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THE DAYAH INSANIAH MODEL: INSTITUTIONAL REFORM OF ISLAMIC CORRECTIONS IN ACEH

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Abstract

This study examines the institutional reform of the Islamic correctional system in Aceh through the development of the Dayah Insaniah model. The research is motivated by the institutional gap between the objectives of Islamic criminal law under the Qanun Jināyat and the correctional practices currently implemented through the national penitentiary system. Using normative legal research integrated with sociological analysis, the study analyzes primary legal materials, including Law No. 11 of 2006 on the Governance of Aceh, Qanun No. 7 of 2013 concerning Jināyat Procedural Law, Qanun No. 6 of 2014 concerning Jināyat Law, and Aceh Governor Regulation No. 5 of 2018, supported by secondary literature on Islamic criminal justice, correctional reform, and faith-based rehabilitation. The study identifies three principal findings. First, a structural inconsistency exists between the rehabilitative objectives of Islamic criminal law and the placement of Jināyat offenders in general correctional institutions. Second, the mandated UPTD Pembinaan under Aceh's legal framework has not yet been established, creating an institutional vacuum in the post-sentencing rehabilitation process. Third, prison overcrowding and criminal mixing potentially undermine the correctional objectives of iṣlāḥ (reformation) and ta'dīb (moral development) envisioned by Islamic criminal law. Based on these findings, this study formulates the Dayah Insaniah model as an institutional framework integrating correctional functions, Islamic education, spiritual rehabilitation, and community participation. The model is analytically constructed through legal system theory, development law theory, and the principles of Maqāṣid al-Sharī'ah. The study contributes to the development of Islamic criminal justice by proposing a regionally grounded correctional model capable of aligning Islamic criminal law with rehabilitative institutional practice in Aceh.

Keywords: *Islamic correctional system; Dayah Insaniah; Correctional reform; Islamic criminal justice; Aceh*

Abstrak

Penelitian ini mengkaji reformasi kelembagaan sistem pemasyarakatan Islam di Aceh melalui pengembangan model Dayah Insaniah. Penelitian ini dilatarbelakangi oleh adanya kesenjangan kelembagaan antara tujuan hukum pidana Islam sebagaimana diatur dalam Qanun Jināyat dan praktik pemasyarakatan yang saat ini masih dilaksanakan melalui sistem pemasyarakatan nasional. Dengan menggunakan penelitian hukum normatif yang diintegrasikan dengan analisis sosiologis, penelitian ini menganalisis bahan hukum primer yang meliputi Undang-Undang Nomor 11 Tahun

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2006 tentang Pemerintahan Aceh, Qanun Nomor 7 Tahun 2013 tentang Hukum Acara Jināyat, Qanun Nomor 6 Tahun 2014 tentang Hukum Jināyat, serta Peraturan Gubernur Aceh Nomor 5 Tahun 2018, yang didukung oleh literatur sekunder mengenai peradilan pidana Islam, reformasi pemasyarakatan, dan rehabilitasi berbasis agama. Penelitian ini menemukan tiga temuan utama. Pertama, terdapat ketidaksesuaian struktural antara tujuan rehabilitatif hukum pidana Islam dengan penempatan pelaku tindak pidana jināyat di lembaga pemasyarakatan umum. Kedua, UPTD Pembinaan yang telah diamanatkan dalam kerangka hukum Aceh belum terbentuk, sehingga menimbulkan kekosongan kelembagaan dalam proses rehabilitasi pasca pemidanaan. Ketiga, kondisi kelebihan kapasitas lembaga pemasyarakatan (overcrowding) dan pencampuran narapidana (criminal mixing) berpotensi menghambat pencapaian tujuan pemasyarakatan berupa iṣlāḥ (perbaikan) dan ta'dīb (pembinaan moral) yang menjadi orientasi hukum pidana Islam. Berdasarkan temuan tersebut, penelitian ini merumuskan model Dayah Insaniah sebagai suatu kerangka kelembagaan yang mengintegrasikan fungsi pemasyarakatan, pendidikan Islam, rehabilitasi spiritual, dan partisipasi masyarakat. Model ini dikonstruksikan secara analitis melalui teori sistem hukum, teori hukum pembangunan, dan prinsip-prinsip Maqāṣid al-Syarī'ah. Penelitian ini berkontribusi terhadap pengembangan sistem peradilan pidana Islam dengan menawarkan model pemasyarakatan berbasis kekhususan daerah yang mampu menyelaraskan tujuan hukum pidana Islam dengan praktik rehabilitasi kelembagaan di Aceh.

Kata Kunci: *Sistem Pemasyarakatan Islam; Dayah Insaniah; Reformasi Pemasyarakatan; Peradilan Pidana Islam; Aceh*

