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Non-Muslims and Sharia-Based Regional Government; Comparison between Aceh, Indonesia and Selangor, Malaysia

Burhanudin Harahap

*Faculty of Law, Universitas Sebelas Maret, Surakarta, Indonesia.
email: burhanudin.harahap@staff.uns.ac.id*

I Gusti Ayu Ketut Rachmi Handayani

*Faculty of Law, Universitas Sebelas Maret, Surakarta, Indonesia.
email: ayu_igk@staff.uns.ac.id*

Lego Karjoko

*Faculty of Law, Universitas Sebelas Maret, Surakarta, Indonesia.
email: legokarjoko@staff.uns.ac.id*

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Abstract:

One plausible challenge that may emerge throughout the application of sharia law in Aceh, for instance, is the presence of interreligious disputes. The fact that not all members of communities are Muslims poses an inquiry. This research examines how Sharia law is enforced in Aceh; how legal protection for non-Muslims is affected by the enforcement, as well as, to the same topic, how the comparison between Aceh and of Selangor, Malaysia is. According to this empirical study, *Qanun* was created in Aceh to secure adherence to sharia law, so that *Qanun Jinayat* applies to community members identified as Muslim. In contrast, Malaysia is a multiethnic and multiracial nation governed by the supreme law, namely the Federal Constitution, which protects its diverse religion and communities. Sharia law applies exclusively to Muslims in

Author correspondence email: burhanudin.harahap@staff.uns.ac.id
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Selangor, in stark contrast to *jinayah* law in Aceh which apply this to Aceh citizen. Hence, stakeholders in Aceh must collaborate to assess and fortify legal safeguards for non-Muslim inhabitants, extending beyond the freedom to select the form of justice they prefer. The objective is to guarantee the rights of each citizen in a manner that is devoid of violence or any indications of human rights violations.

Keywords:

Sharia Law; Legal Protection; Non-Muslim; Aceh; Selangor

Introduction

The Aceh Province's efforts to implement Islamic law as a part of the Indonesian state had begun after Indonesia's independence and were only successful after the reform movement in 1998. The action that succeeded in changing the centralized system of government to a decentralized one led Aceh Province to be able to implement Islamic law. Law No. 44 of 1999 was made concerning the Privileges of the Special Province of Aceh.¹ Subsequently, Law Number 18 of 2001 concerning special autonomy was made for the Province of the Special Region of Aceh as the Province of Nanggroe Aceh Darussalam. To strengthen the validity of Islamic law, Law Number 11 of 2006 concerning the Government of Aceh was amended and revoked Law Number 18 of 2001. After Law Number 18 of 2001 was enacted, favorable laws based on Islamic law began.²

Legislation is intricately intertwined with the origins of the Aceh Government Law (LoGA). In response to the demands enumerated in the Helsinki Memorandum of Understanding (MoU), this legislation was enacted to grant Aceh the most excellent autonomy possible to facilitate accelerated regional development. The constitutional requirements were duly observed during the historical

¹ Deni Setiawan, Khalida Ulfa, and Titin Purwaningsih, "Poor Aceh: The Impact of Special Autonomy As Effort Poverty Reduction in Aceh," *DIA Jurnal Ilmiah Administrasi Publik* 18, no. 2 (December 1, 2020): 1-14, <https://doi.org/10.30996/dia.v18i2.3654>.

² Gabriele Lattanzio, "Beyond Religion and Culture: The Economic Consequences of the Institutionalization of Sharia Law," *Emerging Markets Review* 52 (September 2022): 100918, <https://doi.org/10.1016/j.ememar.2022.100918>.

formulation of this law, which enabled the active involvement of various societal groups in offering suggestions for its contents.³ During the preparatory phase, the central government solicited input from academicians, religious leaders, community organizations, and former combatants of the *Aceh Merdeka* movement. However, the ultimate law only partially incorporated every proposal. The issue at hand pertains to implementing the rules outlined in the LoGA, which requires additional support and adheres to a continental legal system that necessitates compiling legal regulations in layers.⁴ The LoGA calls for enacting 9, 3, and 59 government, presidential, and regional rules known as *Aceh Qanun* respectively. There needs to be more progress in developing these regulations. Only 55.5 %, 66.7 %, and 80 % of the required government, presidential, and *Aceh Qanun* regulations have been facilitated.⁵

Qanun regulations that possess a broad range of applicability exhibit the subsequent attributes. At the outset, the presence of a mandate was additionally governed by *Qanun* and preexisting statutory regulations. After that, the local government supervises the operation of provincial and district general government administration. Consequently, numerous ministerial regulations, the 1945 Constitution, Law No. 44 of 1999 (special regional autonomy), UUPA, Law No. 12 of 2011 (formation of statutory rules), and Law No. 23 of 2014 (Regional Government) all played a role in establishing *Qanun* as an essential component of the regulatory framework.⁶

Aceh's special legislation is distinguished by two fundamental features: This directive is a direct order issued by the LoGA to execute

³ Zaidah Nur Rosidah, Lego Karjoko, and Mohd Rizal Palil, "The Government's Role in Interfaith Marriage Rights Protection: A Case Study of Adjustment and Social Integration," *Journal of Human Rights, Culture and Legal System* 3, no. 2 (2023): 265-87, <https://doi.org/10.53955/jhcls.v3i2.105>.

⁴ Asrizal Saiin et al., "The Property Rights Regulation, Semenda Marriage, and Exploring the Determinants in ASEAN Countries," *Journal of Human Rights, Culture and Legal System* 3, no. 2 (2023): 134-59, <https://doi.org/10.53955/jhcls.v3i2.68>.

⁵ 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 (November 2023): e21280, <https://doi.org/10.1016/j.heliyon.2023.e21280>.

⁶ Aidil Fan, "Kedudukan Qanun dalam Pandangan Undang-Undang No. 12 Tahun 2011 tentang Pembentukan Peraturan Perundang-Undangan," *Politica: Jurnal Hukum Tata Negara dan Politik Islam* 6, no. 2 (December 20, 2019): 19-42, <https://doi.org/10.32505/politica.v6i2.2733>.

