

Islamic Criminal Law in a Plural Legal Order: A Systematic Literature Review of Qanun Jinayah Effectiveness in Aceh, Indonesia

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Abstract: *The Qanun Jinayah represents Aceh's distinctive model of Islamic criminal law within Indonesia's secular constitutional framework. Its implementation has generated considerable debate regarding legitimacy, effectiveness, and alignment with national and international human rights standards. Despite extensive discourse, existing studies remain fragmented and largely descriptive, lacking an integrated analytical framework to evaluate its real societal impact. This study addresses that gap by systematically reviewing literature published between 2014 and 2024 using the PRISMA methodology. Relevant sources were identified through Google Scholar and managed with Mendeley for screening, duplication removal, and thematic classification. Nine empirical and conceptual studies met the inclusion criteria. The findings reveal a dual narrative: while the Qanun Jinayah demonstrates normative effectiveness in reflecting Islamic principles and supporting moral governance, institutional and socio-cultural effectiveness remains partial due to weak law enforcement capacity, inconsistent procedural alignment with national law, and limited protection of individual rights. This review contributes theoretically by proposing a multi-dimensional effectiveness framework that integrates normative, institutional, and socio-cultural dimensions offering a more holistic tool for assessing hybrid Islamic-secular legal systems. The study concludes that while Qanun Jinayah upholds regional autonomy under Law No. 44/1999 and Law No. 11/2006, substantive reform is urgently required to enhance institutional legitimacy and human rights compliance. The findings hold significant implications for scholars and policymakers seeking to reconcile Islamic criminal law with Indonesia's plural legal order and for comparative research on localized Sharia implementation in plural legal contexts.*

Keywords: Effectiveness, Qanun Jinayat, Islamic Criminal Law, Aceh

Abstrak: *Qanun Jinayah merepresentasikan model khas hukum pidana Islam di Aceh dalam kerangka konstitusi sekuler Indonesia. Implementasinya telah memunculkan perdebatan yang cukup luas terkait legitimasi, efektivitas, serta kesesuaiannya dengan standar hak asasi manusia nasional maupun internasional. Meskipun diskursusnya cukup ekstensif, kajian yang ada masih terfragmentasi dan cenderung bersifat deskriptif, tanpa kerangka analisis terpadu untuk menilai dampak nyata terhadap masyarakat. Penelitian ini berupaya mengisi kekosongan tersebut dengan meninjau secara sistematis literatur yang terbit antara tahun 2014 hingga 2024 menggunakan metodologi PRISMA. Sumber-sumber relevan diidentifikasi melalui Google Scholar dan dikelola dengan Mendeley untuk proses penyaringan, penghapusan duplikasi, serta klasifikasi tematik. Sebanyak sembilan studi empiris dan konseptual memenuhi kriteria inklusi. Temuan penelitian menunjukkan adanya narasi ganda: di satu sisi, Qanun Jinayah terbukti efektif secara normatif dalam mencerminkan prinsip-prinsip Islam dan mendukung tata kelola moral.*

Namun, efektivitas kelembagaan dan sosio-kultural masih parsial akibat lemahnya kapasitas penegakan hukum, ketidakkonsistenan prosedural dengan hukum nasional, serta keterbatasan perlindungan terhadap hak individu. Kajian ini memberikan kontribusi teoretis dengan mengusulkan kerangka efektivitas multi dimensi yang mengintegrasikan aspek normatif, kelembagaan, dan sosio-kultural, sehingga menawarkan alat yang lebih holistik untuk menilai sistem hukum hibrid Islam sekuler. Penelitian ini menyimpulkan bahwa meskipun Qanun Jinayah menegakkan otonomi daerah berdasarkan Undang-Undang No. 44/1999 dan Undang-Undang No. 11/2006, reformasi substantif sangat mendesak dilakukan guna meningkatkan legitimasi kelembagaan serta kepatuhan terhadap hak asasi manusia. Temuan ini memiliki implikasi penting bagi para akademisi dan pembuat kebijakan yang berupaya merekonsiliasi hukum pidana Islam dengan tata hukum plural di Indonesia, serta bagi penelitian komparatif mengenai implementasi syariah lokal dalam konteks pluralisme hukum.

