

Aceh and State-supported Religion: The Case of Religious Minorities Under Qanun No. 4/2016

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Abstract

This article examines how Aceh's *Qanun No. 4/2016* functions as an instrument that legitimizes state-supported in restricting the rights of religious minority groups. While previous studies have addressed the broader institutionalization of interreligious relations in Aceh, few have analyzed how specific legal instruments control religious minorities. This study posted two questions: how does *Qanun No. 4/2016* operate as a mechanism of state support for the majority religion, and what does this reveal about post-conflict religious politics in Aceh? Using qualitative policy analysis conducted from April to June 2025, it combines document analysis of Articles 13, 18, and 19 with interviews of minority representatives and religious freedom activists. The findings highlight a form of state-support that is formally legitimized through a sharia-based local legal framework, which has an impact on limiting the access and rights of non-Muslim groups to establish places of worship. In the context of the politics of religion, this qanun is part of a strategy to institutionalize certain religious identities by the local government, which not only creates inequality in relations between religious communities, but also strengthens the exclusivity of religious identities in the public sphere. The implication of this study is to highlight how legal provisions become a tool of majority group hegemony in the name of law and religious morality

Keywords: *Politics of Religion, State-Support, Religious Minorities, Aceh*

A. Introduction

This paper examines the politics of state-support on one religion through policies governing the establishment of places of worship in Aceh. As a region with special autonomy under the implementation of Islamic Sharia, Aceh has the authority to enact policies based on Islamic principles. One example of this is Aceh *Qanun No. 4/2016* on Guidelines for the Establishment of Houses of Worship. Nearly a decade after its enactment, the implementation of this qanun has raised significant concerns, particularly regarding the state's partiality toward the majority religious group ((Nirzalin and Febriandi 2022). Notably, Article 19 explicitly exempts the establishment of Muslim places of worship from the general procedures outlined in Articles 13 to 18. This creates a double standard, as only non-Muslim communities are required to meet complex and

rigid administrative requirements, while Muslim communities are not subject to the same rules. According to Febriawati and Herdiani (2022), such unequal policies contribute to tensions and make it easier for communities to be provoked into opposing the construction of churches. Similarly, Almakin (2016) argues that the Aceh government's approach to resolving conflicts over places of worship often prioritizes the interests of Muslims.

This paper applies the concept of state restriction (Finke and Martin 2014) to analyze religious politics in Aceh. The state often restricts minority religions in order to strengthen the position of the majority faith. Minority religions are also frequently viewed as a threat to the cultural and political identity of the state, especially in places where religion forms a central part of collective identity. In Aceh, for instance, where Islamic law is formally enforced, the presence of churches or Christian symbols is sometimes perceived as disrupting the religious order supported by the state and embraced by the majority population. This situation is made worse by weak legal protections for minority groups. In many cases, courts that are not fully independent tend to reinforce dominant norms and limit minorities' access to justice, which further entrenches discrimination.

Numerous scholars have examined Muslim-Christian relations in Aceh from various disciplinary perspectives. For example, (Ansor 2014; Ichwan, Salim, and Srimulyani 2020; Makin 2016; Permana 2021a) demonstrates that discrimination against the Christian minority in Aceh stems from the state's interpretation and implementation of Islamic Sharia policy. Similarly, Zulkarnaini et.al (2022) explores how Christians navigate and maintain their faith within an Islamic-dominated public sphere. These studies share a common perspective: that state support plays a significant role in the perpetuation of religious discrimination. This paper aligns with those previous works in analyzing the role of the state in shaping Muslim-Christian relations in Aceh. However, unlike earlier studies, this article explicitly critiques Qanun No. 4/2016 as a state policy that institutionalizes discrimination against religious minorities in Aceh.

