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## The Urgency of Ammending *Jināyāt Qānūn* in Eradicating Cyber Sexual Crime in Aceh, Indonesia

**Abdul Jalil Salam**

*Universitas Islam Negeri Ar-Raniry Banda Aceh*  
email: [abduljalilsalam@ar-raniry.ac.id](mailto:abduljalilsalam@ar-raniry.ac.id)

**Mursyid Djawas**

*Universitas Islam Negeri Ar-Raniry Banda Aceh*  
email: [mursyid@ar-raniry.ac.id](mailto:mursyid@ar-raniry.ac.id)

**Abidin Nurdin**

*Universitas Malikussaleh, Aceh Utara*  
email: [abidin@unimal.ac.id](mailto:abidin@unimal.ac.id)

**Delfi Suganda**

*Universitas Islam Negeri Ar-Raniry Banda Aceh*  
email: [delfi.suganda@ar-raniry.ac.id](mailto:delfi.suganda@ar-raniry.ac.id)

**Dedy Sumardi**

*Universitas Islam Negeri Ar-Raniry Banda Aceh*  
email: [dedysumardi@ar-raniry.ac.id](mailto:dedysumardi@ar-raniry.ac.id)

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### Abstract

As a special province in Indonesia with the jurisdiction to enforce Islamic law, Aceh has enacted *Jinayat Qanun* to regulate criminal actions. However, incidents of sexual offenses in cyberspace remain unregulated. This article seeks to elucidate the necessity for amendments to the *Jinayat Qanun*, particularly for instances of sexual offenses in cyberspace. It employs empirical research methodologies assessed via a legislative framework utilizing system theory. Data was gathered through meticulous literature review and extensive

Author correspondence email: [abduljalilsalam@ar-raniry.ac.id](mailto:abduljalilsalam@ar-raniry.ac.id)  
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interviews. This study reveals that online prostitution has emerged as a global concern, reflecting the adverse effects of contemporary advancements. In Aceh, the currently enacted Jinayat Qanun is perceived as necessitating amendments. These modifications are tailored to the evolving conditions of society. According to system theory, Jinayat Qanun substantially addresses the issue of online prostitution implicitly. However, obstacles persist within the legal framework and cultural context. Indonesia's legal structure and cultural dynamics, particularly in Aceh, pose significant challenges, underscoring the need for collaboration among various stakeholders, including judges, prosecutors, law enforcement, ulama, and community leaders.

### Keywords:

Jināyāt Qānūn; Cyberspace; Prostitution; Aceh, Amendment

### Introduction

The Province of Aceh is a region within the Unitary State of the Republic of Indonesia and hence, the regulations enacted must adhere to the existing laws of Indonesia. Although the province of Aceh has a unique jurisdiction compared to other regions in Indonesia, its legislative framework is nevertheless governed by existing laws and regulations. The Aceh Government's development of regional regulations is therefore dependent on and complies with the prevailing national legislation in Indonesia.<sup>1</sup>

The Acehnese population firmly upholds Islamic tenets. Numerous Islamic values have been fundamental to the historical trajectory of the Acehnese people, making culture and Islamic law inseparable as clear from the adage of two sides of a coin reinforced by the Acehnese proverb, *hukom ngon adat lagei zat ngen sifeut* (Law with Custom is Like Substance with Nature). The culture imbued with Islamic principles, or Islamized culture, together with cultivated

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<sup>1</sup> Arskal Salim, *Contemporary Islamic Law in Indonesia: Sharia and Legal Pluralism* (Edinburgh: Edinburgh University Press, 2015); Abidin Nurdin et al., "The Implementation of Meunasah-Based Sharia in Aceh: A Social Capital and Islamic Law Perspective," *Samarah: Jurnal Hukum Keluarga dan Hukum Islam* 5, no. 2 (2021): 760-79, <https://doi.org/10.22373/sjhk.v5i2.10710>.

Islam, establishes a comprehensive framework of norms inside Aceh society, where culture and religion are integrated into a cohesive system of legal and social conduct among the Acehnese people.<sup>2</sup>

The aforementioned factors are the fundamental reason for the Indonesian government's provision of exclusive authority to Aceh for the enforcement of the Islamic law.<sup>3</sup> The authority is clearly defined in paragraph (2) of Article 16 of Law Number 11 of 2006 concerning the Government of Aceh. This involves the implementation of Aceh's special status, which includes the regulation of religious life through the enforcement of the Islamic law for its followers in Aceh while maintaining harmony among religious communities, promoting customary practices based on Islam, improving educational standards, integrating local content consistent with the Islamic law, and engaging *ulama* in the formulation of government policies.

The Aceh government is required to implement Islamic law, necessitating the development of regulations governing its application as outlined in *Qānūn* Number 6 of 2014 concerning the Criminal Law. This *Qānūn* regulates legal violations related to alcohol, gambling, *khalwat*, *ikhtilāf*, *liwāt*, *zinā*, and sexual harassment. It is more extensive than the previous *Qānūn* enacted in 2003, which solely addressed alcohol, gambling, and *khalwat*.<sup>4</sup>

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<sup>2</sup> Mursyid Djawas et al., "Harmonization of State, Custom, and Islamic Law in Aceh: Perspective of Legal Pluralism," *Hasanuddin Law Review* 10, no. 1 (2024): 64–82, <https://doi.org/10.20956/halrev.v10i1.4824>; Misran Ramli et al., "State, Custom, and Islamic Law in Aceh: Minor Dispute Resolution in the Perspective of Legal Pluralism," *Samarah: Jurnal Hukum Keluarga dan Hukum Islam* 8, no. 2 (2024): 872–90, <https://doi.org/10.22373/sjhk.v8i2.15924>.

<sup>3</sup> Retno Saraswati, Nabilatus Sa'adah, and Delfi Suganda, "Status and Function of Social Institutions in Law on Governing Aceh," *Baltic Journal of Law & Politics* 15, no. 7 (2022): 416–31, <https://doi.org/10.2478/bjlp-2022-007030>; Delfi Suganda, Retno Saraswati, and Nabilatus Sa'adah, "Politics of Law in Qanun Reformulation in Aceh: The Establishment of Wali Nanggroe Institution," *Mazahib: Jurnal Pemikiran Hukum Islam* 20, no. 2 (2021): 251–84, <https://doi.org/10.21093/mj.v20i2.3387>.

<sup>4</sup> Mohd Din and Al Yasa Abubakar, "The Position of the Qanun Jinayat as a Forum for the Implementation of Sharia in Aceh in the Indonesian Constitution," *Samarah: Jurnal Hukum Keluarga dan Hukum Islam* 5, no. 2 (2021): 689–708, <https://doi.org/10.22373/sjhk.v5i2.10881>; Dedy Sumardi et al., "Transition of Civil Law to Public Law: Integration of Modern Punishment Theory in Criminal Apostasy," *Ahkam: Jurnal Ilmu Syariah* 22, no. 1 (2022): 237–62, <https://doi.org/10.15408/ajis.v22i1.26359>.