Aceh's distinctive attributes and exclusive jurisdiction. Furthermore, it incorporates the precise phrase, "*Qanun* regulates additional provisions without any further restrictions imposed by other legislation." This differentiation highlights *Qanun*'s characteristics and uniqueness compared to other regional regulations. It is imperative to comprehend this differentiation, as it underscores the proficiency of *Qanun* and its exclusivity compared to other regional regulations. In contrast, the Indonesian legal system disregards the distinction between *Qanun* and other regional regulations in its application.⁷

As part of a constitutional state, the regional government of Aceh, in implementing Islamic law, must be based on legal law. Laws based on Islamic law must be a part of the state legislation system, formalized in regional regulations. The Islamic law contained in this Regional Regulation is called *Qanun*. Considering that not all of Acehnese is Muslim, this raises the question of whether non-Muslims benefit from legal protection in implementing Islamic law in Aceh.⁸ This issue, then, can be a certain consideration in governing the law. A similar issue is also faced by Malaysia as an Islamic-based country.

Malaysia, a Muslim nation in Southeast Asia, shares significant historical, cultural, and geographical ties with Indonesia, particularly with Nanggore Aceh Darussalam. Selangor Darul Ehsan, one of the thirteen states in Malaysia, also implements Islamic Sharia. The Syariah Criminal Enactment (Enactment 9 of 1995), which was ratified by Sultan Salahuddin Abdul Aziz Shah Al-Haj on January 10, 1996, and implemented since November 22, 1996, is one of the Islamic sharia that is enforced in Selangor. The 55 Sections and 8 Divisions of this Enactment regulate a variety of criminal acts, including those about morality, faith, and the sanctity of the Islamic faith and its institutions, among others.

In addition, Malaysia is a nation comprised of diverse religious and racial communities governed by the Federal Constitution which serves as the paramount law. It has established several provisions that

⁷ Ahyar et al., "Legitimation of *Qanun* in the Indonesian Law System," 2021, <https://doi.org/10.2991/assehr.k.210506.048>.

⁸ Andi Muhammad Asrun, Abdu Rahmat Rosyadi, and Yennie K. Milono, "Mempertanyakan Legalitas *Qanun* Aceh: Sesuikah Dengan Sistem Peraturan Perundang-Undangan," *Kanun Jurnal Ilmu Hukum* 21, no. 2 (August 29, 2019): 273-94, <https://doi.org/10.24815/kanun.v21i2.12632>.

grant Malays and Muslims certain privileges.⁹ In contrast, Sharia law in Selangor exclusively applies to Muslims, distinct from *jinayah law* in Aceh which apply to all member of Aceh citizen. Hence, in light of the enforcement of Sharia law in Malaysia, particularly in Selangor, it is pertinent to conduct a comparative analysis of the legal safeguards afforded to non-Muslim inhabitants in that area versus Aceh, where Sharia law can be applied to the whole population.

Previous studies discussing Islamic law in Aceh are scattered in several aspects and still need more development. From a historical point of view, Salim discusses the historical journey of Aceh Province in obtaining special authority for enforcing Islamic law.¹⁰ Regarding law enforcement, Halim focuses on researching criminal cases and alternatives to the Aceh Qanun Jinayat for non-Muslims applied in the Aceh *Shari'a* Court.¹¹ Ichwan examines reconstruction related to citizenship affairs regulations for residents living in Aceh.¹² From the perspective of the suitability of Islamic and social law, Schenk explores how the Aceh government reconstructed the application of geographic regulations and family law to the people of Aceh after the 2004 tsunami natural disaster.¹³ From a medical and religious perspective, Nurrahmi investigated the application of preventive behavior and the influence of religion on the people of Aceh during the early period of the COVID-19 pandemic by comparing them in

⁹ Ahmad Syauqi Abdullah and Nisar Mohammad Ahmad, "Maqasid Al-Syariah Dan Hubungkaitannya Dengan Hak Kebebasan Beragama Di Malaysia (Maqasid Al-Syariah and Its Relation with Freedom of Religion in Malaysia)," *UMRAN - International Journal of Islamic and Civilizational Studies* 10, no. 2 (June 22, 2023): 71-81, <https://doi.org/10.11113/umran2023.10n2.610>.

¹⁰ A. Salim, "The Special Status of Islamic Aceh," in *Routledge Handbook of Contemporary Indonesia*, 1st ed. (New York: Routledge, 2018.: Routledge, 2018), <https://doi.org/10.4324/9781315628837>.

¹¹ Abdul Halim, "Non-Muslims in the Qanun Jinayat and the Choice of Law in Sharia Courts in Aceh," *Human Rights Review* 23, no. 2 (June 2022): 265-88, <https://doi.org/10.1007/s12142-021-00645-x>.

¹² Moch Nur Ichwan, Arskal Salim, and Eka Srimulyani, "Islam and Dormant Citizenship: Soft Religious Ethno-Nationalism and Minorities in Aceh, Indonesia," *Islam and Christian-Muslim Relations* 31, no. 2 (April 2, 2020): 215-40, <https://doi.org/10.1080/09596410.2020.1780407>.

¹³ Christine G. Schenk, "Islamic Leaders and the Legal Geography of Family Law in Aceh, Indonesia," *The Geographical Journal* 184, no. 1 (March 2018): 8-18, <https://doi.org/10.1111/geoj.12202>.

public places and mosques.¹⁴ Based on previous research, it is clear that most researchers still focus on the journey of sharia law enforcement in Aceh and discuss its enforcement. However, there are still few that concentrate on studying legal protection for non-Muslim citizens as minorities in areas that apply laws based on the religion of the majority. Meanwhile, in most countries that implement Sharia law, their governments are secular and do not mix government affairs with religious matters.

From a broader perspective, several studies have investigated the application of Islamic law to people in non-Muslim majority countries. Leonard examines how the Islamic community in America applies Islamic law and identifies problems that arise in the context of the United States. March discusses the social contract based on Islamic tradition and regulation in the relationship between Muslims and non-Muslims. Berger investigates the personal status law for Muslim and non-Muslim citizens under Islamic law in Egyptian society.¹⁵

By granting privileges and the ability to regulate religious or political life, the state unquestionably functions as the primary supporter of the majority group, which can exacerbate the difficulties of minority religious groups. The prevailing penal legislation in Aceh appears to be *Qanun Jinayat* (Islamic Law) which exhibits a bias towards the majority. There were impediments to the *Qanun*'s implementation.¹⁶ Certain factions believe this may engender intolerance, infringing fundamental human rights. This is because the *Qanun* violates the Constitution of 1945 which mandates that all citizens adhere to and practice their respective religious doctrines.¹⁷

¹⁴ Febri Nurrahmi et al., "Paradox of Protective Behaviors Among Muslim Men During the Early Stage of the COVID-19 Pandemic in Aceh, Indonesia," *Disaster Medicine and Public Health Preparedness* 16, no. 6 (December 2022): 2438–45, <https://doi.org/10.1017/dmp.2021.110>.

