Socius: Jurnal Penelitian Ilmu-Ilmu Sosial
Volume 1, Nomor 5, December 2023, Halaman 526-532
E-ISSN: 3025-6704
DOI: https://doi.org/10.5281/zenodo.10449081

The Existence of Qonun Jinayah In The National Legislation System

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ARTICLE INFO

Article history:
Received November 23,, 2023
Revised Desember 05, 2023
Accepted Desember 15, 2023
Available online Desember 27, 2023

Keywords:
Error, Hamzah washal letters, Hamzah Qath'I letters, Student.

ABSTRACT

Legal provisions regarding Regional Regulations and the process of their formation are the basis for the Taqnin process of jinayat law. To understand the mechanisms of criminal law, there are several principles that must be considered in making the Aceh Jinayat Law Qanun. All leaders in the Aceh region showed the process of preparing the Qanun from start to finish. In the Taqnin process in Aceh, the Al-Qur'an and Hadith are the main sources and should not be ignored. Apart from that, the initial plan for the process must be based on the Al-Qur'an and Hadith. Because public legal awareness really determines the success of jinayat law legislation, there are several obstacles in implementing the Aceh Qanun because civil society proposes testing the Qanun, and several organizations even carry out judicial reviews.

INTRODUCTION

Pendahuluan berisi tentang permasalahan penelitian, tujuan, manfaat penelitian, dan state of the art atau perbedaan kajian penelitian ini dengan penelitian terdahulu), arti penting penelitian ini serta nilai-nilai kebaruan (novalty) yang menunjukkan orisinalitas penelitian. Literatur review yang memuat kebaruan penelitian.

Aceh Province is an area with a majority Muslim community and on that basis Aceh has the advantage of operating a special authority, where the province of Aceh has the right to implement Islamic law in living its daily life. So that Aceh province is the only region that applies Islamic law into its local regulations. This triggered pros and cons because after Aceh was granted special autonomy to implement Islamic law, there was a discourse that spread among legal practitioners, namely the Taqnin discourse, which in terms of Taqnin is a masdar form of the word "*qannana*", which means "making laws". This condition makes Aceh the center of attention of various legal practitioners to examine whether Aceh as a region with the largest Muslim majority as well as those who have implemented Islamic law is making efforts to change Islamic law into a favorable law to replace the colonial legacy law that we call the Criminal Code.

To gain a better understanding, we must consider how the Indonesian legal system provides opportunities for Muslim communities to implement Islamic law. To enforce Islamic law, we first need to go through a period of tension and bargaining of power between community exponents and state authorities. Because Islamic law is only partially applicable in Indonesia, and the other part must be subject to the rules recognized by the government. Based on the above problems, it is very important to conduct research on Aceh's jinayat law from the legislative process of qanun jinayat, its members, institutions, and forms, to how it is applied in terms of legal instruments, legal institutions, and legal culture. (Jailani & Amsori, 2018)

METHODS

Researchers use qualitative research, which is a type of research that aims to understand phenomena from a more in-depth and contextual perspective. This research focuses on the meaning, interpretation, and understanding of the research subject. In collecting data, the author uses descriptive analysis techniques where this technique emphasizes description and in-depth understanding of the

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phenomenon rather than statistical measurement or generalization. Researchers try to explain "why" and "how" a phenomenon occurs.

RESULT AND DISCUSSION

Process and Mechanism of Jinayat Law Formation in Aceh

The legal legislation procedure followed in the process of establishing jinayat law, especially in the context of Taqnîn, refers to the legal rules related to local regulations and the steps of making them. Law No. 12/2011 on the formation of laws and regulations (UUP3) regulates this aspect in a number of articles, including Article 7, Article 12, Article 15, Article 26 - Article 31, Article 40 - Article 43, Article 45, Article 52, and Article 53. Article 14, for example, stipulates that Provincial regional regulations and Regency/City regional regulations must contain material related to regional autonomy, assistance tasks, as well as adjusting special conditions and further elaboration of higher laws and regulations.

Based on UUP3, the Aceh Government and DPRA used Qanun Aceh number: 6/2011 as a guide in the establishment of jinayat law. Several articles in the Qanun show differences between the legislative provisions in UUP3, reflecting Aceh's specialty.

