

IMPLEMENTATION OF THE MOU HELSINKI ON CRIMINAL LAW POLICY IN NANGGROE ACEH DARUSSALAM (NAD)

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Abstract

Aceh, as one of the autonomous regions in the context of the Unitary State of the Republic of Indonesia, in the practice of implementing Local Government, repeatedly not only positions the type and hierarchy of laws and regulations following Law No. 12 of 2011 on the Establishment of Laws and Regulations but also positions the Helsinki MoU as one of the legal sources. The thing that is the practice in this writing is related to how the implementation of the Helsinki MoU in criminal law policy in Aceh. Research methods are conducted with normative legal research methods and prescriptive research. Data collection in this study is done through literature research. Data analysis is done with qualitative analysis; the process of data analysis and using legal data is also possible to use non-legal data. This study showed that after the MoU of peace between the Indonesian government and GAM was marked on August 15, 2005, in Helsinki, Finland, 24 governments then passed Law No. 11 of 2006 on the aceh government. This law is a political commitment of the Indonesian government in following up on the results of the peace agreement in Helsinki. One of the authorities (autonomy/self-government) granted in the law is to implement Islamic sharia in Aceh in a kaffah both in terms of worship, education, muamalat, shiar, civil law, and criminal law. While implementing the Helsinki MoU is, the regulation related to Jinayat (Criminal Law) has strengthened. Other judicial institutions are also concerned about implementing criminal law in Aceh, although the rules about Criminal Law still cause debate.

Keywords: *MOU, Helsinki, Policy, Criminal Law, Aceh.*

Abstrak

Aceh, sebagai salah satu daerah otonom dalam konteks menjadi negara kesatuan Republik Indonesia, dalam praktiknya melaksanakan pemerintah daerah berkali-kali tidak menentukan posisi dalam hal jenis dan hierarki undang-undang dan 12 tahun 2011 tentang Pembentukan Peraturan Perundang-undangan juga menganggap MoU Helsinki sebagai salah satu sumber hukum. Praktik dalam pasal ini berkaitan dengan implementasi Nota Kesepahaman Helsinki menjadi kebijakan hukum pidana di Aceh. Metodologi Penelitian dilakukan dengan Metodologi Penelitian Hukum dan Penelitian Regulasi Terapan. Pengumpulan data dalam penelitian ini dilakukan dengan menggunakan dan pencarian bibliografi. Analisis data dilakukan dengan analisis kualitatif. Selain data yang sah menggunakan analisis data juga dapat menggunakan data non hukum. Studi ini menunjukkan bahwa setelah menandatangani Nota Kesepahaman antara pemerintah Indonesia dan GAM pada tanggal 15 Agustus 2005, di Helsinki, Finlandia, bersama dengan 24 pemerintah lainnya kemudian mengeluarkan UU No 11 Tahun 2006 tentang Pemerintah Indonesia Aceh. Undang-

undang ini merupakan komitmen politik pemerintah Indonesia untuk memantau hasil perjanjian damai Helsinki. Salah satu otoritasnya (otonom swa pemerintahan) yang diberikan kewenangan hukum adalah untuk menerapkan hukum Syariah Islam di Aceh dalam kaffah baik dalam pendidikan ibadah hukum perdata muamalat shiar maupun hukum. Kriminal. Selama pelaksanaan Memorandum Helsinki, ketentuan yang berkaitan dengan Jinayat (hukum pidana) diperkuat. Otoritas peradilan lainnya juga prihatin dengan penegakan hukum pidana di Aceh, meskipun aturan mengenai hukum pidana masih menjadi bahan perdebatan.

Kata Kunci:MOU, Helsinki, Kebijakan, Hukum Pidana, Aceh.

PRELIMINARY

Aceh is a province within the scope of the Unitary State of the Republic of Indonesia with special status and characteristics of an autonomous sphere. The Aceh Regency in question is regulated in Law Number 44 of 1999 concerning the Implementation of Privileges for the Aceh Regency. The scope of the value of privileges regulated in the law includes 4 (four) things, namely, the field of Islamic Sharia, custom areas, education, the role of the ulama in the government structure. In 2005 negotiations began between the central government and GAM, at that time the central government began to respond to the aspirations of GAM (Free Aceh Movement), and GAM also tried to forget the idea of independence. They themselves or fled from Indonesia., this agreement is in a joint memorandum of understanding or better known as the Memorandum of Understanding between the government of the Republic of Indonesia and the Free Aceh Movement in Helsinki¹.