Kata Kunci: *Efektivitas, Qanun Jinayah, Hukum Pidana Islam, Aceh*

Introduction

This study examines the complex relationship between Qanun Jinayah Number 6 of 2014 Aceh's regional Islamic criminal law and its practical implementation within Acehnese society. Although the Qanun was normatively designed to uphold Islamic moral order and deter crime, its real world application raises persistent questions about effectiveness. The core issue lies in the tension between normative effectiveness, grounded in theological legal ideals, and implementative effectiveness, which depends on institutional capacity, enforcement mechanisms, and societal acceptance.¹ Despite its formal legitimacy under Indonesia's special autonomy framework, debates continue over whether its enforcement truly advances justice and social harmony or merely symbolizes conformity to Sharia.² To address this gap, a Systematic Literature Review (SLR) is conducted to synthesize empirical and conceptual findings from the past decade, mapping the the problems³, including Qanun's effectiveness across normative, institutional, and socio-cultural dimensions. This approach provides a comprehensive understanding of

¹ Christine Schenk, "Legal and Spatial Ordering in Aceh, Indonesia: Inscribing the Security of Female Bodies Into Law," *Environment and Planning a Economy and Space*, 2019, <https://doi.org/10.1177/0308518x19836119>; Zainul Fuad, Surya Darma, and Muhibbuthabry Muhibbuthabry, "Wither Qanun Jinayat? The Legal and Social Developments of Islamic Criminal Law in Indonesia," *Cogent Social Sciences* 8, no. 1 (2022), <https://doi.org/10.1080/23311886.2022.2053269>.

² A Z M Putra et al., "The Existence Of Qonun Jinayah In The National Legislation System," ... *Jurnal Penelitian Ilmu ...* 1, no. December (2023): 526–32, <https://ojs.daarulhuda.or.id/index.php/Socius/article/view/132>.

³ M A Al Battashi et al., "Mapping Research Trends in AI-Driven Personalized Learning Pathways: A Scoping Review," in *Generators, Bots, and Tutors: Creative Approaches to Human-AI Synergy in Classroom Instruction*, 2025, 1–30, <https://doi.org/10.4018/979-8-3373-0847-0.ch001>; R Rastogi and S Saha, "Bibliometric Analysis of Omnichannel Retailing Trends: Insights from the Last 19 Years," *Indian Journal of Marketing* 55, no. 5 (2025): 45–65, <https://doi.org/10.17010/ijom/2025/v55/i5/175019>.

Islamic criminal law in a plural legal system and proposes an integrative analytical framework for assessing its real world impact in Aceh.

This study investigates the intricate relationship between Qanun Jinayah Number 6 of 2014 Aceh's regional Islamic criminal law and its implementation within the social and institutional realities of Acehnese society. While the Qanun was formulated to uphold Islamic moral order and deter criminal acts, its effectiveness remains contested in both scholarly and public discourse.⁴ The central research problem lies in the tension between normative effectiveness, rooted in strong theological and legal justifications, and implementative effectiveness, which depends on institutional capacity, enforcement mechanisms, and public acceptance.⁵ Despite its constitutional legitimacy under Indonesia's special autonomy framework, ongoing debates question whether the Qanun genuinely enhances justice and social harmony or functions merely as symbolic conformity to Sharia ideals.⁶ To clarify these issues, this study employs a Systematic Literature Review (SLR) to synthesize and critically evaluate a decade of empirical and conceptual research. The SLR not only identifies key gaps in existing scholarship but also proposes an integrative analytical framework for assessing the actual performance and societal implications of Islamic criminal law within Indonesia's plural legal landscape.

⁴ Arsekal Salim, "Challenging the Secular State: The Islamization of Law in Modern Indonesia," in *Challenging the Secular State: The Islamization of Law in Modern Indonesia*, 2008, 1–7.

⁵ S S A Zanubiya, N A Maaruf, and A Winanti, "The Effectiveness Of Flogging Punishment On Public Legal Awareness In Aceh Province: A Sociology Of Jurisprudence Perspective," *Jurnal Hukum Sehasen*, 2023, <https://jurnal.unived.ac.id/index.php/jhs/article/view/4849>; W Hefni, R Ahmadi, and I Mustofa, "The Effectiveness of Aceh's Jinayat Qanun on Crime Rates in the Community in a Review of Legal Socialization," *Ejournal.Uinsaizu.Ac.Id*, n.d., <https://ejournal.uinsaizu.ac.id/index.php/almanahij/article/download/6643/2948>; A G Barutu, "Khamr Criminal Act and Its Resolution in Subulussalam City, Aceh," *Al-Risalah*, 2019, <https://www.ojp.e-journal.lp2m.uinjambi.ac.id/index.php/al-risalah/article/view/318>; Z Zuriah, T A Saputra, and ..., "The Effectiveness of Qanun Jinayat in Preventing Sexual Violence Against Children from a Psychological Perspective," *An-Nisa Journal of Gender Studies*, Vol. 16, No. 2, 2023, <https://annisa.uinkhas.ac.id/index.php/annisa/article/view/176>.

