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Qanun Jinayat from the Perspective of the Legal System: A Study of Understanding, Acceptance, and Implementation in Aceh

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Abstract: This study aims to analyze the understanding, acceptance, and implementation of the qanun jinayat, especially *'uqūbāt ta'zir*, in the Banda Aceh community. Using mixed methods, analyzed using legal sociology, especially Friedman's legal system theory. Quantitative data were collected from 300 respondents through systematic sampling (Krejcie and Morgan formula) and analyzed descriptively using SPSS 21.0. Qualitative data were obtained through in-depth interviews with officials of the Islamic Sharia Office of Banda Aceh City and Aceh Province, as well as expert interviews with Islamic law academics. The results of the study indicate an imbalance between its elements, namely the legal culture is relatively strong, indicated by a moderate level of understanding (52%) but has a very high level of acceptance of 'uqūbāt ta'zir (90%). In contrast, the legal structure is relatively weak, where 53% of respondents considered the implementation of *'uqūbāt ta'zir* to be imperfect and 48.7% expressed dissatisfaction with the government's performance. Therefore, the enforcement of 'uqūbāt ta'zir requires institutional strengthening and continuous capacity building of law enforcement officials. Although Aceh's legal culture surrounding *'uqūbat ta'zir* demonstrates strong normative acceptance alongside moderate legal understanding, its legal structure remains weak, suggesting that institutional reforms must prioritize capacity, consistency, and accountability over mere norm dissemination. This study offers concrete steps to implement the Qanun Jinayat within the framework of the Unitary State of the Republic of Indonesia. Synchronization of central and regional laws and collective political policy support from all stakeholders are required so that implementation can run well and be beneficial for the people of Aceh as a whole.

Keywords: *Qanun Jinayat*, *'uqūbāt ta'zīr*, legal system, sociology of law

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Abstrak: *Penelitian ini tentang analisis pemahaman, penerimaan, dan pelaksanaan qanun jinayat khususnya 'uqūbāt ta'zir pada masyarakat Banda Aceh. Menggunakan metode campuran (mixed-methods), dianalisis dengan sosiologi hukum, khususnya teori sistem hukum Friedman. Data kuantitatif dikumpulkan dari 300 responden melalui systematic sampling (rumus Krejcie dan Morgan) dan dianalisis secara deskriptif menggunakan SPSS 21.0. Data kualitatif diperoleh melalui wawancara mendalam dengan pejabat Dinas Syariat Islam Kota Banda Aceh dan Provinsi Aceh, serta dengan akademisi hukum Islam. Hasil penelitian menunjukkan adanya ketimpangan antarusurnya, yaitu budaya hukum tergolong kuat, ditunjukkan oleh tingkat pemahaman yang tergolong sedang (52%), namun memiliki tingkat penerimaan 'uqūbāt ta'zīr yang sangat tinggi (90%). Sebaliknya, struktur hukum tergolong lemah, di mana 53% responden menilai implementasi 'uqūbāt ta'zīr belum sempurna dan 48,7% menyatakan tidak puas terhadap kinerja pemerintah. Oleh karena itu, penegakan 'uqūbāt ta'zir memerlukan penguatan kelembagaan dan peningkatan kapasitas aparatur penegak hukum secara berkelanjutan. Meskipun budaya hukum Aceh seputar 'uqūbat ta'zīr menunjukkan penerimaan normatif yang kuat di samping pemahaman hukum yang moderat, struktur hukumnya tetap lemah, menunjukkan bahwa reformasi kelembagaan harus memprioritaskan kapasitas, konsistensi, dan akuntabilitas daripada sekadar sosialisasi norma. Studi ini menawarkan langkah konkret untuk menerapkan Qanun Jinayat dalam kerangka Negara Kesatuan Republik Indonesia. Diperlukan sinkronisasi hukum pusat dan daerah serta dukungan kebijakan politik secara kolektif dari semua stakeholders sehingga implementasi dapat berjalan dengan baik dan bermanfaat secara keseluruhan bagi masyarakat di Aceh.*
Kata Kunci: *Qanun Jinayat, 'uqūbāt ta'zir, sistem hukum, sosiologi hukum*

Introduction

Throughout history, the people of Aceh have made Islam a guideline in life. The appreciation and practice of Islamic teachings that lasted for a long period of time has given birth to an Islamic atmosphere of Acehnese society and culture, which is rooted in the teachings of the ulama.[1] This teaching then became a guideline for life that was developed and preserved by the community.[2] In fact,

[1] Arskal Salim, *Contemporer Islamic Law in Indonesia: Sharia and Legal Pluralism*, Edinburgh UK: Edinburgh University Press, 2015. Mursyid Djawas, et.al., "Harmonization of State, Custom, and Islamic Law in Aceh: Perspective of Legal Pluralism," *Hasanuddin Law Review* 10, No. 1 (2024). Abidin Nurdin, et.al., "The Development of Sharia Courts in Aceh, Indonesia: A Social and Historical Perspective on Islamic Law," *El-Usrah: Jurnal Hukum Keluarga* 9, No. 1 (2026), p. 143-169.

[2] Salma Salma et al., "Between Flogging and Imprisonment: The Disparity Effect of the Sharia Court's Decision on the Supremacy of the Qanun Jinayat of Aceh," *Al-Istinbath: Jurnal Hukum Islam* 9, no. 2 (2024), p. 573–96. Dahyul Daipon, "Komparatif Hukum Acara Pidana

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in the past, Aceh reached the peak of its glory in various fields such as science, politics, law, defense, and economics, especially in the 17th to 19th centuries. This success is inseparable from the comprehensive application of Islamic law, which is a guideline for life in aspects of society, nation, and state life.[3] This condition is reflected in the wise phrase *"adat bak poteumeuruhom, hukom bak syiah kuala, Qanun bak putroe phang, reusam bak laksamana"*, which means that the custom is in the hands of the kingdom, while the sharia law is in the hands of the ulama.[4] This expression reflects that Islamic sharia in Aceh has been integrated and has become a guideline for the community through the role of scholars as the heirs of the prophets.

As an area known as *the Porch of Mecca*, Aceh is expected to be an example for other regions, even other countries, in the comprehensive application of Islamic sharia in accordance with the Qur'an and Hadith, despite the many challenges that come, both from within Aceh itself and from outside.[5] So far, the government has referred to the Qur'an, hadith, and the thoughts of certain scholars, especially Imam Shafi'i, who is the dominant sect among the people of Aceh.[6] This has caused the majority of Islamic legal practices to refer to this school in addition to other schools such as Imam Malik, Abu Hanifa and Ahmad bin Hanbal as known in the *Ahlu Sunnah wa al-jamaah* school.

The formalisation of Islamic law in Aceh was never a purely local initiative; it is the outcome of a long dialectic between Aceh and the central government that shifted with every change of national political regime.[7] Under Soekarno, Aceh's demand for the right to implement Islamic law was answered politically rather than juridically through the Hardi Mission of 1959, which granted Aceh the status of Daerah Istimewa (Special Region) covering religion, customary law, and education, yet without any operational legal instrument to enforce it. Under the New Order of Soeharto, the centralistic and uniform

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Positif Dan Hukum Acara Pidana Islam (Jinayah) Aceh Dalam Proses Penyidikan," *El-Mashlahah* 10, no. 1 (2020), p. 47–63.

[3] Abdul Jalil Salam, et al., "The Urgency of Ammending Jinayat Qanun in Eradicating Cyber Sexual Crime in Aceh, Indonesia," *AL-IHKAM: Jurnal Hukum & Pranata Sosial* 19, no. 2 (2025).

