SYSTEMS AND STRUCTURES OF THE *JINAYAT QANUN* AND ITS OPPOSING TEXTS

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Abstract

The Jinayat Qanun (JQ) as one of the qanuns issued and enforced by the Governments in the Aceh Province has resulted in opposing views by the stake holders at the provincial and national levels. The JQ and its opposing texts need studying by which objective descriptions can be obtained for the purpose of developmenal programs at the Aceh Province as a part of the Republic of Indonesia. This study is based on linguistic theories, which objectively describes the system, structure and linguistic realizations of the JQ and its opposing texts. This is a qualitatively descriptive study with texts, and descriptions of social contexts of the texts as the data. The data were obtained by collecting the JQ and its opposing texts and interviews. The data were then analyzed by using theories of text analysis commonly used in systemic functional linguistic (SFL) theories. The findings show that each of the two kinds of text has its own different system, stucture and linguistic realizations as each of which is related to different functions and social contexts. In other words, there have been various understandings of the two texts. By the various understandings of the two texts, views of the stake holders form proportionally; a condition which is highly needed in Indonesia as a democratic country.

Key Words: qanun jinayat, Aceh, opposing views

1 Introduction

Qanun is the term used to refer to the local regulations, rules or laws issued by the goverments of the Aceh Province. The *qanun* implementation has resulted in contraversies among the stake holders both at the local and national levels. One of the *qanuns* is the *Jinayat Qanun* (JQ). Various studies on the implemenatation of the qanun, which are commonly legal, communication in natures, have bee done.

The present study is a linguistic one. The present study is concerned with the JQ and its refusal or opposing texts, which are objectively done based on theories of systemic functional linguistics (SFL). This present study is based on princcipples of text linguitics analysis and critical discourse analysis as proposed by Fairclough (2010). Findings of the study indicate that the JQ has its own system, structures and linguistic realizations which

are distinctively different from those of its opposing texts because each of the two kinds of texts has its own purpose, function and social contexts. Thorough and sincere understanding of the two kinds of text are needed as only by which can a rational basis and proportional considerataion on the autonomy of the province of Aceh be established. This serves as a strong basis for the uniqueness of the Aceh as a part of the souveregnity of the Republic of Indonesia (known as the NKRI).

2. Theoretical Framework

This study is based on SFL theories as developed and proposed by Halliday (1978; 2003; 2004; 2005) and other systemicists or researchers such as Martin (1992), Halliday dan Matthiessen (2001), Christie dan Martin (2007), Martin dan Rose (2008; 2012), Eggins (2004), Iedema (2011), Kress (1993) and Saragih (2006; 2008; 2012). The present study is closely related to critical discourse analsysis as developed by Fairclough (2010) which is basically referred to SFL thheories. Further, in understanding the JQ text and its opposing texts, the preseent study is also related to semotic theories as pproooosed by Eco (1979), Chandlesr (2006) and Saragih (2012). The data in this study are related to the lexicogrammar and social contexts of the texts. Specifically, the study is focused on the systems, structures and linguistic realizations of the JQ text and its opposing texts.

Based on the SFL perspective a **system** refers to any set of choices or alternatives with an entry of condition (Fawcett 1988; Halliday 2004: 22—24) for every choice. A system serves as a pattern which determines a possible or potential choice. In this manner every choice determines and is determined by condition or requirements which is to be fulfilled in order for an entry or involvement is made. For example, in English the system of noun starts with an entry of noun followed

by the choices of *count* and *non-count*. If the choice *count* is undertaken it is folowed by the noun *cat, book, house, car*,...etc whereas if the choice *non-count* is undertaken it is followed by the noun *water, sugar, money, grass*,...etc. System has a feature of paradigmatic where a choice is indicated vertically.

Structure indicates how a variable is related to another in one order. In other words operationally the structure shows order of a variable or element in its involvement to another one of different kind. The structure has a syntagmatic feature, where an element is related to another based on a certain criteria. For example, in the clause with material process *menulis* 'wrote' of *abangnya menulis laporan itu kemarin* 'his brother wrote the report yesterday' there are three elements, namely process, participant and circumstance which are structured as Participant Λ Process: Material Λ Circumstance (the sign Λ means 'folowed by') where the Process: Material is *menulis* 'wrote', the Participants are *abangnya* 'his brother' and *laporan itu* 'the report' and Circumstance is *kemarin* 'yesterday. In English and Bahasa Indonesia syntagmatically the Process is extented to and therefore controls the Participants, which is termed as the valency of the Process. The Circumstance is beyond the control of the Process but it has the probability of occurrence with the Process. A structure is ordered horizontally in a clause.