⁶ Hefni, Ahmadi, and Mustofa, "The Effectiveness of Aceh's Jinayat Qanun on Crime Rates in the Community in a Review of Legal Socialization"; S Sahara and M Suriyani, "Poverty Effectiveness for the Maisir (Contest) in the City of Indonesian Aceh Province," *Proceedings of MICoMS 2017* (emerald.com, 2018), <https://doi.org/10.1108/978-1-78756-793-1-00046>; Syamsuar et al., "The Effectiveness of Islamic Law Enforcement to Empower and Protect Women in Aceh Province, Indonesia," *Journal of Social Sciences Research*, no. Specialissue2 (2018): 466–71, <https://doi.org/10.32861/jssr.spi2.466.471>; Ahmad Nurozi and Dadan Muttaqien, "The Effectiveness of Crime Prevention with Corporal Punishment in Nanggroe Aceh Darussalam," *Millah: Journal of Religious Studies* 20, no. 2 (2021): 223–44, <https://doi.org/10.20885/millah.vol20.iss2.art2>; Erlan Wijatmoko, Armaidly Armawi, and Teuku Faisal Fathani, "Legal Effectiveness in Promoting Development Policies: A Case Study of North Aceh Indonesia," *Heliyon* 9, no. 11 (2023): e21280, <https://doi.org/10.1016/j.heliyon.2023.e21280>; M Muzakkir, "The Effectiveness of Aceh's Jinayat Qanun on Crime Rates in the Community in a Review of Legal Socialization," *Al-Manahij: Jurnal Kajian Hukum Islam* 16, no. 2 (2022): 255–68, <https://doi.org/10.24090/mnh.v16i2.6643>.

Accordingly, this study aims to systematically synthesize and critically analyze scholarly discussions concerning the effectiveness of the Qanun Jinayah in Aceh from 2014 to 2024. By adopting the PRISMA protocol for systematic reviews, it integrates and evaluates peer reviewed articles, conference papers, and relevant empirical studies that address both the strengths and limitations of the Qanun's implementation. The objective is not merely to summarize existing literature but to develop a conceptual and analytical framework capable of explaining why normative legitimacy does not always translate into effective enforcement and equitable outcomes. This framework highlights the interaction between legal norms, institutional performance, and community responses, offering a structured lens through which the success of Islamic criminal law can be assessed. Ultimately, the study contributes to broader debates on the harmonization of Islamic and national law within Indonesia's plural legal system and provides a foundation for future policy reforms aimed at enhancing justice, human rights protection, and the sustainable application of Qanun Jinayah in Aceh.

Research on the Qanun Jinayah in Aceh generally falls into two categories: those examining its legitimacy and those evaluating its effectiveness. Supporters regard the Qanun as a valid expression of Aceh's special autonomy and a model for integrating Islamic principles into national law.⁷ They argue that punishments such as caning deter crime, reinforce moral order, and protect women, aligning with both *fiqh* and the Indonesian Criminal Code.⁸ Conversely, critics view the Qanun as incomplete,⁹ gender-biased,¹⁰ and discriminatory toward non-Muslims,¹¹ creating legal dualism¹² and

⁷ Ridwan Nurdin, "Kedudukan Qanun Jinayat Aceh Dalam Sistem Hukum Pidana Nasional Indonesia," *Miqot Jurnal Ilmu-Ilmu Keislaman* 42, no. 2 (2019): 356, <https://doi.org/10.30821/miqot.v42i2.542>; A Jailani, "Penerapan Ijtihad Al-Maqasidy Al-Jama'iy Dalam Legislasi Hukum Jinayat Di Aceh," *Istinbath* (istinbath.or.id, 2017), <https://istinbath.or.id/index.php/ijhi/article/download/68/24>.

⁸ Syamsuar et al., "The Effectiveness of Islamic Law Enforcement to Empower and Protect Women in Aceh Province, Indonesia"; Nurozi and Muttaqien, "The Effectiveness of Crime Prevention with Corporal Punishment in Nanggroe Aceh Darussalam."

⁹ Dkk Muzakkir, "Implementation of Law in Aceh After Application Qanun Jinayah," *International Journal of Humanities and Social Science Invention* 6, no. 9 (2017): 1–7.

¹⁰ Faradila Hasan and Fioreza Ayulis Putri Rajak, "Justice for Cut Intan Nabila: Integration of Islamic Law and Psychology in Adjudicating Cases of Violence Against Women," *Spectrum Journal of Gender and Children Studies*, 2024, <https://doi.org/10.30984/spectrum.v4i1.1073>.

¹¹ Muhammad Rio Fariza, Andre Noevi Rahmanto, and Pawito Pawito, "Respecting Sharia or Obscuring Identity? Non-Muslim Women Wearing Hijab in Aceh From the Perspective of the Majority," *Penamas* 37, no. 2 (2024): 198–210, <https://doi.org/10.31330/penamas.v37i2.795>; Safira Mustaqilla et al., "The Existence of Non-Muslim Minorities in Aceh Indonesia: A Study of Civil and Police Institutions," *Samarah* 8, no. 1 (2024): 628–45, <https://doi.org/10.22373/sjhgk.v8i1.17386>.

