

Legal Analysis Of The Role Of The Syar'iah Court In Enforcement Of Qanun Jinayat In Aceh Province

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Abstract. Aceh is the only province in Indonesia that officially implements Islamic Sharia criminal law (jinayat), which is regulated through the Aceh Qanun. The implementation of jinayat law poses challenges in integration with the national legal system, particularly regarding the legitimacy of the Sharia Court, absolute and relative competence, and legal certainty. This study aims to analyze the position and authority of the Sharia Court in enforcing the Qanun Jinayat, examine the legal considerations of judges, and evaluate the suitability of decisions with the principles of the rule of law and the national legal system. The research method uses a normative juridical approach with a document study of Aceh Qanun Number 6 of 2014, Law Number 11 of 2006 concerning the Government of Aceh, Law Number 48 of 2009 concerning Judicial Power, and decisions of the Sharia Court. The results of the study indicate that the jinayat authority of the Sharia Court is attributive, constitutionally valid, has clear limits of competence, and remains integrated within the national legal system. The judge's legal considerations affirm the independence, impartiality, and proportionality of sanctions, by harmonizing norms between the Qanun Jinayat and national legislation. This differentiation of norms is not a form of legal dualism, but rather a manifestation of asymmetric decentralization that respects the principles of the rule of law, legal certainty, substantive justice, and the protection of human rights.

Keywords: Aceh Qanun; Authority; Decision; Jinayat; Law; Sharia Court.

1. Introduction

Indonesia, as a country based on law, places law as the primary foundation for governance and social life. The principle of a state based on law, as affirmed in Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia, implies that all actions of state administrators and citizens must be subject to the law. The concept of a state based on law in Indonesia not only emphasizes the supremacy of law, but also recognizes the social, cultural, and historical diversity that exists within society.¹In this context, the Indonesian constitutional system recognizes the recognition of the special characteristics and privileges of certain regions as part of the asymmetric decentralization policy.²

One of the regions that enjoys this special status is Aceh Province. Aceh's special status within the Indonesian constitutional system did not emerge suddenly, but rather is the result of a long historical journey, including political dynamics, armed conflict, and efforts at national reconciliation. Historically, Aceh has a strong religious identity and a tradition of implementing Islamic law in social life. This identity then gained constitutional recognition through special autonomy policies granted by the state.³

The constitutional basis for Aceh's special autonomy is explicitly stipulated in Law Number 11 of 2006 concerning the Governance of Aceh. This law grants the Aceh Government broad authority to regulate and manage its own government affairs based on Islamic sharia principles for its adherents. This granting of authority represents the state's recognition of Aceh's uniqueness within the framework of the Unitary State of the Republic of Indonesia (NKRI). Therefore, Aceh's special autonomy is not a form of federalism, but rather asymmetrical decentralization that remains within the national legal system.

One important aspect of this special autonomy is regional legislative authority through the formation of qanuns. Qanuns are laws and regulations established by the Aceh People's Representative Council (DPRD) and the Governor, as head of the regional government. Unlike regional regulations in general, qanuns have unique characteristics because they regulate the implementation of Islamic law more comprehensively, including in the area of criminal law.⁴The presence of qanun in the Indonesian legal system reflects the legal plurality accommodated by the state, where national law can coexist with religious-based law within certain limits.

2. Research Methods

This research uses a normative juridical approach method.⁵The normative-juridical approach emphasizes the analysis of laws and regulations, legal

1 Soerjono Soekanto, *Principles of Legal Sociology* (Jakarta: Raja Grafindo Persada, 2010), p. 23.

principles, legal doctrine, and court decisions relevant to the research object. This approach aims to examine problems from a positive legal perspective, assess the consistency of norms, and evaluate the implementation of the law in practice, particularly regarding the enforcement of the Qanun Jinayat by the Sharia Court.

The juridical normative approach was chosen because this research is a juridical analysis, emphasizing the study of legal documents and legal literature as the primary data sources. The analysis was conducted on the Aceh Qanun, national laws and regulations, Sharia Court decisions, and Islamic legal doctrine to gain a comprehensive understanding of the legal basis, authority, and implementation of criminal justice in Aceh Province.