A **linguistic realization** indicates a linguitic feature which is quantitavely or qualitatively determined to realize the distinctive feature of a choice in the system network. A qualitative feature indicates the presence or absence of a distinctive linguistic feature to mark a choice from a system. Differently a quantitaive feature indicates probability level of a distinctive linguistic feature to mark a choice from a system. The qantitative feaure can be indicated proportionally by percentage or ratio. For

example, in a narrative text the occurrence of matrial process is proportionally the highest among other six kinds of process, namely the material, mental, relational, behavioural, verbal, and existential processes. Linguistic features are related to the metafunction of language which with reference to the SFL pespective covers the exeriential, logical, interpersonal, and textual functions. Specifically, for example the experiential function includes the kinds of process which may be material, mental, relational, behavioural, verbal and existential process. In the same manner specifically the interpersonal function covers the speech function of statement, question, offer and command and the mood of declarative, interrogative and imperative. Almost all aspects of text in SFL theories are relevant to be used to describe the JQ and its opposingtexts. However, the lexicogrammatical aspects used in this study are subsumed on the metafunction covering

(1) experiential function,

(2) logical function,

(3) interpersonal function, and

(4) textual function.

3. Method

This study follows requirements of the qualitative resecah design. The data were text of JQ and its opposing texts, which are mainly written ones. Secondary data were used to support the primary ones. The secondary data were obtained through interviews with the subjects as the souce of the data. The interviwees are those that support the JQ and the opposing texts which are published in newspapers or social media. The data were analysed by techques of text analysis as comonly used in SFL and techniques used in critical discourse analysis. Semiotic analysis was also aplied to the data.

4. The Findings of the Study

4.1 The Jinayat Qanun Text

a. System

A description of JQ is displayed in the form of system network as summarized in Figure 4.1. In a broad manner at the first place, the system network divides the Aceh *Qanun* into the system of the offense against the rules of Islam known as the *jinayat* and that of not *jinayat*, which is indicated by [-*jinayat*]. Further the system of *jinayat* subdivides into the subsystems of sex and [-sex]. Further the subsystem of [sex] specifies the offence into *khalwat* (petting), *zina* (adultery), *ikhtilath* (two persons of different sexes with no marriage bond staying at a hidden or public place doing petting] sexual harrassment, rape, *qadzaf* (alledged adultery), *liwat* (homosexual—gay), or *musahaqah* (homosexual—lesbian). The subsystem of [-sex] further subdivides into operational offence not related to sexual deviant behaviour covering *maisir* (gambling), *khamar* (drinking liqour), or theft.

The system network as summarized in Figure 4.1 furher indicates the subsystem of [-*jinayat*]. This subsytem includes all texts generating various aspects such as flag and embelm of the Aceh, management of government property, tarrif and taxes, permit and many other, which is indicated by (...) in the Figure 4.1.

Thus, the system network in Figure 4.1 represents the kinds of text paradigmatically, that is a number of texts which is mutually sustitutable. For example, paradigmatically the texts of of *khalwat*, adultery, and *ikhtilath* belong to one paradigmn that is texts being generated by the meaning of offence to sexual matters with reference to the teaching of Islam.
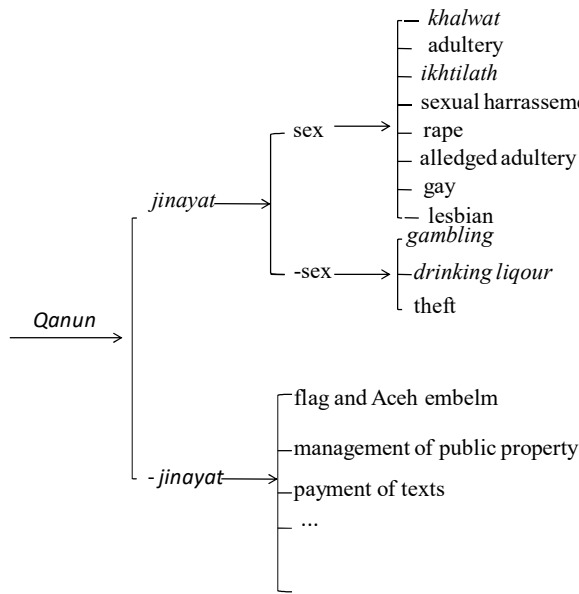
Figure 4.1 System Network of the Aceh Qanun

'closure' where Λ means 'followed by' and (...) indicates optionality. The structures constituted the JQ text and each structure serves as a stage which specifies semantic element at each stage.

The stage of **Konsideran** presents the basis for formation of the *qanun*. This stage is commonly realized by mental processes such as *menimbang* 'consider'..., *mengingat* 'remember'... and *menetapkan*...'determine'.

The stage of **Ketentuan Umum** defines the terms or notions used in the JQ text. The stage of **Ketentuan Umum** is dominantly realized by relational process of adalah 'be' as shown by the examples: c*amat adalah kepala pemerintahan di kecamatan,* 'the head of subregency is the head of government at the level of sub-regency'*, Imum mukim/kepala mukim adalah pimpinan dalam satu kesatuan masyarakat hukum yang terdiri atas gabungan beberapa gampong,* 'imum mukim/head of the mukim is the leader in one unit of legal community being

b. Structure of the Jinayat Qanun

The texts of qanun are constituted by the following structures.