Indeed, violations of criminal law are increasing, primarily facilitated by the internet. This is exemplified by the 2018 incident in which a pimp and six Commercial Sex Workers (CSWs) were apprehended by the police at a hotel in Aceh Besar. They admitted to operating since 2016, with clients from various backgrounds. The technique utilized to identify customers is digital.<sup>5</sup> The polarization and frequency of prostitution complicate its identification, rendering the behavior practically invisible.<sup>6</sup>

A similar incident occurred on August 16, 2023, in Banda Aceh. Three individuals were arrested by the police who were posing as customers: one male suspected of being a pimp and two females who were prostitutes, at a hotel in Banda Aceh.<sup>7</sup> On October 7, 2024, a similar tragedy occurred in West Aceh. The police successfully detained three non-*muhrim* (legally permissible) spouses at a residence in West Aceh.<sup>8</sup>

Consequently, numerous investigations have been undertaken about online prostitution, although there are still found none of them taking Aceh as the research locus. One of which is Kuswardani's research articulating that online prostitution constitutes a crime against humanity, emerging because of the adverse effects of scientific and technological advancements, which have engendered new criminal activities.<sup>9</sup> Accordingly, Prasetyo and Hartanto assert that

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<sup>5</sup> Subur Dani, "Germo Prostitusi Online Beberkan Data Pelanggannya, dari Pengusaha Hingga para Pejabat," *Serambi News*, 2018, <https://aceh.tribunnews.com/2018/03/26/germo-prostitusi-online-beberkan-data-pelanggannya-dari-pengusaha-hingga-para-pejabat>.

<sup>6</sup> Ronald Weitzer, "Theorizing Sex Work: A Sectoral Approach," *Theory and Society* 53, no. 5 (2024): 1245-65, <https://doi.org/10.1007/s11186-024-09573-4>; Danial, "Criminalization in Islamic Penal Code: A Study of Principles, Criminalization Methods, and Declining Variations," *Jurnal Ilmiah Peuradeun* 11, no. 3 (2023): 1005-26, <https://doi.org/10.26811/peuradeun.v11i3.1058>.

<sup>7</sup> Rahmat Fajri, "Polresta Ungkap Kasus Prostitusi Online di Banda Aceh," *Antara News*, 2023, <https://www.antaraneews.com/berita/3684270/polresta-ungkap-kasus-prostitusi-online-di-banda-aceh>.

<sup>8</sup> Agus Setyadi, "Bongkar Prostitusi Online di Aceh Barat, Polisi Tangkap 3 Pasangan," *Detik Sumut*, 2024, <https://www.detik.com/sumut/hukum-dan-kriminal/d-7576729/bongkar-prostitusi-online-di-aceh-barat-polisi-tangkap-3-pasangan>.

<sup>9</sup> Kuswardani, "Sexual Violence in Indonesia and Malaysia: A Comparative Study," *Jurnal Media Hukum* 26, no. 1 (2019): 47-59, <https://doi.org/10.18196/jmh.20190122>.

internet prostitution represents a novel innovation for providers and suppliers of such services. Then, traditional prostitution was frequently conducted by commercial sex workers who awaited clients on the roadside or in various locations. The transition to online media as a conduit has demonstrated considerable ease for both proprietors of commercial sex workers, the workers themselves, and the clients of their services, as online platforms offer enhanced conveniences.<sup>10</sup> This facile access is deemed to subsequently get exploited by various entities aiming to get resources by manipulating individuals, particularly ladies and lascivious males. The swift advancement of cyberspace technology enables entities to exploit it by creating new market segments.<sup>11</sup>

Unfortunately, as Wahid addressed, penalties for individuals utilizing online prostitution services, have been imposed solely on those facilitating transactions and those engaging in the sale of sexual services. On the other hand, users of these services remain unpunished.<sup>12</sup> Further, it is even found that such regulation actually does not exist. Komang, for instance, concluded that the absence of criminal legislation for users of internet prostitution services has resulted in insufficient oversight of online prostitution. Explicit and strict criminal culpability, according to him, are required for clear regulation. Therefore, it is imperative to amend the criminal law concerning the accountability of users of internet prostitution services in Indonesia.<sup>13</sup>

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<sup>10</sup> Triana Galuh Purnama Sari Saleh, Ilusya Nurussaadah, and Ila Adila pramestya Putri, "Tindak Pidana Prostitusi Online dalam Perspektif Hukum Positif dan Hukum Islam," *Al-Jinayah Jurnal Hukum Pidana Islam* 8, no. 1 (2022): 14–26, <https://doi.org/10.15642/aj.2022.8.1.14-26>; Kurniadi Prasetyo, "Penegakan Hukum Tindak Pidana Prostitusi Online di Surabaya," *Jurnal Esensi Hukum* 2, no. 2 (2020): 36–47, <https://doi.org/10.35586/esensihukum.v2i2.30>.

<sup>11</sup> Oksidelfa Yanto, "Prostitusi Online Sebagai Kejahatan Kemanusiaan Terhadap Anak: Telaah Hukum Islam dan Hukum Positif," *Ahkam: Jurnal Ilmu Syariah* 16, no. 2 (2016): 187–96, <https://doi.org/10.15408/ajis.v16i2.4449>.

<sup>12</sup> Eriyantouw Wahid, "Sanksi Bagi Pemakai Jasa Prostitusi Online," *Hukum Pidana dan Pembangunan Hukum* 1, no. 2 (2019): 1–4, <https://doi.org/10.25105/hpph.v1i2.5544>.

<sup>13</sup> Alexander Imanuel Korassa Sonbai, "Kebijakan Formulasi Pertanggungjawaban Pidana Pengguna Jasa Prostitusi Melalui Media Online," *Acta Comitas* 4, no. 2 (2019): 272–83, <https://doi.org/10.24843/AC.2019.v04.i02.p10>.