¹⁵ RR Dewi Anggraeni, "Islamic Law and Customary Law in Contemporary Legal Pluralism in Indonesia: Tension and Constraints," *Ahkam* 23, no. 1 (2023), <https://doi.org/10.15408/ajis.v23i1.32549>.

¹⁶ M. Misbahul Mujib and Mustari Kurniawati Muchlas, *Achievements and Challenges of Human Rights Protection Policy in Realizing Good Governance in Indonesia and China*, *Journal of Human Rights, Culture and Legal System*, vol. 3, 2023, <https://doi.org/10.53955/jhcls.v3i2.98>.

¹⁷ Abdul Halim, "Non-Muslims in the Qanun Jinayat and the Choice of Law in Sharia Courts in Aceh," *Human Rights Review* 23, no. 2 (June 1, 2022): 265–88, <https://doi.org/10.1007/s12142-021-00645-x>.

The domestic and international communities have recognized that the application of sharia law in Aceh is prejudiced against the non-Muslim communities residing in the region. A comprehensive examination of the application of *Qanun Jinayah Aceh* (QJA) to non-Muslims, however, reveals that its effects are only sometimes adverse. Non-Muslims who are defendants in criminal proceedings before Sharia Courts consciously submit to the QJA. The rationale behind their decision can be attributed to the Sharia Court's legal process, which is generally regarded as practical, effective, and cost-effective.¹⁸ Furthermore, caning expedites punishment, elevating the offender's perceived effectiveness.

This research will examine the enforcement of sharia law in Aceh and how legal protection is for non-Muslims as well as conducting a comparative study in Malaysia which also implements sharia law. The difference between this research and previous research lies in the analysis of whether the existence of sharia law can protect non-Muslim citizens who are minority communities and provides a new perspective by conducting a comparative study regarding the application of sharia law.

Methods

This empirical legal research examines the practical aspects of sharia law implementation in Acehese society and compares its outcomes to those in Malaysia. Methods of data collection include interviews and document analysis.¹⁹ Data for fundamental studies is obtained from primary and secondary sources. Initial data was gathered through interviews, particularly in the form of statements provided by informants. In the interim, secondary data were acquired via literature evaluations on pertinent articles or sources. Following this, the data obtained from the interviews and literature review were

¹⁸ Reza Octavia Kusumaningtyas et al., "Reduction of Digitalization Policy in Indonesian MSMEs and Implications for Sharia Economic Development," *JURIS (Jurnal Ilmiah Syariah)* 21, no. 2 (December 30, 2022): 157, <https://doi.org/10.31958/juris.v21i2.6855>.

¹⁹ Willy Naresta Hanum, I Gusti Ayu Ketut Rachmi Handayani, and Hilaire Tegnan, "The Geothermal Development Policy on Environmental in Indonesia and the USA," *Journal of Human Rights, Culture and Legal System* 3, no. 2 (May 8, 2023): 160-84, <https://doi.org/10.53955/jhcls.v3i2.85>.

classified based on the opinion patterns expressed by the informants.²⁰ The present quantity is designated as material ready to undergo further processing. In addition, a comparative analysis of implementation in Malaysia was conducted. Then, interpretive strategies were applied to data analysis to facilitate writing while maintaining the coherence of meaning; for instance, an examination of interview data focused on interpreting, describing, and restating neglected situations.²¹ To offer a more exhaustive study, interview excerpts derived from the informants' experiences were employed to translate the data and depict recurring themes in the respondents' opinions. Concurrently, the interpretation process is conducted by comprehending the outcomes of interviews through textual and contextual analysis.²²

Result and Discussion

Regulation of Islamic law in Aceh

Legislation of the Republic of Indonesia Number 18 of 2001, which outlines the Implementation of *Kaffah* Sharia Law, and Law of the Republic of Indonesia Number 44 of 1999 concerning the Implementation of the Specialties of the Special Province of Aceh stipulate that Sharia law are exclusive to Aceh and that it is ratified and implemented by this mandate. It has already been written in Article 1, paragraph 8 of Law No. 18 of 2001, the general provisions about the particular autonomy of the Special Region of Aceh (specifically, Nanggroe Aceh Darussalam Province).²³

Special autonomy in Aceh influences government administration in ways such as the ability to create its own implementing regulations which subsequently be referred to as

²⁰ Rian Saputra et al., "Artificial Intelligence and Intellectual Property Protection in Indonesia and Japan," *Journal of Human Rights, Culture and Legal System* 3, no. 2 (May 8, 2023): 210–35, <https://doi.org/10.53955/jhcls.v3i2.69>.

²¹ Khamami Zada et al., "Muslim Youth Under Sharia Regime in Aceh: From Accommodation to Resistance," *AL-IHKAM: Jurnal Hukum & Pranata Sosial* 17, no. 2 (December 31, 2022): 412–33, <https://doi.org/10.19105/al-lhkam.v17i2.7262>.

²² Fatma Ulfatun and Dinil Abrar, "The Shaping of Future Sustainable Energy Policy in Management Areas of Indonesia 's Energy Transition," *Journal of Human Rights, Culture and Legal System* 3, no. 2 (2023): 361–82.

²³ Ajid Thohir et al., "The Struggle of Freemasonry and Islamic Ideology in the Twentieth Century during Colonialization in Indonesia," *Heliyon* 7, no. 10 (October 2021): e08237, <https://doi.org/10.1016/j.heliyon.2021.e08237>.

Qanun. To enforce Sharia law in Aceh, *Qanun* was established. *Qanun* is the term used to refer to the set of societal regulations tailored to a particular area's specific circumstances. The Nanggroe Aceh Darussalam Province *Qanun* is a regional regulation outlined in this legislation that serves as the implementing force of the law within the region of Nanggroe Aceh Darussalam Province concerning the organization of special autonomy.²⁴ Aceh Province *Qanun* No. 11 of 2002 on the Implementation of Islamic Sharia in the Domains of *Aqidah*, Worship, and Islamic Syi'ar and Aceh *Qanun* No. 6 of 2014 on *Jinayat* Law, which addresses *khimar* (headscarf), *maisir* (gambling), *khalwat* (being together between non-married man and woman), *ikhtilath* (being together between men and women in forum), *adultery* (sex outside of marriage), *sexual harassment*, *rape*, *qodzaf* (addressing sex without any direct witness), *wahala*, and *shahadah* are among the *Qanuns* that have been established thus far in Aceh. *Qanun Jinayah* regulates the punishments for prohibited actions. Infractions of the *Qanun Jinayah* are punishable by flogging, a gold fine, or imprisonment. An element that may facilitate the incorporation of Aceh's law enforcement specializations is the operation of numerous legal structures. The introduction of Sharia law into governmental matters inherently gives rise to *Qanun* containing Sharia substance, necessitating the establishment of a distinct legal framework or judicial institution. The judicial establishment in question is formally referred to as a Sharia Court.²⁵