Research indicates that the policy of restricting access to worship for minority groups is not unique to Aceh. In many Muslim-state countries (where Islam become as norms of policy), religious regulation tends to be more stringent than in non-Muslim-state countries (Fox 2019; Jimoh 2011; Riaz 2013). This trend is often linked to a low level of religious pluralism and the close relationship between religion and politics in Islam (Bramsen and Vermeer 2019). Such regulations may include the designation of Islam as the official state religion, state support for Islamic institutions, restrictions on religious practices, and systemic discrimination against religious minorities (Bramsen and Vermeer 2019). Furthermore, Finke and Martin (2014) argue that the lack of an independent judiciary and the state's partiality toward a particular religion are

key drivers of restrictions on religious freedom. Politically, regimes often implement such restrictive policies to secure their power, as seen in the treatment of minority groups such as the Ahmadiyya (Rahman 2014).

In the context of Aceh, religious favoritism is not merely the result of societal consensus but reflects deliberate policy engineering that uses Islamic law as an instrument of hegemony (Feener 2013). Consequently, obtaining permits to construct houses of worship for non-Muslim groups is highly challenging. According to data from the Ministry of Religious Affairs, as of 2022, Aceh had 4,408 mosques, compared to only 189 Christian churches, 20 Catholic churches, 12 temples, 22 monasteries, and 25 shrines. Most non-Muslim places of worship—particularly Christian churches—are concentrated in Southeast Aceh District (140), Aceh Singkil (20), and Banda Aceh City (10). Several high-profile incidents illustrate how such religious tensions unfold. In Aceh Singkil, conflict erupted when Christian groups were accused of violating a collective agreement that limited the number and locations of churches. This tension escalated into violent episodes, including church burnings, which led to social unrest and highlighted the ineffectiveness of government officials in ensuring justice and security for all religious communities (Hartani and Nulhaqim 2020). Media coverage, particularly in outlets such as *Republika*, further shaped public perception by framing the conflict as a violation of worship-related regulations, thereby legitimizing repressive actions against minority groups (Triyono and Setyawan 2021).

In response to these tensions, the Aceh government has undertaken various initiatives, such as organizing interfaith forums (FKUB), academic discussions, and community engagement programs involving leaders from multiple faiths (Zain and Maturidi 2024). However, the effectiveness of these efforts remains questionable, particularly given the state's continued favoritism in religious policymaking (Febriandi and Amri 2021; Nirzalin and Febriandi 2022). Research has shown that the Aceh government tends to support specific Islamic schools of thought—particularly Ahlussunnah wal Jamaah—both in normative discourse and through formal policy measures (Nirzalin and Febriandi 2022; Permana 2021b; Saifullah and Aksa 2021) (Nirzalin & Febriandi, 2022; Permana, 2021a). This state-support is evident in Qanun No. 4/2016, which serves as a symbolic strategy by local elites to consolidate political legitimacy through the reinforcement of Islamic identity in public governance. The Qanun imposes strict administrative procedures for establishing houses of worship, incorporating elements that can be—and often are—used to restrict the rights of religious minorities (Ichwan et al. 2020).

This article seeks to analyze how Qanun No. 4/2016 functions as a tool of religious politics in Aceh, reinforcing state favoritism toward the majority religious group. It addresses two central research questions: how does Qanun

No. 4/2016 operate as a mechanism of state support for the majority religion, and what does this reveal about post-conflict religious politics in Aceh? The implication of this study is that legal provisions serve as tools of majority hegemony by restricting minority access to houses of worship, revealing the risks of codifying inequality under law and religious morality.

B. Methods

This study employs a qualitative approach using policy analysis to examine the Aceh government's partiality toward a particular religious group and its implications for the constitutional right to worship. Data collection was carried out over a three-month period, from April to June 2025. While this research does not focus on a specific case study location, it is confined to the Aceh context, given the applicability of Qanun No. 4/2016 to the region and the presence of religious minority communities directly impacted by the policy. Data were gathered using three primary techniques. First, the study conducted a detailed document analysis of Qanun Aceh No. 4/2016, with particular focus on Articles 13, 18, and 19, which are considered potentially discriminatory. This analysis aimed to examine the structural and substantive dimensions of the policy and to identify elements that may restrict religious freedom or indicate government favoritism. Second, the researchers conducted indirect interviews (via telephone) with representatives of religious minority communities and activists engaged in religious freedom issues in Aceh. These interviews were intended to capture empirical experiences, perceptions, and responses to the qanun's implementation. Third, the researchers observed several public discussions and forums where Qanun No. 4/2016 was debated, in order to understand the broader discourse and the positions of various social actors regarding the policy.