Regarding the issue of global rebellion in Indonesia, one of which took place in Aceh to attract international attention. However, the existence of Aceh was established with a special regional status. The 30-year conflict in Aceh is one of the bloodiest for a relatively long time². Historically, Aceh has been in a state of conflict for about 125 years, starting with the Acehnese resistance movement against the Dutch settlers and continuing during the Indonesian War of Independence Tengku Muhammad Daud Beureuehs resistance during the period. Therefore, the Soekarno government declared the Aceh Movement to free the grandson of national hero Tgk. Cik Di Tiro, in particular Hasan Tiro, marked the pinnacle of frustration on the Jakarta ground under Suharto. This has passed since signing a peace memorandum of understanding between the Indonesian government and GAM in Helsinki, Finland³.

A Memorandum of Understanding or MoU in short is a memorandum of understanding signed by each party as an initial guideline for signing an agreement between the two parties. According to Munir Fuady, the MoU is an initial agreement because it will be followed and clarified in other contracts that detail it. Therefore the MoU only covers essential elements⁴. The contract starts from the difference in interest rates between the parties. The establishment of a contractual relationship usually begins with negotiations between the parties. Through negotiation, the parties try to come up with an agreement form to agree on what they want⁵.

The Memorandum of Understanding on Helsinki (MoU) consists of 6 (six) points agreed between the two parties. One of the contents of the Memorandum of Understanding (MoU) between the Republic of Indonesia and the Aceh Freedom Movement or, in short

1 Pemerintah Republik Indonesia, *Perjanjian Antara Pihak RI Dengan GAM Yang Sering Disebut Dengan Memorandum of Understanding between the Government of The Republic of Indonesia and the Free Aceh Movement*.

2 Al Moh. Daud Yoesoef:et, *Sejarah Lahirnya UUPA* (Banda Aceh: Fakultas Hukum Unsyiah dan Sekretaris Dewan Rakyat Aceh, 2009).

3 Ibid. Moh. Daud Yoesoef:et. P. 14

4 Munir Fuady, *Hukum Bisnis Dalam Teori Dan Praktek* (Citra Aditya Bakti, 2002).

5 Agus Yudha Hernoko, *Hukum Perjanjian Asas Proporsionalitas Dalam Kontrak Komersial* (Kencana, 2011)

(GAM) concerns the administration of government in Aceh by establishing a law for the Aceh government.

After the great tsunami tragedy that hit Aceh, the central government wanted to renegotiate peace with GAM, and finally, a Memorandum of Understanding on Helsinki (MoU) was established. The manifestation of the Helsinki Memorandum is found in the Aceh Government Law Number 11 of 2006 replacing the NAD Province Special Autonomy Law Number 18 of 2001⁶. The Aceh Government Law Number 11 of 2006 was established by the Indonesian government and the Indonesian Parliament as a special legislative framework introduced by the state. for certain areas based on the provisions of Article 18B paragraph (1) of the 1945 Constitution of the Republic of Indonesia. In addition, the Aceh government law was enacted after the Aceh Peace Agreement (MoU Helsinki). Therefore the laws of the Aceh government must also reflect the Aceh peace agreement reached between the government of the Republic of Indonesia.

“The Aceh Legislature will reform the legal provisions for Aceh based on universal human rights principles as enshrined in the United Nations International Covenant on Civil and Political Rights and economic, social and cultural rights. (Paragraph 1.4.2 of the Helsinki MoU)”

Based on this special status, Aceh enjoys special authorities regulated in the Aceh government law, one of which is the application of Islamic Sharia values to local communities as set out above. The place where the Qanun is carried out if it is based on the Indonesian legal system is at the level of regional regulations that regulate the administration and life of the Acehese people. Although the Aceh government has the power to control its territory independently and under the laws of the Aceh government, it must be remembered that authority is not absolute. There are corridors of national laws and humanitarian values, including international human rights treaties, which are ratified by the Indonesian state, limiting the exercise of the Aceh government's authority⁷.