As the autonomy agreement between Aceh and the Indonesian government, the *Qanun* is designed to mirror the conservative Islamic principles upheld by the vast majority of Aceh's populace. Government and judiciary officials in Aceh enforce these *Qanuns* which cover many topics such as public morality, criminal law, and family law. To implement Islamic values, several *Qanuns* are stationed in Aceh, the only province in Indonesia with such extensive

²⁴ Tri Hidayati and Muhammad Syarif Hidayatullah, "Investigating the Construction of Ijma in The Study of Islamic Law through Sociological and Historical Approach," *Media Syari'ah: Wahana Kajian Hukum Islam Dan Pranata Sosial* 23, no. 2 (December 12, 2021), <https://doi.org/10.22373/jms.v23i2.10924>.

²⁵ Maura Pemelie Walidain and Laras Astuti, "Implementasi Qanun Jinayat dalam Penegakan Hukum Pidana di Aceh," *Indonesian Journal of Criminal Law and Criminology (IJCLC)* 2, no. 3 (November 29, 2021): 184-93, <https://doi.org/10.18196/ijclc.v2i3.13790>.

autonomy over sharia implementation. Sharia principles are incorporated into Islamic jurisprudence (*fiqh*), of which *Qanun* is a component. Specific individuals believe that it possesses a divine quality capable of surmounting the challenges faced by humanity.²⁶

Protection and reverence for human dignity take precedence in *Qanun*, given that it originates from Muslim ideology. As an interpretation of sharia, this *Qanun* is susceptible to modification and must accommodate evolving circumstances. To align with the legal framework of Indonesia, the *Qanun*'s substance must be consistent with the 1945 Constitution of the Republic of Indonesia, which has been ratified via human rights instruments.²⁷

Regulations regarding Islamic Sharia Courts are regulated in the provisions of *Qanun* Number 10 of 2002 which governs the application of Islamic law in Aceh Province. The *Qanun* also holds the authority of the Sharia Court to examine, decide, and resolve cases at the initial level in the disciplines of *Ahwal al Syakhshiyah* (Islamic law concerning family matters and Islamic justice), *Mu'amalah* (an Islamic law that controls things relating to the activity of fellow human beings), and *Jinayah*. The Aceh Regional Government also issued *Qanun* No. 6 of 2014 regarding *Jinayat* Law in the *Jinayah* case adjudicated by the Sharia Court.²⁸

The Sharia Court also has the authority to try cases of *jarimah* (criminal acts), including the spread of heretical sects (*Aqidah* aspect), not performing Friday prayers for three consecutive days without valid *syar'i* (religious) grounds, providing facilities or opportunities for Muslims who do not fast without any logical reason during the fasting month (*Ibadah* aspect), consuming food and drink during the fasting day in public places and not wearing Islamic clothing (Islamic

²⁶ Gde Made Swardhana and Suviwat Jenvitchuwong, "The Participation within Indigenous Land Management: Developments and Challenges of Indigenous Communities Protection," *Journal of Human Rights, Culture and Legal System* 3, no. 2 (June 22, 2023): 308-27, <https://doi.org/10.53955/jhcls.v3i1.72>.

²⁷ Dian Andi Nur Aziz et al., "Examining Qanun in Aceh from a Human Rights Perspective: Status, Substance and Impact on Vulnerable Groups and Minorities," *Ijtihad: Jurnal Wacana Hukum Islam Dan Kemanusiaan* 23, no. 1 (June 5, 2023): 37-56, <https://doi.org/10.18326/ijtihad.v23i1.37-56>.

²⁸ Amran Suadi, "Judicial Authority and the Role of the Religious Courts in the Settlement of Sharia Economic Disputes," *Lex Publica* 7, no. 2 (July 30, 2020): 1-14, <https://doi.org/10.58829/lp.7.2.2020.1-14>.

conduct aspect).²⁹ In addition, criminal cases about *Zakat* management fall under the jurisdiction of the Sharia Court, which is entrusted with that authority under *Qanun* No.7 of 2004 on Regulations Concerning *Zakat* Management. These transgressions encompass neglecting to remit *zakat* contributions within the designated timeframe, fabricating official correspondence or documents, and deceiving management regarding *zakat* administration.³⁰

In the interim, legal documents about *Mu'amalah* (typically private) have been designated Sharia Court authority; however, *Qanuns* still need to be compiled. Hence, power in this domain is restricted to religious matters traditionally adjudicated by ecclesiastical courts, including *waqf*, grant, will, and alms proceedings.³¹

The implementation of the *jinayat* law, as specified in *Qanun* 14/2014 regarding *Qanun Jinayat*, is undertaken to safeguard the populace of Aceh from engaging in immoral behavior against Allah and to preserve human dignity. The utilization of *Qanun Jinayat* contributes to a decrease in the prevalence of sharia violations among the populace of Aceh. The Sharia Court, the Police, the Attorney General's Office, the *Wilayahul Hisbah* (Sharia Police), the Islamic Sharia Service, and the Aceh Traditional Council are responsible for enforcing *Qanun Jinayat* in Aceh according to the Law No. 11 of 2011 concerning the Aceh Government.³²

The complete enforcement of Sharia economic law and Islamic criminal law is the ultimate goal of the implementation roadmap for Islamic law. This is feasible after the effective execution of Sharia principles in worship and Islamic propagandization, fortified with

²⁹ Khamami Zada, "Sharia and Islamic State in Indonesia Constitutional Democracy: An Aceh Experience," *Ijtihad: Jurnal Wacana Hukum Islam Dan Kemanusiaan* 23, no. 1 (May 15, 2023): 1-18, <https://doi.org/10.18326/ijtihad.v23i1.1-18>.

³⁰ Yordan Gunawan and Mohammad Hazyar, "The Climate Change Litigation Based Human Rights Approach in Corporations: Prospects and Challenges," *Journal of Human Rights, Culture and Legal System* 3, no. 2 (2023): 288-307.

³¹ Abdul Kadir Jaelani, "The Standardization of Halal Tourism Management in West Nusa Tenggara," *Pena Justisia: Media Komunikasi Dan Kajian Hukum* 20, no. 2 (2022): 74-87, <https://doi.org/10.31941/pj.v20i2.1720>.

