervision of the implementation of public order and public order, which is carried out by the Regent and carried out by the Civil Service Police Unit as the Administrator of public order and public order and other related agencies.

Then in Chapter XIV it is also determined that for those who violate the provisions as stated above, certain Civil Servant Officials within the Aceh Barat Daya Regency Government are given special authority as investigators to carry out criminal investigations in the field of public order, as referred to in the Criminal Procedure Code.

Meanwhile, the issue of sanctions is regulated in Chapter XV which regulates administrative sanctions and criminal sanctions as well as types of criminal acts for those who violate the rules as referred to above.

Finally, Chapter XVI as the Closing Chapter, this chapter regulates:

1. Statement of the validity of the Southwest Aceh District Qanun concerning the Implementation of Public Order and Public Peace.
2. A statement on the entry into force of the Southwest Aceh District Qanun concerning the Implementation of Public Order and Public Peace and an order for its placement in the Regional Gazette of Southwest Aceh District so that everyone can know.

Conclusion and Suggestion

Conclusions

Based on the findings of this study, it can be concluded that a Draft Qanun of Southwest Aceh District is necessary regarding the implementation of public order and public peace. This draft was prepared in anticipation of an actual Draft Qanun of the Southwest Aceh District regarding the implementation of public order and public peace. Because there is currently no local law product (Qanun) specific to the Southwest Aceh District regulating the implementation of public order and public peace, this draft is necessary in preparation for it. The lack of current laws regulating regional apparatus organizations and units makes maintaining public order and peace in Aceh Barat Daya District difficult. There are currently no regional apparatus organizations or units, so maintaining public order and peace will be hard without new laws being implemented.

Suggestion

Aceh Barat Daya District Government and Aceh Barat Daya District Legislative Assembly are instructed to establish a Qanun drafting session as soon as possible. These sessions are required in order to discuss and create Aceh Barat Daya District's first regional law. This is because Aceh Barat Daya District has no specific regional laws regulating the implementation of public order and public peace. By creating Aceh Barat Daya District's first Qanun, it is believed that Aceh Barat Daya District can guarantee a safe, peaceful and organized environment for both its district residents and the general population of Indonesia.

References

1. Adi Yanto. 10 Hal Yang Harus Kamu Tahu Sebelum Berkunjung ke Aceh Barat Daya, <https://phinemo.com/10-hal-yang-harus-kamu-tahu-sebelum-berkunjung-ke-aceh-barat-daya/>.
2. Antaranews.com. Petugas Tertibkan Lapak Jualan di Badan Jalan, <https://aceh.antaranews.com/berita/31824/petugas-tertibkan-lapak-jualan-di-badan-jalan>, accessed on 05 February 2023.
3. Antaranews.com. Bupati Aceh Barat gerebek pasangan pacaran di Pantai Wisata Ujung Karang, <https://aceh.antaranews.com/berita/240709/bupati-aceh-barat-gerebek-pasangan-pacaran-di-pantai-wisata-ujung-karang>.
4. Chadijah Rizki Lestari, Suhaimi, Roslaini Ramli, Enzus Tinianus. Juridical Analysis of the Importance of the Southwest Aceh Regency Draft Qanun Concerning Corporate Social and Environmental Responsibility, *International Journal of Multicultural and Multireligious Understanding (IJMMU)*, Volume 10, Issue 2, February 2023.
5. <https://acehbaratdayakab.go.id/halaman/demografis>.
6. https://id.wikipedia.org/wiki/Kabupaten_Aceh_Barat_Daya.
7. <https://aceh.tribunnews.com/2022/01/08/pemilihan-keuchik-serentak-di-aceh-barat-daya-digelar-maret>.
8. <https://aceh.antaranews.com/berita/286833/152-keuchik-terpilih-di-abdya-segera-dilantik>.
9. Opsi.id., Mobil Parkir Sembarangan, Membuat Jalan di Pasar Blangpidie Abdya Sempit, <https://opsi.id/read/mobil-parkir-sembarangan-membuat-jalan-di-pasar-blangpidie-abdya-sempit>,
10. Panteraja.com., Tamu wajib lapor 1 x 24 jam pada Kasus atau perangkat Gampong, Demi tertib administrasi, <https://panteraja.com/index/4>,
11. RI Tegaskan Komitmen Sebagai Negara Cinta Damai, <https://investor.id/archive/ri-tegaskan-komitmen-sebagai-negara-cinta-damai>.
12. Serambinews, Pengemis Curi Uang Bidan di Aceh Barat Daya Terekam CCTV, Gasak Uang Sebesar Rp 3,5 juta, <https://www.youtube.com/watch?v=6WOXtsnVrTs>,
13. Suhaimi M Gaussyah, Abdurrahman, Mahfud. Adjustment of Aceh Barat Daya district Qanun number 9 of 2012 concerning Gampong government after the enactment of law number 6 of 2014 concerning villages, *International Journal of Multidisciplinary Comprehensive Research*, 2023, 02(01).