The policy analysis is directly linked with the interview data to develop a holistic understanding of how the content of Qanun No. 4/2016 affects religious minority groups in practice. The relationship between these two data sources is complementary: policy analysis offers a normative and structural lens through which to understand the legal framework, while the interview data provides insight into the lived experiences and responses of affected individuals and communities. This linkage was achieved through a process of critical reading and thematic mapping between specific provisions in the qanun—particularly Articles 13, 18, and 19—and empirical findings from interviews. In article 13, which mandates community approval for the establishment of houses of worship, was analyzed not only from a legal standpoint but also in terms of its real-world effects, as evidenced by testimonies from minority representatives who encountered difficulties obtaining permits despite fulfilling administrative

requirements. Thus, interviews serve as empirical tools to test, validate, or even challenge assumptions embedded in the policy.

The rationale for this integrative approach is grounded in the recognition that policy analysis alone is insufficient to grasp the full complexity of the issue. Without incorporating the voices of those directly affected, policy studies risk remaining overly descriptive and disconnected from the social realities on the ground. Therefore, this research bridges the normative and practical dimensions of the policy, demonstrating how seemingly neutral legal texts can result in discriminatory practices during implementation. To operationalize this connection, thematic categories were developed to capture key issues within the qanun, such as “obstacles to worship licensing,” “state and majority community roles,” and “inter-religious tensions.” These themes were then matched with narratives emerging from the interviews. The analysis proceeded interpretatively, highlighting how legal provisions are understood, contested, or misused in practice. The result is a critical mapping that not only elucidates the legal content of the qanun but also its broader social and constitutional implications. To ensure data validity, this research employed triangulation by cross-referencing findings from policy analysis, interviews, and observations.

C. Result and Discussion

1. Results

Qanun 4/2016 as an Instrument of Religious Politics

Aceh’s authority to implement regional policies based on Islamic values is rooted in Law No. 11/2006 on the Governance of Aceh, which emerged as part of the peace agreement between the Government of Indonesia and the Free Aceh Movement (GAM) (Salim, 2010). As widely documented in the literature, the protracted armed conflict between the Indonesian government and Acehese separatist forces lasted from the 1970s until a peace accord was reached in 2005 (Feener 2013; Miller 2010; Nurdin and Ridwansyah 2020; Sujatmiko 2012). As a result of the agreement, Aceh was granted the right to formulate qanun—regional regulations with legal standing—particularly in the domain of local governance and the implementation of Islamic law.

Among these legal products is Qanun Aceh No. 4/2016 on Guidelines for the Maintenance of Religious Harmony and the Establishment of Houses of Worship. This qanun outlines procedures for acquiring permits for religious buildings and offers mechanisms for resolving interfaith tensions. It was enacted in response to a violent conflict that erupted in Aceh Singkil District in 2015, which was rooted in disputes over the existence of several Christian churches that were allegedly built without permits (Tobroni 2021). Tensions escalated when Muslim youths organized a protest demanding the demolition of non-permitted houses of worship. The local government subsequently announced its

intention to demolish 21 such buildings. The situation culminated on October 13, 2015, when approximately 600 people attacked and burned a Protestant church. The mob then proceeded toward a second church but was met with resistance from Christians and security personnel. Clashes ensued, resulting in the death of one person and injuries to several others, including a military officer.

In response, security forces were deployed to de-escalate the situation, and the local government facilitated mediation between conflicting groups. A Reconciliation Acceleration Team was formed, employing penal mediation—a form of conflict resolution outside the judicial process—to resolve the tensions. Through this process, it was agreed that a formal regulation was necessary to govern the establishment of places of worship, provide legal certainty, and prevent future conflicts. Consequently, the Aceh government enacted Qanun No. 4/2016, which was initially framed as a legal instrument to preserve interfaith harmony and regulate worship facilities fairly and transparently. The qanun was intended to reflect the unique status of Aceh within the unitary structure of Indonesia while respecting the principles of Islamic law.