3. Results and Discussion

3.1. The Position and Authority of the Sharia Court in Enforcing the Qanun Jinayat in Aceh Province

The position and authority of the Sharia Court in enforcing criminal law is a fundamental aspect in analyzing the existence and legitimacy of Sharia courts within the national legal system. This analysis is crucial because the Sharia Court's criminal authority relates not only to the implementation of Islamic law-based criminal norms but also touches on issues of constitutionality, the integration of the judicial system, and the harmonization of laws and regulations within the framework of the Unitary State of the Republic of Indonesia. Therefore, this discussion goes beyond mapping positive legal norms but also examines the construction of this authority from the perspectives of the theory of the rule of law, the theory of authority, and the theory of the legal system.⁶

Normatively, the authority of the Sharia Court in the field of jinayat is rooted in special regulations regarding the Government of Aceh as stipulated in Law Number 11 of 2006 concerning the Government of Aceh and regional regulations in the form of qanun, specifically Qanun Aceh Number 6 of 2014 concerning Jinayat Law. However, as part of the national judicial power system, the Sharia Court remains under the structure of the Supreme Court of the Republic of Indonesia and is subject to the general principles of judicial power as affirmed in

2 Jimly Asshiddiqie, *The Constitution and Constitutionalism of Indonesia* (Jakarta: Sinar Grafika, 2011), p. 78.

3 Imania Fathu Zahra, "Implementation of Special Autonomy in the Aceh and Papua Governments in a Comparative Perspective," *JOURNAL OF ADMINISTRATIVE AND SOCIAL SCIENCE* 5, no. 1 SE-Articles (December 7, 2023): 54–67, <https://doi.org/10.55606/jass.v5i1.803>.

4 Khalisatun Nurussa, "Implementation of Islamic Sharia in Nanggroe Aceh Darussalam (NAD) in the Indonesian National Legal System," *Lex Mercatoria* 01, no. 01 (2024): 61–72.

5 Sri Mamuji Soekanto Soerjono, *Normative Legal Research* (Jakarta: Rajawali Pers, 2018), p. 47.

6 Putera and Junaidi, loc.it.

Law Number 48 of 2009 concerning Judicial Power. This condition indicates a meeting between regional specificity and the principle of the unity of the national legal system.

1. The Position of the Sharia Court in the National Judicial Power System

The position of the Sharia Court in the national judicial system is rooted in the constitutional construction of the Unitary State of the Republic of Indonesia as a state based on law. The principle of the rule of law is affirmed in Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia, which states that Indonesia is a state based on law. The consequence of this principle is that all implementation of state power must be subject to the law, including the implementation of judicial functions. Judicial power is the primary instrument in guaranteeing the upholding of the supremacy of law and the protection of human rights. Within this framework, the existence of every judicial institution derives direct legitimacy from the constitution as a legitimate executor of judicial functions.

The independence of the judiciary is affirmed in Article 24 paragraph (1) of the 1945 Constitution, which states that the judiciary is an independent authority to administer justice to uphold law and justice. This independence means freedom from interference by other authorities in the examination and decision-making process. Judges are subject only to the law and conscience in carrying out their judicial functions. This principle also applies to judges of the Sharia Court in examining and deciding cases, including jinayat cases.⁷ The constitutional guarantee of this independence is the foundation for the structural and functional legitimacy of the Sharia Court as part of the national judicial power.

The national judicial structure places the Sharia Court within the religious courts, which are subordinate to the Supreme Court of the Republic of Indonesia. The Indonesian judicial system recognizes four judicial branches: general courts, religious courts, military courts, and state administrative courts, all of which culminate in the Supreme Court.⁸ This placement demonstrates that the Sharia Court is an integral part of the national judicial system, not an institution outside the existing structure. The specific authority in the field of criminal law does not change its structural position but merely expands the scope of its competence within the limits defined by law.

⁷<https://ms-meulaboh.go.id/kode-etik-hakim/#:~:text=Hakim%20wajib%20melaksanakan%20tugas%2Dtugas,menumbuhkan%20kepercayaan%20masyarakat%20pencari%20keadilan>. Accessed on February 24, 2026.

⁸ Ihat Suhibat, "The Judicial System in Indonesia Based on the 1945 Constitution of the Republic of Indonesia," *Yustitia*, 2007, 27–62.

The one-roof system principle emphasizes the integration of the Sharia Court into the national judicial system. The one-roof system places all judicial bodies under the guidance and supervision of the Supreme Court in technical, judicial, organizational, administrative, and financial aspects. This system is designed to strengthen the independence of the judiciary and prevent interference by other authorities. Sharia Court decisions can be appealed to the Supreme Court, thereby ensuring a unified judicial system and consistent application of law nationally.⁹

Normative provisions regarding the principles and structure of judicial power are affirmed in Law Number 48 of 2009 concerning Judicial Power. The law states that judicial power is exercised by the Supreme Court and its subordinate judicial bodies within four judicial environments. This provision emphasizes the principles of judicial independence, the principles of simple, expeditious, and inexpensive justice, and the obligation of judges to explore the legal values and sense of justice that exist within society. This norm applies universally to all judicial bodies, including the Sharia Court, so that there is no dualism of principles in the implementation of judicial power in Aceh.