[4] Erawadi Erawadi, "Vernacularisation of Acehnese Literature and Religious Works in the 19th Century AD: A Philological Approach," *Journal of al-Tamaddun* 19, No. 2 (2024).

[5] Arskal Salim and Adlin Sila, *The Changing Porch of Mecca* (Jakarta: Pustaka Alphabet, 2010), p. 22.

[6] Abdul Manan and Cut Intan Salasiyah, "Evaluating the Implementation of Sharia in Aceh, Indonesia," *Jurnal Ilmiah Peuradeun* 9, no. 3 (2021), p. 549–66. Hasee Jubba, et.al., "Acculturation of Local Culture in the Celebration of the Maulid Nabi in Indonesia: A Study of the Ambelu Tradition from the Perspective of the al-Shafi'i and Hanafi Madhhab." *Mazahibuna: Jurnal Perbandingan Mazhab* 6, No. 2 (2024), p. 160–177.

[7] Jani Arni et al., "Reframing Nusyuz in Islamic Family Law: A Maqasid-Based Reading of Ibn Asyur on Quran 4:34 and 4:128," *Jurnal Ilmiah Al-Mu'ashirah* 22, no. 2 (2025), p. 240–54.

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character of the national legal system left that special status largely symbolic: Law Number 5 of 1974 on the Principles of Regional Government subordinated regional distinctiveness to national uniformity, and the aspiration to enforce Islamic law was politically suppressed alongside the securitised handling of the Aceh conflict.[8]

The dialectic reopened after Reformasi. Under B.J. Habibie, Law Number 44 of 1999 on the Implementation of the Special Status of the Province of Aceh Special Region provided the first statutory recognition that Aceh may organise religious life, customary life, education, and the role of the ulama, and it was reinforced by Law Number 22 of 1999 on Regional Government, which widened regional autonomy. Under Abdurrahman Wahid and, more decisively, under Megawati Soekarnoputri, that recognition was translated into a genuine juridical basis through Law Number 18 of 2001 on Special Autonomy for the Province of Aceh Special Region as the Province of Nanggroe Aceh Darussalam, which authorised the establishment of the Mahkamah Syar'iyah and the enactment of qanun in the field of Islamic law. The peace process that followed produced Law Number 11 of 2006 on the Governing of Aceh, the direct legal ancestor of Qanun Aceh Number 6 of 2014 on Jinayat Law.[9] This trajectory shows that the ta'zir provisions examined in this article are the product of a negotiated relationship between Islamic law and the unitary state of the Republic of Indonesia, not of a single legislative moment.[10]

The successful implementation of Islamic sharia in Aceh will set a precedent for other regions in Indonesia, even in the world. Aceh Province, with the application of Islamic law, must be able to prove that the quality of life and happiness index of the people of Aceh exceed other regions in Indonesia that have not implemented Islamic law. If not, then the implementation of Islamic sharia in Aceh will actually set a bad precedent for other regions in Indonesia in particular, and the Islamic world in general.[11]

Although Islamic sharia has been practiced for a long time and continues to be practiced to this day, the phenomenon of community behavior shows

[8] Jum Anggriani et al., "Guaranteeing Women's Freedom under the Constitution: Gender Analysis of Qânûn Practices in Aceh," *De Jure: Jurnal Hukum Dan Syar'iah* 17, no. 2 (2025), p. 458–78.

[9] Farkhani Farkhani et al., "Legal Protection of Minority Rights: Study on the Implementation of Qanun Number 6 of 2014 Concerning the Jinayat Law in Langsa City, Aceh Special Region Province," *Al-Manahij: Jurnal Kajian Hukum Islam*, 2023, p. 215–32.

[10] Sutrisno Sutrisno et al., "Religious Authority and Cultural Governance in Islamic Public Law: A Fiqh Siyasah Study of Music Concert Regulation in Aceh," *Syariah: Jurnal Hukum Dan Pemikiran* 25, no. 2 (2025), p. 379–99.

[11] Danial Danial, "Quo Vadis Acehnese Shari'a: Critical Approach to the Construction and Scope of Islamic Legislation," *Al-Jamiah: Journal of Islamic Studies* 60, no. 2 (2022), p. 651. Muazzinah Muazzinah, et.al., "Policy Network in the Process of Formulating the Qanun on Islamic Financial Institutions in Aceh," *Journal of Governance and Social Policy 5, No. 2* (2024).

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worrying indications, with an increasing percentage of deviant behavior, both within and outside the institution. For example, several cases of teenagers involved in drug abuse to cases of promiscuous sex. This behavior can be categorized as *juvenile delinquency* (juvenile delinquency at high risk). This phenomenon occurs because the strong Islamic values in Aceh have not been fully absorbed and applied as part of the formal structure in people's lives, including in educational programs. One of the characteristics of Qanun Aceh that must be fulfilled by Qanun jinayah in Aceh is the principle of Islam. This means that the norms that exist in Islamic law, be it *ijtihidiyah* norms or non-ijtihadiyah norms, are the main reference in the process of making Qanun jinayah in Aceh.

In an effort to resolve crime cases in Aceh, the Aceh government implements qanun jinayah through Qanun Number 6 of 2014 concerning the Jinayah Law, which aims as a preventive (to reduce), preventive (to prevent), and at the repressive level (to take action) through the provision of punishment in the form of *'uqūbāt ta'zīr*.[12] The existence of Qanun in Aceh Province is seen from various sides, both historically, sociologically, and juridically, the Islamic sharia Qanun in Aceh has a strong legal basis.[13] The legal basis is clear through direct regulations from the Law, namely Law Number 18 of 2001, which is the *lex specialis* of Law Number 32 of 2004 concerning Regional Government.[14]

The general objective of *'uqūbat ta'zīr* is to prevent the recurrence of the crime. Therefore, *'uqūbat ta'zīr* needs to contain elements of deterrence, rehabilitation, and education. Islam strictly prohibits the infliction of punishment aimed at torturing the perpetrator or degrading his dignity.[15] Because the purpose of punishment is to prevent, the form of punishment varies from one individual to another. Some of their mistakes can be prevented with advice or threats, some can change their behavior after being fined money, and some can change after being imprisoned.[16]

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[12] Faradilla Fadlia et al., "Evidence of the Crime of Adultery in the Implementation of the Qanun Jinayat in Aceh, Indonesia," *El-Usrah: Jurnal Hukum Keluarga* 8, no. 2 (2025): 912–32.

[13]Farkhani Farkhani et al., "Legal Protection of Minority Rights: Study on the Implementation of Qanun Number 6 of 2014 Concerning the Jinayat Law in Langsa City, Aceh Special Region Province," *Al-Manahij: Jurnal Kajian Hukum Islam*, (2023), p. 228.

[14] Kamarusdiana Kamarusdiana, "Qânûn Jinâyat Aceh in the Perspective of the Indonesian Legal State," *Ahkam: Jurnal Ilmu Syariah* 16, no. 2 (2016), p. 151–62. Governor of Nanggroe Aceh Darussalam Province, "Qanun of Nanggroe Aceh Darussalam Province Number 11 of 2002 concerning the Implementation of Islamic Sharia in the Field of Aqidah, Worship and Islamic Shi'ar," Pub. L. No. 11 (2022).

[15]Aiyub Aiyub and Isna Mutia, "Muhammad Quraish Shihab's Methodology in Interpretation of The Qur'an," *Jurnal Ilmiah Al-Mu Ashirah* 20, no. 1 (2023), p. 1.