However, critical examination reveals significant normative and structural problems within the qanun, particularly Article 19, which exempts the construction of Muslim places of worship from the procedures required in Articles 13 to 18. This exemption creates a legal double standard, requiring only non-Muslim communities to undergo extensive administrative scrutiny, including securing support from 140 worshippers and 110 local residents, with no clear justification for these figures. Such requirements are not only disproportionate but also epistemologically flawed, as they lack transparent, evidence-based rationale and serve to reinforce structural discrimination.

This asymmetry aligns with Finke & Martin's (2014) theory of state-supported religion, which posits that religious discrimination arises when the state grants preferential treatment to a dominant religion. In such cases, minority religions are often treated as threats to the cultural and political identity of the state, particularly in regions like Aceh, where religion constitutes a core component of public identity. Within this framework, churches or other non-Muslim religious symbols are perceived as disruptive to the prevailing Islamic order, and the state acts—actively or passively—to inhibit their presence. Moreover, the legal privilege to implement Islamic law in Aceh is often interpreted as a license to institutionalize religious favoritism, sidelining the province's religious pluralism. As a result, the qanun functions not only as an administrative guideline but also as a symbolic instrument of religious identity politics. In this context, public policy becomes a tool for asserting the dominance of the majority religion, marginalizing minority faiths both legally and socially.

This identity-based favoritism is not limited to interfaith dynamics. It also manifests within Islam, as illustrated by the case of Muhammadiyah in

Samalanga, where local religious authorities invoked the qanun to restrict non-mainstream Islamic groups based on theological differences (Nirzalin and Febriandi 2020; Permana 2021b). This example reveals the exclusivist and fragmentary potential of religious identity politics, which, rather than fostering unity, may deepen intra-religious divisions. In addition to its discriminatory content, Qanun No. 4/2016 overlaps problematically with national regulations, particularly the Joint Regulation of the Minister of Religious Affairs and Minister of Home Affairs No. 9 and No. 8 of 2006, which replaced the outdated 1969 SKB Tiga Menteri. These joint regulations promote a participatory process via the Religious Harmony Forum (FKUB) and outline a more inclusive, albeit imperfect, framework for house of worship licensing. However, FKUBs often mirror local power structures and tend to reinforce majority dominance, thereby narrowing access for minority communities (Makin 2016).

At the constitutional level, this qanun appears to violate several fundamental rights guaranteed by the 1945 Constitution, including Articles 28E, 28I, and 29, all of which affirm freedom of religion and belief. The qanun also contravenes Law No. 39/1999 on Human Rights and TAP MPR No. VII/MPR/1998, as well as Indonesia's international obligations under the International Covenant on Civil and Political Rights (ICCPR), especially Article 18, which affirms the non-derogable nature of religious freedom. Moreover, it fails to meet the standards set by the Siracusa Principles, which require that any limitations on human rights be based on law, proportional, and non-discriminatory. In practice, no documented cases demonstrate successful establishment of non-Muslim places of worship under the strict requirements of the qanun, further reinforcing its *de facto* function as a barrier rather than a facilitator of religious freedom (based on interview with all resources). This situation highlights the discrepancy between normative legal claims and actual administrative implementation, exposing the structural inequality embedded in local governance.

Viewed through the lens of state support theory and religious identity politics, Qanun No. 4/2016 is not a neutral administrative regulation but a structural mechanism that reproduces religious majoritarianism. It narrows the civic space for minority expression and fails to accommodate the pluralistic character of Acehnese society. Therefore, revising the qanun is not merely a matter of legal technicality but constitutes an urgent ethical and political imperative. A revision must aim to construct a fair, inclusive, and democratic framework for religious governance in Aceh—one that is consistent with both national constitutional principles and international human rights obligations.

Instruments of Control

In the study of contemporary politics of religion, one of the key structural dilemmas in Muslim-majority countries is the tension between state support for

Islam and access to worship for non-Islamic religions. Many scholars have argued that the official recognition of Islam as the state religion creates institutional frameworks that hinder democratic development. This phenomenon, which Sarkissian (2012) refers to as part of the "democracy gap," suggests that authoritarianism in Muslim-majority countries is not only driven by economic or cultural factors, but also by incentive structures shaped by the relationship between the state and religious institutions.