Konsideran 'consideration' Λ *Ketentuan Umum* 'definition' Λ *Ruang Lingkup dan Tujuan* 'scope and aim' Λ *Larangan dan Pencegahan* 'prohibition and prevention' Λ *Peran Serta Masyarakat* 'social participation' Λ Pengawasan dan Pembinaan 'monitoring and development' Λ Penyidikan dan Penuntutan 'diagnosis and allegation' Λ (Ketentuan Uqubat 'determining sanction') Λ Pelaksanaan Uqubat 'execution' Λ Ketentuan Peralihan 'act of transitiion' Λ Ketentuan Penutup

constituted by several villages', and *keuchik* **adalah** *kepala pemerintahan terendah dalam suatu masyarakat hukum di Provinsi Aceh Darussalam* 'the keuchik is the lowest-level-head of government in a legal community in the Province of Aceh Darussalam'

The stage of *Ruang Lingkup dan Tujuan* specifies the scope, coverage and the aim expected to be achieved by the implementation of the JQ text. This part specifies aspects covered in the JQ text.

The stage or structure of *Larangan dan Pencegahan* insists on prohibition and preventive measures taken to avoid the breach of the law.

The part of the text on **Peran serta Masyarakat** urges members of the society to behave in manners required by the *qanun*. In addition, this part of the text also compels the society to avoid offending the rules in order to provide welfares for the society.

The part and stage of **Pengawasan dan Pembinaan** elaborate roles of institutions, authorities and individuals to control and monitor sustainable implementations of the JQ text. This is intended to guide better life of the society.

The stage of **Penyidikan atau Penuntutan** presents procedures taken by the authorized institutions or bodies to investigate and sue any acts of breaching the rules or laws specified by the JQ text.

At the stage of **Ketentuan Uqubat** legal sanctions or penalties to the offender are specified. The sanctions covers fine, corporal punishment and imprisonment.

The stage of **Pelaksanaan Uqubat** elaborates how sanctions or penalties are implemented. For example, implementation of corporal punishment details size of rattan cane used, number of hit of flog, and parts of the body to be flogged.

The stage of **Ketentuan Peralihan** determines and confirms other relevant laws or regulations which are still applicable or inapplicabe in relation to the implementation of the IQ.

The stage of **Ketentuan Penutup** specifies the date of application of the JQ.

c Linguistic Realizations

1) Experiential Function

The exeriential function represents the content of the JQ text. It is found that the dominant type of experienece coded in the text is the material experience which is represented by the material process. Out of six kinds of process the material process takes the proportion of 47.56% as summarized in Table 4.1.

Table 4.1 Proportion of Experience in the JQ Text

No	Types of Process	Number	Percentage (%)
1	Material	78	47.56
2	Relational	56	34.46
3	Verbal	15	9.15
4	Mental	13	7.61
5	Behavioural	2	1.22
6	Existential	0	0
	Total	164	100

In other words, quantitaively the proportion indicates that the JQ text tend to represent material experience. The following texts are examples of the

material processses *penyidik dan/atau penuntut umum mencatat pengakuan sebagaimanan dimaksud dalam pada ayat (1) dalam berita acara dan meneruskannya kepada hakim* 'the police officer or attorney record confessions as stated in verse (1) on the notary record and hand on to the court'(P37.3.Q6/2014) and *setiap orang yang telah melalukan Jarimah Zina dapat mengajukan permohonan kepada hakim untuk dijatuhi Uqubat Hudud* 'all persons who have confessed of committing adultery can apply for the Judge to be sentenced' (P40.1.Q6/2014).

2) Logical Functions

Logical function indicates the relation of a chunk of linguistic unit to another. In the JQ text the relation is one that refers to a clause to another. Out of ten types of logical functions, only four types are used in the JQ text, they are paratactic extension (1 +2), paratactic enhancement (1 x2), hypotactic location (□ "□), and hypotactic

idea ($\square$ '$\square$). Out of the four types of logical relation, the paratactic extension is used with the proportion of 40.91%. this dominant type is followed by hypotactic enhencement, hypotactic locution and hypotactic idea respectively in the proportions of 25%, 21.59% dand 12.50%.