RESEARCH METHODS

This study uses the legal method analytical method using legal standards and current laws and regulations to examine the problems. Therefore, the data used is secondary data. The literature review includes three legal documents, namely primary legal documents, secondary legal documents, and primary legal documents. In addition, the approach used is a qualitative approach related to law and living standards in the community⁹

DISCUSSION

UNDERSTANDING THE MOU AND THE HELSINKI MOU

MoU stands for Memorandum of Understanding. This term comes from two words Remember and Understand. In The Black Law Dictionary, this memorandum "should serve as the basis for future formal contracts" (the basis for starting the drafting of future formal contracts). At the same time, the interpretation is "An implied agreement derived from the express conditions of another agreement whether written or oral" (a statement of indirect

⁶ Zaki Ulya, 'Refleksi Memorandum of Understanding (MOU) Helsinki Dalam Kaitan Makna Otonomi Khusus Di Aceh', *Jurnal Konstitusi*, 11.2 (2014), 235.

⁷ Supriyadi W. Eddyono and Puspa Dewy, 'Qanun Jinayat Aceh Tidak Hanya Bertentangan Dengan Dengan Undang- Undang Republik Indonesia Tapi Juga Mengabaikan Dan Melupakan Semangat Dari Perjanjian Perdamaian Aceh(MoU Helsinki)', *Solidaritas Perempuan* <<https://www.solidaritasperempuan.org/siaran-pers-qanun-jinayat-aceh-tidak-hanya-bertentangan-dengan-dengan-undang-undang-republik-indonesia-tapi-juga-mengabaikan-dan-melupakan-semangat-dari-perjanjian-perdamaian-acehmou-helsinki/>>.

⁸ Ali Zainuddin, *Metode Penelitian Hukum* (Jakarta: Sinar Grafika, 2009).

⁹ Ibid. Zainuddin. P. 25

acceptance of its relationship with another agreement orally or in writing). Thus the Memorandum of Understanding forms the basis for drafting a futures contract due to the understanding between the parties, both written and verbal¹⁰.

In Indonesia, a memorandum of understanding described as an informal agreement does not require special procedures and is not very inventive. The MoU is the most widely used agreement in Indonesia and has several bilateral agreements¹¹.

Following the signing of the Memorandum of Understanding on Peace between the Indonesian government and GAM on August 15, 2005, in Helsinki, Finland, the 24 governments subsequently passed Law on the Government of Aceh No. 11 of 2006. This law is a political commitment by the Indonesian government to monitor the outcome of the Helsinki peace agreement. One of the authorities (autonomous self-government) granted by law is to apply Islamic Sharia law in Aceh in kaffah both in terms of worship education, muamalat, syiar, civil law, and criminal law¹². The application of Islamic law in Law Number 11 of 2006 is stated in Article 125 as follows¹³;

1. Islamic Sharia law that applies to Aceh includes sharia aqidah and morality, paragraph (1);
2. Islamic law as mentioned in paragraph (1) includes worship of ahwal alshakhshiyah (family law) muamalah (civil law) jinayah (criminal law) qadha (judicial) tariyah (education), shiar da'wah and defense of Islam"; and
3. Other provisions relating to the performance of Islamic law as mentioned in paragraph (1) issued by Aceh Qanun are adjusted".
 - 1) Meanwhile, the contents of the Helsinki MoU agreed upon by the Government of Indonesia and GAM include:
 - a. Governance in Aceh;
 - b. Law on the Administration of Government in Aceh.
 - c. Political Participation;
 - d. Economy;
 - e. Legislation;
 - 2) Human Rights
 - 3) Amnesty and reintegration into society
 - a. Amnesty;
 - b. Reintegration into society;
 - 4) Security Manager
 - 5) Establishment of the Aceh Monitoring Mission
 - 6) Dispute resolution.

IMPLEMENTATION OF THE HELSINKI MOU ON CRIMINAL LAW POLICY IN NANGGROE ACEH DARUSSALAM (NAD)

Legal institutions are one of the state's tools to achieve goals and determine the direction of state activities. The government's own policy identifies the interests of regulatory policies as a reflection of the state. The main objective is to ensure the security of the people and legal certainty which must be carried out by a sovereign state. The concept of defense stems from national interests and national goals. The national interest of the Republic of Indonesia is the establishment of the Unitary State of the Republic of Indonesia based on Pancasila and the 1945 Constitution of the Republic of Indonesia and ensuring harmonious

¹⁰ Wiwiek Wahyuningsih Salim and Abdullah, *Perancangan Kontrak & Memorandum of Understanding (MoU)* (Sinar Grafika, 2007).