Local government leaders and Acehnese ulama are considered co-legislators in the legislation process of Jinayat Law, with Qanun Aceh being the main reference. The mechanism of drafting Qanun jinayat law involves several stages that need to be understood, including:

1. Planning Stage

A legislative program, called Prolega at the provincial level, is developed as part of legislative planning. The DPRA enlists the support of the legislative body or banleg, which serves as the center of Qanun planning and formation.

2. Preparation Stage

Qanuns can be proposed by the DPRA and the Aceh government through the right of initiative proposal. The initiative proposal must be accompanied by an academic paper/study that includes the background, purpose, objectives, and scope of the draft Qanun. The academic study reviews the contents of the draft in a scientific manner, involving Islamist, philosophical, juridical, and sociological views.

The 2008 draft Qanun jinayah, which had been prepared by the executive, was submitted to the legislature by attaching an academic paper or academic study, as well as a cover letter with a statement from the Governor. The objectives of the preparation of this Qanun material are:

a. To protect the community from the negative impact of various activities or actions related to jarimah;
b. Preventing the occurrence of jarimah in community life;
c. Preventing the occurrence of negative consequences arising from jarimah, khamar maisir, khalwat, ikhtilath, zina, and or rape.

The legislature submits this Draft Qanun to the Governor with a letter from the DPRA leader attaching an academic paper or academic study, a cover letter, and a DPRA statement that includes the background, objectives, basis, objectives, main points, and scope of regulation. The Governor has a time limit of 60 days after receiving the DPRA leader's letter to appoint an official to represent him in the discussion of the draft Qanun. If the DPRA and the Governor submit draft Qanuns on the same material in one session period, priority is given to the DPRA draft, while the Governor's draft is considered as a rival material. Draft Qanuns that are not jointly approved by the Governor and DPRA cannot be resubmitted in the same session period.

3. Discussion Stage

The discussion stage of the draft Qanun jinayah is conducted in DPRA by DPRA together with the Governor. This joint discussion involves Commission Meetings, Joint Commissions, Legislation Committees, Special Committees, and DPRA Plenary Meetings. Special Committee XII has conducted joint discussions with the executive, conducted socialization in the print media, held Public Hearings by inviting various related parties, such as ulama, police officers, prosecutors, courts, academics, NGOs, lawyers, OKP, and student organizations. The discussion process of the draft Qanun is in accordance with the mechanism stipulated in Qanun Number 3 Year 2007 on the Procedure for the Formation of Qanun.

The draft Qanun on Jinayat Law was initially prepared by the executive with XI chapters and 42 articles. After joint discussions, there were changes with the addition of chapters and articles, so that it became X Chapters and 50 Articles. Attention during the discussion included the adjustment of terms in the general court, types of jarimah, and types and levels of punishment. There is an addition of important substance in this Draft Qanun, with the addition of 7 new jarimah, namely Ikhtilath, Zina, Sexual Harassment, Rape, Qadzaf, Liwath, and Musahaqah.

Customary settlement of disputes arising from jarimah does not stop the legal process against the perpetrators of jarimah. For example, the perpetrator of khalwat, despite customary settlement by local

community leaders, will still be subject to 'Uqubat flogging if proven. Through these stages of discussion, the final formulation of the Draft Qanun consists of X Chapters and 50 Articles, as attached to this report.

4. Ratification, Enactment and Dissemination Stage

The ratification stage is a step in which the executive and legislative branches have reached an agreement on the draft qanun being discussed. Afterwards, the draft qanun that has been jointly approved by the DPRA and the Governor in the discussion at the DPRA, is submitted by the DPRA leader to the Governor to obtain approval and become qanun. The submission of the draft qanun is carried out within a maximum of 7 (seven) days from the date of joint approval.

According to Aceh Qanun No. 5/2011 article 1 paragraph 27, promulgation refers to the placement of the Aceh Qanun or District/City Qanun in the Aceh Gazette or District/City Gazette and Supplement to the Aceh Gazette or Supplement to the District/City Gazette. The Aceh Gazette in paragraph 28 is used as an official publication of the Government of Aceh that serves as the place of promulgation of the Aceh Qanun.

However, related to the ratification and promulgation of the draft qanun of Jinayat Law, there are obstacles, namely the executive's disagreement in signing the draft qanun into qanun. This was revealed by A. Hamid Zein, Head of the Legal and Public Relations Bureau of the Regional Secretary of Aceh, in front of Special Committee XII (22/06/09). Zein stated that the executive was opposed to stoning because it was considered premature to implement it, and requested a delay. While not completely rejecting it, the executive looked more broadly at the application of such punishment, and argued that in this draft, flogging was sufficient. If the need arose, only then could stoning be applied. As a result, the draft qanun on Jinayat Law was completed by the DPRA, but did not receive joint approval from the executive.