The theory of the rule of law places the judiciary as a key pillar in ensuring the supremacy of law and limiting state power. The existence of the Sharia Court demonstrates that Indonesia's rule of law accommodates legal plurality within constitutional limits. The theory of judicial power emphasizes three main elements of judicial legitimacy: a constitutional basis, a clear institutional structure, and a guarantee of independence. These three elements are fulfilled by the Sharia Court's position. Constitutional legitimacy is derived from the 1945 Constitution, structural legitimacy stems from its position below the Supreme Court, and functional legitimacy is reflected in the implementation of an independent judiciary in accordance with statutory principles.

The position of the Sharia Court within the national judicial system thus has a strong constitutional and structural basis. Its specific authority does not place it as a parallel court outside the national legal system, but rather as an integral part of the judicial power, guaranteed by the constitution and regulated within the national legal framework.

2. Legal Basis for Attribution of Jinayat Authority

The theory of authority explains the basis of legitimacy for a state organ or institution in carrying out governmental and judicial functions. Authority differs from power. Power is sociological and can arise from influence or domination, while authority is juridical because it stems from valid laws and regulations. Every

9 Erfaniah Zuhriah, "On Roof System of Religious Courts Under the Authority of the Supreme Court," *Media Neliti* 1, no. 2 (2010): 80–90.

action of a state official or institution must have a clear basis of authority to avoid conflicting with the principle of legality in a state governed by the rule of law. This principle requires that all actions by the exercise of judicial power be based on norms that provide formal and material legitimacy.¹⁰

The concept of authority in state administrative law was systematically developed by Philipus M. Hadjon, who distinguished between the acquisition of authority through attribution, delegation, and mandate. Attribution is the granting of authority derived directly from law or the constitution to a state organ. Delegation is the transfer of authority from one organ to another accompanied by a transfer of responsibility. A mandate is the transfer of authority to another official, but responsibility remains with the mandate giver. This distinction is important in determining whether an institution exercises original or derived authority.¹¹

The attributional character lies in the existence of statutory norms that explicitly create and grant such authority to specific organs. Attributional authority is direct, inherent, and independent of delegation from other organs.¹² Testing the legitimacy of a state institution's actions must be done by tracing the normative source of its authority. If that authority lacks a clear attributional basis, the action could potentially be classified as an overreach of authority (*ultra vires*).

The legal basis for the Islamic Court's criminal jurisdiction stems from Law Number 11 of 2006 concerning the Governance of Aceh. This law recognizes Aceh's unique characteristics in the administration of religious life and the implementation of Islamic law, including in the field of criminal law. This provision is a product of national legislation established within the framework of the Unitary State of the Republic of Indonesia, thus having the same legal force as other laws. The granting of criminal jurisdiction to the Islamic Court is therefore attributive in nature, arising directly from statutory norms, not from administrative decisions of the central government or merely regional policies.

This authority also manifests the concept of special autonomy granted to Aceh. This special autonomy is a form of asymmetric decentralization, granting unequal authority between regions based on specific historical, social, and cultural characteristics. Asymmetric decentralization remains within the constitutional framework and does not eliminate the principle of a unitary state.¹³ The *jinayat*

¹⁰<https://fh.unpatti.ac.id/Aspek-teoritik-kewenangan-pemerintah/>, accessed on February 24, 2026.

¹¹*Ibid.*

¹²<https://www.hukumonline.com/klinik/a/pengertian-atribusi--delegasi-dan-mandat-lt5816ab6ea74a7/>, accessed on February 24, 2026.

¹³ Arwani Ahmad, "Implementation of Asymmetric Decentralization in the Economic Sector from the Perspective of the Rule of Law," *Rewang Rencang: Jurnal Hukum Lex Generalis* 5, no. 10 (2024): 1–22.

authority exercised by the Sharia Court is not a form of sovereignty in itself, but rather the implementation of authority granted by the state through national legislative mechanisms.

The institutional structure of the Sharia Court remains within the national judicial system, culminating in the Supreme Court of the Republic of Indonesia. This situation confirms that the attribution of jinayat authority does not create a separate judicial system from the national legal system. Judicial oversight and legal remedy mechanisms continue to adhere to the prevailing national judicial structure. This structural integration strengthens the legitimacy of jinayat authority as a constitutionally and systemically valid attribution authority.

An analysis of the legal basis for the attribution of jinayat authority shows that the elements of attribution have been fulfilled, namely the existence of statutory norms as the source of authority, the explicit designation of authorized organs, and the clear determination of the scope of the material authority. This legitimacy places the jinayat authority of the Sharia Court within the principles of legality and the rule of law. Clarity about the origins and limits of authority is a crucial foundation for ensuring that the implementation of jinayat law does not exceed the constitutional framework of the Unitary State of the Republic of Indonesia.

3. Scope of Absolute and Relative Competence

The scope of the Sharia Court's authority in enforcing criminal law must be understood through a distinction between absolute and relative competence. This distinction is crucial for determining the limits of the material cases that can be examined and the limits of jurisdiction based on territory and legal subject. Clarity about the limits of competence is a primary prerequisite for ensuring legal certainty, preventing excess of authority, and avoiding jurisdictional conflicts within the national justice system.