مستخلص

تتناول هذه الدراسة إصلاح البنية المؤسسية للنظام الإصلاحي الإسلامي في إقليم آتشيه وتنطلق الدراسة من وجود .(Dayah Insaniah) من خلال تطوير نموذج داياه إنسانية فجوة مؤسسية بين الأهداف التي يسعى إليها القانون الجنائي الإسلامي المنصوص عليه وبين الممارسات الإصلاحية المطبقة حاليًا ضمن (Qanun Jināyat) في قانون الجنايات نظام السجون الوطني. واعتمدت الدراسة منهج البحث القانوني المعياري المدمج بالتحليل السوسيولوجي، من خلال تحليل المصادر القانونية الأولية، بما في ذلك القانون رقم 11 لسنة 2006 بشأن حكومة آتشيه، والقانون المحلي (قانون الجنايات الإجرائي) رقم 7 لسنة والقانون المحلي رقم 6 لسنة 2014 بشأن قانون الجنايات، ولائحة محافظ آتشيه ،2013 رقم 5 لسنة 2018، مع الاستناد إلى الأدبيات المتعلقة بالعدالة الجنائية الإسلامية، وإصلاح المؤسسات الإصلاحية، وبرامج التأهيل القائمة على القيم الدينية. وتوصلت الدراسة إلى ثلاثة نتائج رئيسة. أولًا، وجود عدم اتساق هيكلي بين الأهداف الإصلاحية للقانون الجنائي الإسلامي وبين إيداع مرتكبي جرائم الجنايات في مؤسسات إصلاحية عامة. ثانيًا، أن وحدة المنصوص عليها في الإطار (UPTD Pembinaan) التنفيذ الفني الإقليمي للتأهيل .القانوني لآتشيه لم تُنشأ بعد، مما أدى إلى فراغ مؤسسي في مرحلة التأهيل اللاحقة للحكم ثالثًا، أن مشكلة الاكتظاظ داخل المؤسسات الإصلاحية واختلاط السجناء من خلفيات جنائية مختلفة قد تؤدي إلى إضعاف الأهداف الإصلاحية التي يسعى إليها القانون الجنائي ،وانطلاقًا من هذه النتائج.(ta'dīb) والتأديب (iṣlāḥ) الإسلامي، وخاصة مبدأي الإصلاح تقترح الدراسة نموذج داياه إنسانية بوصفه إطارًا مؤسسيًا يدمج بين وظائف المؤسسة الإصلاحية والتعليم الإسلامي والتأهيل الروحي والمشاركة المجتمعية. وقد تم بناء هذا النموذج تحليليًا بالاستناد إلى نظرية النظام القانوني، ونظرية القانون والتنمية، ومبادئ مقاصد الشريعة الإسلامية. وتسهم هذه الدراسة في تطوير العدالة الجنائية الإسلامية من

خلال تقديم نموذج إصلاحي يستند إلى الخصوصية الإقليمية، ويهدف إلى مواءمة أهداف القانون الجنائي الإسلامي مع الممارسات المؤسسية للتأهيل والإصلاح في آتشيه.
الكلمات الرئسية: النظام الإصلاحي الإسلامي؛ داياه إنسانية؛ إصلاح المؤسسات الإصلاحية؛ العدالة الجنائية الإسلامية؛ آتشيه

A. Introduction

Indonesia, as a constitutional state based on the rule of law (*rechtsstaat*), requires the administration of an integrated criminal justice system that connects law enforcement agencies, courts, and correctional institutions within a unified framework of criminal law enforcement. In such a system, criminal sanctions cannot be separated from criminal procedure and correctional administration because the effectiveness of criminal justice depends on the coherence of all institutional stages, from prosecution and adjudication to offender rehabilitation.[1]

Within Indonesia's contemporary constitutional framework, however, the implementation of criminal justice is not entirely uniform. Through the doctrine of asymmetric decentralization, Aceh enjoys special autonomy that authorizes the implementation of Islamic law, including criminal law. This authority is primarily grounded in Law No. 11 of 2006 concerning the Governance of Aceh, which subsequently gave rise to Qanun Aceh No. 6 of 2014 concerning *Hukum Jināyat*. Consequently, Aceh presents a unique criminal justice landscape in which national law, Islamic law, and customary law interact within the same institutional setting.

Despite the formal implementation of Islamic criminal law, offenders convicted under the Qanun Jināyat continue to undergo post-sentencing treatment within Indonesia's general correctional system. Consequently, offenders convicted of offences such as *khalwat*, *maisir*, and *khamar* are detained together with offenders convicted of narcotics offences, robbery, and other conventional crimes. This institutional arrangement illustrates a structural inconsistency between the objectives of Islamic criminal law and the correctional mechanisms responsible for implementing criminal sanctions.

The problem becomes more significant when examined through the framework of Islamic criminal justice. Classical and contemporary Islamic legal scholarship generally understands punishment not merely as an instrument of deterrence but also as a mechanism of

[1] Ghufran Ahmed, Sheer Abbas, and Muhammad Ramzan Kasuri, "Criminal Procedure Is Criminal Justice in Action: Transition to Islamic Criminal Procedure Is a Way Forward for Pakistan," *Global Regional Review* VII, no. II (2022): 334–46, https://doi.org/10.31703/grr.2022(VII-II).32.

moral reform, repentance, and social reintegration. Thus, when the rehabilitation stage is detached from these objectives, the implementation of Islamic criminal law risks becoming merely procedural rather than transformative.[2]

The urgency of correctional reform in Aceh is further demonstrated by institutional conditions within correctional facilities. As of 2024, correctional institutions and detention centres in Aceh housed significantly more inmates than their intended capacity, creating chronic overcrowding conditions. Under such circumstances, correctional institutions face increasing difficulties in providing individualized rehabilitation programmes and maintaining offender classification systems.

Criminological studies have long warned that the mixing of offenders with different criminal backgrounds may facilitate the transmission of criminal values, techniques, and networks. Rather than functioning as institutions of rehabilitation, overcrowded correctional facilities may unintentionally become criminogenic environments that encourage recidivism and deepen criminal socialization.[3]

Recent scholarship has increasingly highlighted the role of faith-based rehabilitation in correctional settings. Religious rehabilitation programmes have been shown to contribute to personal transformation, behavioural change, moral accountability, and successful reintegration into society. Within correctional institutions, religion functions not only as a source of spiritual guidance but also as a mechanism for reconstructing identity and strengthening ethical self-control.[4]

These findings are particularly relevant to Aceh because the objectives of *jināyat* law are closely connected to the concepts of *iṣlāḥ* (reformation), *ta'dīb* (moral education), and *tazkiyat al-nafs* (purification of the soul). Consequently, the absence of a correctional institution capable of systematically facilitating these objectives creates an institutional gap between legal norms and correctional practices.

