

Sharia Law Implementation in Aceh: Exploring Feminization of Poverty and Local Policy Effect

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ABSTRACT

Many studies on poverty have been conducted using a development approach, which has evolved to include typologies of poverty (structural and cultural poverty), factors causing poverty, and government policies to combat it. One of the current focuses is the feminization of poverty, given that women are a large social entity but are structurally vulnerable. This article explores the relationship between local government policies and women's poverty, particularly the implementation of Islamic Sharia law in Aceh as a local policy. While Sharia policies are nominally intended to provide protection and security for women, in practice, these policies have not been fully gender-responsive. Research findings indicate that poor women in Aceh face double pressures due to economic poverty and social restrictions based on conservative interpretations of Sharia law and a strong patriarchal culture. Through a qualitative approach and feminist political economy analysis, this article concludes that local policies that do not integrate a gender perspective actually exacerbate the feminization of poverty. Therefore, participatory and inclusive Islamic gender justice-based policies are needed to create effective protection and empowerment for poor women in Aceh.

Introduction

Women are a vulnerable group who are often in contact with poverty compared to men. Hence, the concept of Feminization of poverty becomes interesting to see the condition of women. There is a potential for lack of access to income that often occurs in a country. Diana Pearce first popularised the Feminization of poverty in the 1980s. Which observing women's lives in American society. She saw how women as single parents support themselves and their families amid conditions that women are difficult to finance on their own. In its development, literature on the Feminization of poverty has spread to other continental countries such as Asia, Europe, and Africa. At first, this concept was dominated by the experience of female heads of household and older women in accessing their income (Cdkovali & Danifman, n.d., 2010; Alazzawi, 2015; Pressman, 2003), even with the specific categorization of female heads of household, namely women left by their husbands to migration and widow (Klasen et al., 2015). Furthermore, it develops the condition of women in the household who get limited opportunities because of their domestic burden (Chant, 2007; Lee, 2003).

In the subsequent development, some scholars have also begun to expand this concept. The feminization of poverty not only explains the condition of women who have limited income but also compares women based on family structure (Pressman, 2003), rural and urban geography (Alazzawi, 2015; Haule, 2021; Holly Gallagher et al., 2019), as well as the influence of globalization and modernization (Mishra, 2018; Mahnaz Hassan, 2009). Various kinds of literature recognize that the feminization of poverty is a multidimensional issue that can be viewed from multiple perspectives. Even today, government policies, especially social protection policies, are considered unable to minimize the poverty potency experienced by women as one of the vulnerable groups. From all studies that discuss the Feminization of poverty from a development approach, Chant (2007), in his research, mentions the term orthodoxy of Feminization in poverty, which is by analyzing poverty only from the metric of money, without considering the policy and planning arenas that cause vulnerability for women. Therefore, this study wants to explore the relationship between local policies and women's poverty.

This article intends to broaden the dimensions of looking at the Feminization of poverty, especially in Aceh Province. Aceh is the province with the highest poor population in Sumatra in 2021, reaching 15.53% (bps.com). Although becoming a region that has been given special autonomy and implements Islamic Shari'a, it does not necessarily reinforce an increase in the standard of living for the community. The Acehese government implements the enforcement of Islamic Sharia. Discusses women's condition when facing Sharia law, in this case, the qanun jinayat. The woman is described as having difficulty accessing justice, starting from the arrest, investigation, trial, and execution process to the reintegration process, which is often nil in its implementation. This paper wants to review another dimension of the Feminization of poverty in terms of the performance of Islamic Sharia in Aceh. The argument in this article explains that implementing local policies under the influence of a patriarchal culture will impact women's social vulnerability. This vulnerability will affect the weakening of women's economic capacity in life. Some points are explained in this article: first, the conceptualization of the Feminization of poverty and its relation to public policy; second, women and the implementation of Islamic law in Aceh. And last but not least is to explore the impact of Islamic law policies on the Feminization of poverty in Aceh.

Methods

This study employed a qualitative-descriptive method with a feminist political economy perspective to explore how the implementation of Islamic Sharia law in Aceh affects the feminization of poverty. The primary objective was to understand the intersection between state-local policies, gender-based vulnerabilities, and socio-economic outcomes for women. Data were collected using three techniques: (1) document analysis, which involved reviewing the legal texts of Qanun Jinayat (Qanun No. 6/2014 and Qanun No. 7/2013) and regional policy regulations concerning Sharia law implementation; (2) literature review, which included scholarly works on poverty, feminization of poverty, Islamic law, and gender policy; and (3) qualitative interviews conducted with women who

had experienced legal, social, and economic consequences of the Sharia law, particularly those accused under khalwat, ikhtilath, adultery, and rape laws.