³² Hary Abdul Hakim et al., "The Islamic Law within the Indonesian Legal System (A Case Study of Islamic Sharia Law in Aceh)," *TSAQAFAH* 17, no. 2 (February 6, 2022), <https://doi.org/10.21111/tsaqafah.v17i2.6213>.

Sharia economic law, Islamic criminal law, and belief systems. However, the application of *ahkam al-jināyāt* in Aceh remains restricted to *hudud* (as specified by Allah in the Qur'an) and *ta'zīr* (judges' discretionary sentences). The *hudud* offenses that have been enforced include those about the consumption of alcoholic beverages, making allegations of adultery, and engaging in illicit behavior. In the interim, the regulation regarding the comprehensive implementation of *hudud* and *qisas* (punishment proportional to the crime) has not been established in *Qanun Jinayah* of Aceh.³³ The essential components of *hudud* including but not limited to theft, robbery, *bughah* (coup), and apostasy, have yet to be fully operationalized. Legal, moral, and spiritual dimensions are incorporated into the enforcement of Islam. This integration of three elements is evident in the philosophy of law, legal construction, and the determination of legal actions and sanctions. Similarly, this holds for regulations about human life protection, including those that forbid murdering, ill-treatment, or injury.³⁴

Protection of Non-Muslim Citizens Beyond the Enforcement of the Islamic Legal System in Aceh

Diverse opinions have been expressed regarding the implementation of sharia law in Aceh. While some contend that Sharia law negatively affects human rights, others argue that the Aceh government should take this step to ensure that Sharia law is consistent with religious practices. One of the primary challenges associated with implementing sharia law in Aceh is the possibility of religious community strife. This condition arises from a *Qanun* which undergoes a legislative process in parliament and an extensive political advocacy campaign. This is an indisputable fact, even if one were to question the rationale behind the intention to reform it.³⁵

³³ Dedy Sumardi, Ratno Lukito, and Moch Nur Ichwan, "Legal Pluralism within The Space of Sharia: Interlegality of Criminal Law Traditions in Aceh, Indonesia," *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 5, no. 1 (June 30, 2021): 426, <https://doi.org/10.22373/sjhk.v5i1.9303>.

³⁴ Ali Sodiqin, "Legal, Moral, and Spiritual Dialectics in the Islamic Restorative Justice System," *AHKAM* 21, no. 2 (2021), <https://doi.org/https://doi.org/10.15408/ajis.v21i2.22675>.

³⁵ Helmi Helmi and Nyak Fadhlullah, "Positivisation of Islamic Sharia as Local Government Regulations for Minority Citizens as Liyan in Aceh," *Journal of*

Constantly regarded as restricting public liberty and incompatible with human rights, Islamic law disallows the bad treatment of minority groups. The subject of Sharia formalization and its correlation with conflicts between and within religions has garnered significant public interest, prompting numerous discussions from the standpoint of national minorities.³⁶ Nevertheless, as time went by and non-Muslim communities observed how the Aceh regional government implemented Islamic law, particularly the Aceh Qanun Jinayat (QJA), their negative perception of Islamic law, particularly the QJA, progressively diminished.³⁷

Public opposition to the use of QJA and its application to non-Muslim minority groups can be seen from the reaction to executions and the application of caning sentences to non-Muslim defendants. These responses fall into two distinct categories: The populace of Aceh initially took into account the advantages and disadvantages of legal alternatives and caning penalties for non-Muslims. Christian leaders advocate for the observance of state laws by their congregations. However, selecting a legal system and adhering to QJA is a matter of personal preference. Furthermore, the response is generated externally, including domestic and international stakeholders. The initial external reaction originated from Indonesian communities that were not Acehnese. Several external factions voiced dissent regarding enforcing Islamic jurisprudence via the Aceh Qanun.³⁸

A recent development in Aceh is the increasing prevalence of non-Muslims opting for sharia, mainly when they participate in the QJA (*Qanun Jinayat Aceh*) arranged justice and are prosecuted in the Sharia Court. In the Sharia Court, non-Muslims are presented with the choice between adhering to the Criminal Code as administered in the

Governance and Social Policy 1, no. 1 (July 8, 2020): 17–23, <https://doi.org/10.24815/gaspol.v1i1.17326>.

³⁶ Mursyid Djawas et al., "The Position of Non-Muslims in the Implementation of Islamic Law in Aceh, Indonesia," *Ahkam* 23, no. 1 (2023), <https://doi.org/10.15408/ajis.v23i1.32127>.

³⁷ M Zaid et al., "The Sanctions on Environmental Performances: An Assessment of Indonesia and Brazil Practice," *Journal of Human Rights, Culture and Legal System* 3, no. 2 (May 8, 2023): 236–64, <https://doi.org/10.53955/jhcls.v3i2.70>.

³⁸ Agus Riwanto and Sukarni Suryaningsih, "Realizing Welfare State and Social Justice: A Perspective on Islamic Law," *Volksgeist: Jurnal Ilmu Hukum Dan Konstitusi*, June 30, 2022, 41–51, <https://doi.org/10.24090/volksgeist.v5i1.6430>.

District Court or the QJA. The procedure is delegated to the police or prosecutor's office under the Criminal Code. The QJA initiates the process with a police investigation, which is then forwarded to the Attorney General's Office before reaching the Sharia Court. *Jarimah* is an intriguing practice among non-Muslims that signifies their conscious submission to the QJA.³⁹

It appears that the provisions of Aceh *Qanun* permit the selection of criminal law by submission. According to Article 5 of the Aceh *Qanun* Number 6 of 2014 on *Jinayat* Law, the Aceh *Qanun* applies to the following: a. All individuals adhering to the Muslim faith who perform *Jarimah* in Aceh; b. All individuals of non-Muslim faith who join Muslims in committing *Jarimah* in Aceh and willingly and voluntarily submit to the *Jinayat* Law; c. All individuals of non-Muslim faith who perform *Jarimah* in Aceh in a manner are not governed by the Criminal Code (KUHP) or criminal provisions beyond the Criminal Code but are governed by this *Qanun*; d. Business entities and enterprises that engage in commercial affairs in.⁴⁰

The right to equality before the law is manifested in the Sharia Court as an application of the principle of *equality before the law* in implementing Islamic law in Aceh. Because of both the substance and structure of the law administered in the *Syar'iyah* Court, Muslims, and non-Muslims who have submitted themselves to Aceh are treated fairly. In cases 33/JN/2017/Ms.Bna, 6/JN/2018/Ms.Bna, and 7/JN/2018/Ms.Bna, for instance, the Panel of Judges at the Banda Aceh *Syar'iyah* Court allowed the defendant to present his/her legal arguments in the presence of counsel. One of the rights granted is the opportunity to present witnesses or individuals possessing specialized knowledge. Subsequently, the judge granted relief from the amount of caning in cases 33/JN/2017/Ms. Bna, 6/JN/2018/Ms.Bna, 7/JN/2018/Ms.Bna, and 22/JN/2018/Ms.Bna, because the defendant had already served a reduced interim

³⁹ Farkhani Farkhani et al., "Legal Protection of Minority Rights: Study on the Implementation of *Qanun* Number 6 of 2014 Concerning the *Jinayat* Law in Langsa City, Aceh Special Region Province," *Al-Manahij: Jurnal Kajian Hukum Islam*, October 31, 2023, 215-32, <https://doi.org/10.24090/mnh.v17i2.7897>.