The current institutional situation means that prisoners convicted of crimes against religious morality—such as *khalwat, maisir,* or *khamar*—are held in the same detention block as prisoners convicted of conventional crimes such as drug offenses and robbery.[5] From a

[2] M. Cherif Bassiouni, *The Islamic Criminal Justice System* (London: Oceana Publications, 1982).
[3] Edwin H. Sutherland, *Principles Of Criminology*, 4th ed. (Philadelphia: J. B. Lippincott, 1947).
[4] Sultan Khan, "Religion Behind Bars: Faith-Based Programs in the Rehabilitation of Offenders in the Medium B Westville Correctional Center, Durban," *Journal for the Study of Religion* 37, no. 2 (2024): 1–22, https://doi.org/10.17159/2413-3027/2024/v37n2a1.
[5] Maura Pemelie Walidain 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.

criminological perspective, this phenomenon poses a serious risk of 'criminal contamination', particularly in prisons that are operating at overcapacity.[6] With reference to Edwin H. Sutherland's Theory of Differential Association, criminal behavior is studied through social interaction within primary groups.[7] Empirical research by Anna Piil Damm highlights that prisons often become a *School of Crime*, where criminal capital is transmitted, and criminal networks among prisoners are reinforced through peer effects.[8] In Aceh, the failure to categorize prisoners has led to a distortion of the fundamental objectives of criminal law, namely *tazkiyatun nafs* (purification of the soul) and repentance, as convicts are instead exposed to legal manipulation and the harsh criminal subculture of the prison.

In practice, the implementation of criminal law in Aceh faces not only normative issues but also structural problems in its enforcement, particularly regarding the roles of institutions such as the Sharia Court, the *Wilayatul Hisbah* (Sharia Police), and customary institutions, which have distinct yet overlapping powers.[9] This lack of coherence risks undermining the effectiveness of criminal law's objectives, which should serve both as a deterrent and as a means of moral guidance grounded in Islamic values.[10] Indeed, in some cases, issues such as khalwat are still resolved through a dual mechanism involving both formal and customary channels, highlighting the ambivalence of the law enforcement system in Aceh.[11]

The discourse on the prison system in Indonesia has, in fact, shifted from the retributive (punitive) paradigm inherited from the colonial *Wetboek van Strafrecht* (WvS) towards rehabilitative and restorative justice as advocated by Law No. 22 of 2022 on Correctional Services and the New National Criminal Code (Law No. 1 of 2023).[12] The vision of 'rehabilitation' proposed by Sahardjo in 1963 emphasized that prisoners are people who have gone astray and who must be cared for and have their dignity restored.[13] However, the implementation of this vision in Aceh has been hampered by a chronic crisis of overcrowding—

[6] Valerian Debita Spisy, M.Nanda Setiawan, and Chindi Oeliga Yensi Afita, "UPAYA PEMENUHAN HAK NARAPIDANA DI LEMBAGA PEMASYARAKATAN KELAS II B MUARA BUNGO," *DATIN LAW JURNAL* 6, no. 1 (2025): 2722–9262.

[7] Spisy, Setiawan, and Afita.

[8] M Iqbal et al., "Efektivitas Pembinaan Keagamaan Kepada Narapidana Yang Melakukan Kejahatan Di Rumah Tahanan Negara (RUTAN) Kelas IIB Banda Aceh," *Journal of Dual Legal Systems* 2, no. 2 (2025): 198–209, https://doi.org/10.58824/jdls.v2i2.449.

[9] Walidain and Astuti, "Implementasi Qanun Jinayat Dalam Penegakan Hukum Pidana Di Aceh."

[10] Hudhaif Zuhdi Al-afify and Mu'min Firmansyah, "Penerapan Qanun Jinayat Di Aceh," *Al-Tarbiyah: Jurnal Ilmu Pendidikan Islam* 3, no. 1 (2025): 188–97, https://doi.org/https://doi.org/10.59059/al-tarbiyah.v3i1.1956.

[11] Muksalmina et al., "KHALWAT DALAM KAJIAN HUKUM PIDANA ISLAM DAN PENYELESAIANNYA MENURUT QANUN JINAYAT ACEH," *SEIKAT: Jurnal Ilmu Sosial, Politik Dan Hukum* 2, no. 4 (2023): 435–41.

[12] Yordan Gunawan, Reni Anggriani, and Tsaniya Yusmiastuti, "Perlindungan Hak Asasi Manusia Bagi Tersangka Dan Terdakwa Dalam Sistem Pemasyarakatan Di Rutan Kelas IIA Kota Yogyakarta," *Jurnal Dedikasi Hukum* 4, no. 1 (2024): 49–64, https://doi.org/10.22219/jdh.v4i1.31423.