¹² L A Krisna and K P Prayitno, "Dualism of Regulation of Criminal Law in Aceh: Criticizing the Neglected Legal Certainty," *Proceedings of the 1st Workshop on ...*, 2019, <https://doi.org/10.4108/eai.20-1-2018.2282431>; Amrina Habibi Achmad, "Dualisme Penerapan Hukum Bagi Pelaku Kekerasan Seksual Terhadap Anak," *Litigasi* 20, no. 20 (2020): 267–90, <https://doi.org/10.23969/litigasi.v20i2.1561>.

inconsistency with human rights¹³ and higher laws.¹⁴ Institutional weaknesses, limited resources, and poor coordination are also cited as barriers to effective enforcement. Situated within these contrasting perspectives, this study systematically assesses the Qanun Jinayah's real world effectiveness in Aceh.¹⁵

Aside from the two dominant types of studies on the Qanun Jinayah above, no Systematic Literature Review (SLR) has yet been conducted to specifically examine its existence and effectiveness. Therefore, this research introduces novelty through a systematic review of scholarly works discussing the Qanun Jinayah including debates on legitimacy, implementation effectiveness, and public compliance based on data from the Google Scholar database covering the 2014–2024 period. This approach provides a new foundation for understanding the dynamics of Qanun Jinayah implementation from normative, institutional, and socio-cultural perspectives. Academically, the study proposes an integrated analytical framework to bridge the gap between normative and implementative effectiveness of Islamic criminal law within the context of regional autonomy. Practically, the findings offer policy recommendations for both the Aceh and national governments to enhance institutional capacity, strengthen coordination among sharia enforcement agencies, and align the implementation of the Qanun Jinayah with principles of justice and human rights. Thus, this study opens new pathways for advancing Islamic legal scholarship within Indonesia's plural and dynamic legal system.

Method

This study employed a Systematic Literature Review (SLR) approach following the PRISMA (Preferred Reporting Items for Systematic Reviews and Meta-Analyses) protocol. The review covered journal articles published between 2014 and 2024 that examined the effectiveness of the Qanun Jinayah in Aceh. The data collection phase involved a multi stage search across selected academic repositories to compile a dataset of publications pertaining to the study's focus. Relevant articles were identified using two databases: Publish or Perish (PoP) and Google Scholar. The search used combinations of the following keywords: “effectiveness” OR “efektivitas” AND “qanun jinayah” OR “qanun jinayat” OR “hukum jinayah.” This process initially produced 210 articles (200

¹³ Krisna and Prayitno, “Dualism of Regulation of Criminal Law in Aceh: Criticizing the Neglected Legal Certainty”; Muhammad Razi and Khairil Azmin Mokhtar, “The Challenges of Shariah Penal Code and Legal Pluralism in Aceh,” *Jurnal Media Hukum* 27, no. 2 (2020): 195–216, <https://doi.org/10.18196/jmh.20200151>.

¹⁴ Michael Buehler, “The Implementation of Islamic Law in Contemporary Aceh, Indonesia by R. Michael Feener,” *Indonesia* 98, no. 1 (2014): 147–52, <https://doi.org/10.1353/ind.2014.0014>; Razi and Mokhtar, “The Challenges of Shariah Penal Code and Legal Pluralism in Aceh.”

¹⁵ Yuni Roslaili, Suparwany Suparwany, and Amirulhakim Bin Ahmad Nadzri, “Why the Growth of Qanun Jinayah in Aceh Was Slowly? An Analysis Using Structural Functionalism Theory,” *Al-Risalah* 21, no. 2 (2021): 182, <https://doi.org/10.30631/al-risalah.v21i2.928>.