At the end of the DPRA period in 2014, after going through various processes and mechanisms of formation, the draft qanun on Jinayat Law was submitted in a plenary session. In the session, Commission G of DPRA presented the results of their work, including the improvement of 12 articles and the addition of 2 new articles after discussions with the Governor of Aceh and input from community stakeholders. Finally, the Draft Qanun Aceh on Jinayat Law passed during the third session consisted of 10 chapters and 75 articles.

Opportunities and Challenges of Aceh Jinayat Law Qanun

In the history of Islamic law, it is rare to find intellectual efforts that professionally attempt to formulate the format of transformation and integration of Islamic law into the system and politics of state law. Throughout the history of Islamic law (Tarikh Tasyri' al-Islam), among the few was noted the thought of Ibn al-Muqaffa' (720-760 AD) who proposed taqnin (the process of making Qanun) or the first Islamic law legislation to the caliph Ja'far al-Mansur.

Mahmassani explains that qanun has three meanings: First, a collection of legal regulations or laws (Kitab Undang-Undang). Second, a term equivalent to law. Third, the law. The difference with this third meaning is that the first is more general and covers many things, while the third is more specific to certain issues. For example, qânûn Marriage is the same as the Marriage Law. Qânûn in this context usually only refers to laws relating to mu'âmalât, not ibâdât, and has legal force whose implementation depends on the state.

When associated with Indonesian National Law, qânûn becomes synonymous with state law in the form of legislation that originates and boils down to the 1945 Constitution. Inspiration of the source involves all norms that develop and are developed from legal science or "fiqh science," which must not conflict with the legal beliefs or religious beliefs of Indonesian citizens who are the subjects of the law regulated by the national law. In accordance with the principle of Belief in One God, there should be no national law that contradicts the religious norms believed by Indonesian citizens.

This constitutional opportunity created a moment of birth for Aceh's Jinayat (criminal) law provisions and experienced development, especially after the existence of Regional Autonomy and privileges. The authority of the people of Aceh to implement Islamic Sharia is reflected in the establishment of a number of qanuns. Since 2001, several qanuns regulating criminal offenses have been made. This shows that the Islamic Sharia applied in Aceh does not only cover Islamic civil matters, but also includes criminal law (jarimah/jinayah).

In the process of taqnin in Aceh, the Quran and Hadith must be the main sources and should not be separated from them. In addition, in the draft qanun jinayat, the Qur'an and Hadith become the main foundation. However, the opportunity to implement Qanun on jinayat law is also faced with various challenges, starting from the material that will fill the material law in qanun jinayat after UUPA is enacted. In addition, the absence of an ideal format and mechanism as an example of writing Qanun in the Indonesian legal system, the readiness and depth of DPRA members in drafting Qanun on jinayat law, the dialectics of the thoughts of Acehnese scholars and intellectuals, as well as the responses of local, national,

and even international non-governmental organizations to the material of jinayat law raises a number of problems in formulating the material law of jinayat.

The existing conditions encourage the Islamic Sharia Office to take special policies in the selection of criminal qanun materials that have not been regulated nationally, such as the problem of drinking alcohol, gambling, and sexual misconduct. Severe punishments included in hudud and ta'zir are also a concern. Given that the legal material of qanun sharia cannot be separated from fiqh, the idea arose to formulate Aceh's fiqh to be more in line with the times and the context of implementing Islamic sharia.

This idea was often expressed by Al Yasa' Abubakar, the former head of the Aceh Islamic Shariat Office, in various forums, including during the Sharia International Conference in Banda Aceh on July 19-21, 2007. Al Yasa' argues that the formulation of Aceh's fiqh requires the ijtihad of scholars and knowledgeable people to overcome the impasse of sharia legislation in the field of jinayat due to the lack of ideal examples. This is based on three main principles: (1) methodologically using the Qur'an, Sunnah, tafsir, and fiqh rules as primary sources; (2) meeting the local needs of the Acehnese or Malay community; (3) being forward-looking and considering the needs of modernity, including human rights issues and gender equality.