[13] Spisy, Setiawan, and Afita, "UPAYA PEMENUHAN HAK NARAPIDANA DI LEMBAGA PEMASYARAKATAN KELAS II B MUARA BUNGO."

reaching 192% in some areas—as well as the absence of a specific Sharia-based rehabilitation curriculum within the national prison system.[14] This creates ambiguity in the field of penology; on the one hand, convicts are sentenced under religious-based laws, yet on the other hand, they undergo rehabilitation within a secular-administrative system that lacks the means to address the depths of Islamic spirituality.[15]

Furthermore, regional policy dynamics also influence the implementation of criminal law, particularly through Aceh Governor Regulation No. 5 of 2018, which governs criminal procedure. Although this regulation was intended to align legal practice with external considerations such as investment and international pressure, it has drawn criticism for allegedly contradicting the hierarchy of legislation and undermining the public nature of criminal sanctions.[16] This situation highlights the tension between the normative principles of Sharia law and the evolving political reality of the legal system in Aceh.

This regulatory gap has, in fact, been formally addressed through Article 23 of Aceh Qanun No. 7 of 2013 on Criminal Procedure Law and Aceh Governor's Regulation No. 5 of 2018, which mandates the establishment of the Regional Technical Implementation Unit for Rehabilitation (UPTD) as a facility for detention and self-directed rehabilitation under the authority of the Aceh Government. However, as of 2024, this rehabilitation center has not yet been established, meaning that the enforcement of criminal court rulings remains entirely dependent on the cooperation agreement with the Aceh Regional Office of the Ministry of Law and Human Rights. The absence of this UPTD has raised judicial concerns, particularly for judges of the Shari'ah Court when passing sentences on children in conflict with the law, given the lack of specialized rehabilitation facilities that comply with the principle of *ta'dīb* (moral education).[17]

Aceh's legal framework has, in fact, anticipated the need for a specialized rehabilitation institution. Article 23 of Qanun Aceh No. 7 of 2013 and Aceh Governor Regulation No. 5 of 2018 mandate the establishment of a Regional Technical Implementation Unit (*UPTD Pembinaan*) responsible for the detention and rehabilitation of offenders convicted under the Qanun Jināyat. However, despite this normative mandate, the institution has not yet been

[14] Elda Purnama Sari, "Kelebihan Kapasitas Warga Binaan Pada Lembaga Pemasyarakatan Dalam Perspektif Kebijakan Kriminal" (Universitas Lambung Mangkurat, 2023).
[15] Iqbal et al., "Efektivitas Pembinaan Keagamaan Kepada Narapidana Yang Melakukan Kejahatan Di Rumah Tahanan Negara (RUTAN) Kelas IIB Banda Aceh."
[16] Chadijah Rizki Lestari and Basri Efendi, "Tinjauan Kritis Terhadap Peraturan," *Jurnal Hukum Samudra Keadilan* 13, no. 2 (2018): 225–33.
[17] Zaiyad Zubaidi and Riva Atussuha, "Pembinaan Narapidana Anak Di Rutan Lhoknga Aceh Besar Menurut Uu No. 11 Tahun 2012 Dan Teori Maṣlahaḥ Murṣalaḥ," *LEGITIMASI: Jurnal Hukum Pidana Dan Politik Hukum* 8, no. 2 (2019): 204–24, https://doi.org/10.22373/legitimasi.v8i2.5854.

established. As a result, the implementation of *jināyat* sentences remains dependent on general correctional institutions administered under the national correctional system.

This situation reveals a gap not only between legal norms and institutional reality but also between the objectives of Islamic criminal law and the correctional mechanisms responsible for realizing those objectives.

Although various previous studies have examined the implementation of the *Qanun Jinayat* from the perspectives of law enforcement, legal pluralism, and criticism of the substance of its regulations, these studies generally remain focused on normative and implementation aspects without delving deeply into the institutional design of prisoner rehabilitation as an integral part of the criminal justice system.[18] In fact, within the integrated criminal justice system, the rehabilitation stage is a crucial phase that determines the success of criminal punishment objectives, particularly in criminal law, which is oriented towards the moral and spiritual transformation of offenders.

Several scholars have explored the challenges of law enforcement in Aceh. Rizanizarli highlights the urgency of restorative justice for children as offenders and the need to shift from a punitive approach to the common good. Qurrata A'yun criticizes the lack of protection for victims in the formulation of criminal sanctions, whilst Mahdi identifies six factors hindering the implementation of Sharia law, including the low level of political will on the part of local government.[19] However, these studies have not yet addressed the reconstruction of an institutional model for correctional facilities capable of integrating the philosophy of the *pesantren* (Islamic boarding school) with the modern penitentiary system. This is where the novelty of this research lies: the proposal of the concept of "Dayah Insaniah" (Humanitarian *Pesantren*) as an effort to reconstruct correctional institutions that function not merely as places of restricted freedom, but as "madrasah khuluqiyah" (schools of moral character).

Existing studies on the implementation of the Qanun Jināyat have primarily focused on legal enforcement, legal pluralism, human rights debates, and the administration of criminal sanctions. Other studies have examined correctional rehabilitation, prison reform, and faith-based correctional programmes. However, these discussions largely remain separate. Limited attention has been devoted to examining how the correctional stage of Islamic criminal justice

[18] Ria Delta, "Isu Kontroversi Penerapan Qanun Jinayah Pasca Pemberlakuan Undang-Undang Otonomi Khsus Propinsi Nangroe Aceh Darussalam," *Justicia Sains: Jurnal Ilmu Hukum* 1, no. 1 (2016): 29–43, https://doi.org/10.24967/jcs.v1i1.98.
[19] Ahyar Ari Gayo, "ASPEK HUKUM PELAKSANAAN QANUN JINAYAT DI PROVINSI ACEH," *Jurnal Penelitian Hukum De Jure* 17, no. 2 (2017): 131–154.

should be institutionally designed to support the rehabilitative objectives of *jināyat* law within Aceh's special autonomy framework.