¹¹ Damos Dumoli Agusman, *Hukum Perjanjian Internasional Kajian Teori Dan Praktik Indonesia* (Bandung: Refika Aditama, 2010).

¹² Chairul Fahmi, 'Revitalisasi Penerapan Hukum Syariat Di Aceh(Kajian Terhadap UU No.11 Tahun 2006)', *Jurnal Kajian Ilmu Hukum Dan Syariah*, 5.2 (2012), 110–105.

¹³ 'Naskah Perjanjian Damai Antara GAM Dan Pemerintah RI (Bahasa Indonesia)', *Perpustakaan ELSAM*

national security and sustainable development to achieve development goals and national goals.¹⁴ Meanwhile, the national goal is one that follows the 1945 Constitution of the Republic of Indonesia, forming an Indonesian state government that protects the entire Indonesian nation and all Indonesian blood; promote general welfare; education for the life of the country; Participate in realizing a world order based on freedom, lasting peace and social justice¹⁵.

Since the signing of the memorandum of understanding on peace between the Indonesian government and GAM in Helsinki, Finland, it has had an impact on the rule of law in Aceh and the enforcement of Law No. 44/1999. The prerogative rights of the Aceh Province were also enforced by Law Number 18 of 2001 concerning the implementation of special autonomy for the Province of Nanggroe Aceh Darussalam before finally being changed to Law Number 11 of 2006 concerning the Government of Aceh. The introduction of Law Number 11 of 2006 is a transformation of the Memorandum of Understanding agreed upon by the Free Aceh Movement (GAM) with government officials in Helsinki¹⁶.

Aceh's interest under the Aceh Government Law Number 11 of 2006 is in strengthening traditional institutions through the Wali Nanggroe Institute, a natural resource management body that develops Islamic Sharia law which defines regional songs and regional symbols of the existence of a conventional judiciary institution. human rights The Aceh Truth and Reconciliation Commission (KKR) and the Syaria City District Court and the Syaria Provincial Court may cooperate abroad in the political sector in the presence of local political parties and independent candidates participating in elections¹⁷.

This arrangement contains the specific notion of autonomy desired by the Helsinki Memorandum of Understanding. However, when Aceh was given special authority to manage its household, there were obstacles in its implementation, namely the implementation of special autonomy as described in the details of this article. November 2006 concerning the Aceh government still cannot be implemented because several implementing regulations such as government regulations and presidential regulations have not been approved so far.

The Aceh government has made efforts to reform Islamic Sharia law in the regional legislative agenda with the implementation of Aceh Qanun Number 6 of 2014 concerning Laws related to Jinayat. The qanun ratification process, which began with a discussion of the qanun project, was accompanied by a rather complicated debate about the Aceh government and the Aceh People's Representative Council (DPRA). The emergence of arguments to strengthen sanctions and the addition of types of jinayat also started with a very long debate.

The Jinayat Law and the implementation of the Jinayat Procedural Law is one of the strict rules required in Aceh. The provisions of the Criminal Procedure Code (KUHAP) cannot

¹⁴ Zaki Ulya, 'Dinamika Penerapan Hukum Jinayat Sebagai Wujud Rekonstruksi Syari'at Islam Di Aceh', *Jurnal Rechtsvinding*, 5.1 (2016), 139.

¹⁵ Makmur Supriyanto, *Tentang Ilmu Hukum* (Jakarta: Dapur Buku, 2014).

¹⁶ Aguswandi and Judith Large, *Rekonfigurasi Politik : Proses Perdamaian Aceh* (London: Conciliation Resource, 2008).