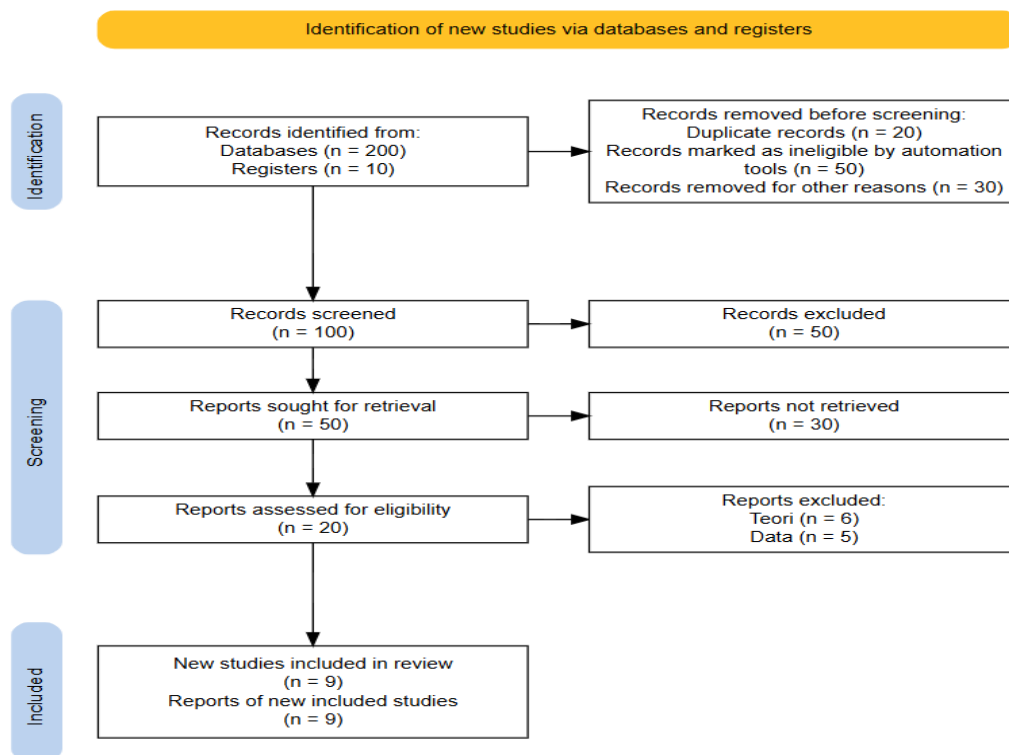
from PoP and 10 from Google Scholar). This article does not include sources from Scopus because the author did not find any articles that discuss the Qanun Jinayah, let alone evaluate its effectiveness.

Following the initial search, the retrieved documents underwent a rigorous screening process to ensure the quality and reliability of the sources selected. All retrieved articles were imported into Mendeley for reference management and duplication removal. The initial screening eliminated 20 duplicate records, followed by the exclusion of 50 articles that lacked abstracts, publication details, or DOI identifiers, and 30 articles that did not meet the inclusion criteria.

A second round of screening excluded 50 additional articles deemed irrelevant and 30 reports that could not be accessed. The remaining 20 articles were assessed for eligibility, after which non-theoretical or imprecise studies were excluded. Ultimately, nine (9) articles met all criteria and were included in the final synthesis.

The final phase of the methodology involved a systematic analysis of the included studies to synthesize relevant information. The selected articles were analyzed qualitatively using the PRISMA flow framework, focusing on patterns, findings, and thematic relationships related to the Qanun Jinayah's effectiveness, implementation challenges, and socio-legal impact in Aceh. The PRISMA flow diagram below illustrates each stage of the screening and selection process. Furthermore, the data was processed through the Prisma protocol as follows:

Picture 1: Articles Selection Flow



Discussion

A. Summary of Reviewed Articles

After evaluating the extracted articles and filtering the articles based on their relevance and quality, 9 articles were selected for study. The research articles reviewed were between 2014 and 2024 from Google Scholar as shown in table below:

Table 1: 9 Articles Were Selected for Study

Author, Year & Title	Study Design	Conclusion
Kamarusdiana (2016) Qanun Jinayat Aceh in the Perspective of the Indonesian Legal State	Qualitative	Islamic Criminal Law (Qanun Jinayat in Aceh has become a national law in Indonesia and can be a model for the development of national law
Muzakkir (2017) Implementation of Law in Aceh After Application	Qualitative	The implementation of Islamic criminal law in Aceh faces obstacles due to the ongoing conflict and challenges in applying Sharia law in practice.
Ali Geno Baruto (2017) Qanun Aceh No. 14 of 2003 Concerning Khalwat in the View of Fiqh and the Criminal Code	Qualitative	Qualitative This article discusses the stipulation of Qanun Number 14 of 2003 concerning khalwat as part of the initial implementation of Islamic criminal law in Aceh.
Umami Habibatul Islamiyah (2018) The Effectiveness of Islamic Law Enforcement to Empower and Protect Women in Aceh Province, Indonesia	Qualitative	According to the government's principle, Islamic law enforcement in Aceh, Indonesia, has a significant impact on empowering and protecting women.
Faradilla Fadlia (2019) The Definition of Private and Public Space in the Implementation of Qanun Jinayah in Aceh	Qualitative	The Qanun Jinayah in Aceh does not recognize private space, allowing authorities to enter private spaces to enforce Islamic criminal law.
Abdul Rahman (2020) Islamic Sharia Based Governance System in Indonesia (Case Study of the Implementation of Qanun Jinayat in the Aceh Provincial Government)	Qualitative	Qanun Jinayat in Aceh still needs several improvements, including more comprehensive and intense formal socialization to all levels of society, increasing the integrity of law enforcement officers, more adequate protection as a preventive measure against discrimination against women, reviewing the implementation of caning