Based on the foregoing discussion, this study argues that the primary problem does not lie in the absence of criminal law regulation but rather in the absence of a correctional institution capable of translating the objectives of Islamic criminal law into rehabilitation practices. Through normative legal analysis and institutional assessment, this study identifies the absence of a specialized rehabilitation institution as a critical structural weakness within Aceh's Islamic criminal justice system.

Accordingly, the study develops the *Dayah Insaniah* model as an institutional reconstruction framework integrating correctional functions, Islamic education, community participation, and faith-based rehabilitation. The contribution of this study lies not merely in proposing a conceptual model but in demonstrating how institutional reconstruction may bridge the gap between the normative aspirations of *jināyat* law and the practical realities of correctional administration.

This study employs normative legal research integrated with sociological analysis. The normative approach is used to examine legal norms governing the implementation of Islamic criminal law and correctional institutions in Aceh, whereas sociological analysis is applied to assess the institutional implications of those norms within contemporary correctional practice. The integration of these approaches allows the study to evaluate not only the consistency of legal regulations but also their capacity to support the objectives of Islamic criminal justice. Such an approach is consistent with contemporary legal research that combines doctrinal analysis with an examination of the social operation of legal institutions in order to understand the relationship between legal norms and institutional realities.[20] Unlike purely doctrinal legal studies that focus exclusively on statutory provisions, this research further examines how existing institutional arrangements influence the realization of the rehabilitative goals of *jināyat* law, particularly the principles of *iṣlāḥ* (reformation), *ta'dīb* (moral education), and social reintegration.[21]

The research relies on three categories of legal materials. Primary legal materials consist of the 1945 Constitution of the Republic of Indonesia, Law No. 11 of 2006 concerning the Governance of Aceh, Law No. 22 of 2022 concerning Corrections, Law No. 1 of 2023 concerning the Criminal Code, Qanun Aceh No. 6 of 2014 concerning *Jināyat* Law, Qanun

[20] Roslina et al., "Reinterpreting Islamic Inheritance: Supreme Court Jurisprudence and Gender Justice in Indonesia," *Jurnal Ilmiah Peuradeun* 13, no. 3 (2025): 2339–64.
[21] Bassiouni, *The Islamic Criminal Justice System*.

Aceh No. 7 of 2013 concerning *Jināyat* Procedural Law, and Aceh Governor Regulation No. 5 of 2018 concerning the implementation of *jināyat* procedural law. These legal instruments were selected because they constitute the principal regulatory framework governing the administration of Islamic criminal justice and correctional institutions in Aceh.

To complement the analysis of primary legal materials, this study also employs secondary legal materials, including books on criminal justice and penology, scholarly works on Islamic criminal justice, publications addressing faith-based rehabilitation, journal articles concerning correctional reform, studies of legal pluralism in Aceh, and literature discussing restorative justice and offender rehabilitation.[22] In addition, tertiary legal materials, such as legal dictionaries, encyclopaedias of Islamic law, and other legal reference materials, are used to clarify concepts and legal terminology relevant to the study.

The analytical framework of this research is grounded in two complementary theories, namely Development Law Theory proposed by Mochtar Kusumaatmadja and Legal System Theory developed by Lawrence M. Friedman. Development Law Theory is utilized to assess whether legal institutions function as instruments of social transformation and whether correctional institutions can support the reformative objectives of Islamic criminal law. Through this perspective, the effectiveness of correctional institutions is evaluated not merely in terms of law enforcement but also in relation to their capacity to facilitate moral rehabilitation and social reintegration.[23]

Meanwhile, Friedman's Legal System Theory is employed to analyze the interaction between legal structure, legal substance, and legal culture in the implementation of Islamic criminal law in Aceh.[24] The legal structure dimension focuses on institutions involved in administering *jināyat* law, including the Sharia Court (*Mahkamah Syar'iyah*), *Wilayatul Hisbah*, correctional institutions, and the proposed Regional Technical Implementation Unit (*UPTD Pembinaan*). The legal substance dimension examines the regulatory framework governing Islamic criminal law and correctional administration, particularly the Governance of Aceh Law, the *Qanun Jināyat*, the *Qanun Hukum Acara Jināyat*, and national correctional legislation. The legal culture dimension explores the role of Acehnese social values, dayah traditions, community participation, and rehabilitation culture in shaping the implementation of criminal justice.

[22] Khan, "Religion Behind Bars: Faith-Based Programs in the Rehabilitation of Offenders in the Medium B Westville Correctional Center, Durban."
[23] Mochtar Kusumaatmadja, *Konsep-Konsep Hukum Dalam Pembangunan: Kumpulan Karya Tulis* (Bandung: Alumni, 2006).
[24] Lawrence M. Freadman, *The Legal System: A Social Science Prespective* (New York: Russell Sage Foundation, 1975).

The analysis was conducted through several stages. First, the study identified legal provisions relating to punishment, rehabilitation, correctional institutions, and post-sentencing treatment within the framework of Islamic criminal law in Aceh. Second, the identified legal norms were interpreted using grammatical, systematic, and teleological methods of legal interpretation to determine the objectives and intended functions of rehabilitation in Islamic criminal justice. Third, an institutional analysis was carried out to examine existing correctional arrangements and to evaluate the relationship between the national correctional system and the implementation of *jināyat* sanctions. Fourth, a gap analysis was conducted by comparing normative prescriptions contained in legislation with actual institutional conditions in Aceh, thereby identifying inconsistencies between legal objectives and correctional practices. Finally, based on the findings of the legal and institutional analyses, the study formulates the *Dayah Insaniah* model as a framework for institutional reconstruction. The model is developed through the integration of legal findings, correctional reform literature, faith-based rehabilitation studies, and the principles of *Maqāṣid al-Sharīʿah* as a basis for strengthening the rehabilitative objectives of Islamic criminal justice.[25]

B. Result

1. Institutional Conditions of Correctional Institutions in Aceh

The analysis reveals that the implementation of Islamic criminal law in Aceh remains institutionally dependent upon the national correctional system. Although criminal offences regulated under the *Qanun Jināyat* possess distinct philosophical and normative characteristics, offenders convicted under these provisions continue to be placed in general correctional institutions administered by the national correctional authority.