While fikih Aceh may be used to fill the legislative void of sharia law, especially in the area of jinayat, it is likely that its application will be limited to ta'zir punitive sanctions and unable to incorporate hudud punitive sanctions into the qanun. If the Acehnese fiqh idea emphasizes the use of 'úrf in the drafting process, this will only strengthen customary law in Aceh rather than sharia law, but of course with respect for the plurality of laws in Indonesia.

Thus, the application of jinayat law as Aceh's fiqh concept seems to reaffirm the importance of establishing an "Indonesian fiqh madzhab," as Hasbi Ash Shiddieqy put it. This is due to the attachment of existing fiqh to certain regions, such as Hijazi fiqh and Iraqi fiqh, so that there needs to be a fiqh law that reflects Indonesian personality.

The historical position and sociological conditions of the people of Aceh towards Islamic law have been rooted in the practice of legal life of the community, so that it can be a strong binding force. This is a dominant factor in the application of a law in society, because the ideal law must consider the needs of society as a legal subject. Therefore, the implementation of qanun on jinayat law in Aceh has the support of the majority of its population, which is predominantly Muslim.

The success of jinayat law legislation is highly dependent on public legal awareness and/or legal politics of a country. Public legal awareness will establish Islamic law as an active law in society (living law). If Islamic law has become a living law, the government will provide protection to this jinayat law.

Legislation of jinayat law is an effort to positivize the law, but also includes aspects of legal unification. This is relevant considering the diversity of laws, both in terms of material and its definition in reality. Legal unity is expected to overcome various legal interpretations. With legal unity, legal certainty can be realized in society. Judges who resolve disputes will refer to the jinayat law resulting from legislation so that it can be applied in society.

The legislative process involves steps or procedures taken by the legislature. In the context of members of the Aceh legislature who are predominantly Muslim, but have a limited understanding of jinayat law, it will certainly face challenges.

The challenge to the implementation of Qanun Aceh number 6 of 2014 concerning Aceh's jinayat law came from civil society incorporated in the Institute for Criminal Justice Law (ICJR). ICJR filed a judicial review against this Qanun and even encouraged several community organizations and women's solidarity to file a Judicial Review. ICJR encouraged the revision of article 235 of Law No. 11/2006 on Aceh Government.

The above challenges are understandable. Historically, in the formulation of Melaka laws there was a mixture of non-Islamic local values, but the inclusion of Islamic norms attests to the taqnin effort. A similar conclusion can be drawn from the challenges faced in the formulation of the Tazkirât al-Tabâqât al-Qanûn al-Syar'î of the Kingdom of Aceh which contains various rules applicable in the Kingdom of Aceh Darussalam. (W, 2005)

These facts show the importance of taqnin, and there are at least three reasons why taqnin is important. Firstly, there are no specific provisions regarding the form of the state in Islam. Secondly, it is not possible to make fiqh directly into law, especially since there are aspects of fiqh that need adjustment to remain relevant to the current context. Third, the matters to be regulated by the state today are more complex than in the past, as technological advances create human dependence on technological products.

The ideological challenges above can be overcome by realizing that the enforcement of jinayat law is an order (taklîf) in the Koran which requires the role of the ruler as the executor. However, the non-specificity of sharia in determining a particular form of government provides flexibility for various social institutions as implementers of jinayat law.

The establishment of jinayat law products in the format of the nation state, which is currently implemented in most Muslim countries, needs to be considered as a result of dynamics rather than as a form of coercion from a certain hegemonic civilization. The rejection of political hegemony or civilizational hegemony is essential because it is believed that there is plurality and variation in various aspects such as race, language, religion, politics, and culture. Therefore, a nation state is considered ideal when it is able to fulfill the command (taklîf) of the word of God (khithâb) with the involvement of law enforcement agencies.

This reality brings challenges to all components of Acehnese society, making it a reason to refresh the fiqh mechanism from traditional to fiqh al-qanuni. This effort requires a strong methodological foundation, especially in norms that are believed to have shifted so that they remain rooted in Islam. The existence of things that have not been covered in classical fiqh is an important motivation for taqnin fiqh efforts. Unfortunately, this methodology has not been fully understood by the legislators of Qanun jinayat law and law enforcers.

In this context, al-siyâsah al-syar'iyyah has a crucial role, especially when the maslahat value of a case is examined from various perspectives. In this case, the role of the state is very important to mediate and execute one of the many maslahats debated by many parties in a case.

