

# The Roles Of Village Apparatus In Implementing Qanun Number 3 Of 2017 In Jangka Alue, Sub-District Of Jangka, Bireuen, Aceh Province

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Abstract. The implementation of *Qanun Gampong* Number 3 of 2017 concerning Smoke and drugs-Free Homes is an example of a healthy and prosperous village. This study describes the role of the village apparatus and their influence on the community. The method used in this research is descriptive, socio-legal research approach with the theory of authority. The types of secondary and primary data sources were then analyzed using qualitative techniques. The study was conducted in the village of Jangka Alue, Jangka District, Bireuen Regency, Aceh. Base on the result of the research, the role of the village apparatus are to encourage and prohibit, to establishment an anti-smoking and drug task force, to form a qanun on *ureung chiek geutanyo*, to give appreciation and supervision that carried out in accordance with the authority to contribute in the administration of government, community development, community empowerment and community development in accordance with orders. Constitution. Impact on society, creating a sense of security, reducing smoking. Community health and welfare have not been felt because there are no indicators as benchmarks.

Keywords: Village; Qanun; House; Cigarettes; Drugs

#### **INTRODUCTION**

Tedros Adhanom Ghebreyesus, director general of the World Health Organization (WHO), stated that tobacco production continues to increase every year. Tobacco overproduction causes lung disease, cancer and more than 7 million deaths worldwide. Cigarette addicts have a higher risk of heart disease and stroke than those who do not consume cigarettes. Indonesia ranks third in the world after China and India as a country with the most active smokers (Stevens, 2019). Cigarettes contain tobacco which poses health risks to individuals and society because it is an addictive substance (Ama, 2020). Drugs and addictive substances change psychological states such as feelings, thoughts, moods and

behaviour if they are swallowed, drunk, inhaled, or injected directly into the body (Hakameri, 2021). Smoking is also one of the main factors causing various noncommunicable diseases (Darwis, 2017).

Besides smoking, drugs are also harmful to health. Actually drugs can legally be used in medicine, but they are frequently abused for pleasure. Narcotics work by binding to brain receptors and preventing pain so that they are effective for temporary pain relief (Darwis, 2017). Drug use is addictive and it creates a strong urge to continue using it. Various efforts have been made by the government to keep the community away from the risks of smoking and drugs, one of them is

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the implementation of Qanun Number 3 of 2017.

Bireuen district in Aceh uses the term "Gampong" to describe the lowest legal community unit with territorial boundaries. The authority to regulate and manage government affairs and the interests of the local community lies with the village apparatus. Gampong is led by a leader called keuchik. Gampong Jangka Alue in Bireuen is a pilot village in Aceh as a healthy village through Qanun number 3 of 2017 concerning Smoke and Drug-Free Houses. Creating and building a healthy house is certainly not something simple. It takes certainty and hard work to make it happen. The village apparatus policy of Jangka Alue encourages the local community not to smoke in the house, maintains health and increases public awareness of the risks of drug abuse.

In 2016 many people were suspected of using illegal drugs. Cigarettes are liked by adults and consumed by children aged 10-15 years and even drug dealers are free to buy and sell. Prior to the implementation of qanun number 3 of 2017 suspicious activity often occurred. Local residents are worried that this is a drug transaction by people outside the village that is carried out in the alue term. This is the foundation of Qanun issued.

The local government and village apparatus concluded that residents are very used to smoking. Cigarettes and drugs are closely related, so clear rules are needed to obstacle it. On this basis, *Gampong Qanun* number 3 of 2017 was formed. At the beginning of the ratification of the Qanun, there were pros and cons in society. The following is data from year to year on the number of homes that implement smoking and drug-free practices.

Tabel 1. Data of smoke-free house

No	Years	User	
		Cigarette	Drugs
1	2017	18	18
2	2018	18	18
3	2019	21	21
4	2020	29	29
5	2021	29	29

Data source: Head of the Task Force

The problem in this research is the role of the village apparatus and the impact on society regarding the implementation of Qanun Number 3 of 2017 concerning Smoke and Drug Free Houses.