On the other hand, despite the absence, Kristianto argued that unregulated online prostitution still possibly enables the enactment of regulation, as it can be prosecuted under the elements of crime outlined in the Criminal Code. However, the Criminal Code has been mentioned as ineffective in prosecuting Commercial Sex Workers and their clients, focusing solely on those who act as pimps.<sup>14</sup> Alternatively, Listyani asserts that this crime can be mitigated by the involvement of educational institutions. The advancement of technology offers advantages that can be exploited by pimps and Commercial Sex Workers to commercialize sexual services. The technology pertains to smartphones and social media. This technology's sophistication is employed by pimps, sex workers, and clients to establish internet prostitution networks. Nonetheless, the adverse effects of technology advancements can be mitigated by enhancing the roles of educational institutions and families.<sup>15</sup>

As that previous research indicate, The Electronic Information and Transactions Law (ITE), specifically Law No. 11 of 2008, does not impose criminal penalties for internet prostitution orchestrated by pimps for their clients. Article 27, paragraph (1) of the ITE Law only delineates penalties for actions that disseminate, transmit, or render electronic information accessible that contravenes moral standards.<sup>16</sup> Electronic information deemed immoral by criminal law scholars encompasses photographs, films, discussions, animations, and sketches featuring obscene content, sexual intercourse, sexual violence, and genitalia. The subjects of these unethical actions must also be communicated to the public by electronic media (email, social media, or text messaging services).<sup>17</sup>

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<sup>14</sup> Eko Noer Kristiyanto, "Jangkauan Hukum Nasional Terhadap Prostitusi Daring," *Jurnal Penelitian Hukum De Jure* 19, no. 1 (2019): 1, <https://doi.org/10.30641/dejure.2019.v19.1-10>.

<sup>15</sup> Refti Handini Listyani, "Pencegahan Praktik Prostitusi Online Melalui Lembaga Sekolah dan Keluarga," *The Journal of Society & Media* 1, no. 2 (2017): 67, <https://doi.org/10.26740/jsm.v1n2.p67-74>.

<sup>16</sup> Raisanta Wongso, "Kejahatan Cyber Berbasis Prostitusi Ditinjau dari Undang-Undang Nomor 11 Tahun 2008 tentang Informatika Transaksi dan Elektronik," *Lex Privatum* 4, no. 2 (2016): 64-73, <https://ejournal.unsrat.ac.id/index.php/lexprivatum/article/view/11994>.

<sup>17</sup> Endri Susanto et al., "Politik Hukum Pidana dalam Penegakkan Undang-Undang Informasi dan Transaksi Elektronik (ITE)," *Journal Kompilasi Hukum* 6, no. 2 (2021), <https://doi.org/10.29303/jkh.v6i2.76>.

The legislation demonstrates shortcomings in that when it is not conveyed to the public, it is not considered to have violated the law. This signifies that if the action is performed with mutual consent and willingness, it does not constitute a legal violation under the law. In the *Jināyāt Qānūn*, this is included in the violation of the law which is determined as adultery. However, the *Qānūn* has not yet explained clearly how to prove it in cases of online prostitution. This study analyzes *Jināyāt Qānūn* as one of the legal instruments for eradicating Cyber Sexual Crimes in Aceh using by firstly portraying prostitution crime practices in several countries, and secondly Aceh's Criminal Law Laws and the Prohibition of Internet Prostitution.

### **Methods**

This study employs an empirical research methodology with a legislative framework evaluated using systems theory.<sup>18</sup> According to M. Friedman, systems theory encompasses three elements: legal content, legal structure, and legal culture. The examined laws are the *Jināyāt Qānūn* and the *Qānūns* pertaining to the enforcement of Islamic law in Aceh. Data were gathered via literature reviews and comprehensive in-depth interviews. Interviews were conducted with the Head of the Islamic Sharia Service and scholars knowledgeable about the *Qānūn of Jināyāt Law* and the Islamic Sharia in Aceh.

This type of legal research is closer to non-doctrinal legal research. Non-doctrinal legal research looks at the law more deeply. This type of legal research looks at law not only limited to legal texts or law in books but also the law in the aspect of law in action in the practice of Acehnese society. Law in the context of law in action is an element that is not included in legal texts or regional regulations in Aceh, which relate to the phenomenon of online prostitution. The primary legal materials were collected through in-depth interviews with bureaucrats, academics, religious leaders, and traditional leaders. Meanwhile, the secondary legal material analyzes legal documents originating from statutory regulations relevant to criminal acts of online prostitution.

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<sup>18</sup> Peter Mahmud Marzuki, *Penelitian Hukum* (Jakarta: Kencana, 2010), 93; Kornelius Benuf and Muhamad Azhar, "Metodologi Penelitian Hukum Sebagai Instrumen Mengurai Permasalahan Hukum Kontemporer," *Jurnal Gema Keadilan* 7, no. 1 (2020): 20-33, <https://doi.org/https://doi.org/10.14710/gk.2020.7504>.

## Results and Discussion

### Prostitution Regulations in Several Countries

Legal products regularly lag behind technological improvements, and the law may also fail to keep pace with the reality of societal progress or development.<sup>19</sup> The expansion of technology in enabling commercial sex transactions has accelerated, yet the legal framework for social regulation has not kept pace, leading to a disparity with technological progress.<sup>20</sup>

O'Connor asserts that in several states across the United States of America, crimes related to pornography constitute a significant issue that extends beyond the short term, evolving into a persistent long-term concern. This persistent issue encompasses multiple dimensions, including psychological and legal, and, in some instances, impacts the health and emotional well-being of the community. This issue arises from the lack of regulation in cyberspace, as today's youth may effortlessly access various content online, including disseminating their photographs, which are subsequently shared by others.<sup>21</sup>

Sweden, as a developed nation in Europe, has legislated online prostitution. Swedish law mandates that individuals who pay for sexual services face criminal penalties, including fines or imprisonment for up to six months. In Sweden, sexual activities are considered a breach of human rights, positioning women who offer services or engage in commercial sex as victims requiring assistance due to exploitation and violence from service consumers. The individual who assumes the role of user or purchaser of the service is liable to and faces criminal sanctions. The Swedish government appears to be attempting to reduce the prevalence of prostitution frequently perpetrated by lascivious men. The practice of prostitution

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<sup>19</sup> Wahyu, "Dunia Hukum Selalu Tertinggal Ikuti Perkembangan Masyarakat, Termasuk Teknologi?," Universitas Negeri Semarang, n.d., <https://unnes.ac.id/fh/en/dunia-hukum-selalu-tertinggal-ikuti-perkembangan-masyarakat-termasuk-teknologi/>.

<sup>20</sup> Christiany Juditha, "Prostitusi Daring : Tren Industri Jasa Seks Komersial di Media Sosial Online Prostitution : Trends of the Commercial Sex Service Industry in Social Media," *Jurnal Pekommas* 6, no. 1 (2021): 51-63, <https://doi.org/10.30818/jpkm.2021.2060106>.

