Problems With the Implementation of *Qanun* Aceh Number 6 of 2014 Concerning *Jinayat* Law

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**Abstract:** Aceh as part of the Unitary State of the Republic of Indonesia has special privileges and autonomy, one of which is the authority to implement Islamic sharia, and *Qanun* Aceh Number 6 of 2014 concerning *jinayat* Law is part of Islamic law which is implemented in Aceh through the struggle of the Acehnese people in the application of Islamic sharia. However, after it was ratified, the implementation of the *qanun* Aceh gave rise to various problems in various circles. Therefore, through qualitative research with literature studies and data analysis through a deductive frame of mind, this article attempts to analyze the problems that arise after the implementation of the *qanun* Aceh. The results of this study indicate that the implementation of the *qanun* Aceh raises various problems. The emergence of pros and cons among the community, academia and the government, is assumed to be a barrier to human togetherness and understanding. The content of the *qanun* which is considered not comprehensive and discriminatory in nature is contrary to the Constitution and a number of laws.

**Keywords:** Problematics, *Qanun* Aceh, Islamic Sharia, *Jinayat* Law.
A. Introduction

Aceh is known as the Veranda of Mecca\(^1\) where Islam has shaped the identity of the Acehnese people since the early days of its spread outside the Arabian Peninsula.\(^2\) Legal values and customary norms that apply to the people of Aceh have been integrated with Islam\(^3\) so that the people of Aceh have a life style that is quite thick with Islam.\(^4\) This can be seen from the historical records of Islamic kingdoms which became the center of political power and the spread of Islam. Aceh is one of the regions that has a long history in the development of Islam in the archipelago and the establishment of Islamic kingdoms such as the Peureulak kingdom (840-1291), Samudrai Pasai (1042-1427), Aceh Darussalam (1514-1903) and other Islamic kingdoms.\(^5\)

The realization of Islamic law in Aceh is not new, because Islamic law in Aceh has been implemented late since the days of the Iskandar Muda sultanate.\(^6\) At this time, the glorious era of the Aceh kingdom in implementing Islamic law. However, the glory and brilliance of Aceh began to retreat and collapse since the Dutch began to attack Aceh\(^7\) in 1873 and this war lasted for 60 years (1873-1942).


Problems With the Implementation of Qanun Aceh Number 6 of 2014 Concerning Jinayat Law

and the war ended with gaining independence in August 1945. The war has demolished and destroyed religious educational institutions in Aceh such as pondok and destroyed the economic foundation of the Acehnese people.\(^8\)

After the war ended, the program to rebuild the implementation of Islamic Sharia in Aceh had been fought for since the beginning of independence. At that time the Aceh kingdom, which was assisted by the support of the ulama, succeeded in maintaining independence at the request of President Soekarno who ruled in 1945-1966 and at that time also President Soekarno promised to give the Aceh government special rights in rebuilding and implementing Islamic Sharia in Aceh. However, President Soekarno ignored the promised privileges so that the Acehnese were disappointed and angry.\(^9\)

Every time there is a change of President of Indonesia, the government and the people of Aceh always ask the President of Indonesia to keep his promise to give Aceh broad autonomy rights so that it can implement Islamic law as before. Until the time of President Habibie or the reformation period, the people of Aceh began to regain the right to implement Islamic Sharia\(^10\) as before with the issuance of Law No. 44 of 1999 on the privileges of Aceh. Then it was legalized by Law Number 18 of 2001 during Megawati's presidency regarding special autonomy which emphasized the article on the implementation of Islamic Sharia in Aceh.\(^11\)

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8 Daerah Istimewa Aceh, Profil Provinsi Republik Indonesia Daerah Istimewa Aceh (Jakarta: Yayasan Bakti Wawasan Nusantara, Majallah Talstra Strategic dan PT. Intermasa, 1992), h. 187.

9 M. Nur El Ibrahimy, Teungku Muhammad Daud Beureueh Peranannya dalam Pergolakan di Aceh, Chapter 2 (Jakarta: PT. Gunung Agung, 1986), h. 68.