Respondents included women who had been criminalized or stigmatized through the application of the Qanun Jinayat, local activists, legal practitioners, and social workers. Interview data were drawn from documented field reports and studies. Data analysis was conducted using thematic coding to identify recurring patterns of economic marginalization, access to justice, social exclusion, and gendered power relations. The feminist political economy lens helped to situate these individual experiences within broader structures of patriarchy, legal policy, and state governance. This approach allowed the researcher to critically evaluate the unintended consequences of Islamic legal policies on women's economic and social well-being in a post-conflict and culturally conservative society such as Aceh.

Literature Review

Conceptualizing the feminization of poverty

Poverty is a lack of welfare, precisely the control of commodities (Haughton and Khandker, 2009). Under these conditions, women make up the majority of the world's poor from the entire population (Haughton and Khandker, 2009), which shows inequality with men. Thus the concept of Feminization of poverty began to emerge to explain the phenomenon of women's vulnerability as objects. That experienced the most significant impact of poverty in society as some feminist scholars say that the basis of poverty and gender inequality in women lies in gender roles and relationships that tend to be patriarchal (Bradshaw et al., 2019). In detail, the Feminization of poverty begins by measuring the risk of poverty and comparing the composition of the poor. In the calculation process, women are a group of imperfect people from all community groups who experience a higher risk than men. This term has often been used and famous in the United States when it saw the dominant single mother whose life was poor and who had to bear the burden of raising their children.

Some literature mentions that apart from women in general, some female characters are considered more vulnerable than others. Some of the characteristics of women who are the object of research on the concept of Feminization of poverty are as follows. 1) female head of household (Cdkovali & Danifman, n.d.2010; Alazzawi, 2015; Klasen et al., 2015). In his journey, Chant (2007) began to classify women as heads of households consisting of two types: women with migrating husbands and widows (whose husbands passed away or are divorced). He conducted research by comparing several countries such as Canada, France, Germany, Italy, Japan, Sweden, the United Kingdom, and the United States. 2) Homeless women who also have limitations in terms of illiteracy and unemployment (Olufemi, 2000). 3) older women have limited skills and health, so it is difficult for them to be absorbed in the labour market. However, the Gambia has a different story because there is a culture of children supporting parents taking root among the majority Muslim population of Gambia so that older women are well cared for by their children (Chant, 2007). 4) the role of women as wives and mothers in a complete family. The patriarchal culture entering the family realm

will burden women a double, thereby limiting their access to income. This is done by giving women full nurturing roles and other domestic burdens. It impacts women's limited time and energy to increase their potential and opportunities.

Based on these conditions, several factors cause the Feminization of poverty, namely:

1. Structure and culture in the family

The family structure can be divided into two: intact and separated families (often called nuclear family breakdown). The first is a complete family. If the system within a family allows women to earn income, it may close the poverty gap between men and women. Furthermore, the culture built in society is that women are the full responsibility of men, while domestic duties and dominant parenting must belong to the domain of women. This condition worsens the balance of roles and opportunities for men and women to earn income.

Meanwhile, the destruction of the nuclear family worsens the situation of women. Where a patriarchal culture like the one above will make women unprepared for economic shocks after separating from their husbands, she must think about reviving herself and her children in a reasonably minimal capacity. It is added that the unfamiliarity of women in decision-making has led to the lack of women's ability to choose and predict opportunities (Asmorowati et al., 2019).

2. Economic and policy dynamics

The government implements economic and social policies often expected to solve the community's poverty problem. Such is the case with transfer programs by the government (social protection funds), which usually do not touch women as the target group (Mclanahan & Kelly, n.d. 2006). In addition, changes in the welfare system in society or economic restructuring have also been practised in the United States (Kodras et al., 1991). This is usually influenced by a dichotomous welfare system that discredits the interests of women as entities in society (Bradshaw et al., 2019). Cultivating a dichotomous perspective in planning a policy will only weaken one party (women) and strengthen the other party (men).

3. Limited social roles in society

The patriarchal culture in society not only regulates women within their families but also limits the role of women within the community (Mclanahan & Kelly, n.d. 2006). The limited space and functions will impact the lack of capacity and networks owned by women to access income. Endemic racism by the public toward women's social roles (B A R B A R A L E V Y S I M O N, n.d. 1988) minimizes the space for women's actualization.

4. Strength of owned capital

The patriarchal culture has placed women with limited access to capital. Capital, in this case, is education capital, expertise and skills in technological use (Haule, 2021). Rural women often face this phenomenon. The majority of women in rural areas are allowed to manage agriculture. Still, their capital capacity is insufficient to increase income with climate change which often has an increasingly risky impact on crop yields. As in India, women are excluded from training, extension, and irrigation management, thus impacting agricultural output (Kelkar, n.d. 2022). It is repeated when climate change occurs. Research

in Tanzania explains that women will be more vulnerable to the effects of climate variability due to their lack of educational capacity and income (Haule, 2021). Climate variability includes drought, rising temperatures, low or erratic rainfall, and flooding.