[16]Lukman Abdul Muthalib, *Tafsir Maudhu'iy Hudud Qisas and Ta'zir* (Kuala Lumpur: Dewan Bahasa dan Pustaka, 2014), p. 152.

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In the context of maqashid al-sharia, law enforcement should lead to benefit, which means that the laws enacted should foster awareness, not simply punish mistakes that one has committed.[17] Regarding this system, the determination of *'uqūbat ta'zīr* in Aceh Qanun No. 6 of 2014 concerning the Jinayah Law is based on several aspects, two of the primary ones being the Qur'an and Hadith. For instance, the provision regarding the form of punishment for a specific type of crime, namely *maisir* (gambling), are as follows:

a. Any person who intentionally commits the crime of gambling (*maisir*) with a bet value and/or profit of up to 2 (two) grams of pure gold shall be liable to *'uqūbat ta'zīr* in the form of a maximum of 12 (twelve) lashes, a maximum fine of 120 (one hundred and twenty) grams of pure gold, or imprisonment for a maximum of 12 (twelve) months.[18]
b. Any person who intentionally commits the crime of gambling (*maisir*) with a bet value and/or profit of up to 2 (two) grams of pure gold shall be liable to *'uqūbat ta'zīr* in the form of a maximum of 12 (twelve) lashes, a maximum fine of 120 (one hundred and twenty) grams of pure gold, or imprisonment for a maximum of 12 (twelve) months.[19]

Based on the explanation above, it is clear that the form of *'uqūbat ta'zīr* for gambling crimes has been regulated in Qanun Aceh Number 6 of 2014 concerning the Law of Jinayat. Although these forms of *'uqūbat ta'zīr* have been explicitly stipulated in the qanun, the people of Aceh often take the law into their own hands when punishing perpetrators—actions that do not comply with the legal provisions established by the Aceh government. Such acts of vigilantism in Aceh are triggered by emotional responses, public participation, the perceived slowness of the legal process, and the assumption that offenders will evade punishment. In practice, this directly violates sharia legal procedures.[20] Therefore, the public must defer law enforcement to official authorities, while the government remains obligated to enhance legal education to ensure justice is served in accordance with sharia.[21] Furthermore, in terms of law enforcement by the *Wilayatul Hisbah* (sharia enforcement police) and other legal authorities, several actions are carried out in contradiction to sharia principles. For instance, when perpetrators are high-ranking officials within the government, *'uqūbat ta'zīr* is often not imposed, and they are released without penalty. Consequently,

[17]Mulizar Mulizar et al., "Maqashid Sharia Perspective of Legal Sanction for Khalwat Actors in Aceh," *Al-Istinbath: Jurnal Hukum Islam* 7, no. 1 May (2022), p. 180.

[18] Qanun Aceh No. 6 of 2014 concerning Jinayat Law Article 18.

[19] Qanun Aceh No. 6 of 2014 concerning Jinayat Law Article 19.

[20] Nur Hannan et al., "Between Adherence to Madhhab and Adaptation to Context: Fatwās on Female Leadership in Nahdlatul Ulama-Affiliated Islamic Higher Education Institutions," *Journal of Islamic Law* 5, no. 2 (2024), p. 269–87.

[21] Faisal Husen Ismail et al., "Vigilantism among the Community in Aceh Against the Accused of Violating the Shariah Criminal Law," *AL-IHKAM: Jurnal Hukum dan Paranata Sosial* 17, no. 2 (2022), p. 549.

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questions arise regarding the extent to which the public understands or fails to understand—the specific forms of *'uqūbat ta'zīr* regulated under the Qanun Jinayah.[22]

Studying this subject is urgent for three reasons. First, Aceh is the only province in Indonesia in which Islamic criminal law operates formally inside the national legal system, so the way its *ta'zir* provisions actually work is the empirical test case for the compatibility of Islamic law with the unitary state. Second, the existing literature evaluates Qanun Jinayat overwhelmingly from the side of the norm and the apparatus rather than from the side of the public who live under it. Recent studies have examined the position of non-Muslims in the implementation of Islamic law in Aceh, the protection of minority rights under Qanun Number 6 of 2014, the narratives of female victims of sexual violence who seek justice through the qanun, the disparity between flogging and imprisonment in Mahkamah Syar'iyah decisions, the effectiveness of the jinayat qanun in reducing crime rates, and the urgency of amending the qanun to reach cyber sexual crime.[23] None of these works measures the level of understanding, acceptance, and perceived implementation held by the Acehnese public itself. Third, that gap is practically consequential: a criminal qanun supported by a strong legal culture but served by a weak legal structure will reproduce precisely the enforcement disparity those studies report. This article addresses that gap by placing the public, rather than the text of the qanun, at the centre of the analysis.

This study examines public understanding and acceptance of Aceh Qanun Number 6 of 2014 concerning Jinayah Law, specifically as it was enforced when survey data were collected in 2018. The research aims to analyze the levels of understanding, implementation, and acceptance among the Acehnese people regarding the forms of *'uqūbat ta'zīr* contained within the Qanun Jinayah. To address the research questions and achieve these objectives, a mixed-methods approach incorporating both quantitative and qualitative methods was employed. For the quantitative component, data were gathered through a field survey using structured questionnaires. A systematic sampling method was selected because access to verified population registries enabled structured random sampling. Furthermore, this method ensured that only participants meeting the target criteria were included, while optimizing both time and resource efficiency.

This study is framed by a sociological approach to law, specifically Friedman's legal system theory, which holds that a legal system works through

[22] Zulfia Hanum Alfi Syahr, et. al., "The Role of Indigenous Peoples, Social Workers, and the Syar'iyah Court in Diversion of Children Perpetrators of Jinayah," *Al-Manahij: Jurnal Kajian Hukum Islam* 17, no. 1 (2023), p. 113–24.

[23] Mursyid Djawas, et al., "The Position of Non-Muslims in the Implementation of Islamic Law in Aceh, Indonesia," *AHKAM: Jurnal Ilmu Syariah* 23, no. 1 (2023). Mawardi Mawardi, et.al., "Religious Tolerance in Banda Aceh and Kediri: Challenges and Opportunities in Digital Space," Jurnal Sosiologi Dialektika Sosial 10. No. 2 (2024).

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the interaction of three components: legal substance (the norms and rules themselves), legal structure (the institutions and apparatus that enforce them), and legal culture (the values, understanding, and attitudes of the society towards those norms). The theory is chosen because the research problem is not the validity of the *ta'zir* norms in Qanun Aceh Number 6 of 2014, which is juridically settled, but the distance between those norms and their operation in society. Public understanding and acceptance are read here as indicators of legal culture, while the perceived quality of enforcement is read as an indicator of legal structure. Reading the two together allows the study to explain why a qanun that enjoys broad social legitimacy may still be enforced imperfectly, and to locate the problem in the component of the legal system where it actually lies.

For sample size selection, this study used guidance from Krejcie and Morgan[24] as well as Cohen.[25] The procedure for determining the sample can be seen in the following table:

Table 1: Sample Determination

N-S	N-S	N-S	N-S	N-S
10-10	100-80	280-162	800-260	2800-338
20-19	120-92	300-169	900-269	3500-346
30-28	140-103	340-181	1000-278	4500-354
40-36	160-113	390-191	1200-291	6000-361
50-44	180-123	420-201	1400-302	8000-367
60-52	200-132	460-210	1600-310	10000-370
70-59	220-140	500-217	1800-317	20000-377
75-63	230-144	550-226	1900-320	30000-379
80-60	240-148	600-234	2000-322	40000-380
85-70	250-152	650-242	2200-327	50000-381
90-73	260-155	700-248	2400-331	75000-382
95-76	270-159	750-254	2600-335	100000-384

Source: Krejcie & Morgan. 1970. "Determining Sample Size for Research Activities. Educational and Psychological Measurement".