11 Iskandar Iskandar, “Pelaksanaan Syariat Islam Di Aceh,” Jurnal Serambi Akademica 6, No. 1 (May 1, 2018): h. 78-86, https://doi.org/10.32672/jsa.v7i2; See also Ni’matul Huda, Pelaksanaan Otonomi Khusus di Aceh (Bandung: Nusamedia, 2021), h. 87; See also Husni Jalil et al., Hukum Pemerintahan Daerah dalam Perspektif Otonomi Khusus (Makassar: CV. Social Politic Genius (SI Gn), 2017).
Aceh is a unique region in Indonesia because Aceh has been given flexibility in the field of muamalat and jinayat.\textsuperscript{12} The desire of the Acehnese people in implementing Islamic Shari’a does not conflict with the ideology of the Indonesian state, because the first ideology of Pancasila is Belief in One God. This is what gives the Acehnese people the opportunity to apply Islamic sharia law because it does not conflict with the Pancasila ideology of the Indonesian state\textsuperscript{13} and surely very different compared to other regions in Indonesia which are not given a privilege as Aceh has.\textsuperscript{14} However, currently the application of Islamic Sharia in Aceh after the legitimacy of the government has caused a lot of polemics among the Acehnese themselves, where the implementation of Islamic Sharia in its entirety is one of the factors that causes the Acehnese to become pro and contra.\textsuperscript{15}

On this basis, it is important that this study is carried out to see the problems of implementing qanun Aceh by using qualitative methods with literature studies. Literature research provides several objectives, including: connecting research with various literatures that are in accordance with the research theme, informing the public about the results of research conducted with similarity to other research themes, and perfecting the gaps in previous research deficiencies.\textsuperscript{16} The literature review is intended to analyze, summarize, and interpret theories and concepts related to ongoing research.\textsuperscript{17} Data analysis in

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\textsuperscript{13} Sulaiman, \textit{Studi syariat Islam di Aceh} (Banda Aceh: Madani Publisher, 2018), h. 19-20.

\textsuperscript{14} Mahkamah Syar’i’yah Aceh, \textit{Himpunan peraturan perundang-undangan tentang Mahkamah Syar’i’yah di Provinsi Nanggroe Aceh Darussalam} (Aceh: Mahkamah Syar’i’yah Aceh, 2007), h. 164.

\textsuperscript{15} Syamsul Bahri, “Konsep Implementasi Syariat Islam di Aceh,” \textit{Kanun Jurnal Ilmu Hukum} 15, No. 2 (August 1, 2013): h. 313.


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this study uses deductive logic. It is hoped that this article will illustrate the problems that arise after the implementation of qanun Aceh on jinayat law.

B. Implementation of Qanun Aceh on Jinayat Law

Qanun in Arabic is written قانون which means making laws. Qanun can also be interpreted as law, regulation (rule), and act (statute, code). Qanun in terminology is a legal provision based on fiqh obtained through the ijtihad of scholars or fuqaha which function as a rule or law of a certain area. Qanun is a legal form that has become formal legal.

The implementation of the qanun jinayat in Aceh has several legal foundations, including: First, Law Number 44 of 1999 concerning the Implementation of the Privileges of the Province of the Special Region of Aceh. Article 3 of that law states the implementation of Islamic Sharia is a privilege for Aceh. This privilege is part of the recognition of the Indonesian people to Aceh because of their struggle to win the independence of the Republic of Indonesia. Second, in 2001 the Indonesian government passed Law No. 18 concerning the Special Autonomy Status for the Province of Aceh. This law stipulates that the Aceh Regional Regulation (qanun Aceh) as well as the Sharia Court are part of the justice system in Indonesia. After that, Law Number 18 of 2006 was also formed which emphasized that Aceh already has a law that regulates Islamic Shari'a and the law is referred to as qanun Aceh.