The study further identifies a significant overcrowding problem within correctional institutions in Aceh. The number of inmates substantially exceeds institutional capacity, creating structural constraints for individualized rehabilitation programs, inmate classification, and correctional supervision. These conditions reduce the ability of correctional institutions to implement offender-specific guidance and rehabilitation strategies.

Another important finding concerns the classification of inmates. In practice, offenders convicted of *khalwat*, *maisir*, and *khamar* share the same correctional environment as offenders

[25] Khan, "Religion Behind Bars: Faith-Based Programs in the Rehabilitation of Offenders in the Medium B Westville Correctional Center, Durban"; Tun Xu, Ling Tang, and Xifen Lin, "International Journal of Law , Crime and Justice The Predictors of Decisions to Grant Parole in China : Evidence from Four Prisons in Z Province," *International Journal of Law, Crime and Justice* 71, no. 1954 (2022): 100557, https://doi.org/10.1016/j.ijlcj.2022.100557.

convicted of narcotics crimes, robbery, theft, and other conventional offences. No institutional mechanism specifically differentiates *jināyat* offenders from other categories of prisoners during the rehabilitation process.

The findings indicate that correctional institutions in Aceh currently operate under a uniform correctional model that does not distinguish between the rehabilitative needs of offenders convicted under Islamic criminal law and those convicted under general criminal law.

2. Regulatory and Institutional Gaps

The study identifies a discrepancy between the legal framework governing Islamic criminal justice in Aceh and its institutional implementation.

A review of Aceh Qanun No. 7 of 2013 concerning Jināyat Procedural Law and Aceh Governor Regulation No. 5 of 2018 demonstrates that both regulations explicitly envisage the establishment of a Regional Technical Implementation Unit (*UPTD Pembinaan*) responsible for the detention and rehabilitation of individuals involved in *jināyat* cases.

However, the analysis reveals that this institution has not yet been established. Consequently, correctional functions continue to be carried out through cooperation with institutions operating within the national correctional framework.

This finding demonstrates that although Aceh possesses legal authority to establish a specialized rehabilitation institution, the institutional mandate provided by existing regulations has not been implemented. As a result, a gap exists between legal norms and institutional realities.

The analysis also indicates that the absence of a specialized correctional institution has generated dependency on correctional mechanisms that were not specifically designed to support the objectives of Islamic criminal law.

3. Implications for Jināyat Offenders

The findings indicate that existing correctional arrangements produce several consequences for offenders convicted under the *Qanun Jināyat*.

First, offenders are subjected to rehabilitation programs that are generally designed for the broader prison population and are not specifically tailored to the objectives of Islamic criminal law.

Second, the correctional environment provides limited opportunities for structured moral and spiritual rehabilitation beyond routine religious activities. No dedicated institutional framework exists for integrating Islamic educational principles into correctional rehabilitation.

Third, the mixed placement of *jināyat* offenders with other categories of offenders increases exposure to diverse criminal subcultures and experiences. The absence of offender differentiation potentially affects the rehabilitative environment intended for offenders whose crimes are primarily moral and religious in nature.

Overall, the findings suggest that the correctional treatment of *jināyat* offenders remains institutionally disconnected from the distinctive objectives embodied in Aceh's Islamic criminal law framework.

4. Formulation of the Dayah Insaniah Model

Based on the institutional and regulatory gaps identified above, the study formulates the Dayah Insaniah model as a framework for reconstructing correctional institutions in Aceh. The model is derived from three principal findings.

First, the existing correctional system is unable to accommodate the specific rehabilitative objectives of Islamic criminal law.

Second, a regulatory mandate for specialized rehabilitation institutions already exists but remains unimplemented.

Third, current correctional arrangements provide limited mechanisms for integrating spiritual, educational, and community-based rehabilitation.

Accordingly, the Dayah Insaniah model combines four institutional components:

1. a boarding-school-based rehabilitative environment;
2. a spiritual and moral development curriculum;
3. community participation in the rehabilitation process;
4. regionally integrated institutional governance through a specialized rehabilitation unit.

The model seeks to provide institutional alignment between the objectives of Islamic criminal law and the correctional process implemented after conviction.

C. Discussion

1. Reconstructing Islamic Correctional Institutions Through Legal System Theory

The findings of this study reveal a significant inconsistency between the normative framework of *jināyat* law and the correctional mechanisms currently applied in Aceh. Although Aceh possesses a relatively comprehensive legal framework governing the implementation of Islamic criminal law, the rehabilitation stage remains entirely dependent on the national

correctional system. This condition reflects an imbalance among the elements of legal structure, legal substance, and legal culture as conceptualized by Lawrence M. Friedman.[26]

From the perspective of legal substance, Aceh has established a relatively complete regulatory framework through Law No. 11 of 2006 concerning the Governance of Aceh (*UUPA*), Qanun Aceh No. 6 of 2014 concerning *Jināyat* Law, Qanun Aceh No. 7 of 2013 concerning *Jināyat* Procedural Law, and Aceh Governor Regulation No. 5 of 2018. These legal instruments demonstrate that the rehabilitation of *jināyat* offenders is not merely an administrative necessity but forms an integral component of the legal design envisioned by lawmakers.