3.2. Legal Considerations of Syar'iyah Court Judges in Deciding Jinayat Cases

Legal reasoning (*ratio decidendi*) is the core of judicial argumentation, explaining the normative and factual basis of a decision. This section is not merely a formal description, but rather a construction of legal logic that connects norms, facts, and conclusions. The quality of the *ratio decidendi* determines whether a decision reflects legal certainty, rationality, and justice. In jinayat cases, the structure of the

Sharia Court judge's reasoning demonstrates a blend of national criminal law analytical methods and the normative character of Islamic law.¹⁴

The legal considerations (*ratio decidendi*) of Sharia Court judges in *jinayat* cases are based on the substantive norms of Aceh Qanun Number 6 of 2014, the attribution authority granted through Law Number 11 of 2006, and the principles of national criminal law. These considerations include analysis of the elements of the crime, the application of evidence, and standards of proof, with an emphasis on the principle of legality (*nullum crimen sine lege, nulla poena sine lege*), protection of the defendant's rights, and proportionality of sanctions. Methodologically, judges use deductive reasoning, systematic interpretation, and legal arguments based on legal principles to ensure consistency between facts and norms. In addition to the normative basis, judges' considerations also consider the philosophical dimension in the form of public interest, substantive justice, and the purpose of punishment in Islamic law, as well as the sociological dimension related to societal conditions and the preventive effect of decisions. Thus, the *ratio decidendi* reflects constitutional legitimacy, compliance with the principles of the rule of law, and integration between sharia law and the national legal system, so that the enforcement of *jinayat* law is rational, accountable, and oriented towards substantive justice.

The structure of legal reasoning is generally structured systematically, starting with the identification of the charge, analysis of the elements of the crime, evaluation of the evidence, determination of the defendant's guilt, and argumentation regarding the type and severity of the offense. This pattern demonstrates that judges continue to work within the framework of positive legal methodology, which demands rational and argumentative proof. Clarity of the analytical stages is essential to ensure that decisions are not declarative but can be tested academically and through legal remedies, as follows:

a) Analysis of Criminal Elements

Analysis of the elements of the crime is a central stage in the *ratio decidendi*.¹⁵ The judge first outlines the definition of the offense as stipulated in Aceh Qanun Number 6 of 2014 concerning *Jinayat* Law, then examines whether the trial facts meet each element. The examination is conducted cumulatively, meaning all elements must be proven for the defendant to be found guilty.

14 Erwin Susilo and Dharma Setiawan Negara, "Ratio Decidendi and Obiter Dictum: Conceptual Evolution of Judges' Considerations in Indonesian Criminal Decisions," *Journal of State Law* 16, no. 2 (2025): 165–81.

15 Andin Dwi Safitri & Khalimatuz Zuhriyah, "Understanding Criminal Acts and Elements of Criminal Acts," *Jurnal Judiciary* 14, no. 1 (2025).

Objective elements include the prohibited act, the time and place of the incident, and specific circumstances surrounding the crime. Subjective elements relate to intent or other required forms of wrongdoing. The judge's thoroughness in defining the elements is an indicator of the professionalism and integrity of the decision. Failure to prove even one element results in the charge being legally and convincingly proven.¹⁶

This method demonstrates the application of the principles of legality and the principle of no crime without fault. Judges cannot impose 'uqubat solely based on moral considerations but must base their decisions on clear normative constructions.

b) Application of Evidence and Proof Standards

The next stage is the assessment of the evidence and the formation of the judge's conviction. The system of proof in criminal cases essentially remains based on national criminal procedure law, which combines statutory proof with the judge's conviction (negative legal evidence system).¹⁷ The judge assesses whether or not the evidence is valid and its relevance in proving the elements of the crime.

Evidence can include witness statements, the defendant's confession, letters, clues, and expert testimony. In certain contexts, the defendant's confession holds significance as long as it is given freely and without coercion. The judge is obligated to ensure that the confession was not obtained through duress or a violation of human rights.

The standard of proof used is "proven legally and convincingly." This phrase contains two dimensions: the availability of legally valid evidence and the formation of the judge's internal conviction. The subjective dimension of conviction cannot stand alone without the support of valid evidence. The rationality of the argument in explaining the relationship between the evidence and the elements of the crime serves as a measure of the quality of the ratio decidendi.

A comparison with the evidentiary system in the Criminal Code shows that methodologically, there are no fundamental differences in the standard of proof.

16 Youngky Fernando and Asti Wasiska, "Criminal Acts and Their Elements Versus Deelneming Delicten/Criminal Acts of Participation Versus Criminal Responsibility," *Jurnal Ilmiah Manazir* 1, no. 1 (2023): 7.