Based on the observations, there have been several important previous studies, in particular the implementation of Regional Regulation Number 3 of 2014 concerning No-Smoking Areas (KTR) in the Municipal Police of Palangka Raya (Akbar, 2020). This study is centred on the Municipal Police of Palangka Raya as a model in enforcing territorial guidelines. There needs to be improvement in the Municipal Police environment so that Regional Regulation No. 3 of 2014 concerning No-Smoking Areas (KTR) are properly implemented including socialization, strict sanctions, clear standard operating procedures (SOP), adding surveillance cameras, and



prohibiting the trading of cigarettes in the office.

In contrast, Rin Agustin (Agustina, 2020) argues that even though there were several office employees who violated the regulations, the implementation of regional regulation in the Health Office in Yogyakarta was successful because in general employees complied with the rules. Other cities have not provided designated smoking rooms due to financial constraints. The current enforcement sanction is only a verbal warning; the law has not been strictly enforced.

Meanwhile, Septian Emma (Emma, 2020) in her research results argues that counselling or intervention regarding the effects of smoking, the impact of exposure to cigarette smoke on both passive and active smokers, as well as controlling smoking behaviour is still needed.

Research with the title Evaluasi Penegakan Peraturan Daerah Kota Bandung Tentang Kawasan Tanpa Rokok Dan Tertib Rokok (Studi Kasus Peraturan Daerah Nomor 109 Tahun 2012 di Kantor Satuan Polisi Pamong Praja Kota Bandung Provinsi Jawa Barat (Supriatna, 2019), shows that nosmoking area policies and smoking rules in Bandung have not been fully implemented properly. Law enforcement is still weak, there is absolutely no action against violations.

This research has similarities and differences with the previous four studies. The study of the application of no smoking areas is similar to this study. The difference is, this research does not only examine no smoking areas but also drug abuse, the role of village apparatus in establishing smoke- and drug-free homes, and the consequences for society.

This study aims to describe the role of village apparatus and the impact of implementing Qanun Number 3 of 2017 on the community.

# **RESEARCH METHODS**

This research uses descriptive research methods with the Socio Legal Research approach to find the workings of law in society or non-doctrinal research, as explained by Soetandyo Wignjosoebroto (Hainandri & Efyanti, 2017). This study also uses the theory of authority, a qualitative approach. Data analysis was arranged systematically and then analyzed to get an overall picture of the symptoms and facts contained in the problem under study. Meanwhile, the technique of determining informants uses probability sampling, determining informants with the assumption that these informants are very familiar with the problems under study. The informants studied were keuchik, village secretary, tuha peut, task force, community and experts. There are two types of data sources, namely primary and secondary. Data obtained by conducting interviews. Documentation was obtained from collecting data through documents at Keuchik's office.



According to C.F.G Sunaryati Hartono, he emphasized that research methods are always looking for definite starting points and research regulations in order to produce conclusions that can be accounted for (Sonata, 2014).

## DISCUSSION

## Qanun

Qanun is a legal guideline that applies in Aceh. It must be based on Islamic law. The existence of the Qanun Gampong is in harmony with the spirit of the local community because there is greater community participation through Reusam Gampong (Iskandar, 2019). Reusam Gampong is a structure based on the will of the community and may not conflict with higher regulations in its application. *Reusam Gampong*, on the other hand, is a cultural tool to revive customary and religious assimilation in government institutions (Iskandar, 2019). Each district has a Qanun, which applies throughout the district. The community has the choice to express opinions, provide direct or indirect opinions in preparing and studying the Qanun Gampong text.

Regulations regarding Qanun are contained in Law Number 11 of 2006 concerning the Government of Aceh. In the law, a village is defined as a small area and customary territory, the name of which is adjusted to the customs of the area. The village is a regional unit that legally has regional boundaries to control and supervise administration. *Gampong* is a legitimate territorial unit driven by a *Keuchik* (village head). *Qanun Gampong* is a legal guidelines established by the *keuchik* and approved by *Gampong* Consultative Council based on the Village Law.

#### **Non-Smoking Area**

The government has been trying to reduce and eliminate the causes of the increasing number of smokers, especially For passive smokers. example by implementing regulation Number 109 of 2012 concerning health safety of substances containing addictive substances in the form of tobacco. The Ministry of Health issued a Minister of Health Regulation Number 56 of 2017 concerning Amendments to the Minister of Health Regulation Number 28 of 2013 concerning the Inclusion of Health Warnings and Health Information on Tobacco Product Packaging. In addition, the government issued Law Number 36 of 2009 concerning Health Article 115, which mandates the establishment of Non-Smoking Areas (KTR) by local governments.