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20 Sulaiman, *Studi syariat Islam di Aceh*, h. 78.
One of the Aceh qanuns that have been made and implemented by the Aceh government is Aceh Qanun Number 6 of 2014 concerning Jinayat Law. This Qanun contains the actions of jarimah\(^{24}\) and ‘uqubat (hudud atau ta’zir)\(^{25}\) for criminals. The acts of jarimah contained in Aceh Qanun Number 6 of 2014 concerning Jinayat Law are: Khamar, Maisir, Khalwat, Ikhtilath, Zina, Sexual Harassment, Liwath, musahaqah, Rape, and qodzaf. While the 'uqubat contained in the qanun Aceh in the form of hudud and ta'zir.\(^{26}\)

Enforcement and implementation of qanun jinayat is an effort to apply the rules of jinayat law to parties who violate the qanun that has been ratified by the government (executive and legislative).\(^{27}\) In addition, qanun jinayat is also the legal umbrella for the Acehnese people so that qanun jinayat does not only belong to the government but also belongs to the community, and therefore in its implementation it is a shared responsibility. Actually the Aceh government has carried out several very diverse levels or stages in

\(^{24}\) Jarimah linguistically comes from the word "jarama" (خَرَّمَ) it means trying and working, it's just that the meaning of business here is specifically for businesses that are hated by humans. In terms of syara' is any action that is prohibited, and the prohibited act is any act that is prohibited by syara', because of the danger to religion, life, reason, honor, or property. Jarimah can also be interpreted as actions that are prohibited by syara' which are threatened by Allah with hadd or ta'zir punishments. See more details in Sayyid Sabiq, Fiqh As-Sunnah, Juz II, Cet. Ke-6 (Beirut: Darul Al-Fikr, 2002), h. 110; Compare with Muhammad Abu Zahra, Al-Jarimah Wa Al’Uqbah Fi Al Fiqh Al-Islami (Kairo: Maktabah al Angelo al Mishriyah, tt.), h. 22; Compare with Abu Hasan Al-Mawardi, Al-Ahkam al-Sultaniyah, Cet. Ke-3 (Mesir: Musthafa Al-Baby Al-Halaby, 2005), h. 219.

\(^{25}\) Uqubat is a punishment that can be imposed by a judge against the perpetrators of jarimah. The types consist of hudud and ta’zir. Hudud is a type of 'uqubat which shape and size have been determined in the qanun expressly, then ta’zir is a type of 'uqubat that has been determined in the qanun which shape is optional and the amount is within the highest and/or lowest limits. See more in Article 1 General Provisions paragraphs 17, 18, and 19 of Aceh Qanun Number 6 of 2014 concerning Jinayat Law. See more in Article 1 General Provisions paragraphs 17, 18, and 19 of Aceh Qanun Number 6 of 2014 concerning Jinayat Law. Mahkamah Syar’i’iyah Aceh, “Qanun Aceh Nomor 6 Tahun 2014 Tentang Hukum Jinayat,” (Aceh: 2014).


implementing the qanun jinayat law. The various levels or stages are the lowest level, the level of socialization and raids, then the firm level.\(^{28}\)

The lowest level is carried out with various efforts, such as socializing the qanun jinayat to the public in various forms, including through radio broadcasts, banners, billboards on the side of the road, recitations, ceremonies, Musabaqah Tilawatil Qur'an (MTQ) competitions, Friday sermons and others with the aim that the public can know and understand the implementation of Islamic law as well as the enforcement of qanun jinayat. Meanwhile, at the level of socialization and raids, the Aceh Shari'a police conduct inspections and supervision of the implementation of Islamic Shari'a in an applicative manner among the community. The forms of raids at this level are such as raids on headscarves, confiscation of liquor, arrests for those who do not dress in an Islamic manner. Meanwhile, at a firm level, the implementation of the qanun jinayat is in the form of the implementation of caning for violators of the qanun jinayat, such as caning punishments for khalwat, maisir, drunkards, lashing for violators of the qanun Aqidah, Worship and Islamic Syi'ar, such as selling food in the month of Ramadan at noon and so on.