17 Nimerodi Gulo, Cornelius Dikae, and Zolohefona Gulo, "The Emergence of Judges' Beliefs in the Law of Evidence in Criminal Cases in Indonesian Courts," *UNES Law Review* 6, no. 3 (2024): 8115–22.

The differences lie more in the context of substantive norms and the types of sanctions imposed.

c) Argument Construction and Conclusion Drawing

The final stage in the ratio decidendi is drawing a legal conclusion based on an analysis of the elements and evidence. The judge constructs a legal syllogism: the major premise is the norm in the qanun, the minor premise is the facts proven in court, and the conclusion is a statement of guilt or innocence.¹⁸ This structure reflects the deductive method of thinking that is characteristic of judicial reasoning.

A good argument must transparently explain the logical relationship between facts and norms. A decision that simply declares the defendant guilty without any analytical explanation has the potential to undermine judicial legitimacy. Conversely, a systematic explanation demonstrates that the judge carried out his law enforcement function professionally and accountably.

The construction of the ratio decidendi in criminal law cases ultimately demonstrates that the Sharia Court acts not only as a moral-religious institution, but also as a judicial institution subject to the principle of legal rationality. The integration of national evidentiary methods with criminal law norms demonstrates that law enforcement is carried out within the framework of a state based on the rule of law, which demands legality, limited authority, and objectively verifiable arguments.

After explaining the structure and method of legal reasoning (ratio decidendi) used by Sharia Court judges, the next step is to conduct a concrete analysis of the application of these principles in court practice. This analysis focuses on Decision Number 4/JN/2021/MS.Aceh, in which the judge assessed the elements of a crime based on the trial facts and the evidence presented. This approach allows the author to assess the consistency between the norms stipulated in the Qanun Jinayat and their application in practice, including the evidentiary process, determining the defendant's guilt, and imposing a hudud sentence. This demonstrates a systematic pattern of legal analysis from the beginning to the end of the trial.

Summary of case chronology

¹⁸<https://eprints.umm.ac.id/id/eprint/401/3/BAB%20II.pdf#:~:text=Pengertian%20ratio%20decidendi%20atau%20pertimbangan%20judik%20adalah,hukum%20yang%20menjadi%20dasar%20dahulu%20memutuskan%20perkasa.,> accessed on February 25, 2026.

This case is a jinayat rape case at the appellate level, being heard by the Aceh Sharia Court. The defendant was charged based on the indictment of the Aceh Besar District Attorney's Office, with the locus delicti being in the Aceh Besar area. The indictment alleges that the incident occurred on the evening of August 26, 2020, in a car, accompanied by threats, coercion, and violence against the victim. The verdict also noted a post-mortem examination showing a torn hymen and findings supporting sexual assault.

The Public Prosecutor demanded that the defendant be found guilty of committing rape based on Article 48 of Aceh Qanun No. 6 of 2014 concerning Jinayat Law, with a prison sentence of 175 months, evidence returned to the rightful party/victim, and court costs of Rp. 5,000.00. At the first level (Jantho Syar'iyah Court), the panel issued a verdict which essentially declared the defendant guilty, imposed a 'uqubat ta'zir prison sentence of 175 months, ordered the defendant to remain detained, returned the evidence to the victim, and imposed court costs of Rp. 5,000.00.

4. Conclusion

The Position and Authority of the Sharia Court in Enforcing the Qanun Jinayat in Aceh Province, namely the Sharia Court has a clear constitutional position as part of the religious court environment under the Supreme Court. Its specificity lies in the authority to adjudicate jinayat cases based on the Aceh Qanun, which is a legally valid attribution authority. This authority has clear absolute and relative competence limits, including the type of crime and territorial and personal jurisdiction. The institutional structure under the Supreme Court and the principle of the one-roof system guarantee the integration of the Sharia Court in the national legal system, so that the differentiation of norms that arise is not a form of legal dualism, but rather a manifestation of asymmetric decentralization within a unitary state. Legal Considerations of Sharia Court Judges in Deciding on Jinayat Cases: Sharia Court Judges uphold the Qanun Jinayat through systematic legal considerations, examining the elements of the crime, comprehensively assessing evidence, and enforcing proportional uqubat. Analysis of decisions, such as Decision Number 4/JN/2021/MS.Aceh, demonstrates the application of the principles of independence and The impartiality of judges, who assess facts and evidence objectively without external influence. This legal consideration demonstrates a balance between legal certainty and substantive justice, with attention to victim protection, proportionality of sanctions, and harmonization of substantive law and criminal procedural law. The Conformity of the Sharia Court's Considerations and Decisions with the National Legal System and the Principles of

the Rule of Law, namely the considerations and decisions of the Sharia Court are in line with the 1945 Constitution, the Law on Judicial Power, and the hierarchy of laws and regulations, including harmonization with national criminal law. The principles of *lex superior* and *lex specialis* are implemented to maintain norm consistency and prevent conflicts of authority, including the issue of *ne bis in idem*. The application of *uqubat* and judicial procedures also pay attention to human rights, by balancing the specifics of Aceh's *qanun* with national human rights standards. This vertical and horizontal harmonization demonstrates the integration of the national legal system, while strengthening the legitimacy and effectiveness of *jinayat* law enforcement.