Currently, cigarettes are one of the goods with a high utilization rate. Smoking is indeed everyone's right but must prioritize the public interest. Smoke-free areas are very important because they can protect people from the risks posed by cigarette smoke. Nonsmokers have the right to breathe fresh air and



be free from the horrible tobacco smoke. Cigarettes have many negative effects on health, especially for children and their future. Main smoke is smoke that is inhaled directly into the smoker's lungs, and side smoke is smoke that is produced from the tip of the cigarette. Both contain 4000 chemicals, 200 of them are carcinogenic (can cause cancer) and flammable materials such as benzopyrene, ammonia and carbon monoxide (Firmansyah & Jahidin, 2019). Everyone must be protected from tobacco smoke, outdoors or indoors. The toxins contained in tobacco cause various health problems. One of the efforts to secure residents is to implement a Non-smoking Area (KTR).

A smoke-free area is a step to protect the public from the effects of air exposed to cigarette smoke. Most of the toxins in cigarettes are found in tobacco smoke, which puts nonsmokers at greater risk of harm than those who smoke. Death often occurs for active smokers and passive smokers due to infection from cigarette smoke. Having a healthy, hygienic lifestyle, creating a comfortable air atmosphere free from disease, will protect you from the dangers. Non-Smoking areas are divided into 7 points including: welfare administration offices, educational places, youth gathering places, religious places, transportation, workplaces and public locations (Dewi, 2020).

Law Number 35 of 2009 concerning Narcotics Article 1 what is meant by opium is a substance or component obtained from plants and others. These substances result in changing memory or forgetting pain. One of the chemical substances needed for medical and scientific research is narcotics, which are also known as drugs (Hasbih, 2020). On the other hand, narcotics are often used for purposes unrelated to medicine or science, which can be very dangerous for the user. Illegal drugs that are used inappropriately can make the electrolyte balance decrease, causing the body to become dry. The continuous use of drugs makes the body experience spasms and a sensation of tightness in the chest. The pessimistic impact of using illegal drugs in children under the age of 18 is on changes in mentality, character, continuous delinquency, reduced discipline and exemplary values, constant yawning, tireness and laziness to think about personal health and likes to take other people's property to buy drugs. The effects of user medication can also be felt by the family, including embarrassing the family and being ostracized by the surrounding community.

# The Roles of village apparatus in Enforcing Qanun Number 3 of 2017 Concerning Smoke and Drug-Free Houses

Article 18 of Law Number 6 of 2014 states that the village government has the authority to regulate its governance and its local development based on the authority that is permitted by a higher government, namely



district, provincial and central. The village government was also approved to form village level regulations, specifically village regulations (Rasji, 2021). In order to bring residents towards a life that is prosperous, peaceful, and safe, the Village Government must first think about how to create a democratic life and provide good social services (Elviandri & Perdana, 2021).

*Gampong Qanun* Number 3 of 2017 Concerning Smoking and Drug-Free Houses is one of the laws made to protect public welfare from the dangers of smoking and create a decent and healthy climate. The implementation of the Qanun aims to inhibit the growth of smokers and provide space restrictions for smokers as recorded in article 2 of Qanun Number 3 of 2017. The role of village apparatus as written in Qanun Number 3 of 2017 is as follows:

#### **Encouraging and Forbidding**

Article 3 of Qanun Number 3 of 2017 encourages the people in Jangka Alue not to smoke inside the house and raises public awareness of the dangers of drug addiction. The word "house" in this article includes the yard of the house and the religious places *(meunasah)*. Apart from the places mentioned, the rules do not apply.

The implementation of the Qanun was a refusal by local residents to consume and distribute various kinds of illegal drugs in the Jangka Alue village. Encouraging and forbidding as well as setting an example to community members is the role of the Gampong apparatus. If they want to smoke, they leave their homes and yards or go to villages where smoking is not prohibited. The effects of smoking in the house are not only felt by active smokers but also for passive smokers. A household certainly consists of children, parents and even pregnant and lactating women. 75% of cigarette smoke inhaled by pregnant women has a negative impact on the foetus in the womb, such as premature birth and babies with low birth weight (Mudyawati & Kasmawati, 2020). One way to avoid drugs is to apply a social approach method (Darwis, 2017). This method is useful because it teaches those who have not or have entered the "dark side" of drugs that they are an important part of their family and environment. Encouraging and prohibitions makes the social conditions of society better.