¹⁷ Pemerintah Republik Indonesia, *Undang-Undang Pemerintah Aceh Nomor 11 Tahun 2006* (Indonesia: Lembaran Negara Republik Indonesia, 2006). memasukkan ketentuan Nota Kesepahaman Helsinki di mana Aceh memiliki hak untuk menggunakan simbol teritorial, termasuk bendera, lambang dan orang suci ca (pasal 1.1.5 dari Nota Kesepahaman sebagaimana disesuaikan dalam Pasal 126 UUPA dengan Pasal 128 UUPA) mengenai lembaga Wali Nanggroe untuk dibentuk dengan semua peralatan dan upacara gelar (Pasal 1.1.7 UUPA menjadi Pasal 128 UUPA) mengenai lembaga Wali Nanggroe untuk dibentuk dengan semua peralatan dan upacara gelar (Pasal 1.1.7 UUPA) sebagaimana diatur dalam Pasal 96 UUPA melalui pasal 97 UUPA) kemudian berhubungan sesegera mungkin paling lambat satu tahun sejak penandatanganan Nota Kesepahaman Dalam hal ini Pemerintah Indonesia telah menerima dan akan memfasilitasi pembentukan partai politik yang berbasis di Aceh yang memenuhi persyaratan nasional (Pasal 1.2.1 Nota Kesepahaman, Sebagaimana diuraikan dalam Pasal 56 UUPA melalui Pasal 6 UUPA) Aceh memiliki yurisdiksi atas sumber daya alam yang tinggal di laut teritorial sekitar Aceh (pasal 1.3.3 dari memorandum sebagaimana disebutkan dalam bagian kelima dari Pasal 162 UUPA). Badan peradilan yang independen dan adil, termasuk Pengadilan Tinggi, telah didirikan di Aceh dalam sistem peradilan Republik Indonesia (Pasal 1.3.3 dari Nota Kesepahaman yang diatur dalam Pasal 1. 128 UUPA hingga Pasal 137 UUPA)

meet the demands of law enforcement in Aceh. This is one of the logical reasons why the Aceh government regulates the regulation of the qanun jinayat and jinayat events¹⁸.

In Qanun Jinayat, the community is given a role in preventing the emergence of gambling wine and seclusion. The participation of Muslims is not carried out in the form of "vigilance" but based on the judicial process in the Court. Let's say you don't look at the human rights aspect. In this case, the floating behavior prescribed by the Qanun is more effective because it is embarrassing and does not pose a severe risk to the family. This type of punishment is also a fairly low cost to the government than other types of uquat, as it spends more money to punish criminals. The urgency of the qanun jinayat is also one of the Aceh government's efforts to avoid a legal vacuum to apply the laws and regulations in force in Indonesia regarding crime. The Sharia courts and Wilayatul Hisah are responsible for the investigation, execution of prosecutions (sinks), and tracking of the perpetrators of crimes entrusted to them¹⁹.

Aceh as a special region enjoys full autonomy, including establishing the title of qanun with regional regulations (PERDA). The Helsinki MoU also supports this provision which forms the basis of the qanun that was originally mandated. However, the Helsinki Memorandum of Understanding limits the qanun's compliance with national law and the United Nations International Covenant on Civil and Political Rights and economic, social and cultural rights. Many governments and NGOs involved in human rights issues have criticized the new Qanun Jinayat for being accused of human rights abuses. Qanun Jinayat violates the right to a fair trial which is contrary to the criminal code and national criminal law that legalizes violence against women and children and legalizes torture.

The Aceh Government Law Number 11 of 2006 was stipulated by the Indonesian government and the DPR AS a special legislative framework introduced by the state for certain regions based on Article 18B paragraph (1) of the Constitution of the Republic of Indonesia 1945. In addition, laws passed by the Aceh government because of the Aceh Peace Agreement. Therefore the laws of the Aceh government must also reflect the Aceh peace agreement reached between the Indonesian government. Based on this special status, Aceh has special powers as outlined in Aceh government regulations, one of which is the application of Islamic Sharia law values to local communities appointed by the Aceh government to manage the Qanun Department. The place of Qanun in the Indonesian legal system lies in the local regulations governing the administration and life of Acehese people. Although the Aceh government has the right to manage its territory independently and under the laws of the Aceh government, it must be remembered that power is not absolute. There is a corridor of national law. And human values, including international human rights treaties. Which country of Indonesia has ratified restrictions on the exercise of the authority of the Aceh government.

The contextual meaning of the Aceh Qanun is based on Law Number 11 of 2006, which was enacted after the Helsinki Memorandum explicitly stipulates the term Qanun. For example, the general provisions of Article 1 No. 12 states that "The Aceh Qanun is a law similar to a provincial regulation regarding the administration and life of the Acehese population. The presence of a second Qanun in practice appears to be limited by higher laws and regulations. For example, Aceh Qanun 6 of 2011 concerning Law Jinayah tends to contradict the 1945 Constitution (UUD 1945), in this case the principles of human rights. This statement is supported by the Institute for Criminal Justice Reform (ICJR). Even ICJR harmonizes standards in law, unlike Article 10 of the Criminal Code, which does not recognize the

¹⁸ Nur Moklis and Agus Sanwani Arif, *Penerapan Hukum Acara Pidana/Jinayat Mahkamah Syar'iyah Di Aceh* (Banda Aceh, 2012).