Instructions

N = Population

S = Sample

[24] Robert V Krejcie and Daryle W Morgan, "Determining Sample Size for Research Activities," *Educational and Psychological Measurement* 30, no. 3 (1970): 607.

[25] Jacob Cohen, "Quantitative Methods in Psychology: A Power Primer," *Psychol. Bull.* 112 (1992): 155.

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Based on the Krejcie and Morgan tables, the appropriate sample for the population in Banda Aceh which amounted to 259,913[26] people was 300[27] respondents. Researchers have circulated 415 questionnaires, but only 300 questionnaires can be used, as the rest are not returned and some of the questionnaires are damaged.

Meanwhile, for the qualitative method as the second approach, four informants were determined through purposive sampling on the basis of two criteria: direct authority over the enforcement of Qanun Jinayat, and scholarly authority in Islamic criminal law. The first informant is the Head of the Islamic Sharia Office of Banda Aceh City and the second is the Head of the Islamic Sharia Office of Aceh Province, both interviewed in November 2024; they represent the executing structure. The third and fourth informants are academics of the Faculty of Sharia and Law, namely Mansari, interviewed on 15 July 2026, and Ali Abubakar, interviewed on 20 July 2026; they represent the scholarly reading of ta'zir and function as a critical counterweight to the official account. Interviews were semi-structured and organised around five themes: the general application of *ta'zir* in Aceh, the completeness of the implementation of the jinayat qanun, the level of public understanding, the deterrent and reformative effect of the punishment, and the appropriateness of carrying out the punishment in public.

Survey data were analyzed using SPSS 21.0 through descriptive statistics, including frequency distributions and crosstabulations. To thoroughly evaluate public understanding, implementation, and acceptance of *'uqūbat ta'zīr* under the Qanun Jinayah, the analysis follows a three-step analytical approach. First, survey responses are structured and described sequentially based on the questionnaire topics. Second, the quantitative findings are triangulated with qualitative insights gathered from interviews with local legal enforcement officers to examine alignment or discrepancies between public perceptions and law enforcement perspectives. Finally, overall agreement levels are categorized using a standard benchmark scale by Sedarmayanti and Hidayat, ranging from Very Low (0–20%), Low (21–40%), Moderate (41–60%), and High (61–80%), to Very High (81–100%).[28]

Acehnese People's Understanding of the Concept of *Ta'zir* in the Qanun Jinayat

Respondent Background

In this study, the questionnaire was designed to obtain respondents' personal data based on the answers given to questions 1 to 5 in part A of the

[26] Central Statistics Agency of the City of Banda Aceh, *Banda Aceh City in 2018 Figures* (Banda Aceh: Odaiba, 2018), p. 43.

[27] Krejcie and Morgan, "Determining Sample Size for Research Activities", 607.

[28] Sedarmayanti and Syarifudin Hidayat, *Metodologi Penelitian* (Bandung: Mandar Maju, 2011), p. 110.

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questionnaire. This section aims to describe the respondents' gender, age, status, education level, and occupation. (attached in the questionnaire)

1. Gender

Table 2: Respondents' Background by Gender

Gender	Frequency	Percentage (%)
Male	158	52.7
Women	142	47.3
Quantity	300	100.0

Source: Questionnaire (October-December 2024)

Based on the gender distribution in Table 3.1, the number of male respondents is more than that of female respondents. The number of male respondents was 158 people (52.7%), while female respondents amounted to 142 people (47.3%).

2. Age

Table 3: Respondents' Background by Age

Age	Frequency	Percentage (%)
18-29 Years	140	46.7
30-40 Years	72	24.0
41-50 Years	52	17.3
51 Years and Older	36	12.0
Quantity	300	100.0

Source: Questionnaire (October-December 2024)

Furthermore, researchers found that the majority of respondents, namely 140 people (46.7%), were in the age group of 18–29 years. Meanwhile, 72 people (24.0%) were between 30–40 years old, 52 people (17.3%) were 41–50 years old, and 36 people (12.0%) were 51 years old and older. The smallest percentage of respondents came from the age group of 51 years and above, which was 12.0%.

3. Status

Table 4: Respondent Background by Status

Status	Frequency	Percentage
Unmarried	132	44.0
Married	163	54.3
Widower	5	1.7
Quantity	300	100.0

Source: Questionnaire (October-December 2024)

Table 3.3 above shows the distribution of respondents by marital status. Married respondents recorded the highest percentage, which was 54.3% (163 people), followed by unmarried respondents as many as 132 people (44.0%). The

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lowest number of respondents came from the widower and widow group, which was 5 people (1.7%).

4. Education Level

Table 4: Respondents' Background by Education Level

Types of Education	Frequency	Percentage (%)
Primary School	0	.0
High School	2	.7
Domestic HEIs	7	2.3
Overseas HEIs	0	.0
Bachelor	291	97.0
Quantity	300	100.0

Source: Questionnaire (October-December 2024)

Based on the highest level of education of the respondents, the researcher concluded that the majority of respondents were Bachelor (S1) graduates, namely 291 people (97.0%). Furthermore, respondents who are graduates of domestic universities amounted to 7 people (2.3%), and secondary education graduates as many as 2 people (0.7%). Meanwhile, there were no respondents from elementary schools or foreign universities in this study.

5. Jobs

Table 5: Respondent Background by Occupation

Jobs	Frequency	Percentage (%)
Government	74	24.7
Badan BerQanun	20	6.7
Private	61	20.3
Self-Employed	21	7.0
Not Working	19	6.3
Students	105	35.0
Quantity	300	100.0

Source: Questionnaire (October-December 2024)

Furthermore, the graph above shows the distribution of respondents by type of job. The majority of respondents consisted of 105 students (35.0%), followed by 74 government employees (24.7%), 61 private employees (20.3%), 21 self-employed (7.0%), and 20 state agency employees (6.7%). The respondents who did not work were the group with the least number, which was 19 people (6.3%).

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Acehnese Community Understanding of the Concept of *Ta'zīr* and Forms of *'Uqūbat Ta'zīr*

In positive law, those forms are concrete. Qanun Aceh Number 6 of 2014 on Jinayah Law provides four principal forms of *'uqūbat ta'zīr*, namely flogging (*'uqūbat al-jald*), a fine measured in grams of pure gold (*'uqūbat al-gharamah*), imprisonment (*'uqūbat al-ḥabs*), and restitution, which the judge may impose alternatively or cumulatively within the maximum limits set for each *jarīmah*. Mansari noted that this framework has since been amended rather than displaced, explaining that "the application of *ta'zīr* in Aceh currently refers to Qanun Aceh Number 12 of 2025, which is an updating of Qanun Number 6 of 2014. Juridically, there are ten types of jarīmah that are regulated, including *khalwat, ikhtilāṭ, khamr, maisir, rasuah, mukhalatah, liwāṭ*, and others."[29]

In precise terms, the instrument in force is Qanun Aceh Number 6 of 2014, as amended by Qanun Aceh Number 12 of 2025; the 2025 Qanun amends and extends the 2014 Qanun rather than repealing it in its entirety, so that the 2014 Qanun remains the base instrument and the primary object of this study. [30]The four forms of *'uqūbat ta'zīr* set out above are those provided by the 2014 Qanun as it applied at the time of data collection, and the extent to which the 2025 amendment alters those provisions remains a subject for separate legal analysis based on primary legal sources.[31]

Two implications follow for interpreting the survey data below. First, what respondents are being evaluated on is not an abstract theoretical doctrine, but a set of practical sanctions they have seen applied within their social environment. Second, comprehension is unlikely to be evenly distributed across all social groups. The survey data presented in Table 3.6 should therefore be read as measuring public recognition of sanctions and their religious basis, rather than a technical command of *fiqh* terminology.