#### Forming the Task Force

The *Gampong* administration consists of a *Keuchik* and several village apparatus. They are an important component in protecting society from the risks of smoking and preventing people from using drugs. In order to achieve prosperity in their area, they formed a Task Force Team (SATGAS) through *Keuchik* decree Number 9 of 2019 concerning Anti-Drugs Smoking Task Force Team.

The task force is consisting of youths. In carrying out their duties, they are guided and



monitored by the *Keuchik* as the village chief executive, and *Tuha Peut* (Rasji, 2021). The task force team consisting of youths needed guidance and supervision because they did not receive special training. They only get guidance from the National Narcotics Agency in Bireuen (BNNK). In carrying out their duties, the task force does not have Standard Operating Procedures, but they carry out internal deliberations. The roles of the task force are as follows:

First: Socializing the dangers of smoking and drugs. The socialization was carried out by placing pamphlets and banners in strategic locations and visiting residents' homes to urge them to take part in the smokefree home program.

Second: Collecting data on residents who wish to take part in a smoke and drug free home program. Homes that have registered will be marked as smoke and drugs-free homes.

Third: Stick stickers in smoke-free homes. Sticker is indirectly as information given to anyone, especially to guests that the house is smoke free.

Fourth: Providing 3 kg of LPG gas every month for members of the anti-smoking and drug programs.

Fifth: Supervise the members to be consistent in complying with the established rules. The Task Force is the spearhead of the success of implementing qanun number 3 of 2017.

# Forming Qanun Number 4 of 2017 concerning *Ureung Chiek Geutanyoe*

The targets of Qanun number 3 of 2017 are not only youth but also elderly citizens with the ratification of Qanun Number 4 of 2017 concerning *Ureung Chiek Geutanyoe*. The purpose of establishing the qanun is to reward eldery who don't smoke and live a healthy lifestyle. Qanun of *Ureung Chiek Geutanyo* (Read: Our parents), urges parents in Jangka Alue aged 60 and above not to smoke, raises their awareness of the dangers of smoking and motivates them to give up the bad habit of smoking.

# **Giving Appreciation**

As an appreciation for smoke-free homes, village apparatus gives supply of 3 kilograms of LPG (liquefied petroleum gas) for 12 months, packages containing the needs of mothers and babies and 1 unit of 3 kg LPG. Similar to this, the implementation of Qanun Number 4 of 2017 concerning *Ureung Chiek Geutanyoe* also given the appreciation. Every non-smoker elderly is given social assistance of 3-kilogram LPG (liquefied petroleum gas) consistently for 12 months as well as a nosmoking sticker. Stickers on houses that participate in the smoke-free program are a persuasive approach to creating a healthy and prosperous village.



# Supervision

Village apparatus carry out direct inspections and indirect inspections. Direct supervision is regular patrols every month. Indirect inspection is through the task force.

The Task Force coordinates with *Keuchik* in disabling or expelling participants who violate the program rules. Communities often report to the village apparatus if there are problems in implementing ganun number 3 of 2017. In accordance with the vision and mission of establishing the task force, the hope of the village apparatus is to increase awareness of the community about the dangers of smoking and drugs, protecting them from the risks of smoking, building a decent living and developing a healthy life. Residents will report if someone in the house violates it. Residents who are not consistent must return the 3 kg of gas that has been given, as a penalty.

The role of *Gampong* apparatus in implementing qanun no 3 of 2017 is an essential authority. The village apparatus is encouraging and prohibiting, forming a task force team, establishing *urueng chiek geutanyoe* program, providing appreciation and supervision. Legislation is a source of authority for the government. The rule of law is based on the principle of legality.

According to Philipus M. Hadjon, authority is a concept of public law. Hadjon

also cited Henc van Maarseveen's opinion that authority is related to legal power in the concept of public law, which consists of three components: an influence component, a basic legal component, and a component of compliance with the law (Juliani, 2020). Authority derived from law can be obtained in three different ways: authority derived from a mandate, authority derived from attribution, and authority derived from delegation (Gandara, 2020).