⁴⁰ Ahyar Ahyar, "Aspek Hukum Pelaksanaan *Qanun Jinayat* Di Provinsi Aceh," *Jurnal Penelitian Hukum De Jure* 17, no. 2 (June 15, 2017): 131, <https://doi.org/10.30641/dejure.2017.V17.131-154>.

detention period. However, regarding case number 7/JN.2018/Ms. Bna, the defendant is classified as a city detainee on the assurance that her spouse, who is also required to be detained, will care for their child.⁴¹

QJA is the preferred method of participation for this non-Muslim group due to its cost-effectiveness, cultural and communal acceptance, and high regard for the Sharia Courts in Aceh. The Sharia Court generally ensures a streamlined and economical legal process. More specifically, here are some reasons beyond the preference.

The first reason is that non-Muslim parties who litigate in the Sharia Court believe that the entire legal process, starting with the acceptance of the case, examination, and culminating in the final decision, takes place quickly and follows clear procedures.

Secondly, economic considerations are an additional reason why non-Muslims favor the QJA over the Criminal Code.⁴²

Thirdly, the litigants' lack of understanding regarding the function of advocates in the criminal justice system is an additional factor. The rationale behind the defendants' decision to forego legal representation is that the *jinayat* perpetrators would experience social disgrace should their family members or others become aware of their case.⁴³ Additionally, the defendants declined to correspond with the family through correspondence and endorsed a statement in which they would not accompany the attorney throughout the preliminary inquiry and subsequent inquiry. In addition, the *Jinayat* Procedural Law *Qanun* does not specify whether legal representation is rendered without cost by the Criminal Procedure Code. Furthermore, among law enforcement personnel, there are divergent viewpoints concerning the legal standing of legal assistance, including whether it is considered a right or a duty and whether its provision is mandatory. They were more inclined to proceed to trial without the representation of an attorney due to their perception that the cost of

⁴¹ Indra Suhardi, "Perlindungan Keluarga Terpidana Hukuman Cambuk Dalam Qanun Aceh," *Media Syari'ah* 21, no. 1 (February 28, 2020): 1, <https://doi.org/10.22373/jms.v21i1.6047>.

⁴² Irwan Safwadi, "The Impact of the Special Autonomy Fund on the Convergence of the Human Development Index in Aceh," *Jurnal Ilmiah Peuradeun* 8, no. 1 (January 30, 2020): 179, <https://doi.org/10.26811/peuradeun.v8i1.367>.

⁴³ Montgomery McFate, "A Military Anthropologist Looks at Islamic Insurgency in Aceh," *Orbis* 62, no. 4 (2018): 632-54, <https://doi.org/10.1016/j.orbis.2018.08.007>.

such a service would be prohibitive. Individuals often presuppose that free services will only be optimal if they know the existence of certain regulations.⁴⁴

Fourthly, the selection of QJA by non-Muslims can be attributed to the impact of community environment and cultural factors. Non-Muslim minority groups in Aceh culturally acknowledge, embrace, and assimilate the socio-religious values prevalent in the region.

Fifthly, a substantial degree of confidence is placed in the Sharia Court establishment. Justice-seekers belonging to non-Muslim minorities rely on the Sharia Court as a final resort to seek redress for their cases involving violations of the QJA. Non-Muslim minority groups may opt for Sharia Courts as a legal recourse due to their commendable reputation and substantial public confidence.⁴⁵

The Sharia Court and the District Court have nearly identical case resolution procedures, particularly regarding formal law. The *Jinayat* procedural law is, with minor exceptions, a close relative of the Criminal Procedure Code. The sole distinction is that the Sharia Court requires four direct witnesses in adulterous cases. In the Sharia Court, confessions, oaths taken before a judge, and evidence of instructions are all deemed invalid. Justice, equality before the law, and an impartial trial are principles that the Sharia Court diligently upholds.⁴⁶

A case illustrating equality between Muslims and non-Muslims is the *maisir* (gambling) case number 1/JN/2017/MS-Jth. Two individuals who committed the atrocities were Buddhists, and two were Muslims. Muslim offenders were subjected to more severe sentences due to their circumvention of the legal system. Buddhists and Chinese, AS and AA, were each sentenced to nine canings, while RZ and RR as Muslims were sentenced to eleven months in detention.

⁴⁴ Imam Mustofa, Muhammad Iqbal Juliansyahzen, and Wildani Hefni, "Hijrah and Changing Religious Preferences in Contemporary Islamic Legal Practice," *Ijtihad: Jurnal Wacana Hukum Islam Dan Kemanusiaan* 23, no. 1 (July 12, 2023): 115–38, <https://doi.org/10.18326/ijtihad.v23i1.115-138>.

⁴⁵ Raphael Mondesir, "A Civic Bridge or a Silo? Islam, Religious Affiliation, and Civic Engagement in Rural Indonesia," *Social Science Research* 112 (May 2023): 102876, <https://doi.org/10.1016/j.ssresearch.2023.102876>.

⁴⁶ Asrun, Rosyadi, and Milono, "Mempertanyakan Legalitas Qanun Aceh: Sesuainkah Dengan Sistem Peraturan Perundang-Undangan."

A decrease in the frequency of canings was observed during their captivity.

According to Munir, a judge of the Syariah Court, non-Muslim minorities frequently approach the court in search of legal certainty and justice.

"... As of this moment, I have not been presented with any pretrial requests or complaints from defendants objecting to their trial being conducted in a Sharia Court," he illustrated. "The matter of justice is, if I may pass judgment, relative."