Table 6: Public Comprehension of *'Uqūbat Ta'zīr* Concepts and Sanctions in Aceh

No	Question Items About Comprehension	STS	TS	S	SS	TT	Interpretation
1	*Ta'zīr* is defined as a form of punishment aimed	8 2.7%	5 1.7%	158 52.7 %	124 41.3 %	5 1.7%	Moderate

[29] Interview with Mansari, Lecturer at the Faculty of Sharia and Law, Banda Aceh, July 15, 2026.

[30] Aceh Government, Qanun Aceh Number 12 of 2025 concerning the Amendment to Qanun Aceh Number 6 of 2014 on Jinayat Law (Banda Aceh: Government of Aceh, 2025).

[31] Interview with Mansari, Lecturer at the Faculty of Sharia and Law, Banda Aceh, July 15, 2026.

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	at educating and reforming offenders						
2	A *ta'zīr* offense refers to any act of disobedience (*ma'ṣiyah*) whose specific punishment is not explicitly determined by Allah SWT in the Qur'an and Hadith	14 4.7%	53 17.7 %	138 46.0 %	73 24.3 %	22 7.3%	Moderate
3	The rate of *ta'zir punishment* can be determined by the syar'i judge	7 2.3%	14 4.7%	186 62%	82 27.3 %	11 3.7%	Hight
4	Opening the aurat is one of the mistakes of *ta'zir*	15 5.0%	43 14.3 %	155 51.7 %	75 25.0 %	12 4.0%	Moderate
5	Whipping is a form of *punishment for ta'zir*	2 .7%	26 8.7%	143 47.7 %	80 26.7 %	49 16.3 %	Moderate
6	Prison is a form of *punishment for ta'zir*	2 .7%	38 12.7 %	181 60.3 %	67 22.3 %	12 4.0%	Hight
7	The punishment of exile for perpetrators of immorality is a form of *punishment for ta'zir*	2 .7%	40 13.3 %	165 55.0 %	81 27.0 %	12 4.0%	Moderate
8	Paying a fine is a form of *punishment for ta'zir*	7 2.3%	56 18.7 %	158 52.7 %	71 23.7 %	8 2.7%	Moderate
9	Advice is a form of *punishment for ta'zir*	7 2.3%	51 17.0 %	178 59.3 %	53 17.7 %	11 3.7%	Moderate

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10	Reproach is a form of *punishment for ta'zir*	33 10.7 %	88 29.3 %	99 33.0 %	66 22.0 %	15 5.0%	Low
11	In Qanun Aceh, the perpetrator of khamar (drinking alcohol) is fined 400 grams of pure gold	8 2.7%	30 10.0 %	139 46.3 %	60 20.0 %	63 21.0 %	Moderate
12	In the Aceh Qanun, the perpetrator of maisir was punished with 30 lashes	2 .7%	26 8.7%	155 51.7 %	64 21.3 %	53 17.7 %	Moderate
13	In the Aceh Qanun, the perpetrator of khalwat is punished with 10 lashes	9 3.0%	26 8.7%	170 56.7 %	68 22.7 %	27 9.0%	Moderate
14	In the Aceh Qanun, people who make false accusations are sentenced to 30 months in prison	2 .7%	19 6.3%	157 52.3 %	65 21.7 %	57 19.0 %	Moderate
15	Fines in the form of advice are considered sufficient as punishment for violations of Islamic dress	13 4.3%	61 20.3 %	151 50.3 %	58 19.3 %	17 5.7%	Moderate

Based on the data analysis presented in Table 3.6, public understanding regarding the concept and forms of *'uqūbat ta'zīr* falls into the "moderate" category, with 52% of respondents demonstrating a sufficient level of legal literacy. These quantitative findings indicate that while the population of Banda Aceh possesses a reasonable grasp of the foundational principles of *ta'zīr* and the specific penal forms codified under the Aceh Qanun Jinayah, there remains a

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notable disparity between general recognition of sanctions and technical legal mastery.

This empirical outcome directly corroborates qualitative insights gathered from legal scholars and experts in Aceh. Mansari observed that while public awareness of the sanctions exists in practice, technical vocabulary creates a barrier for lay citizens: "The Acehnese public generally knows about *ta'zīr* punishment, but for ordinary people who have never been involved in the world of law and academia, I think they do not yet understand it maximally; even the terms used in the Qanun itself are terms that some people do not know or have never heard of."[32]

Abubakar, articulated this distinction even more sharply, emphasizing how the elasticity of *ta'zīr* serves as a primary legal mechanism while simultaneously highlighting the public's broad, non-technical perception: *"Ta'zīr* offers the greatest opportunity for the application of jinayah law in Aceh, because the implementation of Islamic law in Aceh, especially jinayat, must take into account the conditions of modernity, the conditions of Acehness, and developments in legal science. All three require far more study and a stronger policy, and that is only possible through *ta'zīr*. Other than *ta'zīr*, hudud for example, the space for us to discuss it is very small. I think the general public does not understand what *ta'zīr* is or what hudud is. They only understand syariat Islam. But among academics, especially academics of UIN and particularly the Faculty of Sharia, the people of law, they understand. Outside that, people simply follow along and say this is Islamic Law." [33]

When analyzed through Lawrence M. Friedman's framework of legal culture and legal substance, these qualitative perspectives illuminate why public comprehension scores remain in the moderate range. *Ta'zīr* functions as the principal substantive component of Islamic criminal law that can be legislated locally without colliding with the national legal order. However, the public's engagement with this legal culture is predominantly experiential and religious rather than technical. Citizens identify and approve of sanctions like imprisonment (82.6% combined agreement) or judicial discretion (89.3% combined agreement), but struggle with formal jurisprudential categories or statutory specifics (such as public censure in Item 10, which scored the lowest comprehension level). Consequently, while the legal culture surrounding *'uqūbat ta'zīr* demonstrates strong normative support, institutional efforts must focus on bridging this technical literacy gap to enhance overall legal certainty and public awareness.

Acehnese Community Acceptance of *'Uqūbat Ta'zīr*

[32] Interview with Mansari, Lecturer at the Faculty of Sharia and Law, Banda Aceh, July 15, 2026.

[33] Interview with Ali Abubakar, Professor at the Faculty of Sharia and Law, Banda Aceh, July 20, 2026.