C. Problems With the Implementation of Qanun Aceh Number 6 of 2014 Concerning Jinayat Law

Islamic law in Aceh is not new, but Islamic law has long existed and has been present in the lives of the Acehnese people, since the 17th century Nanggroe Aceh has made Islamic law as the basis for laws applied in social life.\(^{29}\) The law was drawn up by the ulama on


the orders and cooperation of the umara, the ruler or sultan.\textsuperscript{30} The historical process of the qanun Aceh was from the beginning of the entry of Islam in Samudra Pasai (1297-1307 AD) until the birth of the laws of the Republic of Indonesia which had an impact on the realization of the qanun on jinayat in Aceh in contemporary times.\textsuperscript{31}

According to the provisions of Law Number 44 of 1999 concerning the Administration of the Aceh Regional Province, it is explained that the province of Nanggroe Aceh has the authority to carry out Islamic sharia in full.\textsuperscript{32} This special authority is an inseparable part of the special autonomy granted by the central government, which is then implemented through the design and establishment of provincial regulations or better known as qanun or sharia qanun.\textsuperscript{33}

The formalization of Islamic sharia today is more illustrative of the wishes from above (sharia from above) rather than demands from below (sharia from below) as was the case in the past Darul Islam (DI). The difference between the two is quite clear, where the demands of Shari’ah from below show more awareness of a necessity and obligation that is believed to be able to maintain and uphold a distinctive Muslim identity in the midst of the current era of information globalization. While the formalization of sharia from above (the rulers) often makes sharia only a symbol of legitimacy for political interests that are not in line with religious interests.\textsuperscript{34}
Problems With the Implementation of Qanun Aceh
Number 6 of 2014 Concerning Jinayat Law

Shari’ah Islam in Aceh is the fruit of a "political compromise" and not something that has been established moreover by Design. In addition, the implementation and legislation of Shari’ah law that is developed must be within the scope of the "national legal and judicial system". Although the historical background (demands of Darul Islam in the 1950s) and the socio-cultural conditions of the Acehnese society which are typical of Islam cannot be ruled out, the choice of formalization and authority of the current shari’a legislation can factually be read in terms of efforts to “resolve the disharmony of relations between Center-Region in the last 3 decades”.

Referring to the provisions of Law Number 44 of 1999, the implementation of privileges in the Province of the Special Region of Aceh includes the implementation of religious life, customary life, education, and the role of ulama in determining regional policies. The implementation of religious life in the region is manifested in the form of implementing Islamic law for Moslems in society. The goal of the Aceh government according to the mandate of the law is to actualize and apply Islamic law in Aceh in a kaffah manner. To achieve this, the Aceh government has established a number of qanun in the field of Islamic Shari’ah, not least in the field of jinayat (criminal law).

After the ratification of the qanun jinayat, various assumptions emerged that the qanun jinayat would be openly accepted by all the people of Aceh, because the Qanun has been the aspiration of the Acehnese people from a long time ago. However, the fact has given rise to various responses among the people of Aceh and people...
outside Aceh. There are those who support the ratification and implementation of the *qanun jinayat* and others who reject it. So that it then raises various problems, both from the Acehnese community and people outside Aceh, both from the Aceh government and governments outside Aceh.

The implementation of the *qanun jinayat* in Aceh cannot avoid criticism and skepticism from the people who view Aceh's *qanun jinayat* as a barrier to human togetherness and reconciliation.\(^{38}\) Islam is not the only religion embraced by the people in Aceh. This is as recorded in the data from the Central Statistics Agency in 2021 that out of 5 million people, there are still 54 thousand (1.07%) people who adhere to a religion other than Islam.\(^{39}\) This is also the concern of the non-Muslim community regarding the implementation of the *qanun*, as Frietz R. Tambunan expressed concern about the fate of the non-Muslim community in Aceh, especially in dealing with the *qanun* implemented by the Aceh kingdom.\(^{40}\)