The inter-religious conflict in Aceh Singkil, as examined by Amal Idrissi (2021), illustrates another aspect of this issue. Under a strict local religious regulatory regime, the number and location of Christian churches are limited by informal and unequal agreements. When Christian communities are seen as violating these unwritten quotas, social tensions emerge—often mobilized by actors close to state religious institutions. This shows that state control over religion not only limits the internal freedom of Muslims, but also legitimizes discrimination against minority groups. In effect, such control creates institutional exclusivity that narrows the space for legitimate religious expression.

The response of civil society and religious organizations to Qanun No. 4/2016 shows that the regulation functions more as a tool of control over minorities than a means of protecting religious freedom. The lack of inclusive participation in the legislative process, the disproportional administrative requirements, and the absence of an effective conflict-resolution mechanism reflect the weak democratic accountability in managing religious diversity in Aceh. Based on interviews with actors directly involved in the issue of establishing houses of worship in Aceh, especially in Aceh Singkil, it is clear that Qanun No. 4/2016 has functioned not just as a legal instrument, but also as a mechanism of control that limits minority communities' access to religious rights. Pak Cokok, a Protestant Christian representative from Aceh Singkil, explained that the administrative requirements—such as obtaining 110 signatures of support and 140 registered users—are practically impossible to fulfill. In his village, there are only nine Muslim families, while nearly 200 Christians use the worship space. Despite worshipping there since 1986, the community cannot meet the formal requirements. This indicates that the regulation does not reflect demographic realities and effectively prevents legal recognition of existing Christian houses of worship.

Mr. Samarel, from the Protestant section of Aceh's Ministry of Religious Affairs, confirmed that the qanun is the main obstacle. There is no mechanism in the regulation to address situations where signatures of support are revoked under social pressure. He added that certain groups promote the idea that supporting church construction is haram, which causes unrest. According to him,

the people of Singkil are generally peaceful, but the process is manipulated by invisible actors who hold significant influence over local administration.

In another interview, Mr. Baron from Catholic Bimas stated that communication with the government has led to no concrete outcomes. He described their efforts as “sowing salt in the sea.” Reports submitted by fact-finding teams have never been officially followed up. There is no formal mechanism or standard operating procedure (SOP) to resolve disputes over worship spaces. Instead, solutions often rely on customary negotiations or unilateral decisions by local governments, which in turn create new tensions within the community.

Fuadi, from Kontras, further explained that the qanun was drafted without involving the communities most affected by it. He said that although the academic draft was prepared by scholars, the process was non-transparent and closed. Article 19 of the qanun, which exempts mosques from the same rules applied to other places of worship, is seen as institutionalizing religious inequality. This shows that the regulation was not a product of social consensus, but rather an exclusive process serving the interests of the majority. Efforts by the Christian community to coordinate with local authorities have not produced meaningful change. Mr. Samarel said that although meetings have been held with the parliament, local officials, and even the governor, there has been no follow-up. Promises have been made, but no real solutions implemented. Even the special task force established by the governor has not produced policies to address the root of the problem.

The interviews consistently reveal that the qanun has created systemic inequality. It imposes unrealistic conditions, allows for social pressure and administrative manipulation, and prevents minorities from accessing their right to worship. Many Christians are forced to worship in tents or temporary shelters, which remain unrecognized by the authorities—even after decades of use. Pak Cokok described this situation as “a fire in the husk”—conflict has not erupted openly, but the tension remains unresolved. According to state-support theory, when the state favors one religious institution—through funding, legal protections, or symbolic recognition—it creates unequal access for other religious groups. Such dependency on state support generates a “moral hazard” in which favored institutions no longer need to compete to serve their communities. In this way, state control contributes to social conservatism and the marginalization of alternative religious voices.