Table 4.2 Proportions of Logical Relations in the JQ Text

No	Types of Logical Relations	Number	Percentage
1	1 = 2	0	0
2	1 + 2	36	40.91
3	1 x 2	0	0
4	1 "2	0	0
5	1 '2	0	0
6	$\square$ = $\square$	0	0
7	$\square$ + $\square$	0	0
8	$\square$ x $\square$	22	25
9	$\square$ " $\square$	19	21,59
10	$\square$ ' $\square$	11	12,50
	Total	88	100

The following texts exemplify logical relations:

- (1+2): *apotek, dokter rumah sakit yang memberi resep, menyimpan, meracik, membeli atau menjual obat yang mengandung Khamar sebagai bagian dari kegiatan pengobatan tidak dapat dituduh melakukan perbuatan memproduksi, membeli, menyimpan dan/atau menjual Khamar* 'chemists, doctors of the hospitals prescribing, storing, refining, purchasing and selling any medicine containing alcohol as a means of medical treatment can not be accused of activities producing, purchasing, keeping and or selling liqour' (P14.1Q6/2014),

- ($\square$ x$\square$): *hakim akan menjatuhkan 'Uqubat sebagaimana dimaksud dalam Pasal 25 ayat (1) apabila pengakuan tersebut terbukti telah disampaikan* 'the judge decides 'uqubat as specified in Section 25 verse (1) when the confession has been made' (P2 8.4.Q6/2014),

- ($\square$ "$\square$): *hakim yang memeriksa perkara sebagaimana dimaksud dalam Pasal 37, setelah mempelajari berita acara yang diajukan oleh penuntut umum, akan bertanya apakah tesangka meneruskan pengakuannya atau*

mencabutnya 'the judge who investigates the case as specified in Section 37 after studying the notary records proposed by the general attorney will ask whether the accused continue his/her confession or terminate it' (P38.1.Q6/2014),

- □□ '□□□ *gubernur Aceh menimbang bahwa Al-Qur'an dan Al-Hadist adalah dasar utama agama Islam yang membawa rahmat bagi seluruh alam dan telah menjadi keyakinan serta peganga hidup masyarakat Aceh*...'the governor of Aceh considers that Al-Quran and Al-Hadist is the main foundation for Islam which brings about blessing and prosperity for the universe and has been a belief and a life guide for the Acehnese communities'..

3) Interpersonal Function

Interpersonal Function shows acts in a social event. In this sense the interpersonal function of the JQ text indicates activities done to the experience stated in the JQ text. With reference to the SFL theory, the interpersonal function covers speech function, which includes the speech function of Statement, Question, Offer and Command and their realizations in Declarative, Interrogative and Imperative Mood. The proportion of speech function in the JQ text is summarized in Table 4.3. The table indicates that the speech function of Statment is dominantly used in the JQ text with the proportion of 58.54%. The Statement is coded unmarkedly in Declarative Mood. However, with reference to Mood, the clauses in Declarative Mood may embed Command and Modality. The speech function of offer is not available.

Table 4.3 Proportion of Speech Function in the JQ Text

No	Types of Speech Function	Number	%

1	Statement	96	58,54
2	Command	48	29,27
3	Question	20	12,19
4	Offer	0	0
	Total	164	100

More than a half or about 58.54% of the speech function used belong to Statement. The following texts exemplify the use of speech functions

- Statement. *Mahkamah Syari'ah Aceh adalah lembaga peradilan tingkat banding* (P1.12.Q6/2014) 'the Court of Syariah is a judicial anstitution for appeal.

- Command: s*etiap instansi dilarang memberi izin kepada penginapan, restoran atau tempat-tempat lain untuk menyediakan atau memberikan fasilitas terjadinya Jarimah sebagaimana diatur dalam QJ ini* 'any institution is prohibited to give permit to lodging enterprises/hotels, restaurants or other premises to provide or to give facilities for the potential jarimah as specified in the JQ text', (P70.1.Q6/2014),

- Question: *penyidik tidak perlu mengetahui dengan siapa Jarimah Ikhtilath dilakukan* 'the investigative officer needn't know with whom the Jarimah Ikhtilath has been done' (P28.3Q6/2014).

4) Textual Function

Textual function indicates how message, exerience or the context of the IQ text is organized so that the text forms a unity. The unity reveals how one unit becomes a context for another so that its presence is relevant to another. To achieve the unity as the feature of text or as its texture the JQ is analyzed from two perspectives, namely its thematic structure and the lexical cohesion.

To describe the unity of message in the JQ text, the structure of Theme is used. There are four kinds of Theme, they are Unmarked Simple Theme, Marked Simple Theme, Unmarked Multiple Theme and Marked Multiple Theme (Saragih 2011: 118). Proportions of each kind of Theme

is summarized in Table 4.4 with the dominant occurrence of the Unmarked Simple Theme. The propportion of occurrence is 77.44% among the other two kinds of Theme.

Table 4.4 Proportion of Theme in the IQ tText

No	Types of Theme	Nummber	%
1	Unmarked Simple Theme	127	77.44
2	Unmarked Multiple Theme	31	1.,90
3	Marked Multiple Theme	5	3.05
4	Marked Simple Theme Tema tunggal tidak lazim	1	0.61
	Total	164	100

The following texts are exemplifications of the Theme in the JQ text

- Unmarked Simple Theme: Tema tunggal lazim: *penyelenggaraan Hukum Jinayat bersasakan keislaman...*'the implementation of Jinayat law is based on the Islamic teaching' (P2.a.Q6/2014).