<sup>21</sup> Kimberly O'Connor et al., "Sexting Legislation in the United States and Abroad: A Call for Uniformity," *International Journal of Cyber Criminology* 11, no. 2 (2017): 218-45, <https://doi.org/10.5281/zenodo.1037397>.



functions as an economic activity that aligns with the principles of supply and demand.<sup>22</sup>

In 2018, Malaysia was identified as the country with the highest incidence of child pornography exploitation and consumption online. In that year, the number of IP addresses involved in the posting and downloading of child pornography reached 20,000, making Malaysia the country with the highest incidence of child pornography downloaders among its neighbors. Ong Chin Lan, the Assistant Commissioner of the Royal Malaysia Police, revealed this during a seminar on cyber safety for youngsters.<sup>23</sup> This is increasingly alarming, as 94 percent of adolescents in Malaysia access online pornography.<sup>24</sup> Online prostitution represents a moral violation regulated by the Malaysian Criminal Code, which closely resembles the Singapore Criminal Code, particularly outlined in Chapter XIV, titled Offences Affecting Public Health, Safety, Convenience, Decency, and Morals. Chapter XIX of the Malaysia Criminal Code pertains to Offences Against Public Morals.<sup>25</sup>

In Malaysia, the crime of prostitution is governed by Islamic law, specifically the Sharia Criminal Offences (Federal Territories) Act 1997 which covers all forms of Sharia criminal infractions in the country.<sup>26</sup> This legislation is confined to the territorial jurisdictions of Kuala Lumpur and Labuan and is applicable just to Muslims.<sup>27</sup> This law, primarily in Part IV - Offences Relating to Decency, particularly

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<sup>22</sup> Anisya Ines Safitri, Aldo Andrieyan Putra Makaminan, and Mujiono Hafidh Prasetyo, "Kebijakan Hukum Pidana dalam Upaya Penanggulangan Cyber Prostitution," *Jurnal Pembangunan Hukum Indonesia* 3, no. 1 (2021): 70-79, <https://doi.org/10.14710/jphi.v3i1.70-79>.

<sup>23</sup> Oik Yusuf, "Malaysia Terbanyak Konsumsi Pornografi Anak di Internet," *Kompas*, 2018, <https://tekno.kompas.com/read/2018/02/01/10310047/malaysia-terbanyak-konsumsi-pornografi-anak-di-internet>.

<sup>24</sup> Bernama, "Deputy Minister: Cyber Crime Cases in Malaysia Worrying as 94 pc of Children Exposed to Porn Online," *Malay Mail*, 2020, <https://www.malaymail.com/news/malaysia/2020/10/03/deputy-minister-cyber-crime-cases-in-malaysia-worrying-as-94pc-of-children/1909187>.

<sup>25</sup> Dwi Haryadi, *Kebijakan Integral Penanggulangan Cyberporn di Indonesia* (Yogyakarta: Lima Publisher, 2012).

<sup>26</sup> Yearbook of Islamic and Middle Eastern Law, "Malaysia: Syariah Criminal Offences (Federal Territories) Act (Laws of Malaysia Act 559, 1997)," *Yearbook of Islamic and Middle Eastern Law Online* 4, no. 1 (1997): 571-80, <https://doi.org/10.1163/221129898X00431>.

<sup>27</sup> Yearbook of Islamic and Middle Eastern Law.

in Section 21 concerning Prostitution and Section 22 regarding pimps, addresses online prostitution while elucidating the traditional definition of prostitution.<sup>28</sup>

Meanwhile, The State of Brunei Darussalam, predominantly Muslim, enforces fines against anyone engaged in online prostitution. Since 2014, the State of Brunei Darussalam has commenced the implementation of the Islamic sharia law. Brunei Darussalam is distinctive in its multi-tiered approach to violations of Islamic law; individuals who neglect Friday prayers or engage in premarital sexual relations face imprisonment or fines, while those guilty of adultery and sodomy are subjected to capital punishment, and thieves have their hands amputated. If they commit theft again, their legs would be removed; for LGBT individuals, the penalties will include lashing and stoning,<sup>29</sup> In Law Laws of Brunei Chapter 22 Revised Edition 2016, prostitution being a significant issue in Brunei Darussalam Brunei Darussalam.

Adjacent to Malaysia and Brunei Darussalam, Indonesia has a predominantly Muslim demographic. However, there are significant differences in the regulation of internet prostitution between the three nations. As a nation ruled by law, Indonesia regulates all aspects of its residents' lives, including regulations related to pornography. Pornography is a dimension of cybercrime when distributed. It qualifies as illicit content, requiring particular control under Indonesian criminal law.<sup>30</sup>

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<sup>28</sup> Zulfakar Ramlee Saad, "Prosecuting Shariah Offences in Malaysia: Evidentiary Issues," *Petita: Kajian Ilmu Hukum dan Syariah* 4, no. 2 (2019): 131-50, <https://doi.org/10.22373/petita.v4i2.17>.

<sup>29</sup> Reporter BBC, "Brunei Terapkan Hukuman Rajam LGBT, Komisioner HAM PBB Sebut 'Hukum Kejam dan Tak Manusiawi,'" *BBC News Indonesia*, 2019, <https://www.bbc.com/indonesia/dunia-47769553>; Amanda Kusumawardhani, "Hukum Pidana Islam: Brunei Hukum Mati Pamerkosa, Pezinah, dan Pelaku Sodomi," *Bisnis*, 2014, <https://kabar24.bisnis.com/read/20140430/19/223762/hukum-pidana-islam-brunei-hukum-mati-pemerksosa-pezinah-dan-pelaku-sodomi>; Yvette Tan, "Brunei Mulai Terapkan Hukuman Rajam LGBT Hingga Tewas, Kaum Gay Merasa 'Takut,'" *BBC News Indonesia*, 2019, <https://www.bbc.com/indonesia/dunia-47796768>.

<sup>30</sup> H Sofwan Jannah and M. Naufal, "Penegakan Hukum Cyber Crime Ditinjau dari Hukum Positif dan Hukum Islam," *Al-Mawarid* 12, no. 1 (2012): 69-84; Muhammad Taufiq, "Istishhāb Sebagai Teori Hukum Islam Sebuah Tinjauan Historis," *Indonesian Journal of Law and Islamic Law (IJLIL)* 1, no. 1 (2019): 54-73, <https://doi.org/https://doi.org/10.35719/ijl.v1i01.74>.

Referring to cases of online prostitution in several countries above, this practice does not explicitly refer to online prostitution but instead shows that this behavior exploits individuals through human trafficking. A pimp derives profit from his/her transaction. Pimps may be prosecuted under Article 506 of the Criminal Code, which stipulates that anyone who derives benefit from a woman's indecent conduct as a means of subsistence faces a maximum sentence of one-year imprisonment. Pimps exploit the dynamics of adultery or prostitution between individuals of differing genders. Pimps may be prosecuted under Law Number 21 of 2007 regarding Human Trafficking, in addition to the Criminal Code. Although this law does not explicitly address online prostitution, the actions of pimps constitute human trafficking, as they exploit social media to facilitate transactions.