This implies that non-Muslims do not raise objections to the trial process; conversely, they may pursue legal action despite its perceived fairness; however, it is impossible to ascertain whether they do so in response to the severity of the punishment meted out or whether it is proportional to the offense. Several cases that can be described, except in Meulaboh, opted to be prosecuted in the Sharia Court on the grounds of the *Qanun*. These non-Muslims seem to have a higher regard for the *Qanun* and consider it impartial. In light of this perception, the Sharia Court remains steadfast in its dedication to ensuring equitable treatment for non-Muslims through the preservation of the principle of legal equality.⁴⁷

Both domestic and international populations recognize Aceh's Sharia law bias against non-Muslim communities. However, comprehensive research of QJA's effects on non-Muslims shows that its effects are only sometimes adverse. In Sharia Court criminal procedures, non-Muslim defendants willingly submit to QJA. Sharia Court law is known for its feasibility, efficacy, and economy, which explains its decision.⁴⁸

Comparison of Non-Muslim Citizens in the Enforcement of the Islamic Legal System in Selangor, Malaysia and Aceh, Indonesia.

Malaysia adheres to a dualistic legal system composed of the Syariah and Civil Law systems. Act 57419, the Penal Code, is the Laws of Malaysia which currently governs criminal law in Malaysia. An Act

⁴⁷ Halim, "Non-Muslims in the Qanun Jinayat and the Choice of Law in Sharia Courts in Aceh."

⁴⁸ Danial Danial, "Syari'at Islam Dan Pluralitas Sosial (Studi Tentang Minoritas Non-Muslim Dalam Qanun Syari'at Islam Di Aceh)," *Analisis Jurnal Studi Keislaman* 12, no. 1 (2022), <https://doi.org/http://dx.doi.org/10.24042/ajsk.v12i1.630>.

is a federal law enacted by the Malaysian Parliament and applicable across the entire state. Enactments are legislation promulgated by the National Legislative Assembly in specific jurisdictions. Article 121 (1A) of the Malaysian Constitution designates a dual criminal law system in Malaysia. While the Malaysian Penal Code (Act 574) is legally binding, the state has also implemented criminal legislation that adheres to the principles of Sharia justice. In the context of the Malaysian legal system, Sharia law exerts a comparatively minor influence on establishing national legislation. By Sharia law, only Muslims are bound.⁴⁹ The Syariah Court is a court that applies explicitly to Muslim Malaysian citizens and for some issues only, whether civil cases (civil matters) or criminal cases (criminal matters).⁵⁰ The Sharia Court in Malaysia is also called the Kadi Court.

Enactment, as defined in Article 160 of the Federal Constitution (Constitution of Malaysia), is a law enacted by a state legislature. Following the modification of the Syariah Courts (Criminal Courts) Act of 1984, criminal enactments in Malaysia are now authorized to impose sanctions, including an RM 5,000 fine, three years in prison, six lashes, or a combination of these penalties. An amendment was made to the Federal Constitution of Malaysia in 1988, specifically to Article 121 (1A), which conferred additional jurisdiction on the Syariah Court and prohibited the Civil Court from interfering with that jurisdiction. Overall, the scope of criminal offenses outlined in the criminal statute is considerably more restricted than the penal code of Malaysia, Act 574. Moreover, the legislation exclusively encompasses prison terms, monetary penalties, and corporal punishment or abuse as criminal sanctions. The Syariah Crimes Act (Federal Territories) 1997, the Syariah Crimes Enactment (Selangor) 1995, the Syariah Criminal Code Enactment (Kelantan) 1985, and the Council of Islamic Religion and Malay Customs Enactment (Amendment) 1986 all reflect this.⁵¹

⁴⁹ Ahmad Nabil Amir, "Ahmad Ibrahim and the Islamization of Law in Malaysia," *Nurani: Jurnal Kajian Syari'ah Dan Masyarakat* 22, no. 1 (July 13, 2022): 159-78, <https://doi.org/10.19109/nurani.v22i1.12130>.

⁵⁰ Tobi Angel Kolawole and Helen Ting M. H., "Sharia Politics in Nigeria and Malaysia: Governance, Islamization and Human Rights," *Journal of Politics and Law* 15, no. 3 (June 15, 2022): 25, <https://doi.org/10.5539/jpl.v15n3p25>.

⁵¹ Joseph Chinyong Liow, "Malaysia's Creeping Islamization – and Dimming Prospects for Covenantal Pluralism," *The Review of Faith & International Affairs* 19, no. 2 (April 3, 2021): 1-13, <https://doi.org/10.1080/15570274.2021.1917127>.

When examining the substance or content of criminal legislation, there are certain parallels and distinctions between the Shariah Criminal Enactment in Selangor (EJSS) Malaysia and the Qanun Hukum Jinayat (QHJ) in Nanggroe Aceh Darussalam. Spreading heresy, failing to attend Friday prayers, neglecting to respect Ramadan, not donning Islamic attire, engaging in indecent acts in public, consuming alcohol, gambling (*Maisir*), *berkhalwat*, sexual relations between individuals of the same sex, prostitution, pimping, and adultery are some of the criminal activities that are governed by both regulations.

Conversely, about the substance of criminal law, material criminal law distinguishes between the two sets of regulations. According to the rules in *Qanun* Aceh, it is considered a criminal offense to deny obligatory prayers and fasting during Ramadan, providing facilities for *khalwat* and *khamar*, engaging in sexual harassment, or committing rape. In contrast, the Selangor Syariah Criminal Enactment encompasses more regulations than the Aceh *Qanun*.⁵² It prohibits various offenses, such as false worship, insulting religious authorities, teaching without a *taqiyah* (any differences between what they do and what they feel), prohibiting married couples from cohabiting, unlawful zakat collection, misusing of halal signs, men posing as women, polygamy or divorce without court permission, mistreatment of wives, persecution of disobedient wives, and extramarital relations between divorced individuals. This demonstrates that there are more regulations under the Selangor Syariah Criminal Enactment. When examining the imposition of penalties, Criminal Law No. 6 of 2014 introduces more severe sanctions. The Selangor Criminal Syariah Enactment imposes criminal sanctions of a maximum fine of RM 5,000.00, a maximum of three years imprisonment, and a maximum of six lashes. In contrast, the Criminal Law *Qanun* imposes penalties of up to 125 months in prison (10 years and five months), a maximum of 100 lashes, a maximum fine of 2,000 grams of pure gold, and a maximum of three years in prison.