Various problems emerged along with the implementation of *Qanun* Number 6 of 2014 in Aceh. There are those who support and others who reject the implementation of the *qanun*. The government itself supports the implementation of *qanun* in Aceh by establishing an Islamic Syariat Service equipped with an Islamic law police and a Syariat Court that specifically handles the application of Islamic law in Aceh.\(^{41}\) Likewise, other institutions support the implementation of

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\(^{38}\) Islah is repairing, reconciling, and eliminating disputes or damages. Trying to make peace; bring harmony; encourage people to make peace with one another; do good deeds; behaving as a holy person (good), the scope of the discussion of islaha covers aspects of human life, both personal and social. See in Abdul Azis Dahlan, *Ensiklopedi Hukum Islam*, Vol. 4 (Jakarta: Ichtiar Baru, 2003), h. 740; Islah in the *Encyclopedia of Religion* is peace and the resolution of disputes. According to the term, islaha is reconciling a dispute, if there is a difference in one group, there needs to be a third party to mediate and reconcile it. See in Nasiruddin Zuhdi, *Ensiklopedi Religi: Kata-kata Serapan Asing Arab-Indonesia* (Jakarta: Republika, 2015), h. 305.


**Problems With the Implementation of Qanun Aceh**

**Number 6 of 2014 Concerning Jinayat Law**

*qanun* in Aceh such as the Ulama Consultative Council (MPU), the Aceh Dayah Ulama Association (HUDA), the Aceh Nanggroe Ulama Council (MUNA) and various other institutions.\(^{42}\)

Besides the community and groups that support it, there are also other communities and groups who reject the implementation of the *qanun jinayat*. For example, people from academics at universities in Aceh and Non-Governmental Organizations (NGOs) who are engaged in human rights and women's issues. This group is more about criticizing the contents of the *qanun* which is considered not comprehensive and discriminatory. According to this group, in terms of the content of the *qanun*, it has bypassed the country's national laws. They feel that the *qanun* causes the dualism of state law. This means that Aceh must implement two laws: the *qanun* law and the national law of the Indonesian state. According to this group, Aceh should implement the Indonesian national law because it is within the territory of the Indonesian state.\(^{43}\)

A number of other Non-Governmental Organizations (NGOs) who are members of the Civil Society Network for Advocacy of the *qanun jinayat* urge the Government of Indonesia, the Government of Aceh and the Aceh People's Representative Council (DPR) to review the *qanun jinayat* or Regional Regulation of Islamic Sharia in Aceh, due to some of its contents and implementation that is considered contrary to the Constitution and detrimental to women. "The regulations contained in the *qanun jinayat* contradict the Constitution and a number of laws, both in substance and in the process of their formation". That statement was made by a number of NGOs which were distributed to journalists.\(^{44}\)

Director of the Indonesian Legal Aid Foundation (YLBHI), Asfinawati said the existence of the *qanun jinayat* (i.e. article 5 letter C) resulted in duplication of criminal acts already regulated in the Criminal Code, resulting in overlapping laws and regulations.

\(^{42}\) Arskal Salim, *Challenging the Secular State: The Islamization of Law in Modern Indonesia* (Honolulu: University of Hawaii Press, 2008), h. 143-147.

\(^{43}\) Sari, “Pro dan Kontra Implementasi Qanun Syariat Islam di Aceh,” h. 79.

including differences in criminal sanctions. This dualism and duplication are considered contrary to the principles of order and legal certainty as regulated in Law Number 12 of 2011 concerning the Establishment of Legislation.45

Regarding the position of women, the *qanun jinayat* has also been criticized by various parties, for example, the Coordinator of the National Women's Solidarity Program, Nisaa Yura, said that the *qanun jinayat* is unable to protect women in Aceh from violence, and instead strengthens the potential for criminalization and discrimination. This can be seen from the articles regulated in the qanun, for example, article 52 paragraph 1 of *Qonun Aceh* Number 6 of 2014 which regulates rape victims to provide evidence.46