5. References

Journals:

- Ahmad, Arwani. "Pelaksanaan Desentralisasi Asimetris Di Bidang Ekonomi Dalam Prespektif Negara Hukum." *Rawang Rencang : Jurnal Hukum Lex Generalis* 5, no. 10 (2024): 1–22.
- Andi Rachmad, Yusi Amdani, Zaki Ulya. "Kontradiksi Pengaturan Hukuman Pelaku Pelecehan Seksual Terhadap Anak Di Aceh." *Jurnal Hukum Dan Peradilan* 10, no. 2 (2021): 315–36.
- Anwar, Bukhari &. "Implementasi Hukum Islam Di Aceh Dalam Prespektif Historis." *AT-TASYRI' Jurnal Ilmiah Prodi Muamalah* 14, no. 1 (2022): 65–73.
- Ayu, Mazila, Difani Tambunan, Muhamad Azhar Alhafiz, and Muhammad Husen Haikal. "Penegakan Jarimah Misir Dalam Qanun Jinayah Aceh Serta Relevansinya Dengan KUHP." *Jejak Digital : Jurnal Ilmiah Multidisipilin* 2, no. 1 (2026): 931–41.
- Evendi, Wakid. "Prinsip Pengadilan Yang Adil Berdasarkan Yurisprudensi Islam Dan Hukum Internasional." *Jurnal Kajian Hukum Islam* 8, no. 1 (2021): 51–69.
- Fakhriah, Efa Laela. "Kewenangan Mahkamah Syar'iah Di Aceh Dihubungkan Dengan Sistem Peradilan Di Indonesia." *Jurnal Ilmu Hukum* 3, no. 2 (2023).
- Firdausiah, Bintang Mandala Karyudi & Nuril. "Implementasi Supremasi Hukum Dalam Penegakan Hukum Di Indonesia." *Lex Et Lustitia: Universitas Moch. Sroedji Jember* 1, no. 2 (2024): 86–98.
- Gulo, Nimerodi, Cornelius Dikae, and Zolohefona Gulo. "Timbulnya Keyakinan Hakim Dalam Hukum Pembuktian Perkara Pidana Di Peradilan Indonesia." *UNES Law Review* 6, no. 3 (2024): 8115–22.

- Ida Surya, Abdul Wahab. "Harmonisasi Peraturan Perundang-Undangan Dalam Mewujudkan Pemerintahan Yang Baik." *Jurnal Kompilasi Hukum* 8, no. 2 (2023): 0–9.
- Ihkhsan, Muh, and Musyfikah Ilyas. "Implementasi Qisas Dan Diyat Dalam Sistem Hukum Pidana Indonesia : Analisis Normatif Terhadap Kompatibilitas Syariat Islam Dengan Hukum Positif." *Media Hukum Indonesia* 4, no. 1 (2026): 1112–24.
- Imania Fathu Zahra. "Implementasi Otomoni Khusus Pada Pemerintahan Aceh Dan Papua Dalam Perspektif Perbandingan." *JOURNAL OF ADMINISTRATIVE AND SOCIAL SCIENCE* 5, no. 1 SE-Articles (December 7, 2023): 54–67. <https://doi.org/10.55606/jass.v5i1.803>.
- Irawan, Okky, Saverius Nahat, Tetty Nababan, Alamat Jl, T B Simatupang, No Tj, Kec Jagakarsa, and Jakarta Selatan. "Penegakkan Hukum Di Negara Republik Indonesia." *Federalisme : Jurnal Kajian Hukum Dan Ilmu Komunikasi* 2, no. 1 (2025).
- Ka'bah, Nur Rohim Yunus & Rifyal. "Eksistensi Peradilan Syariah Dalam Sistem Ketatanegaraan Indonesia." *Jurnal Konstitusi* 20, no. 3 (2023).
- MacGregor, Maurice Adams & David E. "Legal Interpretation and the Analytic Method." *Journal of Legal Analysis* 8, no. 2 (2016).
- Maisarah, T G K. "Kompetensi Relatif Dan Absolut Antara Peradilan Islam Di Indonesia Denagn Peradilan Umum." *Jurnal Fikrah* 4, no. 2 (2015): 188–202.
- Maylisandi, Livia, Arif Fadilah, and Riyan Syaputra. "Pengaturan Hukuman Cambuk Dalam Hukum Pidana Islam." *Jurnal Sahabat ISNU-SU I*, no. III (2024): 198–205.
- Muabezi, Zahermann Armandz. "Negara Berdasarkan Hukum (Rechtsstaats) Bukan Kekuasaan (Machtsstaat)." *Jurnal Hukum Dan Peradilan* 6, no. 3 (2017): 421–46.
- Nurdin, Ridwan. "Kedudukan Qanun Jinayat Aceh Dalam Sistem Hukum Pidana Nasional Indonesia." *MIQOT XLII*, no. 2 (2018): 356–78.
- Nurussa, Khalisatun. "Penerapan Syariat Islam Di Nanggroe Aceh Darussalam (NAD) Dalam Sistem Hukum Nasional Indonesia." *Lex Mercatoria* 01, no. 01 (2024): 61–72.
- Pane, Erina. "Eksistensi Mahkamah Syar'iyah Sebagai Perwujudan Kekuasaan Kehakiman." *AL'ADALAH XIII*, no. 1 (2016).