		punishment and reconstruction of the principle of justice.
Ahmad Nurozi (2021) The Effectiveness of Crime Prevention with Corporal Punishment in Nanggroe Aceh Darussalam	Qualitative	Corporal punishment in Aceh, such as caning, has been effective in establishing an Islamic society and preventing crime.
Maura Pemelie Walidain (2021) Implementation of Qanun Jinayat in Criminal Law Enforcement in Aceh	Qualitative	Components of criminal law enforcement in Aceh in this study consist of the Sharia Court, Wilayatul Hisbah, and Aceh Customary Institutions, each of which has its own authority. In addition, factors that influence law enforcement cannot be separated from the factors of laws, law enforcement officers, infrastructure and the community.
Fauzah Nur Aksa (2023) The Implementation of Qānūn of Jināyāt in Aceh: A Legal Point of View	Qualitative	The implementation of Islamic criminal law in Aceh faces challenges due to conflicts with national laws and issues with enforcement

The findings of this systematic review reveal that the scholarly debate surrounding the Qanun Jinayah in Aceh has often been presented as a binary opposition between proponents and critics. However, a closer synthesis shows that these perspectives address different layers of analysis rather than mutually exclusive positions. Supportive studies, such as those by Kamarusdiana (2016)¹⁶ and Ali Geno Baruto (2017)¹⁷, evaluate the Qanun from a normative legal standpoint, emphasizing its legitimacy under Aceh's special autonomy and its conformity with fiqh principles and national legislation. Conversely, critical studies including those by Muzakkir (2017)¹⁸, Abdul Rahman (2020)¹⁹, and Fauzah Nur Aksa (2023)²⁰ focus on the institutional and socio-legal dimensions, identifying weak coordination, limited resources, and uneven

¹⁶ Kamarusdiana Kamarusdiana, "Qānūn Jināyat Aceh Dalam Perspektif Negara Hukum Indonesia," *AHKAM: Jurnal Ilmu Syariah* 16, no. 2 (2016): 151–62, <https://doi.org/10.15408/ajis.v16i2.4445>.

¹⁷ Ali Geno Berutu, "Faktor Penghambat Dalam Penegakan Qanun Jinayat Di Aceh," *Istinbath: Jurnal Hukum* 14, no. 2 (2017): 148, <https://doi.org/10.32332/istinbath.v14i2.951>.

¹⁸ Muzakkir, "Implementation of Law in Aceh After Application Qanun Jinayah."

¹⁹ Abdul Rahman, "Sistem Pemerintahan Berbasis Syariah Islam Di Indonesia (Studi Kasus Penerapan Qanun Jinayat Di Pemerintah Provinsi Aceh)," *KAIS Kajian Ilmu Sosial* 1, no. 2 (2020): 91–106.

²⁰ F N Aksa et al., "The Effectiveness of Qanun Aceh No. 9/2004 and Qanun Aceh No 6. 2014 in Solving Khalwat Cases in Sawang District," *Jurnal Geuthèë ...*, 2023, <https://journal.geutheeinstitute.com/index.php/JG/article/view/265>.

professionalism among enforcement agencies. Meanwhile, Walidain (2021)²¹ discusses the components of criminal law enforcement in Aceh, which in this study consist of the Sharia Court, Wilayatul Hisbah, and Aceh Customary Institutions each possessing its own authority. In addition, the factors influencing law enforcement cannot be separated from the elements of the law itself, law enforcement officers, infrastructure, and the community. Kamarusdiana (2016)²², on the other hand, argues that Islamic Criminal Law (Qanun Jinayat) in Aceh has become part of Indonesia's national legal framework and can serve as a model for the development of national law.

As a synthesis, the review reveals that scholarly debates on the Qanun Jinayah in Aceh move beyond a simple divide between proponents and critics. Supportive works such as Kamarusdiana (2016) and Ali Geno Baruto (2017) emphasize its normative-legal legitimacy under Aceh's special autonomy and its conformity with fiqh principles and national law, while critical studies by Muzakkir (2017), Abdul Rahman (2020), and Fauzah Nur Aksa (2023) highlight institutional and socio-legal constraints such as weak coordination and limited resources. Complementing these perspectives, Walidain (2021) identifies the main components of criminal law enforcement the Sharia Court, Wilayatul Hisbah, and customary institutions whose effectiveness depends on the interaction among law, officers, infrastructure, and the community. Overall, the synthesis demonstrates that the Qanun Jinayah discourse reflects a layered relationship between normative legitimacy, institutional capacity, and socio-legal realities within Aceh's plural legal framework.