According to Law Number 19 of 2016, amending Law Number 11 of 2008 regarding Information and Electronic Transactions, Article 45, paragraph (1) stipulates that any individual who intentionally and unlawfully distributes, transmits, or makes accessible Electronic Information and/or Electronic Documents containing immoral content, as defined in Article 27, paragraph (1), shall face a maximum imprisonment of six years and/or a maximum fine of Rp 1,000,000,000 (one billion rupiah). This provision indicates that the internet or social media functions solely as a conduit for transactions, thereby making the repercussions of prostitution conducted online or offline similar.

Aceh, a territory with special rights to implement Islamic law, should be a model for preventing online prostitution by regulating it in the *Jināyāt Qānūn* regulation. Still, this effort is not regulated in the *Jināyāt Qānūn* regulation. The examples that emerged in Aceh show that local restrictions are still loose and are mainly influenced by Islamic law, especially considering the social reality that Islamic law has been integrated into the cultural structure of Aceh.

### **Legislation of Criminal Law and the Prohibition of Online Prostitution in Aceh**

The 2014 *Jināyāt Qānūn* represents a thoughtful revision and reformulation of the previous *Qānūn* concerning *khamar*, *maisir*, and *khalwat*. This revision of the *Qānūn* has not accommodated the crime of online prostitution, which is currently rampant. Meanwhile, the Aceh criminal law *Qānūn* has not regulated the crime of online

prostitution. On that basis, efforts to revise the Aceh criminal law *Qānūn* are urgent.

The revision at that time was urgent, supported by a minimum of three compelling arguments. It is essential to modify national regulations to ensure synchronization nationally while maintaining adherence to Law Number 11 of 2006 regarding the Government of Aceh. *Third*, Aceh possesses temporary supporting institutions tasked with the implementation of the renewal of the *Jināyāt Qānūn*, including the Executive, Legislative (DPRA), Judicial (Sharia Court), *Ulama* Consultative Assembly (MPU), and the *Wali Nanggroe* Institution.<sup>31</sup>

Barda Nawawi Arif emphasized that legal renewal is fundamentally connected to the overarching notion of legal reform, which involves more than just revising laws and regulations. Legal reform thoroughly reconfigures the legal system, encompassing legal substance, structure, and culture changes.<sup>32</sup> The criminal law reform in Indonesia ought to be deeply anchored in the essential values and the prevailing socio-philosophical, socio-political, and socio-cultural principles of Indonesian society.<sup>33</sup> Moreover, the resources for legal reform can also be sourced from the laws that develop and transform within the community.<sup>34</sup>

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<sup>31</sup> Mutiara Fahmi et al., "Punishment for Zina Muhsān Offenders in Aceh Qanun No. 6 of 2014 in the Perspective of Fiqh Al-Siyāsah," *Samarah: Jurnal Hukum Keluarga dan Hukum Islam* 6, no. 1 (2022): 346–68, <https://doi.org/10.22373/sjhk.v6i1.13363>; Abdul Manan and Cut Intan Salasiyah, "Evaluating the Implementation of Sharia in Aceh, Indonesia (Examining the Qanun Jinayat in Bireuen Regency)," *Jurnal Ilmiah Peuradeun* 9, no. 3 (2021): 549–66, <https://doi.org/10.26811/peuradeun.v9i3.593>; Salami et al., "Portrait of Sexual Harassment Victims and Religious Support of the Parents in Aceh," *Jurnal Ilmiah Peuradeun* 8, no. 2 (2020): 313–26, <https://doi.org/10.26811/peuradeun.v8i2.470>.

<sup>32</sup> Barda Nawawi Arief, *Bunga Rampai Kebijakan Hukum Pidana: Perkembangan Penyusunan Konsep KUHP Baru* (Bandung: Citra Aditya Bakti, 2014).

<sup>33</sup> Randy Pradityo, "Menuju Pembaharuan Hukum Pidana Indonesia: Suatu Tinjauan Singkat (Towards Criminal Law Reform of Indonesia: An Overview)," *Legislasi Indonesia* 14, no. 2 (2017): 133–44, <https://doi.org/https://doi.org/10.35968/jmm.v12i1.627>.

<sup>34</sup> Tongat et al., "Hukum Yang Hidup dalam Masyarakat dalam Pembaharuan Hukum Pidana Nasional," *Jurnal Konstitusi* 17, no. 1 (2020): 157, <https://doi.org/10.31078/jk1717>.

Barda Nawawi Arif's opinion aligns with the opinion that Lawrence M. Friedman asserted that a robust legal enforcement system must integrate three interconnected components: legal substance, legal culture, and legal structure. The three facets outlined represent the fundamental challenges law enforcement faces in Indonesia, especially Aceh, and in all nations that adhere to the rule of law.

The preceding explanation demonstrates that legal reform represents an aspect of legal evolution relevant nationally in Indonesia and within local or regional contexts. Every regulatory reform ought to correspond with current advancements. For example, at a national scale, sexual offenses are directed not solely at a particular gender but also encompass males. Moreover, these transgressions have implications for minors as well.<sup>35</sup> Sexual offenses that involve the exploitation of a specific gender for the financial benefit of the offender or trafficker are classified as human trafficking. Furthermore, these offenses encompass acts of violence and infringements upon fundamental human rights.<sup>36</sup>

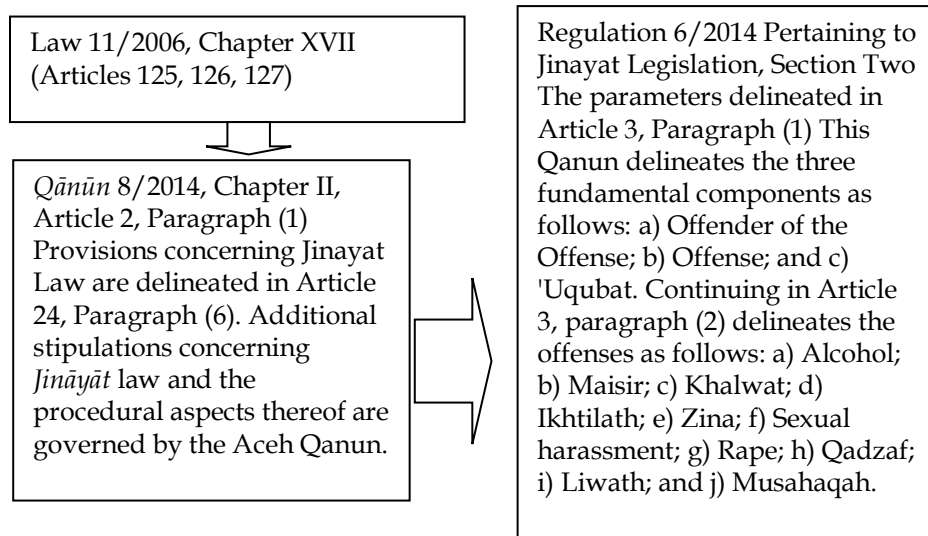
Syahrizal Abbas elucidated that the establishment of the *Qānūn* governing the execution of Islamic law in Aceh is fundamentally delineated within a singular *Qānūn*. The regulation addresses only overarching principles or general guidelines. Syahrizal Abbas highlighted that the Aceh *Qānūn* Number 8 of 2014, which pertains to the Principles of Sharia, functions akin to a legislative framework on the Principles of Justice, governing all aspects associated with justice.