- Unmarked Multiple Theme: *apabila **suami dan istri** saling bersumpah...*'when both the husband and wife reciprocally take oaths' (P61.5Q6/2014)

- Marked Multiple Theme: *maka **terhadap anak tersebut** dilakukan pemeriksaan berpedoman kepada peraturan perundang-undangan mengenai peradilan pidana anak* '(P66.Q6/2014) dan

- Marked Simple Theme: *tidak dikenakan 'Uqubat, seseorang [[yang melakukan Jarimah]]...* 'not applied the 'Uqubat to some one who has done Jarimah' (P10.Q6/2014).

With reference to the cohesive devices, two are mostly used, namely repetition and substitution. The use of cohesive devices indicates that at the first place a participant is introduced, then the participant is traced back repeatedly by using anaphoric reference. The two kind of cohesive devices are used simultaneously as exemplified in the following where the 'Uqubat is repeated twice.

- *'Uqubat adalah hukuman yang dapat dijatuhkan oleh hakim terhadap terhadap pelaku Jarimah* (P1.17.Q6/2014), ''Uqubat is punishment decided by the judge to the doer of Jarimah. *QJ ini mengatur tentang* ...'*Uqubat*...'this JQ regulates the 'Uqubat (P.3.1/Q6/2014)

d. Social Context

Social context covers the context of situation, culture and ideology. The context of situation is specifically subdivided ito the field, tenor and mode. The field of the JQ text is legal and bureaucracy matter. The tenor involves the governor of Aceh, Members of Parliament (MP), and Aceh communities. The status among the tenor tend to be unequal with the power on the governor and MP and the communities to obey the JQ. the tenor also indicates formmal situation. In terms of mode, the role of language is constituative where the the JQ is a text of generalization in written medium.

The JQ text is made in the context of Aceh culture and specifically traditions of Islam at the first place. At the second place the culture reers to that of Indonesia.

The ideology related to the JQ text is that related to the Aceh which is Islam and that of Pancasila as the ideology of Indonesia. One aspect of ideology firmly underlying and underpinning is derived from the teching of Islam in the Al-Quran and Al-Hadist.

4.2 Opposing Texts to the JQ
a System

The opposing texts to the JQ are found in newspaper, such as the daily *Kompas, Analisa, Waspada*, *Repulika*, magazine, social media such as the internet. The opposing texts are also found in debates, talk shows, television, radio and interviews. Therefore with reference to the medium the opposing texts may be

written or spoken as summarized in Figure 4.2. The system network of opposing text to the JQ text specifies that at the fisrt place there are two simultaneous systems, namely that of medium and essence. In terms of the medium through which they are realized or represented, the opposing texts may be realized in spoken or written medium.
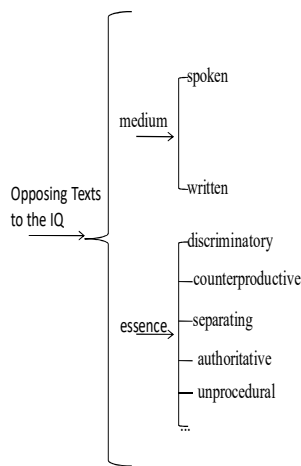

Figure 4.2 The System Network of Opposing Texts to JQ

Further, with reference to their essence, the opposing texts may present discriminatory, contraproductive, separating, authoritative, nonprocedural content. An opposing text with discriminatory essence states that the implementation of the JQ in Aceh serves needs of the Acehnese which are mostly Muslim. However, the JQ has discriminated those who are minority groups and are not Muslim. In other words, they say that the Muslims in Aceh bave been prioritized and the minority goups are discriminated. As a part of the Republic of Indonesia, Aceh is a pluralistic community where belivers of Islam, Christen, Buddhism and Hinduism should live harmoniously with no discriminatory conditions.

The essence of refusing implementation of the JQ in Aceh is that its implementation is counterproductive with the ideology of the Repulic of Indonesia. It is a common practice in a democratic country that the rule or law must generates needs of the communities and appply to all people. The IQ applies only to muslim citizens only and not to others who are minorities such as belivers of Christ, Hinduuism, Buddhism, traditional belief in Indonesia. Thus, the implementation of JQ is counterproductive with the purpose of the NKRI.

The third reason for the minorty groups to refuse the implementation of the JQ in Aceh is that such an implementation will motivate separatism. If the Aceh Province is given autonomy or speciality, other provinces will be motivated to obtain their autonomies and specialities from the centarla goverment in Jakarta. This will ventually tear the unity of the areas of Great Indonesia (NKRI). For example, the underground movement in the Province of Papua known as the OPM is motivated to continue its separating activities as the Aceh Province is granted autonomy.