To explain this pattern, this study proposes the Layered Legitimacy Effectiveness Framework (LLEF), which conceptualizes the Qanun Jinayah's performance across three interrelated layers: normative, institutional, and social. At the normative layer, the Qanun enjoys solid theological and legal justification as part of Indonesia's plural legal system. At the institutional layer, enforcement challenges such as overlapping authority between the Mahkamah Syar'iyah, Wilayatul Hisbah, and customary bodies hinder consistent application. At the social layer, mixed public attitudes, gender based concerns, and limited community understanding weaken acceptance and compliance. The interaction among these layers produces what can be termed a Tiered Effectiveness Gap, in which normative strength does not necessarily translate into institutional efficiency or social legitimacy.

²¹ M P Walidain and L Astuti, "Implementasi Qanun Jinayat Dalam Penegakan Hukum Pidana Di Aceh," *Indonesian Journal of Criminal Law and ...*, 2021, <https://journal.umy.ac.id/index.php/ijclc/article/view/13790>.

²² Kamarusdiana, "Qânûn Jinâyat Aceh Dalam Perspektif Negara Hukum Indonesia."

Picture 2: The Layered Legitimacy–Effectiveness Framework

Building on this framework, the review advances a mid range theoretical proposition referred to here as the Symbolic Substantive Divergence Theory. In plural legal settings, Islamic criminal law like the *Qanun Jinayah* tends to achieve rapid symbolic legitimacy serving as an emblem of religious identity and regional autonomy yet struggles to attain substantive legitimacy, namely consistent, fair, and rights sensitive enforcement. This divergence helps explain why public discourse in Aceh remains polarized: supporters emphasize moral and identity dimensions, while critics highlight procedural weaknesses and human rights concerns. The theory suggests that effectiveness depends not merely on the presence of Islamic norms but on the institutional mediation and social negotiation that connect law to lived experience.

From a policy perspective, this synthesis underscores that improving the *Qanun Jinayah*'s effectiveness requires interventions at the institutional and social layers rather than additional normative codification. Strengthening institutional capacity, enhancing interagency coordination, and promoting public legal literacy are crucial steps toward bridging the symbolic substantive divide. Academically, the LLEF and the Symbolic Substantive Divergence Theory provide new analytical tools for understanding how Islamic criminal law operates within non-Islamic state structures. Collectively, these insights shift the debate from a simple pro-versus-contra dichotomy toward a multidimensional understanding of effectiveness, legitimacy, and justice in Aceh's evolving legal landscape.

This multidimensional approach not only enriches the discourse surrounding legal frameworks but also encourages stakeholders to engage in more nuanced discussions about justice and community values. By fostering an environment where diverse legal perspectives can coexist, the region may better address the unique challenges it faces in reconciling traditional practices with contemporary legal norms. This integration of various legal perspectives can lead to innovative solutions that respect cultural heritage while promoting social equity. Ultimately, it empowers communities to actively participate in shaping their own legal narratives, creating a more inclusive and representative legal system.

B. The Effectiveness of Qanun Jinayah And The Ineffectiveness of Qanun Jinayah

Based on the structure of the reviewed articles, the effectiveness of the *Qanun Jinayah* can be analyzed from two interrelated dimensions: (1) legal legitimacy and (2) legal substance. This dual perspective allows for a more comprehensive evaluation that moves beyond formal legality toward assessing the law's practical and social performance. To achieve this, nine selected articles published between 2014 and 2024 were critically evaluated to identify indicators of both effectiveness and ineffectiveness in the implementation of the *Qanun Jinayah* in Aceh.

From the dimension of legal legitimacy, the findings reveal that *Qanun Jinayah* possesses a strong constitutional and theological foundation. As emphasized by Kamarusdiana (2016)²³ in *Qânûn Jinâyat Aceh in the Perspective of the Indonesian Legal State*, the *Qanun* is formally valid as a manifestation of Aceh's special autonomy and represents an innovative model of integrating Islamic criminal law within Indonesia's national legal framework. This aligns with Law No. 44 of 1999 and Law No. 11 of 2006, which grant Aceh the authority to enforce Islamic law, thereby strengthening the *Qanun*'s normative legitimacy.