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<sup>35</sup> Maryamul Chumairo, Novita Dewi Masyithoh, and Arina Hukmu Adila, "Criminal Policy for Users of Services Prostitution to Achieve Substantial Justice," *Walisono Law Review (Walrev)* 3, no. 1 (2021): 129, <https://doi.org/10.21580/walrev/2021.3.1.9074>.

<sup>36</sup> Jerri Priandika et al., "Prostitution, Crime, and Law Enforcement: Criminology Studies in the Argorejo Resocialization and Rehabilitation of Semarang City," *Law Research Review Quarterly* 6, no. 3 (2020): 247-64, <https://doi.org/https://doi.org/10.15294/lrrq.v6i3.31210>.

The process of establishing *Qānūn* Number 6 of 2014 regarding *Jināyāt Law* can be illustrated in Figure 1.



**Figure 1.** The flow of *Jināyāt Qānūn* creation

It can be seen in Figure 1 that the development of *Qānūn* Number 6 of 2014 regarding *Jināyāt Law* is outlined in the aforementioned scheme, indicating its hierarchical position under Law Number 11 of 2006 concerning the Government of Aceh. Article 3, Paragraph (1) of this *Qānūn* delineates three fundamental components: a) Criminal Offenders; b) Criminal Offenses; and c) 'Uqubat. Furthermore, Article 3, Paragraph (2) specifies the criminal offenses as follows: a) Alcohol; b) *Maisir*; c) *Khalwat*; d) *Ikhtilāth*; e) *Zinā*; f) Sexual harassment; g) Rape; h) *Qadhaf*; i) *Liwāth*; and j) *Musāḥaqah*.

The application of criminal law in Aceh is grounded in Law Number 11 of 2006, which pertains to the Governance of Aceh, along with its subsequent derivatives, specifically Aceh *Qānūn* Number 6 of 2014, which addresses the Criminal Law *Qānūn*. This criminal law *Qānūn* is applicable to Muslims who contravene the stipulations of Islamic law in Aceh, as well as to non-Muslims. However, non-Muslims have the option to choose their punishment, unless the violation is not delineated in national regulations, in which case non-

Muslims willingly adhere to the provisions of this criminal law *Qānūn*.<sup>37</sup>

The current resolution of online prostitution cases in Aceh remains governed by national regulations, whereas conventional prostitution is not bound by the same framework. The numerous instances of online prostitution transactions in Aceh present a pressing challenge for the Aceh government, necessitating an immediate revision of the substance and norms within the criminal law *Qānūn* in the region. The term prostitution is not explicitly defined within the criminal law of *Qānūn*. However, the 2014 *Jināyāt Qānūn* distinctly addresses the issue of adultery. Specifically, individuals or business entities that deliberately offer facilities or encourage *Jarīmah zinā*, thereby facilitating the occurrence of *zinā* in any manner, shall face penalties as stipulated by the prevailing laws in Aceh.

On July 2, 2018, a joint team of the Police and *Wilāyat al-Hisbah* successfully apprehended six individuals involved in online prostitution in Lhokseumawe during a single operation. Subsequently, they were prosecuted in the Sharia Court, where they were found guilty. According to the *Jināyāt Qānūn*, the sentences for the perpetrators varied, with some receiving 40 lashes and others 25, determined by the trial evidence and the judge's ruling.<sup>38</sup>

Referring to the case above, the *Jināyāt Qānūn* law does not regulate online prostitution as a criminal act subject to punishment. However, perpetrators of online prostitution are threatened with the criminal act of adultery, which is regulated in the *Jināyāt Qānūn*.

The case of online prostitution in Langsa City also occurred on July 29, 2020. In this case, law enforcement detained two individuals engaged in pimping activities and investigated five women believed to be involved in criminal conduct, primarily those identified as housewives. After the deliberations in the Sharia Court, the two housewife pimps were deemed guilty. They received a sentence of 92 lashes each and a reduction of three months in their detention period.

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<sup>37</sup> Mursyid Djawas et al., "The Position of Non-Muslims in the Implementation of Islamic Law in Aceh, Indonesia," *Ahkam: Jurnal Ilmu Syariah* 23, no. 1 (2023): 95-120, <https://doi.org/10.15408/ajis.v23i1.32127>.

<sup>38</sup> Ilham Safutra, "Langgar Syariat Islam, Pelaku Prostitusi Online Dicambuk 40 Kali," *Jawa Pos*, 2018, <https://www.jawapos.com/berita-sekitar-anda/0142456/langgar-syariat-islam-pelaku-prostitusi-online-dicambuk-40-kali>.

The corporal punishment was executed in the courtyard of the Langsa Islamic Sharia and Dayah Education Office.<sup>39</sup>

In addition, on October 4, 2024, in a case concerning online prostitution, law enforcement detained two individuals who enabled the operation, confronting potential penalties of up to 100 lashes and/or a fine of 1000 grams of pure gold and/or a maximum of 100 months imprisonment (Article 33, paragraph 3). Simultaneously, four perpetrators of the offense faced a penalty of up to 30 lashes and/or a fine amounting to 300 grams of pure gold and/or a maximum incarceration period of 30 months (Article 23, paragraph 1).<sup>40</sup>

The inception of the *Jināyāt Qānūn*, law in Aceh is delineated by Syahrizal Abbas, who asserts that this law serves as a technical implementation outlined in Aceh *Qānūn* No. 8 of 2014 regarding the Principles of Islamic Sharia. Given that Aceh *Qānūn* No. 8 of 2014 addresses only overarching principles, there exists a necessity for technical regulations and their derivatives to govern the execution and criminal accountability within Aceh, including regulating jarimah (criminal acts) currently regulated in the *Jināyāt Qānūn*. We must admit that not all jarimah (criminal acts) are regulated in the *Qānūn Jināyāt*, such as online prostitution. When the *Jināyāt Qānūn* was formulated, online prostitution was not yet a priority at that time.<sup>41</sup>

Syahrizal Abbas articulated that *Jināyāt Qānūn*, viewed through the lens of state governance, represents a valid regulatory framework in Aceh. While originating from Arabic terminology that denotes criminal law, Aceh is acknowledged as a unique region, characterized notably by the application and governance of Islamic law. This regulation, referred to as *Qānūn*, functions as an organic law within the region, encompassing *Jināyāt Qānūn*. The current regulation is overseen by a superior authority, specifically the principal *Qānūn* of Islamic law, which facilitates the understanding of

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<sup>39</sup> Syahrul Ansyari and Dani Randi, "Jadi Mucikari, Ibu Rumah Tangga di Aceh Dicambuk 92 Kali," *VIVA: News and Insight*, 2020, <https://www.viva.co.id/berita/kriminal/1288537-jadi-mucikari-ibu-rumah-tangga-di-aceh-dicambuk-92-kali>.