5. The size of the opportunities in the labour market

The labour market places great importance on the composition of men compared to women. This can be seen in the low participation of the female workforce (Cdkovali & Danifman, n.d. 2010; Parimala, 2008; Pressman, 2003). Meanwhile, women are only concentrated in informal work without sub-contacts and protection. Some labour markets consider women's limited capacity, time and energy. This will lead to a wage gap between men and women.

6. Unreadiness to accept the developments and demands of modernism

Growth in the era of modernization will benefit developed countries, but on the contrary, it will harm developing countries with a traditionalistic mindset (Mishra, 2018). Developing countries with a model of restrictions for women will lead to wealth accumulation for a group of people who can compete. On the other hand, it will alienate groups of people with minimal capacity who cannot compete. Syeda mentions that globalization and neoliberal economic policies harm poor women (Mishra, 2018; Mahnaz Hassan, 2009; Kaushik, 2022).

Many indicators are being put forward in the literature to measure the Feminization of poverty. In this case, the author limits several indicators so that they are representative of counting the Feminization of poverty as a result of the implementation of Islamic Sharia, especially in the context of women dealing with the law of jinayat. Some of these indicators include 1) access to employment and income; 2) access to education; 3) access to quality health care; 4) social services; 5) standard of living, and 6) environmental conditions and social relations

Results And Discussion

Sharia Islam Implementation in Aceh: Exploring effects of Local Policy on the Feminization of Poverty.

The implementation of Islamic Shari'a in Aceh was initiated by the issuance of Regional Regulation Number 5 of 2000 concerning the implementation of Islamic Shari'a. During its journey, the Aceh Government regulates the technical law of jinayat through Qanun number 7 of 2013 concerning the Jinayat Procedural Law (from now on referred to as the Jinayat Event Qanun) and the Qanun 6 of 2014 concerning Jinayat Law (Qanun Jinayat).

There are several jarimah and uqubat regulated in Qanun Jinayat, including khamar (articles 15-17), maisir (articles 18-22), khalwat (articles 23-24), ikhtilath (articles 25-32), adultery (articles 33-45), sexual harassment (articles 46-47), rape (articles 48-56), qadzaf (articles 57-62), liwath (articles 63) and musahaqah (article 64). Of the total jarimah, there are several jarimah that most often ensnare women, namely seclusion, ikhtilath, adultery, sexual harassment, rape and qadzaf.

The riskiest conditions experienced by women are the status of women in unregistered marriages, women who experience sexual harassment, and women who are rape victims. Qanun jinayat is not comprehensive enough to protect women's safety from the initial process until after the execution. There is even a potential for revictimization when they return to society. Because the qanun jinayat has not regulated and guaranteed the process of reintegration and assimilation of victims back into the community, this will have an impact on the vulnerability of poverty experienced by women.

Some conditions of vulnerability to poor conditions experienced by women after execution using indicators measuring the Feminization of poverty are as follows:

1) Limited access to work

Women get economically disadvantaged when dealing with the qanun jinayat law, as explained by one woman in Aceh Besar who is vulnerable to criminalization with an unregistered marriage status. After being abandoned by my husband for a long time, I married again in a serial manner. A group of residents came and forced us out of the house. We were accused of adultery. We were processed to the police and WH without being given the right to speak. However, because we couldn't show proof of marriage, we were still being processed legally. We suffered economic losses because her husband could no longer work while in detention, even though his husband's daily income could reach Rp 300,000. Meanwhile, AB1 and her husband still have to pay for their children's lives and bear the costs during the legal process (Interview AB1 in Dahlia et al.'s book).

So far, the law's implementation has not regulated their reintegration into society in detail. In addition to their economic hardship while in prison, they also experienced financial problems after the whipping procession. They are considered disgraceful and given social sanctions by society. Social sanctions are further punishments they get in the form of ostracism, stigmatization, expulsion, termination of employment, reduced business opportunities or dismissal from educational institutions. For female violators, social sanctions that are well received during the judicial process until the execution is completed are more severe when compared to male violators.

This is another story of one of the defendants in an unregistered marriage accused of adultery in Central Aceh. This woman's daily economic activity is trading cakes. After passing the caning punishment, his cakes were no longer bought by the local community. The surrounding community considers that the cakes sold by adulterers are not fit for consumption. In the end, due to economic pressure, this woman ended up being a drug courier, which got her arrested again and sentenced to two years in prison. Financial losses will result in women not getting a decent income to support themselves and their families.

2) Access to education

Women as victims of rape must face difficulties in accessing education. After what happened, it will be complicated for her to access education because the Educational Institution is ashamed to accept the woman. The victim ended up not accessing education and focusing on his future as before. The victim cannot continue his education or self-

development because the educational institution's policies make the victim uncomfortable in the school environment. As a result, the welfare of victims and their families is low.