In general, the process of establishing qanun begins with the preparation of academic papers, problem identification, and systematization. The initial draft of the qanun is written and continuously refined through discussions, revisions, and deliberations at various levels, including internal to the drafting team, executive agencies, and internal to the legislature, or through deliberations between various parties, often after receiving input from the public through a direct hearing process or through socialization through mass media. (Sirajuddin, Pemberlakuan Syariat Islam Di Nanggroe Aceh Darussalam Pasca Reformasi, 2011)

The legislative formulation process of jinayat law has juridical, sociological, and philosophical foundations. From a philosophical point of view, Qanun No. 6/2014 on jinayat law reflects the value system and is considered as a means to realize it in community behavior. This philosophical aspect is intended so that the resulting legal product does not conflict with essential values in society, such as religion. (Sirajuddin, Legislatif Drafting Pelembagaan Metode Partisipatif Dalam Pembentukan Peraturan Perundang-Undangan, 2011)

The Acehnese are known as a community that is very receptive and close to the teachings of Islam, where Islam becomes their cultural identity and sense of identity. The Acehnese have managed to integrate religious teachings into their customs and customary laws in a profound way, so that the two are fused and blended. This is reflected in a traditional proverb that states, "Hukom ngoen adat lage dzat ngoen sifeut" (The relationship between shar'iat and adat is like the relationship between a substance or object and its nature, which is attached and cannot be separated).

The implementation of jinayat law in Aceh is mandated to be regulated through Qanun Aceh. In order to make Qanun Aceh in the field of jinayat law, there are main guidelines (principles) taken from the academic paper. First of all, the provisions that will be applied must be maintained and managed in such a way as to remain derived from the Qur'an and Sunnah of the Prophet. In its interpretation and understanding, this principle will adhere to three main aspects. First, the interpretation and understanding will be related to the local circumstances and needs (adat) of the Acehnese community specifically or the Indonesian Malay world in general. Secondly, the interpretation and understanding will be directed to be progressive, in order to meet the needs of the developing Indonesian society at the beginning of the 15th century Hijri or 21st century AD. Third, to complement the previous two principles, the third principle in the commonly known qaidah fiqih kulliyah is guided, namely "al-muhafazhah bi-I qadm-ish shalih wa-I akhdzu bi-I jadidil ashlah", which means "keep using the old provisions (mazhab) that are still relevant and try to find and formulate new provisions that are better and superior." (Abubakar, Kebijakan Pemerintah Aceh Dalam Pelaksanaan Syariat Islam)

With these three principles of interpretation, it is hoped that the jinayat law can become the applicable law in the national legal system and the national judicial system, while remaining rooted in the local culture and customs of the Indonesian people, especially the people of Aceh. With these four principles, it is also hoped that Islamic Sharia embedded in Qanun Aceh as Acehnese law (fiqih), which becomes a subsystem in the national legal system and the national justice system, will remain under the auspices of the Qur'an and the Sunnah of the Prophet. It is intended that this will remain within the framework of the long history of fiqh thinking and the application of Islamic law in various parts of the world. This choice is also expected to provide a foundation for a new legal order (fiqh) whose roots are integrated with the legal consciousness of the people, and is able to meet the increasingly complicated and complex future needs of the nation, without being accused of neglecting the protection of human rights and gender equality. In local expressions quoted from the Qur'an, this effort is often expressed as an

attempt to formulate a rule of law that is "rahmatan lil 'alamin." (Abubakar, Kebijakan Pemerintah Aceh Dalam Pelaksanaan Syariat Islam)

This Qanun drafting effort on jinayat law, in accordance with the provisions of Law No. 11/2006, will include the regulation of Islamic Shari'ah (as positive law) in the realm of civil property (mu'amalah), civil family (ahwal syakhshiyyah), and criminal (jarimah), including procedural law in the civil and criminal sectors. However, all of these measures must be implemented within the confines of the national legal system and the national judicial system. The national legal system and the national judiciary are interpreted as the legal and judicial framework currently in place, whether directly or indirectly, and related or unrelated to the Continental European system. (Aceh, 2012)

The interchangeability of the methods used to determine criminal acts, as well as the steps or requirements needed for an act to be considered a jarimah (criminal act), follows the provisions contained in fiqh itself, which must basically fulfill one of two models. The first model is that the nash itself expressly states it as an act that must be punished. For example, the Quran states that adulterers are whipped one hundred times. This kind of action is identified as jarimah hudud.