The implementation of the *qanun* in Aceh has drawn criticism, particularly the *qanun jinayat*, with the application of caning punishments for violators of the local regulations governing Islamic crimes. The application of caning through *qanun jinayat* has been implemented in recent years. However, residents consider the implementation of the *qanun* only to target the lower classes, while officials are 'beyond the law'. One of the residents, Siska Amelia called the implementation of the qanun "discriminatory". Siska explained that “If the little people make a mistake, it is immediately taken to a further and more severe legal route. Meanwhile, people who are "big", people who are high in rank, even make a few mistakes are not taken to a higher legal path”.47

In addition, the Aceh Child Supervision and Protection Commission (KPPA) also rejected the implementation of the *qanun jinayat* in Aceh after the acquittal of the Aceh Syar'iyah Court against DP (35) perpetrators of raping children in Lhoknga District, Aceh Besar Regency. According to Firdaus Nyak Idin, the Aceh KPPA, he explained that the freedom of the DP further proves that the *qanun jinayat* does not take sides with children who are victims of sexual violence. KPPA Aceh rejected the qanun jinayat and said that “For

45 Abubakar, h. 74-75.
46 Abubakar, h. 75.
Problems With the Implementation of Qanun Aceh
Number 6 of 2014 Concerning Jinayat Law

us, the qanun jinayat is outdated and fails to provide justice for child victims of sexual violence”.48

Various problems emerged along with the implementation of qanun in Aceh. This is due to various cases that are often detrimental to one party and are discriminatory. Even Amnesty of International and the Institute for Criminal Justice (ICJR) are very concerned and take seriously the applicable qanun jinayat in Aceh. Amnesty organization calls on the Indonesian government to comply with international human rights obligations by ending caning as a form of punishment, as well as repealing the provisions of the Aceh qanun jinayat which violate international law, particularly related to sexual relations outside of marriage.49 According to Amnesty International, consensual sexual relations should not be treated as a crime or a crime against “morality”. The United Nations Human Rights Committee and other human rights expert bodies have raised concerns about laws criminalizing “adultery” or consensual sexual relations outside of marriage, for violating the right to privacy. Our organization calls on Indonesian authorities to repeal provisions criminalizing consensual sex and intimacy outside marriage.50

Some things that are common problems include that in Article 7 of Aceh Qanun Number 8 of 2014 concerning the Principles of Islamic Shari’a; it explains that Islamic Shari'a only applies to the people of Aceh who are Muslim,51 so that Acehnese people of other religions are not entangled in the implementation of Islamic law in Aceh.52 Thus the qanun as part of the Islamic law that applies in Aceh

50 Amnesty International, h. 2.
51 See Article 7 of Aceh Qanun Number 8 of 2014 Concerning Principles of Islamic Shari’a
52 To find out the religious status of a person who commits an act prohibited by the Qanun Aceh, the Aceh police conduct a checking of the identity card in the form of an Identity Card or it can also be through confession. Firmness in knowing the religion of the perpetrators of criminal acts in Aceh Province is very important in determining their legal compliance.
is only applied to Muslims only. However, in practice, the qanun jinayat does not only apply to the people of Aceh who are Muslim. This also applies to the Acehnese who are non-Muslims who commit jahimah. This is as explained in Aceh Qanun Number 6 of 2014 Chapter I Article 1 Paragraph 16 that the act of jahimah is an act that is prohibited by Islamic law and in the jinayat qanun will be subject to the punishment of 'uqubat hudud or ta'zir.