However, from the perspective of legal structure, the institution explicitly mandated by these regulations, namely the Regional Technical Implementation Unit (*UPTD Pembinaan*), has not yet been established. Consequently, rehabilitation remains dependent upon general correctional institutions that were not specifically designed to support the objectives of Islamic criminal punishment. The absence of this institutional structure creates a gap between normative prescriptions and practical implementation.

Furthermore, from the perspective of legal culture, Acehnese society possesses a strong tradition of moral formation and religious education through *dayah* institutions. Nevertheless, these cultural resources have not yet been systematically integrated into offender rehabilitation. The findings therefore indicate that the principal problem lies not in the absence of legal norms but in the lack of connectivity among legal substance, institutional structure, and local legal culture.[27]

These findings further suggest that correctional reform should be understood as an integral component of broader Islamic criminal justice reform. Contemporary criminal justice scholarship emphasizes that the effectiveness of criminal justice systems depends on institutional continuity between adjudication, punishment, and rehabilitation. The correctional stage is not merely an administrative consequence of conviction but a critical component in achieving the objectives of criminal justice itself.[28]

[26] Freadman, *The Legal System: A Social Science Prespective*.
[27] M. Razi and Lauditta Indahdewi, "STRATEGI PEMBINAAN KEPRIBADIAN BERBASIS KEARIFANLOKAL SEBAGAI UPAYA PENCEGAHAN GANGGUAN KEAMANAN DI LEMBAGA PEMASYARAKATAN KELAS IIA BANDA ACEH," *Nusantara: Jurnal Ilmu Pengetahuan Sosial* 12, no. 9 (2022): 3776–88.
[28] Ahmed, Abbas, and Kasuri, "Criminal Procedure Is Criminal Justice in Action: Transition to Islamic Criminal Procedure Is a Way Forward for Pakistan."

2. Dayah Insaniah as a Faith-Based Rehabilitation Model

The findings concerning the limited availability of spiritual rehabilitation in general correctional institutions indicate the need for a rehabilitation model grounded in religious values. Over the past several decades, international scholarship on faith-based rehabilitation has increasingly demonstrated that religion can function as a mechanism for personal transformation, identity reconstruction, behavioral change, moral accountability, and social reintegration.[29]

From this perspective, the *Dayah Insaniah* model is not intended to replace the correctional system but rather to reconstruct correctional institutions by placing spiritual rehabilitation at the center of the rehabilitative process. This approach is derived from the study's finding that most offences regulated by the *Qanun Jināyat* involve moral and social misconduct strongly associated with religious values and ethical behavior.

Accordingly, rehabilitation should not be limited to the deprivation of physical liberty. Rather, it should encompass value internalization, character formation, moral education, spiritual development, and social reintegration. In the Acehnese context, such functions have historically been performed by *dayah* institutions as centers of religious education and moral development. The strong social legitimacy enjoyed by *dayah* institutions provides a unique cultural foundation for correctional reform in Aceh.[30]

The *Dayah Insaniah* model therefore emerges from the integration of four interconnected elements: the rehabilitative function of the correctional system, the educational tradition of *dayah*, faith-based rehabilitation principles, and community participation in offender reintegration. The model is consequently not merely a normative proposal but a direct response to the institutional deficiencies identified through legal and institutional analysis.[31]

3. Dayah Insaniah and the Objectives of Maqāṣid al-Sharīʿah

When examined through the perspective of *Maqāṣid al-Sharīʿah*, the findings indicate that current correctional arrangements have not fully supported the objectives of protecting religion (*ḥifẓ al-dīn*), life and human dignity (*ḥifẓ al-nafs*), and intellect (*ḥifẓ al-ʿaql*).

The principle of *ḥifẓ al-dīn* requires systematic efforts to strengthen religious awareness and ethical commitment among offenders. However, the findings reveal that existing religious

[29] Khan, "Religion Behind Bars: Faith-Based Programs in the Rehabilitation of Offenders in the Medium B Westville Correctional Center, Durban."
[30] Razi and Indahdewi, "STRATEGI PEMBINAAN KEPRIBADIAN BERBASIS KEARIFANLOKAL SEBAGAI UPAYA PENCEGAHAN GANGGUAN KEAMANAN DI LEMBAGA PEMASYARAKATAN KELAS IIA BANDA ACEH."
[31] Khan, "Religion Behind Bars: Faith-Based Programs in the Rehabilitation of Offenders in the Medium B Westville Correctional Center, Durban."

guidance programs are largely supplementary and have not become the central organizing principle of rehabilitation. Consequently, the correctional process remains insufficiently connected to the spiritual objectives of Islamic criminal law.[32]

Similarly, the principle of *ḥifẓ al-nafs* requires the protection and restoration of human dignity. Yet conditions of overcrowding and inmate mixing potentially transform correctional institutions into environments that reproduce criminogenic behavior rather than facilitate rehabilitation. Such conditions undermine the reformative goals that Islamic criminal law seeks to achieve.