The second model is when the Quranic verse or hadith only states or specifies the act as sinful, but does not specify the punishment. According to the scholars, the acts defined as immoral by the Quran and hadith are divided into two, namely (a) those that disturb public order (causing riots, disturbing public peace) and (b) those that do not disturb public order. Immoral acts that disturb the public order are considered as jarimah and are punishable. Determining the type of punishment and the severity of the punishment to be imposed is left to the Muslim community itself to determine or formulate. This type of action is identified as jarimah ta'zir.

Regarding the types of punishment, the Quran has mentioned several such as the death penalty (qishash), amputation (cutting off hands), imprisonment (confinement in the house, exile), flogging, and diyat (a type of compensation paid by the perpetrator to the victim of persecution or the family of a murder victim). Further details and explanations regarding the formulation, form, and procedures for the implementation of these penalties are still open for development and it is also possible to be expanded or added with other types of penalties deemed appropriate and in line with the principles of Shari'ah, especially for criminal acts of the ta'zir group.

The development of legal politics in Indonesia has experienced growth by taking into account the influence of social and religious values. Therefore, it is time for Muslim scholars and intellectuals to restate religious principles, so that adherents no longer violate religious teachings by means of self-enforcement. This preventive approach to religious law enforcement (rules) is very helpful to strengthen the pattern of state law enforcement (law enforcement) in a preventive repressive manner. The goal is that people understand and comply with the rules of state law and religious rules simultaneously. Thus, Islamic sharia is not only emphasized theoretically, but also implemented through preventive law enforcement (not repressive) to overcome the weaknesses of positive criminal law. (Fadjar, 2011)

The criminal law that still applies in Indonesia today is still a legacy of the Dutch East Indies government. Since the early 19th century, the Dutch East Indies enacted a codification of criminal law that was initially pluralistic in nature, including a Criminal Code for Europeans and a Criminal Code for native Indonesians and their equals (inlanders). From 1918, one criminal code for all groups in Indonesia (unification of criminal law) was enacted, and this policy still applies today. After Indonesian independence, the criminal code was translated into Indonesian as Kitab Undang-Undang Hukum Pidana (KUHP). The KUHP was declared in force through the constitutional basis of Articles II and IV of the Transitional Rules of the 1945 Constitution with Law No. 1 of 1946. Article III states that the words Nederlansch-Indie or Nederlandsch-Indisch (e) (en) should be read as "Indonesie" or "Indonesche", which later became Indonesia. Article VI (1) states that the Wetboek van Strafrecht voor Nederlandsch-Indie shall be changed to Wetboek van Strafrecht. Furthermore, in paragraph (2), the law book is translated into the Criminal Code (KUHP). This is the basis why Law No. 1 of 1946 is referred to as the Criminal Code Law. This law is officially valid in all parts of Indonesia based on Law No. 73 of 1958.

In the context of taqnin of jinayat law in Aceh, the future prospect depends on the strong desire and support from the community and Islamic organizations to support the process of taqnin of criminal law continuously. The qanun has been discussed jointly by the Aceh legislature and executive since 2012, was proposed again in 2013, and in 2014 the DPRA discussed the latest draft qanun jinayat. The discussion was conducted from Tuesday, August 05, 2014, until October 28, 2014, and finally the draft qanun was approved in a plenary meeting and received joint approval, stipulated in the regional gazette.

CONCLUSION

The Jinayat Legal Legislation Number 6 of 2014 refers to regulations that are applicable and consistent with the hierarchy of legal regulations, without conflicting with legal beliefs and religious

convictions, while also taking into account the local wisdom of Aceh. Additionally, Jinayat Legal Legislation in Aceh serves as an example in the formation of other regional regulations based on Islamic law, involving scholars affiliated with the Consultative Assembly of Ulama (MPU). This diversity contributes to the Taqnin process, attempting to formulate laws into Qanun, approaching perfection.

The implementation of Jinayat Law Taqnin in Aceh is a positive step towards the positivization of Islamic law in the new design of implementing Islamic Sharia in the modern era as a legal system within the Unitary State of the Republic of Indonesia, something that has never happened in the history of law enforcement worldwide. Taqnin products have a permanent legal force and provide legal certainty because without the positivization of Islamic law, it would only be considered as "religious law" with its sanctions only applicable in the afterlife. The opportunity for implementing Qanun is supported by an adequate legal structure, the cultural acceptance of Sharia as part of behavioral culture in Acehnese society, and a strong juridical foundation. However, the challenges of implementing Qanun are more external in nature, originating from external parties influenced by human rights thinking with a Western perspective.

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