- Putera, Muhammad Rayhan, and M Junaidi. "Kedudukan Mahkamah Syariah Aceh Untuk Menggantikan Peran Peradilan Agama Dalam Menjalankan Kekuasaan Kehakiman." *Mahkamah: Jurnal Riset Ilmu Hukum* 3, no. November 2025 (2026).
- Putri, Tiara, Ayu Setyaningrum, and M Junaidi. "Efektivitas Mahkamah Syariah Dalam Penegakan Qanun Jinayat Di Aceh." *Mahkamah: Jurnal Riset Ilmu Hukum* 3, no. 1 (2026).
- Ramadhani, Lutfiah. "Pluralism and Legal Accommodation in Indonesia: The Role of Qanun in Aceh." *Indonesian Journal of Constitutional Law* 10, no. 1 (2023).
- Samosir, Mangaratua, Asmen Ridhol, Annisa Berliani, and Geofani Yusuf DM, MohdMilthree Saragih. "Faktor-Faktor Yang Mempengaruhi Efektivitas Penegakan Hukum Dalam Pergaulan Masyarakat." *Jurnal Pendidikan Dan Konseling* 5, no. 2 (2023): 1933–37.
- Schmidt, Simon Halliday & Patrick. *Conducting Law and Society Research: Reflections on Methods and Practices*. Cambridge: Cambridge University Press, 2013.
- Suhibat, Ihat. "Sistem Peradilan Di Indonesia Berdasarkan UUD Negara Republik Indonesia Tahun 1945." *Yustitia*, 2007, 27–62.
- Sumardi. *Pengantar Ilmu Pemerintahan (Konsep, Teori, Dan Aplikasinya*. Sukoharjo: Tahta Media Group, 2025.
- Susilo, Erwin, and Dharma Setiawan Negara. "Ratio Decidendi Dan Obiter Dictum : Evolusi Konseptual Pertimbangan Hakim Dalam Putusan Pidana Indonesia." *Jurnal Negara Hukum* 16, no. 2 (2025): 165–81.
- Tumurang, Marjes. *Metodologi Penelitian*. Cilacap: PT. Media Pustaka Indo, 2024.
- Walidain, Maura Pemelie, and Laras Astuti. "Implementasi Qanun Jinayat Dalam Penegakan Hukum Pidana Di Aceh." *Indonesian Journal of Criminal Law and Criminology (IJCLC)* 2, no. 3 (2021): 184–93. <https://doi.org/10.18196/ijclc.v2i3.13790>.
- Wasiska, Youngky Fernando dan Asti. "Tindak Pidana Dan Unsur-Unsurnya Versus Deelneming Delicten/Tindak Pidana Penyertaan Versus Pertanggungjawaban Tindak Pidana." *Jurnal Ilmiah Manazir* 1, no. 1 (2023): 7.
- Yusrizal, Sulaiman, Mukhlis. "Kewenangan Mahkamah Syar'iyah Di Aceh Sebagai Pengadilan Khusus." *Kanun Jurnal Ilmu Hukum* XIII, no. 53 (2011): 65–76.

Yusuf, Zaharullah. "Pemahaman Hakim Mahkamah Syar'iah Kuala Simpang Dalam Menyelesaikan Sengketa Ekonomi Syariah." *SYARIAH: Journal of Islamic Law* 6, no. 4 (2024): 1–22.

Zuhriah, Erfaniah. "On Roof System Lembaga Peradilan Agama Di Bawah Kekuasaan Mahkamah Agung." *Media Neliti* 1, no. 2 (2010): 80–90.

Zuhriyah, Andin Dwi Safitri & Khalimatuz. "Pengertian Tindak Pidana Dan Unsur-Unsur Tindak Pidana." *Jurnal Judiciary* 14, no. 1 (2025).

Books:

Arief, Barda Nawawi. *Masalah Penegakan Hukum Dan Kebijakan Hukum Pidana Dalam Penanggulangan Kejahatan*. Jakarta: Kencana, 2010.