Qanun jinayat also applies to non-Muslim perpetrators if that person commits a crime in Aceh together with Muslims on the condition that the perpetrator (non-Muslim) chooses and submits himself voluntarily to the qanun jinayat. An example is the case of L Liu alias YM. This Buddhist resident of Sigli town is accused of storing and selling khamar. Liu was finally tried at the Sigli Syar'iyyah Court, because Liu had stated that he had voluntarily submitted himself to the jinayat qanun, this is as stated in the Sigli Syar'iyyah Court's decision No. 02/JN/2008/MSy-SGI. Another example is related to jahimah conducted by a woman with the initials DN, birth and address in Purworejo, Central Java. DN is 39 years old (born 29 November 1979); Protestant Christian. In the results of the examination at the trial, it was proven that Defendant DN had committed a criminal act that intentionally insulted and harassed Aqidah as stated in Article 18 paragraph (2) Jo. Article 7 Paragraph (6) Qanun Aceh Number 8 of 2015 concerning Guidance and Protection Aqidah. This is as stated in Decision Number 6 /JN/2018/MS.Sgi.

Non-Muslims in Aceh are actually in a position of not being able to choose their submission to the qanun jinayat. This is different from the opinion that has developed so far that non-Muslims in Aceh are given the choice to submit or not when they violate the qanun jinayat. The non-freedom of non-Muslims in choosing punishment is

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53 Kamarusdiana, “Qânûn Jinâyat Aceh dalam Perspektif Negara Hukum Indonesia,” h. 158.
54 Sulaiman, Studi syariat Islam di Aceh, h. 167.
55 Sulaiman, h. 168.
Problems With the Implementation of Qanun Aceh
Number 6 of 2014 Concerning Jinayat Law

motivated by the provisions of Article 5 letter c of Aceh Qanun Number 6 of 2014 which positions non-Muslims not being able to choose their submission. The article reads, "Every person of a non-Muslim religion who commits jarimah acts in Aceh which are not regulated in the Criminal Code (KUHP) or criminal provisions outside the Criminal Code, but are regulated in this qanun". This means that the freedom to choose punishment for non-Muslims only applies if there is a similar crime regulated in the Criminal Code with the qanun jinayat. Meanwhile, if there are actions that are not regulated in the Criminal Code or criminal provisions outside the Criminal Code, then non-Muslims must accept being punished with qanun jinayat.

In relation to the position of non-Muslims and the qanun jinayat, sharp and constructive criticisms were put forward in several news media, for example in an article entitled "Islamic Sharia for Non-Muslims" it was stated that differentiating the application of qanun jinayat for non-Muslims would only create new problems. There will be legal uncertainty for non-Muslims who violate their rights, especially for criminal offenses that are not specifically regulated in the Criminal Code, such as khalwat, gambling, liquor, and others. This legal discrimination is indirectly considered to provide freedom for non-Muslims to escape from the bondage of the law.57

In other words, for non-Muslim jarimah perpetrators, qanun jinayat regulates two things. First, non-Muslims who commit criminal acts (jarimah) together with Acehnese Muslims can be sanctioned according to the qanun jinayat. Second, every non-Muslim who commits jarimah in Aceh which is not regulated in the Criminal Code or other criminal provisions outside the Criminal Code, but is regulated in Qanun Jinayat, can be given sanctions according to qanun jinayat.

D. Conclusion

Qanun Aceh Number 6 of 2014 concerning jinayat law is one of the government’s regulatory actions to ensure the goal of legal

57 Abubakar, Kedudukan Non-Muslim Dalam Qanun Jinayat, h. 75.
certainty for the community. This qanun is a revitalization of all the qanuns that regulate jinayat separately that have been applicable in Aceh before. However, in its application, it raises various problems, including the emergence of pros and cons among the community, academics and the government, which is assumed to be a barrier to human togetherness and understanding. The content of the qanun which is considered incomprehensible and discriminatory in nature, contradicts the Constitution and a number of laws, overlaps legislation, is unable to protect women from violence and actually strengthens the potential for criminalization and discrimination, and is outdated and fails to fulfill justice.

E. Bibliography


Problems With the Implementation of Qanun Aceh
Number 6 of 2014 Concerning Jinayat Law


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DOI: http://dx.doi.org/10.24042/ajsk.v22i1. 6556
Problems With the Implementation of Qanun Aceh
Number 6 of 2014 Concerning Jinayat Law


Problems With the Implementation of Qanun Aceh
Number 6 of 2014 Concerning Jinayat Law


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