However, from the dimension of legal substance, several studies indicate significant limitations in achieving procedural justice, gender equality, and institutional consistency. Articles such as Muzakkir (2017)²⁴ and Fauzah Nur Aksa (2023)²⁵ highlight that despite strong normative legitimacy, the *Qanun*'s implementation faces obstacles ranging from weak institutional coordination to limited public awareness and conflicts with higher national laws. In addition, studies by Faradilla Fadlia (2019)²⁶ and Abdul Rahman (2020)²⁷ underline the lack of clear boundaries between public and private space, raising concerns over individual rights and proportionality in law enforcement. These challenges suggest a pressing need for comprehensive reforms that address both the legal framework and the societal understanding of these laws. By fostering dialogue and enhancing education, stakeholders can work towards a more equitable implementation that respects individual rights while upholding community standards.

²³ Kamarusdiana.

²⁴ Muzakkir, "Implementation of Law in Aceh After Application Qanun Jinayah."

²⁵ Aksa et al., "The Effectiveness of Qanun Aceh No. 9/2004 and Qanun Aceh No 6. 2014 in Solving Khalwat Cases in Sawang District."

²⁶ F Fadlia and I Ramadani, "The Definition of Private Adn Public Space in Implementation of Qanun Jinayah in Aceh," *Addin*, 2019, <http://journal.iainkudus.ac.id/index.php/Addin/article/view/3324>.

²⁷ Rahman, "Sistem Pemerintahan Berbasis Syariat Islam Di Indonesia (Studi Kasus Penerapan Qanun Jinayat Di Pemerintah Provinsi Aceh)."

The following table summarizes the identified aspects of effectiveness and ineffectiveness of the *Qanun Jinayah* based on the synthesis of these nine reviewed articles:

Table 2. Summary of Effectiveness and Ineffectiveness of Qanun Jinayah in Aceh (2014–2024)

Dimension	Indicators of Effectiveness	Indicators of Ineffectiveness	Supporting Sources
Legal Legitimacy	Constitutionally valid under Law No. 44/1999 and Law No. 11/2006; aligned with <i>fiqh</i> principles; reflects Aceh's autonomy	Tension between regional law and national hierarchy; limited harmonization with national criminal law	Kamarusdiana (2016), Ali Geno Baruto (2017)
Institutional Function	Existence of <i>Mahkamah Syar'iyah</i> , <i>Wilayatul Hisbah</i> , and customary institutions; operational legal system for enforcement	Weak coordination, limited funding, overlapping authority, inconsistent professionalism	Muzakkir (2017), Maura Walidain (2021), Fauzah Nur Aksa (2023)
Substantive Justice	Certain deterrence effects through corporal punishment (caning) and increased public discipline	Perceived discrimination against women/non-Muslims; intrusion into private life; procedural inequality	Umami Habibatul Islamiyah (2018), Faradilla Fadlia (2019), Abdul Rahman (2020), Ahmad Nurozi (2021)

Overall, the synthesis indicates that the *Qanun Jinayah* demonstrates substantial legal legitimacy but faces enduring challenges in achieving substantive and institutional effectiveness. Its symbolic strength as an instrument of Islamic identity and autonomy has not yet translated into consistent enforcement or universal social acceptance. These findings reaffirm the “Tiered Effectiveness Gap” described earlier, where the *Qanun* remains normatively robust but institutionally fragile and socially contested. This gap highlights the need for a more comprehensive approach to implementation that prioritizes community engagement and education. By fostering dialogue among stakeholders, there is potential for the *Qanun Jinayah* to evolve into a more accepted and effective framework that balances religious principles with practical governance.

Conclusion

This study concludes that the implementation of the Qanun Jinayah in Aceh represents a complex intersection between Islamic values, legal pluralism, and socio-political realities. The systematic review of nine relevant studies (2014–2024) reveals that the Qanun Jinayah demonstrates strong normative legitimacy being constitutionally recognized under Indonesia's autonomy framework and consistent with fiqh principles yet faces persistent challenges in its institutional performance and social acceptance. While several studies affirm its deterrent and moral functions, others criticize its discriminatory potential, lack of procedural clarity, and limited human rights safeguards. Collectively, these findings indicate that the Qanun Jinayah is normatively effective but remains institutionally fragile and socially contested.

Academically, this study contributes by developing the Layered Legitimacy Effectiveness Framework (LLEF) and proposing the Symbolic Substantive Divergence Theory to explain why Islamic criminal law may attain symbolic legitimacy without achieving substantive justice. This framework enriches the theoretical discourse on Islamic law implementation in plural legal systems and provides a transferable model for analyzing similar contexts beyond Aceh.

From a policy perspective, the study recommends that the Aceh and national governments focus reform efforts on strengthening institutional capacity and coordination among sharia enforcement bodies, improving legal literacy and community participation, and harmonizing the Qanun Jinayah with Indonesia's human rights and constitutional standards. These measures are essential to ensure that Islamic criminal law in Aceh functions not only as a symbol of religious identity but also as a fair, effective, and socially responsive legal system.

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