The fourth reason for refusing the JQ implementation in Aceh is that such an implementation enhances authorative power of the governor or the head of regency (Bupati). The governor or the Bupati has an authorative means to exercise his power to gain his individual interests or his groups' interests.

The fifth reason for opposing the JQ is that the implementation is very often nonprocedural in terms of bureaucratic

execusion. An ideal execution of legal policy proceeds in long procedures to avoid social friction and conflict which eventually leads to social unrest. One of the steps in the long procedures is a thourogh study on the effect of implementation of the legal measures. This thourogh study has not been conducted when the JQ is implemented in the Province of Aceh.

b Structure

The structure of the opposing texts to the JQ covers three stages, they are the JQ *Kutipan Teks* 'Projection' Λ (*Prediksi* 'Prediction') Λ *Alasan Penolakan* 'Reason'. At the stage of the JQ Projection the text project (a certain part of) the JQ text in the form of quote or report. This projection is elaborated in the next part of the opposing texts. The stage of Prediction specifies potentiall effects if the JQ is implemented. The stage of Prediction is optional. The opposing texts end with the Reason stage where reasons

for the refuse of the implementation is elaborated.

cLinguistic Realizations

(1) Experiential Function

The opposing texts are dominated by the Relational Process. As summarized in Table 4.5 the occurrence of Relational Process is 76.08% among the six types of process.

Table 4.5 Proportion of Experience in the Opposing Texts to JQ

No	Types of Process	Number	%
1	Relasional	35	76.08
2	Verbal	5	10.86
3	Material	3	6.53
4	Mental	3	6.53
5	Behavioral	0	0
6	Existential	0	0
	Total	46	100

The proportion indicates that at the second order is verbal process, which is about 10.86%. The proportion is due to the projection made, that is any reference to the JQ text or statement of a source about the JQ. The following text exemplify the use of Relational Process: *perberlakuan QJ (adalah) diskriminatif* 'the implementation of the JQ (is)

discriminatory and *qanun jinayat (adalah) jelas bertentangan dengan tujuan NKRI.* 'the JQ is obviously counterproductive to the aim of the Great Indonesia'.

(2) Interpersonal Function

The proportion of speech functions occurring in the opposing texts is summarized in Table 4.6. It is found that the texts ae dominated by the speech function of Staement with the proportion of 80.43%.

Table 4.6 Proportion of Speech Function in the Opposing Tetxs to the JQ

No	Types of Speech Function	Number	%
1	Statement	37	80.43
2	Question	6	13.04
3	Command	3	6.53
4	Offer	0	0
	Total	46	100

The following texts indicates examples of speech function in the opposing texts.

- *Qanun Jinayah merupakan penyempurnaan qanun Maisir* 'the JQ is the complementation of the Maisir qanun'

- *Qanun Khalwat dan Mesum telah disahkan beberapa tahun yang lalu* 'the Khalwat and Mesum qanun was legalized some years ago'

- *apakah keseluruhaan rangkaian tahapan itu sudah melibatkan partisipasi dari para korban pelanggaran HAM?.* 'have all series of stages involved participationa of all victims of Human Right violation'

(3) Logical Function

The opposing texts to the JQ is dominated by hypotactic enhancement (□ x □□, which is about 88.47%. The occurrence of hypotactic enhancement is due to the cause-effect relation in the opposing texts. The proportion of logical relation is presented in Table

Table 4.7 Proportion of Logical Relations in the Opposing

No	Types of Logical Function	Number	%
1	1 = 2	0	0
2	1 + 2	0	0
3	1 x 2	0	0
4	1 "2	1	3.84
5	1 '2	0	0
6	□ = □	0	0
7	□ + □	0	0
8	□ x □	23	88.47
9	□ " □	2	7.69
10	□ ' □	0	0
	Total	26	100

The following text indicates the use of logical function

- (□ x □□□□*sementara Azriana, dari Relawan Perempuan untuk Kemanusiaan* (RpuK) *berpendapat ada poin-poin dalam qanun jinayah yang dapat menimbulkan mutitafsir, yang nantinya bisa menyebabkan orang salah mengambil tindakan.* 'meanwhile Azriana of the Voluntaring Women for Humanity holds that there are points in the JQ which potentially result in multi-interpretations, which leads to misleading measures'

(4) Textual Function

The textual function in the opposing texts to the JQ indicates how experience or messages in the texts are organized. To

describe organizations of experience in the texts four kinds of Theme as proposed by Saragih (2011: 118) are used; they are Unmarked Simple Theme, Marked Simple Theme, Unmarked Multiple Theme and Marked Multiple Theme. The occurrence of textual function is summaried in Table 4.8. It is found that the dominant type use is the Unmarked Simple Theme.