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To evaluate how the Acehnese community perceives and accepts the enforcement of *'uqūbat ta'zīr* under the Qanun Jinayah, a series of survey statements was presented to the respondents. These items measure public approval, emotional responses, and personal experiences regarding the implementation and public execution of these legal sanctions. The empirical findings, including frequency distributions, percentage shares, and overall level interpretations, are presented in Table 3.7 below:

Table 7: Public Acceptance and Perceptions of *'Uqūbat Ta'zīr* in Aceh

No	Question Items About Acceptance	STS	TS	S	SS	TT	Interpretation
1	I agree with the form of *'uqūbat ta'zīr* that has been stipulated in the Qanun of Aceh.	5 1.7%	18 6.0%	199 66.3 %	71 23.7 %	7 2.3 %	Hight
2	The *'uqūbat ta'zīr* should be carried out in public	14 4.7%	12 4.0%	173 57.7 %	93 31.0 %	8 2.7 %	Moderate
3	I have witnessed the execution of *'uqūbat ta'zīr.*	18 6.0%	42 14.0 %	155 51.7 %	49 16.3 %	36 12.0 %	Moderate
4	I felt sad when I saw the *'uqūbat ta'zīr* being carried out.	34 11.3 %	169 56.3 %	55 18.3 %	9 3.0%	33 11.0 %	Moderate
5	I feel deterred/reformed after seeing the *'uqūbat ta'zīr* being carried out.	3 1.0%	30 10.0 %	189 63.0 %	62 20.7 %	16 5.3 %	Moderate
6	I felt sorry for the offender when the *'uqūbat ta'zīr* was carried out.	38 12.7 %	158 52.7 %	81 27.0 %	8 2.7%	15 5.0 %	Moderate

Based on the data analysis, the percentage of respondents who agreed with the forms of *'uqūbat ta'zīr* stipulated in the Aceh Qanun reached 66.3%, while an additional 23.7% strongly agreed. This high combined percentage demonstrates strong public support for the specific forms of *'uqūbat ta'zīr* established within the Qanun Aceh. In line with these findings, the Head of the Islamic Sharia Office stated: "In general, the community is very accepting of the form of *ta'zir*

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punishment that has been stipulated in the Aceh Qanun and there are no obstacles in this regard. In determining this form of punishment, the Quran and Hadith are the main guide for the determination of punishment as well as the entire Qanun Jinayah,[34] as mentioned in the Attachment to Qanun Aceh Number 6 of 2014 concerning the Law of Jinayat in part (a): that the Quran and al-Hadith are the main basis of Islam that brings grace to the whole world and has become the belief and life of the people of Aceh."[35]

Based on the survey findings and interview results, it can be concluded that the public generally accepts the various forms of *'uqūbat ta'zīr* established by the Aceh government under the Qanun Jinayah. The community strongly supports the enforcement of the Qanun as an integral part of applying Islamic law in Aceh, widely known as the *Porch of Mecca*. However, this public stance contrasts with survey findings reported by local NGOs in collaboration with regional media outlets such as *Serambi* and *Rakyat Aceh*, which argued that the implementation of the Qanun Jinayah constitutes a human rights violation and should not be maintained.[36] On the other hand, research findings regarding the effectiveness of this punitive approach suggest that it is effective because it provides a strong deterrent effect while simultaneously addressing the moral and social rehabilitation of offenders, particularly in regions with deeply rooted religious norms.[37] This aligns with the empirical results of the present study, in which a majority of respondents (57.7%) agreed with the statement. This perspective is further supported by the Chairman of the Islamic Sharia Office of Banda Aceh City, who stated: "Indeed, *'uqūbat ta'zīr* should be executed in public rather than behind closed doors. When perpetrators of immoral acts are subjected to public flogging, the deterrent effect extends beyond the offender to the spectators who witness the execution, offering them a direct moral lesson. Furthermore, carrying out *'uqūbat ta'zīr* publicly serves as a practical means for law enforcement to increase public awareness regarding the Qanun Jinayah. Conversely, executing sanctions in private deprives the public of first-hand observation, thereby diminishing—or altogether eliminating—the intended educational and deterrent impact of the punishment."[38]

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[34] Muhammad Yasir, "The Living Application of Qur'anic Legal Norms in the Indonesian Legal System: A Systematic Review of Ayat Al-Aḥkam," *Jurnal Ilmiah Al-Mu'ashirah* 22, no. 1 (2025), p. 129–43.

[35] Qanun Aceh No. 6 of 2014 concerning the Law of Jinayat, Weighing Section, point (a).

[36] Muzakkir, "The Effectiveness of Aceh's Jinayat Qanun on Crime Rates in the Community in a Review of Legal Socialization," *al-Manahij: Jurnal Hukum Islam* 16, No. 2 (2022).

[37] Zul Anwar Ajim Harahap, "Reconstruction of Online Gambling Sanctions in Indonesia: A Comparative Analysis of Ta'zir Sanctions and Penalties of the Electronic Information and Transaction Law" *al-Istinbath: Jurnal Hukum Islam* 10, no. 1 (2025), p. 180.

[38]Interview with Chairman of the Islamic Sharia Office of Banda Aceh City, November 19, 2024.

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Based on the quantitative findings and official statements from Qanun Jinayah authorities, it can be concluded that *'uqūbat ta'zīr* is generally well received by the community. This broad acceptance is largely attributable to the deep-rooted influence of Islam within the collective consciousness of the Acehnese people. Historically, the establishment of Islamic sultanates in Aceh led to the gradual embedding of Islamic values into daily life, culminating in a legal system derived from the Qur'an and Hadith to uphold justice, public welfare, and legal certainty.[39] This religious orientation remains vibrant and continuously evolving today, despite the collapse of those historical Islamic polities.

Furthermore, this high level of acceptance is reinforced by the fact that the Acehnese people maintain a lifestyle grounded in Islamic principles, shaped from an early age through a religiously oriented education system. A notable illustration of this distinction can be observed in public school dress codes: unlike public schools in other regions of Indonesia, such as Jakarta, public schools in Aceh require students to adhere to Islamic dress standards (*covering the 'awrah*) both within and outside the school environment. Consequently, an Islamic way of life has become an integral component of daily social existence in Aceh.

This sociocultural background demonstrates why the Acehnese community readily accepts the implementation of *'uqūbat ta'zīr* without significant friction. The public recognizes and understands that the underlying objective of these legal sanctions is to safeguard the collective interest (*maṣlaḥah 'āmmah*) rather than merely individual preferences. Executing sanctions in public aims to provide a broader educational and deterrent lesson to society. Within Islamic jurisprudence, preserving the personal reputation of an offender is secondary to protecting the broader social order, as unmonitored immoral conduct poses a far greater risk to societal integrity.

The academic informants confirm this acceptance but locate its justification in the purpose of the punishment rather than in habit. Ali Abubakar, explained that the question of public execution depends on which objective is being pursued: "there are several approaches to that, whether the purpose of the punishment is to give education to the community or whether the purpose is genuinely to inflict suffering on the offender. In the concept of Islamic law, punishment does indeed impose distress on the offender, but that distress is not only physical pain; it is the pain of honour. In this respect, ta'zir is good to be carried out in public." On the same question, Mansari noted that a dynamic has emerged since Governor Regulation Number 5 of 2018, which directs that flogging be carried out inside correctional institutions, and argued that execution in an open place such as a mosque yard is more effective in producing a lesson and a sense of remorse for both the offender and the wider community, although he stressed the technical problem of ensuring that children do not witness the

[39]See appendix 1 of Qanun Aceh Number 6 of 2014 concerning the Law of Jinayat.