Asshiddiqie, Jimly. *Konstitusi Dan Konstitusionalisme Indonesia*. Jakarta: Sinar Grafika, 2011.

———. *Konstitusi Dan Konstitusionalisme Indonesia*. Jakarta: Rajawali Pers, 2014.

———. *Perkembangan Dan Filsafat Hukum Tata Negara Indonesia*. Jakarta: Konstitusi Press, 2010.

Az-Zuhaili, Wahbah. *Al-Fiqh Al-Islāmī Wa Adillatuh*, Jilid VI. Damaskus: Dar al-Fikr, 1989.

C.Sisk, Gregory. *Legal Scholarship and the Practice of Law*. Cambridge: Cambridge University Press, 2020.

Friedman, Lawrence W. *The Legal System: A Social Science Perspective*. New York: Russell Sage Foundation, 1975.

Gunardi. *Buku Ajar Metode Penelitian Hukum*. Jakarta Selatan: Damera Press, 2022.

Hamzah, Andi. *Hukum Acara Pidana Indonesia*. Jakarta: Sinar Grafika, 2014.

———. *Penegakan Hukum Dan Kejahatan*. Jakarta: Sinar Grafika, 2017.

Harahap, Yahya. *Pembahasan Permasalahan Dan Penerapan KUHAP*. Jakarta: Sinar Grafika, 2019.

Indrati, Maria Farida. *Ilmu Perundang-Undangan: Jenis, Fungsi, Dan Materi Muatan*. Jakarta: Kanisius, 2022.

- Marzuki, Peter Mahmud. *Penelitian Hukum*. Jakarta: Kencana, 2017.
- Muladi. *Kapita Selekta Sistem Peradilan Pidana*. Semarang: Badan Penerbit UNDIP, 2015.
- O.S, Eddy. *Asas Legalitas Dan Penafsiran Dalam Hukum Pidana*. Yogyakarta: Cahaya Atma Pustaka, 2020.
- Peter Mahmud Marzuki. *Penelitian Hukum*. Jakarta: Prenada Media Group, 2007.
- Radbruch, Gustav. *Rechtsphilosophie*. Stuttgart: Koenhler Verlag, 1973.
- Rahardjo, Satjipto. *Penegakan Hukum: Suatu Tinjauan Sosiologis*. Yogyakarta: Genta Publishing, 2019.
- Raharjo, Satjipto. *Ilmu Hukum*. Bandung: Citra Aditya Bakti, 2000.
- Reksodiputro, Mardjono. *Kriminologi Dan Sistem Peradilan Pidana*. Jakarta: UI Press, 2010.
- Soekanto, Soerjono. *Faktor-Faktor Yang Mempengaruhi Penegakan Hukum*. Jakarta: Raja Grafindo Persada, 2013.
- . *Pokok-Pokok Sosiologi Hukum*. Jakarta: Raja Grafindo Persada, 2010.
- . *Teori Peranan*. Jakarta: Bumi Aksara, 2006.
- Soekanto Soerjono, Sri Mamuji. *Penelitian Hukum Normatif*. Jakarta: Rajawali Pers, 2018.
- . *Penelitian Hukum Normatif Suatu Tujuan Singkat*. Jakarta: Raja Grafindo, 2017.
- Stahl, Friedrich Julius. *Rechtsstaat Und Demokratie*. Berlin: Duncker & Humblot, 1887.

Regulation:

Aceh Qanun Number 6 of 2014 concerning Jinayat Law;

Criminal Procedure Code;

Decision of the Chief Justice of the Supreme Court of the Republic of Indonesia
Number: KMA/070/SK/X/2004 dated October 6, 2004 concerning the

Delegation of Part of the Authority from the General Courts to the Sharia Court in the Province of Nanggroe Aceh Darussalam;

Law Number 11 of 2006 concerning the Government of Aceh;

Law Number 11 of 2006 concerning the Government of Aceh;

Law Number 18 of 2001 concerning Special Autonomy for the Special Region of Aceh Province as the Province of Nanggroe Aceh Darussalam;

Law Number 4 of 2004 concerning Judicial Power;

Law Number 44 of 1999 concerning the Implementation of the Special Status of the Special Region of Aceh Province;

Law Number 48 of 2009 concerning Judicial Power;

Presidential Decree Number 11 of 2003 concerning the Sharia Court and the Sharia Court of Nanggroe Aceh Darussalam Province;

Qanun of Nanggroe Aceh Darussalam Province Number 10 of 2002 concerning Islamic Sharia Courts;

Qanun of Nanggroe Aceh Darussalam Province Number 11 of 2002 concerning the Implementation of Islamic Sharia in the Field of Islamic Creed, Worship and Propagation;

Regional Regulation of the Special Region of Aceh Province Number 5 of 2000 concerning the Implementation of Islamic Sharia;

The 1945 Constitution of the Republic of Indonesia;

The related Sharia Court decision.