Table 4.8 Proportion of Theme in the Opposing Texts to the JQ

No	Types of Theme	Number	%
1	Unmarked Simple Theme	40	86.48
2	Unmarked Multiple Theme	2	4.38
3	Marked Multiple Theme	1	2.19
4	Marked Simple Theme	3	6.58
	Total	46	100

It was found that the dominant use of the Unmarked Simple Theme is one of the features of the spoken text.

d Social Context

Like that of the JQ text, the social context of the opposing texts covers the context of situation, culture and ideology. As the element of context of situation the field of the opposing texts refers to social interaction and communication on contradiction on the implementation of the JQ in Aceh. The tenor involves NGO's, individuals and institutions one one side and the governor, the Aceh MP. The mode refers to the constituative role of language with both spoken and written medium. The spoken medium refers to the use of seminar, debates and talk shows on the refusal of the JQ text. The written medium refers to publication in newspapers. The opposing texts are used in the context of Indonesian culture and ideology.

4.3 Discussions

The JQ text is assigned to different purpose from that of the opposing ones. The JQ text is intended to empower and implement the *jinayat* or crime laws against crimes based on Islamic teching in the Province of Aceh. On the contrary the opposing texts are intended to oppose or

refuse the implemenatation by spreading in social media the weaknesses and shortcoming elements of the JQ text. Halliday (1994) has confirmed that a text is structured as it is on the basis of its function. Therefore the JQ is structured differently from the opposing texts. Cunclusively, the system, structure and linguistic realizations of the JQ text are different from those of the opposing texts because they have different function and purpose.

In this study it is found that the system network of the JQ text and that ot its opposing ones are different. Whereas the system network of the JQ is based on alternative feature that of the opposing texts is based on simultaneity feature. The system network of the JQ text is constituted by the system of [*jinayat*] or [-*jinayat*]. On one hand the system network of [jinayat] divides into [sex] or [-sex]. Further the subsystem of [sex] specifies the offence into *khalwat* (petting), *zina* (adultery), *ikhtilath* (two persons of different sexes with no marriage bond staying at a hidden or public place doing petting] sexual harrassment, rape, *qadzaf* (alledged adultery), *liwat* (homosexual— gay), or *musahaqah* (homosexual— lesbian). The subsystem of [-sex] further subdivides into operational offence not related to sexual deviant behaviour covering *maisir* (gambling), *khamar* (drinking liqour), or theft. On the other hand, the subsystem of [-*jinayat*]includes flag and embelm of the Aceh, management of government property, tarrif and taxes, and permit.

Unlike the system network of the JQ text, the system network of the opposing texts has the feature of simultaneity. The system network firstly specifies between the system of [medium] and [essence]. The system of of [medium] may be [spoken] or [written]. The system of [essence] futher subdivides into the feature of discriminatory, contraproductive, separating, authoritative, and nonprocedural.

The structure of the JQ text is more complicated than that of the opposing texts. The JQ text has the structures or stages of *Konsideran* 'consideration' Λ *Ketentuan Umum* 'definition' Λ *Ruang Lingkup dan Tujuan* 'scope and aim' Λ *Larangan dan Pencegahan* 'prohibition and prevention' Λ *Peran Serta Masyarakat* 'social participation' Λ Pengawasan dan Pembinaan 'monitoring and development' Λ Penyidikan dan Penuntutan 'diagnosis and allegation' Λ (Ketentuan Uqubat 'determining sanction') Λ Pelaksanaan Uqubat 'execution' Λ Ketentuan Peralihan 'act of transition' Λ Ketentuan Penutup 'closure'. Differently the opposing texts have the structure of the JQ covers three stages, they are *Kutipan Teks* 'Projection' Λ (*Prediksi* 'Prediction') Λ *Alasan Penolakan* 'Reason'.

The JQ text has different linguistic realizations from the opposing texts do. Whereas the JQ text is dominated by material process, the speech function of statement and command, paratactic extension and hypotactic enhancement, unmarked simple and multiple theme, and spoken medium the opposing texts are dominantly realized by relational process, speech function of statement and question, hypotactic enhancement, unmarked simple theme and both spoken and written media.

The social context of the JQ text reveals the field of legal and bureaucratic matters. The tenor involves relation among the governor of Aceh, Members of Parliament (MP), and Aceh communities. The mode refers to the text of generalization in written medium. The aspect of culture refers to Aceh culture which is deeply rooted in the teaching of Islam. The ideology refers to the Pancasila of Indonesia. The opposing texts have the field of social interaction and communication on contradiction on the implementation of the JQ in Aceh. The tenor involves NGO's, individuals and institutions one one side and the governor, the Aceh MP. The mode refers to the constituative role of language with both

spoken and written medium. The opposing texts are used in the context of

Indonesian culture and ideology

The summary of system, structure and linguistic realizations of the JQ and its opposing texts are presented i Table 4.9.