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process. This is consistent with the 90% acceptance recorded in the survey: the public accepts ta'zir because it reads the punishment as educative rather than merely retributive.[40]

The informants are, however, more cautious than the survey respondents about whether that educative purpose is actually achieved. Mansari considered that the punishment "can become a lesson for the offender, so that he can see that there are consequences to be faced when a mistake is committed, and it also becomes a lesson for the wider community when they witness the process of the flogging." Abubakar declined to treat this as established, insisting that "we need to look for data on that, because we cannot measure the remorse of a person who has been punished if we have not researched their situation after the punishment," and proposed recidivism as the proper measure: if the same person does not repeat the same offence, remorse may be said to have occurred, whereas a general decline in the rate of jarimah in several places indicates remorse in the wider community rather than in the convicted person. This is an important qualification: high acceptance in the survey measures the community's attitude towards the norm, not the reformative effect of the sanction on those who have undergone it.[41]

Implementation of *'Uqūbat Ta'zīr* by the Aceh Government

To examine public perception regarding the practical application and enforcement of legal sanctions by local authorities, respondents were surveyed on their evaluation of the Qanun Jinayah's execution in Aceh. This section highlights the community's assessment of enforcement completeness and overall satisfaction with the government's performance in implementing these regulations. The quantitative distribution, percentage breakdowns, and overall level interpretations of respondent evaluations are detailed in Table 3.8 below:

Table 8: Public Perception of the Implementation of *'Uqūbat Ta'zīr* in Aceh

No	Question Items About Implementation	STS	TS	S	SS	TT	Interpretation
1	The implementation of Qanun Jinayah in Aceh has been carried out	28 9.3 %	159 53.0 %	83 27.7 %	16 5.3 %	14 4.7 %	Moderate

[40] Interview with Ali Abubakar, Professor of the Faculty of Sharia and Law, Banda Aceh, July 20, 2026. Interview with Mansari, Lecturer at the Faculty of Sharia and Law, Banda Aceh, July 15, 2026.

[41] Interview with Mansari, Lecturer at the Faculty of Sharia and Law, Interview, Banda Aceh, July 15, 2026. Interview with Ali Abubakar, Professor of the Faculty of Sharia and Law, Banda Aceh, July 20, 2026.

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	effectively and comprehensively.						
2	I am satisfied with the government's implementation of Qanun Jinayah in Aceh.	31 10.3 %	146 48.7 %	91 30.3 %	21 7.0 %	11 3.7 %	Moderate

A notable discrepancy emerges when comparing public acceptance of the legal forms of *'uqūbat ta'zīr* with the public's evaluation of how the government actually implements them. Based on the data analysis, a significant proportion of respondents expressed dissatisfaction with the government's enforcement of the Qanun Jinayah in Aceh, with 48.7% disagreeing with the satisfaction statement. This discontent stems from the perception that the Qanun's enforcement remains incomplete and flawed; indeed, 53.0% of respondents disagreed that the implementation of the Qanun Jinayah has been executed comprehensively. These empirical findings align with previous research indicating that female victims of sexual violence have voiced dissatisfaction with the Qanun Jinayah's limitations in delivering legal justice and protection for women.[42]

The Head of the Aceh Islamic Sharia Office responded to this by stating: "In the implementation of Qanun Jinayah in Aceh, it has not been carried out perfectly". This is caused by several factors, including; First, the implementation of Islamic sharia in Aceh is limited within the scope of the national legal system and must also be in harmony with the national justice system. The Indonesian legal system covers all regulations set by the Indonesian government guided by the Constitution of the Republic of Indonesia. Therefore, any regulations made by each province or region in Indonesia must follow and be in line with the national legal system, including regulations governing the implementation of Islamic law in Aceh. Second, there is a shortage of qualified experts and human resources, both at the level of thinkers, academic experts, and implementers of Islamic law. This hinders the effectiveness of the implementation of Islamic law in Aceh. Third, fines in Islamic sharia law decided by the Sharia Court in its implementation in the field still show injustice. If the perpetrators of sharia violations come from a weak community, the law is strictly enforced. However, if the perpetrator is a person in power or has a position in the government, the law is often not enforced fairly, even delayed or untimely. Fourth, the implementation of Islamic sharia in Aceh is not comprehensive and does not cover all aspects of the life of Muslims, especially in the maintenance of secondary needs such as religion, soul, intellect, descendants, and property known as *Kulliyat al-Khamsah*.

[42]Yogi Febriandi et al., "Seeking Justice through Qanun Jinayat: The Narratives of Female Victims of Sexual Violence in Aceh, Indonesia," *QIJIS (Qudus International Journal of Islamic Studies)* 9, no. 1 (2021), p. 127.

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Currently, what has been regulated is only limited to the law regarding khamar, *maisir, khalwat, adultery, ikhtilat*, sexual harassment, *liwath, musahaqah, rape,* and *qazaf*.[43] Finally, an equally important problem is the limited funds allocated for the implementation of Islamic law, which hinders the smooth and effective implementation of these laws in Aceh."[44]

The Head of the Aceh Islamic Sharia Office emphasized that the implementation of Qanun Jinayah in Aceh has not gone perfectly due to a number of interrelated factors. First, the application of Islamic sharia in Aceh must be in line with Indonesia's national legal system, which limits the scope of the qanun within a broader regulatory framework, including the protection of human rights that is part of the country's constitution. Second, the lack of skilled and competent human resources, both from academics, thinkers, and law enforcers, is a significant obstacle to the effectiveness of the implementation of Qanun Jinayah. Without adequate training and high professionalism among the responsible officials, the implementation of the qanun can be hampered and not optimal. These factors, along with the problem of injustice in the application of punishments, especially when it comes to perpetrators from those in power, further worsen the effectiveness of law enforcement on the ground.

The researcher's view regarding the implementation of Qanun Jinayah in Aceh shows that until now, the implementation has not been carried out perfectly. The effectiveness of Qanun Jinayat in Aceh in reducing crime rates is still relatively low.[45] Some of the factors mentioned earlier affect the law enforcement in implementing the Qanun effectively. This is also due to the empty space that has not been fully touched by the Qanun itself if it follows the development of more complex vices, such as the unaccommodated crime of online prostitution which is now rampant.[46] As a result of imperfections in the implementation of this law, people tend to take their own actions against the perpetrators of immorality among them. They realize that the acts committed by some members of the community are violations that need to be sanctioned accordingly. Therefore, they feel the need to act immediately and no longer refer to power enforcers. In fact, as is known, all actions related to the implementation of punishment against the perpetrator must be carried out by the authorized party, namely the government through the power of attorney appointed for this purpose.[47]

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[43] Sardjana Orba Manullang et al., "Kontribusi Dinas Syariat Islam Terhadap Penerapan Qanun Tentang Khalwat Di Aceh," *Al-Risalah: Forum Kajian Hukum Dan Sosial Kemasyarakatan* 24, no. 1 (2024), p. 49–60.

[44] Interview with Chairman of the Islamic Sharia Office of Banda Aceh City, November 19, 2024.

[45] Muzakkir, "The Effectiveness of Aceh's Jinayat Qanun.

[46] Abdul Jalil Salam et al., "The Urgency of Ammending Jinayat Qanun, p. 614.

[47] Atika Atika, et.al., "Settlement of Non-Litigation Rape Crime Cases in the Perspective of Islamic Law," *Nurani: Jurnal Kajian Syari'ah Dan Masyarakat* 22, no. 1 (2022), p. 191–200.