¹⁹ Muhammad Yani, *Pelaksanaan Hukum Jinayat Di Aceh Dalam Perspektif Fiqh Dan HAM, Studi Qanun No. 12, 13, 14 Tahun 2003* (Banten: Isdar Press, 2011).

punishment of whipping²⁰. Legally in Law Number 11 of 2006, Article 241 paragraph (4) stipulates that "Qanun relating to jinayah (criminal law) are excluded from the provisions of paragraphs (1), (2) and (3)". this provides an adequate opportunity for the Aceh government and the Aceh DPR to enact laws that are compatible with Islamic values and the customs of the Acehnese people.

Qanun Jinayat is the embodiment of Islamic Sharia law that applies in Aceh. Aceh Province which recognizes the existence of a sharia system as its basic law because it already has a legal framework with Law Number 44 of 1999 and Law Number 11 of 2006. From a national perspective, the Indonesian state is included in a third country system, which adopts Sharia law and a system of national law that is applied together in a country²¹.

Qanun Number 6 of 2014 concerning Jinayat Law consists of 10 articles and 50 articles. Chapter I on general provisions Chapter V on the scope of Chapter III on reasons for forgiveness and apologies Chapter IV on Jarimah (violations) and uquat (punishments) Chapter V on the combination of jarimah actions Chapter VI on giving finger and uquah to children Chapter VII on compensation and rehabilitation of chapter VIII on other provisions of chapter IX on transitional provisions and chapter X on closing.

Based on the concepts described above, one can imagine that Qanun Number 6 of 2014 is a new vehicle in the sharia-oriented Islamic political system in Aceh. The process of ratification of the qanun has been a long-standing debate and is still legally debated on several sides. On the one hand, the qanun was also promulgated as Law No. 11 of 2006 concerning the Government of Aceh.

On the one hand, Aceh's qanun jinayat can import all Islamic legal sanctions. But on the other hand, guest law still has to comply with and comply with state rules and regulations²².

The increasing resistance from several communities began with a judicial review before the Supreme Court and the Constitutional Court. Jinayat qanun's request for expertise violates the Criminal Code. Iskandar Usman AlFarlaky, Chairman of the Legislative Council of the DPRA, confirmed the refusal to confirmed the rejection of the judicial review conducted by several NGO communities in Aceh. Iskandar asserted that: "UU Jinayat follows the Law on the Government of Aceh (UUPA) as stated in Article 1 No. 2 of Law Number 11 of 2006 concerning the Government of Aceh. legislation²³.

CONCLUSION

The emergence of the debate that occurred regarding Jinayat (Islamic criminal law), because the criminal law that was previously applied was considered to infringe on human rights. Therefore, several circles of society conducted a Judicial Review of the laws and regulations related to Jinayat. The implications that emerged after the Helsinki Mou related to the Criminal Law Policy were the existence of customary justice institutions, the Human Rights Court, the Aceh Truth and Reconciliation Commission (KKR) and the district/city Syar'iyah Courts and the Provincial

²⁰ Agus Setyadi, 'Disebut Bertentangan Dengan KUHP, Qanun Jinayah Aceh Digugat Ke MA', *News.Detik.Com* <<https://news.detik.com/berita/3051138/disebutbertentangan-dengan-kuhp-qanun-jinayah-aceh-digugat-ke-ma>,> [accessed 22 January 2018].

²¹ Rusidi Ali Muhammad, *Revitalisasi Syariat Islam Di Aceh, Problem, Solusi Dan Implementasi Menuju Pelaksanaan Hukum Islam Di Nanggroe Aceh Darussalam* (Jakarta: Logos, 2003).

²² Husni Mubarak A. Latif, 'Disonansi Qanun Syari'at Islam Dalam Bingkai Konstitusi Hukum Indonesia: Aceh. Sebagai Studi Kasus', in *Confrence Proceedings, Annual International Confrence on Islamic Studies (AICIS XII)*, p. 2792.

²³ Iskandar Usman Al-Farlaky, *Judicial Review Qanun Jinayat Tuai Kecamatan* <<http://habadaily.com/polhukam/3923/judicial-review-qanun-jinayat-tuai-kecamatan.html>>.

Syar'iyah Courts, although in practice there were debates related to jinayat itself is considered several things in it violate human rights

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