The principle of *ḥifẓ al-ʿaql* further requires the development of intellectual and moral capacities. Hence, rehabilitation cannot be confined to physical confinement and security management alone. It must also incorporate educational programs, vocational training, psychosocial support, and moral development aimed at preparing offenders for reintegration into society.[33]

The analysis therefore demonstrates that the *Dayah Insaniah* concept possesses significant theoretical relevance as a mechanism for bridging the objectives of Islamic criminal law and rehabilitative correctional practice. In this regard, *Dayah Insaniah* serves as an institutional instrument through which the objectives of *Maqāṣid al-Sharīʿah* may be operationalized during the post-sentencing phase of Islamic criminal justice.[34]

4. Challenges and Limitations of Implementing the Dayah Insaniah Model

Despite its theoretical strengths, the implementation of the *Dayah Insaniah* model faces several practical challenges.

First, regulatory challenges remain significant. Although the legal basis for establishing the *UPTD Pembinaan* already exists within Aceh's legal framework, its implementation requires harmonization with national correctional policies and institutional arrangements. Effective coordination between regional autonomy provisions and national correctional regulations is therefore essential.[35]

Second, institutional capacity constitutes another challenge. The establishment of a specialized rehabilitation institution requires adequate physical infrastructure, organizational governance, operational standards, monitoring mechanisms, and sustainable administrative

[32] Bassiouni, *The Islamic Criminal Justice System*.
[33] Xu, Tang, and Lin, "International Journal of Law , Crime and Justice The Predictors of Decisions to Grant Parole in China : Evidence from Four Prisons in Z Province."
[34] Bassiouni, *The Islamic Criminal Justice System*.
[35] Gayo, "ASPEK HUKUM PELAKSANAAN QANUN JINAYAT DI PROVINSI ACEH."

structures. Without sufficient institutional preparation, the proposed model may encounter difficulties like those affecting conventional correctional institutions.[36]

Third, financial constraints must be considered. The development of rehabilitation facilities, educational programs, and correctional infrastructure requires substantial financial support from regional budgets. Long-term institutional sustainability depends on continuous fiscal commitment from both provincial and local governments.

Fourth, the model requires multidimensional human resources, including correctional officers, *ulama*, *dayah* educators, counselors, psychologists, and social workers. The availability of personnel possessing both professional correctional expertise and religious educational competence remains an important challenge.[37]

Fifth, the effectiveness of *Dayah Insaniah* depends upon inter-agency coordination among the Sharia Court (*Mahkamah Syar'iyah*), the Public Prosecutor's Office, *Wilayatul Hisbah*, the Aceh Islamic Sharia Office, the Aceh Government, and national correctional authorities. Weak coordination among these institutions could potentially undermine implementation.

Finally, this study is limited by its normative legal character. While the analysis successfully identifies institutional gaps and proposes a framework for reconstruction, it does not empirically evaluate the operational feasibility of the *Dayah Insaniah* model. Future empirical research involving correctional officers, offenders, religious leaders, policymakers, and community stakeholders is therefore required to assess the practical effectiveness, institutional sustainability, and social acceptance of the model.[38]

D. Conclusion

This study demonstrates that the principal challenge in implementing Islamic criminal law in Aceh does not lie in the absence of legal regulations but in the institutional gap between the objectives of *Qanun Jināyat* and the correctional mechanisms responsible for implementing criminal sanctions. The analysis identifies three major findings. First, offenders convicted under the *Qanun Jināyat* continue to be accommodated within general correctional institutions that were not specifically designed to support the rehabilitative objectives of Islamic criminal law. Second, although the establishment of a specialized rehabilitation institution (*UPTD*

[36] Sari, "Kelebihan Kapasitas Warga Binaan Pada Lembaga Pemasyarakatan Dalam Perspektif Kebijakan Kriminal."
[37] Khan, "Religion Behind Bars: Faith-Based Programs in the Rehabilitation of Offenders in the Medium B Westville Correctional Center, Durban."
[38] Roslina et al., "Reinterpreting Islamic Inheritance: Supreme Court Jurisprudence and Gender Justice in Indonesia."

Pembinaan) has been mandated by Aceh's legal framework, the institution has not yet been realized, creating a gap between legal norms and institutional implementation. Third, overcrowding and the absence of offender differentiation potentially undermine the objectives of *iṣlāḥ* (reformation), *ta'dīb* (moral education), and social reintegration that constitute important foundations of Islamic criminal justice.

Theoretically, this study contributes to the development of legal system theory by demonstrating that the effectiveness of Islamic criminal justice depends not only on the existence of legal norms but also on the integration of legal substance, institutional structure, and rehabilitation culture. The findings further suggest that correctional institutions should be understood as an integral component of Islamic criminal justice rather than merely an administrative extension of law enforcement. In this regard, rehabilitation serves as a strategic stage through which the objectives of criminal law are translated into practical institutional outcomes.

Based on these findings, this study formulates the *Dayah Insaniah* model as a framework for institutional reconstruction. The model integrates correctional functions, Islamic education, spiritual rehabilitation, and community participation within a specialized institution designed to support the rehabilitative objectives of *jināyat* law. Accordingly, the proposed model seeks to bridge the existing gap between the normative aspirations of Islamic criminal law and the realities of correctional practice in Aceh.

Practically, this study provides a policy framework for the Government of Aceh in establishing and operationalizing the *UPTD Pembinaan* as mandated by existing regulations. The institutionalization of a specialized rehabilitation facility may strengthen the implementation of Aceh's special autonomy in the field of Islamic law while promoting a correctional approach that emphasizes moral transformation, social reintegration, and human dignity.

Finally, this study is limited to normative legal analysis and institutional assessment. Future research should therefore examine the operational feasibility of the *Dayah Insaniah* model through empirical studies involving correctional officers, religious leaders, policymakers, community representatives, and former offenders. Such research would provide valuable insights into the practical implementation, institutional sustainability, and long-term effectiveness of faith-based rehabilitation within the Islamic criminal justice system.

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