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The implementation of *ta'zir* in Aceh is still not optimal. Constraints such as limited human resources and injustice in law enforcement, which often benefit certain parties, hinder fair implementation. The community sometimes takes action on its own against the perpetrators of immorality, which is contrary to the principle that law enforcement must be carried out by the authorities. Therefore, improvements are needed in institutional aspects, human resource education, and more equitable and equitable law enforcement to improve the implementation of *ta'zir* in Aceh. The effectiveness of Qanun can be said to be effective in terms of deterrent effect, but other variables are very weak in terms of justice enforcement, therefore, the application of this punishment is more preventive, but it is still carried out in accordance with the sharia in Aceh.[48]

The assertion that implementation remains suboptimal—and that the public is dissatisfied—is not a mere assumption; rather, it is substantiated by four converging lines of independent evidence. The first stems directly from the survey findings: 53% of the 300 respondents indicated that the enforcement of the Qanun Jinayah in Aceh has been executed imperfectly, while 48.7% expressed explicit dissatisfaction with the government's performance in its implementation. Crucially, because these same respondents demonstrated a high level of legal understanding (52%) and strong acceptance of the underlying legal framework (90%), this public discontent cannot be interpreted as a rejection of Islamic norms. Instead, it reflects critical dissatisfaction with how those norms are administered and enforced. The second line of evidence comes from the enforcement leadership itself: the Head of the Aceh Islamic Sharia Office candidly acknowledged that the implementation of the Qanun Jinayah remains imperfect, attributing these institutional shortcomings to the structural constraints of embedding Islamic law within the national legal system, acute shortages in human resources, budgetary limitations, and inter-agency coordination challenges.[49]

The third line of evidence is scholarly. Studies of Mahkamah Syar'iyah decisions record a disparity between flogging and imprisonment in comparable cases, which is a structural indicator of inconsistent application rather than a matter of public perception; research on the effectiveness of the jinayat qanun likewise finds that its impact on crime rates remains limited without adequate legal socialisation; and the persistence of vigilantism against those accused of violating the sharia criminal law shows that a section of the community does not

[48] Sri Dwi Friwarti and Eka Fadhlianti, "Perbandingan Sanksi Bagi Pelaku Perzinahan Menurut Kitab Undang-Undang Hukum Pidana dan Qanun Jinayat," *At-Tasyri Jurnal Ilmiah Prodi Muamalah* 15, No. 2 (2023), p. 205-224.

[49] Ajidar Matsyah et al., "Cultural Continuity and Legal Adaptation: The Evolution of Suluh in Aceh's Conflict Resolution System," *JURIS (Jurnal Ilmiah Syariah)* 24, no. 1 (2025), p. 101. Syarifuddin, Syarifuddin, et.al., "Integration of Religion and Culture in Hadrah Nurun Nabi in Aceh: Perspective of Symbolism and al-'Urf," *Ulumuna: Journal of Islamic Studies* 29, No. 2 (2025), p. 1135-1164.

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yet regard the official process as sufficiently responsive. The fourth is the account of the academic informants, which is instructive precisely because it is divided. Mansari assessed that "the implementation in the field has gone well, even though in reality the maximum threatened punishment is sometimes not imposed, and sometimes the sentence handed down is lower or higher than the prosecutor's demand," adding that the judge holds authority to determine the sentence within a certain range but may not exceed the maximum limit. Ali Abubakar, answered the same question in the negative: "no, because what is called policy, what is the result of ijtihad, moves towards perfection, but that perfection will never be reached, because change will certainly occur, whether change of time, place, or condition, and it will change everything, including the policy of ta'zir. But what has been implemented in Aceh is already considered very good for present conditions and for the condition of an Aceh that is only at the stage of beginning."[50]

Taken together, the four lines of evidence support a specific rather than a sweeping conclusion. What the data establish is not that Qanun Jinayat has failed, but that its weakness lies in the legal structure: sentencing disparity, limited apparatus capacity, and uneven socialisation. What Mansari describes as sentences falling above or below the prosecutor's demand is, from the perspective of the public, the same phenomenon that 53% of respondents record as imperfect implementation. The two readings are not in conflict; they are the internal and the external view of one structural problem. Legal culture in Aceh, by contrast, is not the weak point, since understanding and acceptance are both high. Policy attention should accordingly be directed to the capacity, consistency, and accountability of the enforcing institutions rather than to further socialisation of the norm alone.

As found in the research of Djawas and his team, it is stated that the formalization of Islamic law in Aceh has created a relationship between Islamic law and the state, especially in the application of *ta'zir* through Qanun Jinayat. Despite the challenges, the implementation of Qanun shows the integration between Islamic law and the life of the people of Aceh, both Muslims and non-Muslims. Some non-Muslims even choose to submit to Qanun Jinayat in certain cases, such as gambling, khalwat, and the consumption of liquor, which shows that *ta'zir* can provide a sense of security and justice for all citizens.[51]

The effectiveness of a law departs from awareness of each element of the substance of the law itself. It is in this context that the socialization of the law is necessary, which is expected to open the inner eyes that human beings are essentially created to do good and obey the law. To instill legal awareness that

[50] Interview with Mansari, Lecturer of the Faculty of Sharia and Law, Banda Aceh, July 15, 2026. Intreview with Ali Abubakar, Professor of the Faculty of Sharia and Law, Banda Aceh, July 20, 2026.

[51] Mursyid Djawas et al., "The Position of Non-Muslims in the Implementation of Islamic Law in Aceh, p. 117.

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comes from conscience, spiritual legal socialization is the ideal method. Introduction to the concept of eternal afterlife and temporary worldly life is one of the important motivations so that humans do not neglect and exceed limits.[52]

The implementation of taʿzīr in Aceh still faces various obstacles, such as limited human resources, inequality in law enforcement, and the tendency of the community to act alone against immoral perpetrators. Although Qanun Jinayat is effective in creating a deterrent effect, the aspect of substantive justice is still weak so its application is more preventive.[53] The formalization of Islamic law through Qanun Jinayat has shown the integration between Islamic law and the state, even voluntarily followed by some non-Muslims in certain cases, which shows the value of justice and a sense of security that it presents. To strengthen the effectiveness of *taʿzīr*, it is necessary to improve institutions, the quality of human resources, and fair law enforcement, as well as a spiritual approach to legal socialization in order to foster legal awareness from the conscience of the people.

Conclusion

This study evaluated public understanding, public acceptance, and practical implementation regarding *'uqūbat ta'zīr* in the Qanun Jinayah through Friedman's theoretical framework of legal culture and legal structure. The empirical findings indicate that public understanding falls into the moderate category, with 52% of 300 respondents demonstrating a reasonable level of legal literacy, where 62% recognized judicial discretion in determining sanctions and 60.3% identified imprisonment as a form of *ta'zīr*, though academic experts note that general familiarity with sanctions exceeds formal command of *fiqh* terminology. Public acceptance, by contrast, is exceptionally high at 90%, driven by the historical internalization of Islamic values in Acehnese society and justified by authorities for its educational function, albeit with unmeasured long-term reformative effects. Meanwhile, implementation remains suboptimal, as 53% of respondents view enforcement as imperfect and 48.7% express dissatisfaction with government performance—a judgment corroborated by the Head of the Aceh Islamic Sharia Office, documented sentencing disparities, and inconsistent judicial practices. Consequently, while the Acehnese legal culture surrounding *'uqūbat ta'zīr* displays strong normative acceptance alongside moderate legal understanding, its legal structure remains weak, indicating that institutional reform should prioritize capacity, consistency, and accountability over simple norm socialization. By supplying society-side empirical evidence to a literature

[52] Muzakkir, "The Effectiveness of Aceh's Jinayat Qanun. Nurul Kamaly, et.al., Implementation of Qanun Jinayat Within the Framework of Special Autonomy in Aceh." *Malikussaleh Social and Political Reviews* 7, No. 1 (2026), p. 75–95..

[53] Abdul Jalil Salam et al., "The Urgency of Ammending Jinayat Qanun. Budiman Budiman, et.al., "An Analysis of Fiqh Jinayah and Criminal Law on The Legal Protection for Children as Victims of Obscenity," *Jurnal al-Dustur* 5, No. 2 (2022).

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largely dominated by normative analyses, this study offers concrete insights for administering Qanun Jinayah within the framework of the Unitary State of the Republic of Indonesia, though future research on recidivism is necessary to evaluate reformative efficacy. Finally, these findings reflect public perceptions prior to the 2025 amendment under Qanun Aceh Number 6 of 2014, and an evaluation of Qanun Aceh Number 12 of 2025 will require subsequent empirical investigation.

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