Non-Muslims are afforded opportunities by implementing the Aceh Sharia *Qanun*, provided they acquiesce to the *Qanun* voluntarily

⁵² Fahriza Murti and Triyanto Triyanto, "Adaptasi Budaya Etnis Tionghoa Di Meulaboh Aceh Barat (Studi : Masyarakat Tionghoa Non Muslim)," *Jurnal Community* 4, no. 1 (September 11, 2018), <https://doi.org/10.35308/jcpds.v4i1.194>.

or the national criminal law does not regulate any specific criminal act. Regarding Aceh *Qanun*, the principle *lex posterior derogate legi inferiore* (a superior direction in position and nullifies the rule of law below it) is not applied. Applying the *jarimah* provisions in the *Jinayat* Law *Qanun* is contingent upon the Criminal Code or national criminal law regulating the same conditions.⁵³ In the present *Pondan* case, the *Syariah Criminal Enactment* in Malaysia continues to apply the *lex posteriore derogat legi inferiore* principle. The *Selangor State Syariah Criminal Enactment* (Enactment 9 of 1995) is a criminal legislation expressly applicable to Muslims residing in *Selangor*. It was ratified on November 22, 1996, following its approval by Sultan *Salahuddin Abdul Aziz Shah Al-Haj* on January 10, 1996. This statute is being implemented by Article 160 of the *Federal Constitution* (*Constitution of Malaysia*).⁵⁴

Malaysia's confrontation with a unified nation is more complex than anticipated. This is because this nation's history of addressing interfaith matters frequently presents formidable obstacles. The protection of religious freedom is a constitutional guarantee that is firmly established in Malaysia under Article 11. It consists of the space to develop a place of worship, the freedom to practice one's religion, the freedom to propagate that religion through proselytizing, and the freedom to adhere to one's religious beliefs.

Legal protection in Malaysia is generally enshrined in Article 11 of the *Federal Constitution*, which pertains to regulating religious freedom. Article 11 receives additional support from other constitutional provisions. Article 8 of the *Federation's Constitution* also forbids religious discrimination against public sector employees, property acquisition or ownership, and any trade, business, or profession.⁵⁵ In contrast, freedom of protection differs in several ways in Malaysia from Aceh. According to Article 11(4) of the *Malaysian*

⁵³ Muhammad Razi and Khairil Azmin Mokhtar, "The Challenges of Shariah Penal Code and Legal Pluralism in Aceh," *Jurnal Media Hukum* 27, no. 2 (2020), <https://doi.org/10.18196/jmh.20200151>.

⁵⁴ Khairul Azhar Meerangani, Muhammad Safwan Harun, and Adam Badhrulhisham, "Kepimpinan Non Muslim Di Malaysia Menurut Perspektif Maqāṣid Al-Shari'ah," *Jurnal Fiqh* 18, no. 2 (December 29, 2021): 287-314, <https://doi.org/10.22452/fiqh.vol18no2.3>.

⁵⁵ Mohd Azizuddin Mohd Sani and Dian Diana Abdul Hamed Shah, "Freedom of Religious Expression in Malaysia," *Journal of International Studies*, 2020, 1-12, <https://doi.org/10.32890/jis.7.2011.7916>.

Constitution, which prohibits non-Islamic propaganda against Islam, it is permitted to deny the propagation of non-Islamic religions among Muslims. Such legislation is necessary to safeguard the status of Islam as the state religion, which is protected by Article 3(1) and Article 37(1) of the Fourth Schedule of the Federal Constitution.⁵⁶

In terms of legal safeguards for the state of Selangor, Sharia criminal law is exclusively applicable to Muslims. However, non-Muslim adherents would face prosecution under Section 21 of the 1955 Minor Offense Act, which was implemented via the Sharia Criminal Offences (Selangor) enactment of 1995.⁵⁷ It is imperative to apprise you beforehand that international law also governs a multitude of liberties, the extent of which is contingent upon an individual's religious expressions. The ICCPR (International Covenant on Civil and Political Rights) defines worship as including all intrinsic conduct derived from ritual and ceremonial practices performed as an explicit manifestation of belief, which is the international law at issue. Understanding that freedom of religion is a subject matter of the internal forum (a non-derogable right) is crucial, given that it pertains to the personal interior confession of an individual. The internal domain is impervious to intervention by entities or individuals other than the forum owner, as it constitutes the essence of personal liberty to select and practice one's religion or belief in a private sphere.⁵⁸ How one chooses a court indicates the faith followed by that individual, provided they have the authority to do so. They are not affiliated with a religion contrary to their own.

Conclusion

This research shows that Aceh's Qanun was founded by law enforcement which aims to protect citizens from immorality by upholding *jinayat* legislation per Qanun 14/2014. In the second topic,

⁵⁶ Ahmad Sanusi Azmi and Mohd Yusuf Ismail, "Konsep Rahmatan Lil Alamin Dalam Hadith: Penerokaan Makna Serta Aplikasi Di Malaysia," *Journal Of Hadith Studies*, November 26, 2018, <https://doi.org/10.33102/johs.v3i2.40>.

⁵⁷ Nur Al-farhain Kamaruzaman et al., "The Prosecution of Islamic Criminal Offences Related to Lgbt in Online Platforms: An Analysis of Syariah Criminal Offences (Selangor) Enactment 1995" 28, no. 3 (2023), <https://doi.org/https://doi.org.10.33102/jfatwa.vol.28no3.551>.

⁵⁸ Suparman Marzuki, "Politik Hukum Hak Asasi Manusia Tentang Kebebasan Beragama Pasca Orde Baru," *Jurnal Hukum Ius Quia Iustum* 26, no. 2 (2019): 215–37, <https://doi.org/10.20885/iustum.vol26.iss2.art1>.

Aceh's non-Muslim's availability to choose sharia or district courts to resolve issues demonstrates legal protection. When non-Muslims prefer Sharia Courts, the institution upholds legal equality to treat them fairly. Malaysia's Selangor State Syariah Criminal Enactment, meanwhile, is more thorough than *Qanun Jinayat Aceh*. Malaysia also safeguards non-Muslims' freedom to build temples, practice religion, disseminate *da'wah* (preaching), and hold religious opinions. However, protection under the Syariah Criminal Code is limited to Muslims residing in Selangor. As a result, individuals who identify as non-Muslim are shielded from litigation before courts associated with religions other than their own. Therefore, Aceh needs stakeholder cooperation and support for Sharia law enforcement and non-Muslim citizens' assured safety to ensure religious freedom for all. Thus, a dynamic concept of harmony is required in living side by side between Muslims and non-Muslims so as not to violate human rights. This research focuses on the implementation of current legislation, with a focus on the protection of non-Muslim citizens in the reality of society. Towards Muslim academics and scholars, it is hoped that research will be carried out in more depth so that we can find the ideal regulatory theory and model regarding the position of non-Muslims in the application of sharia law.

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