<sup>40</sup> Saiful Bahri, "Polres Aceh Barat Amankan 3 Pasangan Diduga Terlibat Prostitusi Online," *KBA ONE*; 2024, <https://www.kba.one/news/polres-aceh-barat-amankan-3-pasangan-diduga-terlibat-prostitusi-online/index.html>.

<sup>41</sup> Syahrizal Abbas, Head of the Aceh Islamic Sharia Service for the 2013-2017, *Interview*, January, 2024.



the implementation of Islamic law in Aceh as distinct from the principal *Qānūn* itself.<sup>42</sup>

In this context, EMK. Alidar, serving as the head of the Aceh Islamic Sharia Service for the 2018-2023 period, has underscored the pressing nature of cybercrime issues, including online prostitution and online gambling. These matters have led to a legal vacuum within the *Jināyāt Qānūn*, presenting a significant challenge for the Aceh government. If left unaddressed, the violations of Islamic law facilitated through social media are likely to proliferate. Moreover, EMK Alidar underscored the necessity of maintaining the implementation of the *Jināyāt Qānūn* in Aceh, as it represents a directive from the Aceh government law. The significance of this *Qānūn* cannot be overstated, as the prevailing understanding has been that prostitution is merely conventional. However, contemporary practices have evolved far beyond what is delineated in current legal frameworks. Consequently, online prostitution unequivocally constitutes a criminal act that stands in opposition to the *Jināyāt Qānūn*. While the *Qānūn* does not explicitly address the concept of online prostitution, it may be classified under the parameters of adultery. This represents a course of action that stands in opposition to legal statutes and societal moral principles.<sup>43</sup> Therefore, while the *Qānūn* does not explicitly address the concept of online prostitution, it may be classified under the broader category of adultery. This represents a course of action that stands in opposition to legal statutes and ethical principles, as well as societal norms of decency.<sup>44</sup>

In reference to M. Friedman's theory of the legal system, which encompasses three elements—legal substance, legal culture, and legal structure—the current issue pertains to the legal structure and legal culture.<sup>45</sup> The legal structure pertains to the judicial system, specifically the law enforcement aspect, which includes judges,

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<sup>42</sup> Syahrizal Abbas.

<sup>43</sup> EMK Alidar, Head of Islamic Sharia Service 2018-2023, *Interview*, January, 2024.

<sup>44</sup> Faizin Sulistio and Nazura Abdul Manap, "Alternatif Model Pemidanaan Tindak Pidana Pornografi Siber," *Arena Hukum* 9, no. 3 (2016): 349-67, <https://doi.org/https://doi.org/10.21776/ub.arenahukum.2016.00903.3>.

<sup>45</sup> Izzy Al Kautsar and Danang Wahyu Muhammad, "Sistem Hukum Modern Lawrence M. Friedman: Budaya Hukum dan Perubahan Sosial Masyarakat dari Industrial ke Digital," *Sapientia Et Virtus* 7, no. 2 (2022): 84-99, <https://doi.org/10.37477/sev.v7i2.358>.

prosecutors, legal advisors, and the police. Existing legal institutions, along with their personnel and stakeholders as lawmakers, serve as the principal actors.<sup>46</sup> The societal and cultural systems significantly shape the legal culture in place.

Legal substance refers to the legal norms that apply in a region. In Aceh, the legal substance has its uniqueness due to the implementation of Islamic Sharia based on Law Number 11 of 2006 concerning the Government of Aceh (UUPA). Several rules that are part of the legal substance in Aceh include. *Qānūn* Syariat Islam, which regulates aspects of community life such as *Jināyāt* (Islamic criminal law), muamalah (social and economic relations), and worship. An example is *Qānūn* Number 6 of 2014 concerning *Jināyāt* Law, which regulates sanctions for violations such as adultery, khamar (alcohol), and maisir (gambling).

National Law, where Aceh remains subject to Indonesian national law but with specificities in certain legal aspects. For example, criminal procedural law still follows the Criminal Procedure Code (KUHP) but with adjustments in implementing *Jināyāt* law. Customary law still exists and is often integrated with Islamic law, such as dispute resolution through customary courts known as "Peusijek" or "Suloh" (peace). The legal substance in Aceh shows legal pluralism, where Islamic law, national law, and customary law run side by side.<sup>47</sup>

The legal system that worked and was applied in Aceh previously was part of the Acehnese culture that was integrated with the customary legal system, then changed function and form following changes in the Indonesian political system, specifically the governance of the nation-state pattern. This model impacts the formation of law in the current era. The political path was the only alternative the Acehnese people took to implement the legal system to gain the ruler's or state's official recognition.

The rules of customary and Islamic law are internalized into the national legal system. So, the legal awareness of society as a living law legal system then becomes a legal-formal legal system that

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<sup>46</sup> Al Kautsar and Muhammad.

<sup>47</sup> 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 (2021): 426–49, <https://doi.org/10.22373/sjhk.v5i1.9303>.

merges with the state legal system. The three legal systems above do not come from the same legal source, but various sources of law form the legal system according to the characteristics of the society. The national legal system in force in Aceh is representative of the colonial legal system or the European legal system as a result of the implantation of the civil law system.<sup>48</sup>

Legal assimilation is a determining factor in accepting Islamic law as a legal system applicable to the Acehnese people. Islamic law is not a legal system originating from the culture of local communities but rather a legal system originating from revelation that applies to all cultures of global communities. This differs from the customary legal system, which originates from the behavior and customs of the Acehnese people from generation to generation. However, the presence of the Islamic legal system can be said to be more easily accepted by the Acehnese people under the philosophy of Acehnese customary law, which emphasizes that religious and customary law have a dialectical relationship in the form of a complete unity.

Implementing the three legal systems above is not solely based on sociological aspects but also receives recognition from the government as the holder of power. On the one hand, the national legal system strongly desires to standardize (unify) the legal system, which is called the national legal system. On the other hand, the diversity of law is an alternative solution for plural societies to obtain legal justice. In this context, the law is not solely derived from state law but rather law practiced in everyday life.