2. Discussion

This article takes the position that Qanun No. 4/2016 functions less as a regulation to facilitate religious freedom and more as a tool of state-sanctioned control over minority communities. Rather than supporting the realization of

religious rights, the procedures outlined in the qanun operate as mechanisms of obstruction (Finke and Martin 2014). Interviewees explicitly stated that the regulation should be reviewed through a participatory process involving representatives from affected minority groups. Furthermore, they emphasized the need for the government to demonstrate political will and constitutional commitment in resolving these issues fairly.

As demonstrated in the case of Aceh Singkil, Qanun No. 4/2016 represents a form of public policy shaped by the dominant religious identity – Islam – and institutionalized through local legislation. According to Fuadi from KontraS, the drafting process of the qanun was non-inclusive and exclusive, excluding non-Muslim communities who are directly impacted by its implementation. This reflects a pattern of structural exclusion, where minority groups are not only underrepresented but are entirely removed from the deliberative process of policy-making. This finding supports Nirzalin and Febriandi's (2022) argument that the state not only tolerated but also contributed to sustaining religious conflict in Aceh, particularly through policies and legal structures that reinforced majority dominance and limited protections for minority groups.

From the perspective of Finke & Martin (2014), this illustrates the hegemonization of a single identity by the state – a process through which the state aligns itself with one dominant cultural or religious group and uses administrative authority to reinforce that group's dominance in public life. The direct consequences of this favoritism are evident in the administrative requirements of the qanun, which, as Pak Cokok noted, are impossible for minority communities to fulfill. For instance, the regulation demands 110 signatures from interfaith residents in a village with only nine Muslim households. Here, like Almakin (2016) states, hegemony operates through legal-rational exclusion: the law appears neutral in its text, but its design and implementation systematically marginalize certain groups. Mr. Samarel highlighted another layer of exclusion, explaining that even when communities manage to collect the required signatures, social and moral pressures, such as informal fatwas declaring support for churches as haram, often lead to withdrawals of that support.

This situation illustrates that sharia policy in Aceh does not function as an instrument for redistributing rights or protecting minority interests, but rather acts as a mechanism for reinforcing asymmetrical power relations between majority and minority religious groups (Fox 2013). The state is not merely a passive observer of discrimination; it actively constructs and maintains systems of exclusion through formal legal frameworks. As Mr. Baron aptly described, engagement with the government is akin to "*sowing salt in the sea*" – a futile effort – underscoring the lack of political will to treat minorities as equal citizens.

The qanun thus serves as both a vehicle for the institutionalization of dominant religious identities and a tool for excluding minorities from public policymaking. As Fuadi critically pointed out, Article 19, which exempts mosques from the same regulations applied to other places of worship, is a clear example of legalized structural inequality. When one type of religious building is heavily regulated while another is fully exempt, the state intervenes unequally in religious affairs, granting privilege and legal immunity to the symbols of the majority faith. Within this framework, state support for the dominant religion does not merely produce normative inequality; it also generates symbolic fear and social repression toward minority groups. Through its policies, the state has marginalized religious minorities, effectively denying them the right to be legally visible and socially recognized.

D. Conclusion

The conclusions of this paper show that Qanun No. 4/2016 in Aceh is not merely an administrative regulation, but a political instrument that reinforces the dominance of the majority religion while restricting the rights of minority religious communities. Using the framework of state-support theory and religious identity politics, our findings have demonstrated that the qanun institutionalizes structural inequality through unrealistic administrative requirements, lack of inclusive participation in its formulation, and unequal legal treatment—particularly disadvantaging Christian communities who are often forced to worship in temporary, unrecognized spaces. The exclusion of minority groups from the legislative process and the legal exemption of mosques, as highlighted in interviews with actors like Pak Cocok, Mr. Samarel, and Fuadi, reflect how state favoritism operates under the guise of legal neutrality. This paper contributes to the broader literature on religion-state relations in Muslim-majority democracies by providing an in-depth case study of Aceh Singkil, emphasizing how religious regulations can be used to marginalize rather than protect. Suggestions for future research include conducting comparative studies in other Indonesian provinces or Muslim-majority countries with similar regulatory frameworks, examining the role of local interfaith networks and civil society resistance, and exploring how such discriminatory policies intersect with issues of gender, education, and political participation in religious minority communities.

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