Table 4.9 Comparison of Aspects of the JQ text and its Opposing Texts

No	Aspects of Text	IQ Text	Oppposng Texts
1	System	alternative	simultaneity
2	Structure of Text	*Konsideran* Λ *Konsideran* 'consideration' Λ *Ketentuan Umum* 'definition' Λ *Ruang Lingkup dan Tujuan* 'scope and aim' Λ *Larangan dan Pencegahan* 'prohibition and prevention' Λ *Peran Serta Masyarakat* 'social participation' Λ Pengawasan dan Pembinaan 'monitoring and development' Λ Penyidikan dan Penuntutan 'diagnosis and allegation' Λ (Ketentuan Uqubat 'determining sanction') Λ Pelaksanaan Uqubat 'execution' Λ Ketentuan Peralihan 'act of transition' Λ Ketentuan Penutup 'closure'.	*Kutipan Teks* 'Projection' Λ (*Prediksi* 'Prediction') Λ *Alasan Penolakan* 'Reason'
3	Linguistic Realizations Experiential function	material experience	relational experience
	Interpersonal function	statement, question	statement, question
	Logical function	paratactic extension (1+2) and hypotatic enhancement (☐ x ☐)	hipotactic enhancement (☐ x ☐)
	Textual function	unmarked simple and multiple themes written mode	unmarked simple theme spoken simple theme
4	Social Context Field	legal and bureaucratic matters	antagonistic arguments to the JQ
	Tenor	MP of Aceh, the governor, society	individuals, NGO's, institutions
	Mode	spoken (substannce) and (medium)	written (substance) and spoken/written (medium)

5. Conclusions and Suggestions

The JQ text considers that the rules of Islam become the blessing for the universe and has set up by itself as a belief and life guide for the Acenese. To achieve welfares in world and the next world the Acenese are urged to live their lives in accordance with the teaching of Islam in which rules of *jinayat* should be fulfilled. The JQ succintly defines the rules of *jinayat* which deals with the implementataion of penalty to anyone who violates or breaches laws or rules as determined in the teaching of Islam. The JQ text defines *jinayat*, specifies its scope and elaborates implementation of punishment to the offenders. Further the JQ text elaborates investigation or examination to the offensive cases . On the contrary, the opposing texts to the JQ refuse the implementation of *jinayat* by staging reasons for the refusals. The opposing texts presents the weaknesses of the JQ and specifically object to its implementation as such implementation brings about discriminatory, contraproductive, separating, authoritative, and nonprocedural effects. Data on the two texts have been analysed and conclusions are drawn as the following.

5.1 Conclusions

(1) It is found that the system network of the JQ has a feature of alternative whereas that of the opposing texts is simultaneity. This is caused by the fact that the JQ is written whereas the opposing texts are both spolen and written in terms of the medium.

(2) The JQ is constituted by more complicated structures than the opposing texts are. The JQ has 11 structures or stages whereas the opposing texts have 3.

(3) The JQ text has different linguistic realizations from the opposing texts do. Whereas the JQ text is dominated by material process, the speech function of statement and

command, paratactic extension and hypotactic enhancement, unmarked simple and multiple theme, and spoken medium, the opposing texts are dominantly realized by relational process, speech function of statement and question, hypotactic enhancement, unmarked simple theme and both spoken and written media. The social context of the JQ text reveals the field of legal and bureaucratic matters. The tenor involves relation among the governor of Aceh, Members of Parliament (MP), and Aceh communities. The mode refers to the text of generalization in written medium. The aspect of culture refers to Aceh culture which is deeply rooted in the teaching of Islam. The ideology refers to the Pancasila of Indonesia. The opposing texts have the field of social interaction and communication on contradiction on

the implementation of the JQ in Aceh. The tenor involves NGO's, individuals and institutions one one side and the governor, the Aceh MP. The mode refers to the constituative role of language with both spoken and written medium. The

(4) The JQ text is realized by linguistic features which are different from those of the opposing texts. The difference is due to the fact that the two texts have different functions and aims. The JQ text empowers and implements the *jinayat* as specified by the *syariat* or teaching of Islam whereas the opposing texts are designed to refuse the implementation of *jinayat*. Further the diffrences are caused by the different social contexts of the two texts.

5.2 Suggestions

Related to the conclusions, suggestions are staged as the following.

(1) Firstly, it is suggested that other studies on the implementation of the *jinayat* should be conducted. Such a study is expected to reveal different system networks which may involve more than alternative and simultaneity features.

(2) Secondly, it is expected that other studies on the debates on the implementation of the *jinayat* should be done. Such a prospected study will reveal more complicated texts in terms of systems and stuctures.

(3) Further, it is suggested that other studies on other *qanuns* of Aceh should be done. The prospected studies will reveal different system, structures and linguistic realizaons as the other *qanuns* have different functions and aims.

(4) Finally, it is suggested that any *qanun* implemented by the governments of Aceh and its opposing texts should be studied lingusitically by which the two texts can be linguistically justified or verified.

5.3 Acknowledgements

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