3) Access to Health, especially Psychological Health

Women also often find it difficult to access proper health, especially the psychological health of rape victims. Qanun jinayat has not regulated reintegration and recovery for rape victims. This law only stipulates punishments for perpetrators, with 125-127 lashes/ a fine of 1250-1750 grams of gold/ 125-175 months in prison. This punishment is still too small for the impact experienced by the victim. After the perpetrator goes through the sentencing process, he will return to the community and live in the same environment as the victim. This was experienced by women victims of rape in South Aceh and Central Aceh.

Women victims of rape in South Aceh must live again in the same environment as the perpetrators. Victims and families have no psychological recovery support. The victim and the victim's family are forced to continue with a life that is no longer the same because of the burden experienced by the sexual violence they experienced.

It was added again by women victims of rape in Central Aceh. The rape incident in that sacrificed herself was directed to be resolved using customary law by most stakeholders in the village. This happened because the victim's parents did not have the funds to report this incident to the police. The following is an explanation from the victim's parents:

We are from a low-income family, so we were forced to agree to the "traditional/peaceful settlement" route in their Gampong. The Gampong apparatus held a deliberation at the village level at the victim's house to resolve the case. They then decided that the perpetrators paid a traditional fine of Rp. 2.500.000 - (two million five hundred thousand rupiah) and handed over to us. After receiving the money, we used the money for consumption expenses and other needs in the deliberations held at his home.

Since the incident, this woman experienced psychological pressure and withdrew from the environment. He shuts himself up at home and doesn't access education and socializing anymore. Women who are victims will experience social anxiety, so they often withdraw from social interactions. Where in the social environment, the community ostracises and even expels the victim. Feeling insecure, the victim draws from the environment.

4) Social relations.

Women faced with the qanun jinayat experience a declining standard of living. Where they are not only sentenced to flogging, but also to be multiplied and extended the sentence process. The whipping process is carried out in public, usually using the location of the mosque yard. This is to consider the capacity of the community to see more. Because what is expected from the caning punishment is a deterrent effect through shame. This pattern will indirectly create a prolonged sense of guilt. Where the implementation of the whip with the location of the mosque's courtyard with the audience distance from the execution stage only a few meters. Spectators who attended the whipping procession took pictures and videos en masse and shared them on social media. Then the incident will have

an impact on multiplying and prolonging the post-execution effect for the violators (stigmatization, exclusion, psychological trauma) because the recording will be accessible to the public in cyberspace for a long time or even indefinitely. As the story of one woman accused of adultery in Sabang City:

Because my husband did not accept, he took photos and recordings during the whipping procession. After that, he spread it to all social media that he had. Unable to bear the shame, we (I and my children) finally moved from Sabang City to Banda Aceh City to escape from the environment. We started a new life in this new environment. (Interview, Sabang).

It was added that women experienced further threats from the perpetrators. Rape that occurred against women in South Aceh and Central Aceh. They returned to the environment, but the perpetrator returned to his environment and tried to approach the victim again. The victim again received threats and continued intimidation from the perpetrator, including the perpetrator's family, in verbal form and derogatory words, which could be categorized as harassment. The perpetrator boasted that the victim had no value because he had already had sex with her.

5) Standard of living

The impact of post-execution punishment is different for women and men. Stigma as an immoral woman can cause convicted women to continue to sink and even become entangled in other crimes. This stigma has an impact on reducing women's living standards. The standard of living is caused by the lack of access to income, education and interaction in social relations. In particular, the Qanun Jinayat has not paid attention to and regulated the reintegration program in terms of training for the convicts and support for assimilation.

Conclusion

Changing the patriarchal structure from the government as a policy maker, the community to the structure in the family is very important to reduce women's poverty risk. The government must understand substantive gender equality to guarantee protection and empowerment. Substantive equality refers to the equal access to justice obtained by men and women. So that it can eliminate gender-based discrimination that can potentially impact the severity of poverty experienced by women, thus, it is essential to consider other impacts on victims, socially, culturally, economically, psychologically and politically, especially in addressing women with unregistered household status, rape, and sexual harassment cases.

This study has limitations in terms of the scope of data, which is mostly sourced from literature studies and previous interviews, rather than extensive primary field research. In addition, the focus of the study is still limited to the analysis of the Qanun Jinayat, and does not cover other policy dimensions such as education, employment, and social protection, which also contribute to women's poverty.

Further research is recommended to conduct direct field studies through observation and in-depth interviews with various groups of affected women, including survivors of

violence, informal workers, and female heads of households. Additionally, it is important to examine the effectiveness of social protection programs in Aceh for poor women and to integrate an intersectional approach in analyzing various forms of intersecting vulnerabilities.

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