Attribution Authority is government authority granted by legislators to government agencies and institutions. From attribution of authority, delegation refers to the transfer of governmental authority from one organization to another. The authority given by a government body or institution to another body or institution is called a mandate (Gandara, 2020).

Through the attribution authority, the government in Jangka Alue can produce policies, both policies for the public interest and policies of an individual nature. E. Adamson Hobel and Karl Llewellyn stated that law has an important function for the integrity of society, determining relations between communities by determining which behavior is permitted and which is prohibited (Anwar, 2017). In the concept of public law, authority is a core concept in constitutional law and administrative law (Juliani, 2020). Because the authority only applies to the idea of public regulation, the use of qanun number 3 of 2017

Journal of Etika Demokrasi



is a strategy carried out to maintain harmony and prosperity for the public interest.

The village has the authority to regulate and manage the community. The village apparatus made *Keuchik* policy number 9 of 2019 concerning team development to assist the implementation of qanun number 3 of 2017. *Keuchik* is a village government official who has the obligation, authority and commitment to take care of his territory, his residents and carry out the obligations of the Central Government and the Provincial Government.

The implementation of qanun number 4 of 2017 concerning ureung chiek geutanyo as a support for the implementation of ganun number 3 of 2017 in Jangka Alue. It is necessary to develop village-level guidelines that provide benefits for the region (Rasji, 2021). Elderly is able to set an example for youth so that this ganun provides benefits for community development. It is the authority of *Keuchik* to give appreciation, whose source of funds comes from the village. This is in accordance with Permendagri Number 20 of 2018 concerning Village financial management. The village law states that village authority includes empowering village communities (Sukimin, 2020), including providing 3 kg of gas to the community.

The impacts of implementing Qanun Number 3 of 2017 concerning Smoke and Drug Free Houses to the community

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Encouraging and forbidding, forming a task force, giving appreciation, installing stickers and monitoring have an impact on the community. Some of the impacts felt by the community are the raising of public awareness, the disappearance of public anxiety about suspicious associations, and the formation of security. As proof, each year smoke-free homes increase. Overall there has been no impact on health and well-being changes. It is necessary to coordinate with the health office to see changes in the health sector.

The enforcement of this qanun is still in the form of encouraging that there are no sanctions. To maximize the implementation of the Qanun, it is necessary to have sanctions for residents who do not comply. *Qanun Gampong* can apply administrative sanctions for village apparatus and residents (Fitria & Moenta, 2019). Sanctions are a type of discipline due to behavior that is not according to the rules. Sanctions are expected to give the violators a sense of regret not to make mistakes again. Sanctions can be a benchmark in achieving compliance with rules (Agustini & Suwitra, 2020).

The application of this qanun provides an exception for homes that hold a celebration because it is impossible to prohibit numerous people or guests from smoking.

As the first village and a role model in implementing qanuns on smoke-free and drugfree homes in Aceh, some villages in Bireun had conducted comparative studies. In



addition, the local government has given its appreciation to Jangka Alue as the winner of the Innovation Government Award in Bireuen Regency.

The results of this research have similarities with previous researches conducted by Septian Emma (Emma, 2020) and Dadang Supriatna (Supriatna, 2019). There are no strict sanctions against violations, both administrative sanctions and criminal sanctions. In contrast, research conducted by Dolly (Dolly, 2020), states that there are sanctions for violationts such as verbal sanctions, expulsion and no appreciation. In this study, there were no sanctions for violators because the implementation of a smoke-free house was voluntary. Therefore, the government appreciates houses that comply with the implementation of ganun number 3 of 2017.

#### CONCLUSION

From this research, it can be concluded that the roles of the village apparatus in Jangka Alue in implementing Qanun Number 3 of 2017 are to encourage and to prohibite, to form an anti-smoking and narcotics task forces, to form qanuns on *ureung chiek geutanyo*, to give appreciation and supervision. These roles are in accordance with the authority obtained through attribution authority, especially the implementation of *Gampong* governance and the implementation of *Gampong* development. The application of the qanun is not a force. So there are no sanctions for violators. The impacts of implementing the Qanun on society are the increasing awareness and understanding of the importance of fresh air, creating a sense of security, reducing people smoking. The impact on health and welfare has not been felt by the community because there are no indicators to measure it. The application of the qanun is not coercion so that there are no administrative sanctions and criminal sanctions.

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