*The legal structure* in Aceh reflects how the law is enforced and the institutions that play a role in implementing the law. The legal structure in Aceh consists of the Sharia Court, which functions as a special court in Aceh to handle cases related to Islamic law, such as Islamic family cases, Islamic economics, and *Jināyāt*.<sup>49</sup>

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<sup>48</sup> Muslim Zainuddin et al., "Protection of Women and Children in the Perspective of Legal Pluralism: A Study in Aceh and West Nusa Tenggara," *Samarah: Jurnal Hukum Keluarga dan Hukum Islam* 8, no. 3 (2024): 1948-73, <https://doi.org/10.22373/sjhk.v8i3.22203>.

<sup>49</sup> Rusjdi Ali Muhammad, "Reconciliation for the Settlement of Criminal Cases: Reactualization of Local Wisdom in Indonesian Criminal Law," *Legitimasi: Jurnal Hukum Pidana dan Politik Hukum* 10, no. 2 (2021): 171-88, <https://doi.org/10.22373/legitimasi.v10i2.11339>.

The Wilayatul Hisbah (WH) or Sharia Police is tasked with enforcing Islamic law in society, including supervising the implementation of *Qānūn*. The Prosecutor's Office and Police, which still play a role in implementing national law, must coordinate with the Sharia Court in cases related to Islamic law. Customary Courts still play a role in resolving community disputes at the gampong (village) level, especially in minor cases such as family disputes and customary land issues. The legal structure in Aceh shows a dualism in the judicial system that accommodates both Islamic law and national law.<sup>50</sup>

Legal culture refers to the community's attitudes, values, and legal awareness in understanding and obeying the law. In the context of Aceh, legal culture is influenced by the following factors: Community Awareness of Islamic Law, where most Acehnese people accept and support the implementation of Islamic law in everyday life.<sup>51</sup>

The Role of Ulama and Traditional Leaders, who have a significant influence in shaping the community's perception of the law. Ulama are often used as references in resolving disputes, while traditional leaders maintain the continuity of customary law. Social Dynamics and Modernization, where groups of people question the implementation of Islamic law, especially in enforcing criminal law, which is considered inconsistent and sometimes discriminatory. The Influence of Globalization and social media makes Acehnese people increasingly open to legal perspectives from outside the region, so debates arise about how Islamic law should be applied in the context of the Indonesian rule of law.

Aceh has a unique legal system that integrates Islamic law, national law, and customary law. Islamic Sharia law's existence marks Aceh's legal substance; its legal structure includes sharia courts and special law enforcement institutions, while strong Islamic values, the role of *Meunasah* (unique building that only exist in Aceh), and the dynamics of modernization influence its legal culture.

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<sup>50</sup> R. Michael Feener, "Social Engineering through *Shari'a*: Islamic Law and State-Directed Da'wa in Contemporary Aceh," *Islamic Law and Society* 19, no. 3 (2012): 275–311, <https://doi.org/10.1163/156851911X612581>.

<sup>51</sup> Muhammad Yusuf, *Impementasi Hukum Jinayat di Aceh: Keasadaran, Kepatuhan dan Efektivitas* (Banda Aceh: Bandar Publishing, 2022).

However, challenges remain, such as the synchronization of national law and Islamic law and consistency in enforcing sharia law. Therefore, it is necessary to strengthen regulations and public understanding so that the legal system in Aceh continues to run harmoniously within the framework of the Unitary State of the Republic of Indonesia (NKRI).

The influence of ulama, religious figures, and religious and social institutions is profound. In the Acehese society, ulama and religious figures act as social agents and contributors to the internalization of Islamic law as a legal culture, facilitated through social institutions such as lectures, sermons, and religious study groups in mosques, *meunasah* (unique building that only exist in Aceh), and *dayah* (Islamic boarding schools).<sup>52</sup>

The *Ulama* Consultative Assembly emphasized that:  
“Preventing adultery is obligatory and is a good deed, meaning we prevent evil. Preventing anyone's evil in a good way is certainly fine. This is an important point. The next thing we must understand is that there is a state apparatus in the form of an institution in the region that regulates this; it could be the Islamic Sharia Office, a supervisory institution (Wilayatul Hisbah) it could be the Ulema Consultative Assembly (MPU), and it could be a traditional institution that prevents it with its authority based on local wisdom as a preventive effort (*pageu gampong*). We hope there will be synergy and cooperation between institutions to implement the *Jināyāt Qānūn* properly.”<sup>53</sup>

Consequently, the *Jināyāt Qānūn* like other laws and legal frameworks in Indonesia, demonstrates commendable substance and legal architecture. Nonetheless, if it lacks the backing of the prevailing legal culture within society, the law will remain confined to theoretical constructs and concepts (law in the book); conversely, the challenge lies in its application and execution (law in action). Indeed,

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<sup>52</sup> Djawas et al., “The Position of Non-Muslims in the Implementation of Islamic Law in Aceh, Indonesia.”

<sup>53</sup> Muhibbutthabary, Deputy Chairman of the Aceh Ulema Consultative Assembly, *Interview*, September, 2024.

in Aceh, Islamic law has historically been an integral aspect of societal norms; thus, facilitating its revitalization and recontextualization should pose minimal challenges.

### Conclusion

Aceh is a region with the formal capacity to implement Islamic law, as delineated by Law No. 11 of 2006, alongside an array of additional laws and *Qānūns*. The legislation known as *Qānūn* No. 6 of 2014, which pertains to *Jināyāt* Law, represents a more extensive framework of legal regulation as it encompasses a broader array of criminal offenses, including *khamar*, *maisir*, *khalwat*, *ikhtilāt*, *liwāt*, *zinā*, and sexual harassment. In contrast to the earlier *Qānūn*, there were merely three provisions: *khamar* (alcohol), *maisir* (gambling), and *khalwat* (seclusion with a non-*maḥram*). With the progression of contemporary society, infidelity has evolved through the utilization of technology, now referred to as online prostitution. In the context of system theory, it can be argued that the *Jināyāt Qānūn* encompasses online prostitution in its essence; however, challenges arise from the existing legal framework and cultural attitudes. The primary challenges in Aceh, stem from the legal substance of the *Jināyāt Qānūn* to accommodate electronic evidence to facilitate proof of Commercial Sex Workers. In addition, collaboration, consistency, and firmness of law enforcers across various sectors, including judges, prosecutors, police, clerics, and community leaders, are also needed in enforcing the *Jināyāt Qānūn* in Aceh. Therefore, cooperative efforts between government institutions and the community are significant for effectively eradicating this criminal activity. Therefore, the aspect of electronic evidence in the *Jināyāt Qānūn* is the next agenda to be studied

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