

Contesting Sharia and Human Rights in the Digital Sphere: Media Representations of the Caning Controversy under the *Qanun Jinayat* in Aceh

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Abstract

The controversy surrounding the implementation of Aceh's Qanun No. 6 of 2014 on Islamic Criminal Law (*Qanun Jinayat*), particularly regarding corporal punishment through public caning, has been extensively examined from normative and political perspectives. However, scholarly attention remains limited in exploring how this issue is represented and reproduced within digital media spaces, despite the increasing significance of online platforms in shaping public opinion and negotiating legal meaning in a digitalized society. This article analyzes how online media narratives frame the enforcement of *Qanun Jinayat* and how digital discourses reflect and influence public perceptions of the legitimacy, ethics, and effectiveness of Islamic criminal law amidst tensions between local religious values and universal human rights principles. Employing a netnographic approach combined with framing discourse analysis, the study examines national and international online news articles published between November 2024 and January 2025, through the lens of three legal dimensions: law in the idea, law in the book, and law in action. The findings reveal stark narrative polarization: local media emphasize religio-cultural legitimacy and procedural legality grounded in special autonomy, while international media and human rights organizations highlight discriminatory practices, inconsistent implementation, and violations of individual rights. This study demonstrates that digital media function not merely as information conduits, but as discursive agents that actively shape, contest, and reconstruct the legal and moral legitimacy of Sharia in contemporary Indonesia. Consequently, *Qanun Jinayat* must be understood not only as a legal text but as a socially negotiated construct within the digital public sphere.

[Kontroversi mengenai implementasi Qanun Aceh No. 6 Tahun 2014 tentang Hukum Jinayat, khususnya dalam aspek hukuman cambuk publik, telah banyak dikaji melalui pendekatan normatif dan politis. Namun, representasi dan reproduksi isu ini dalam ruang media digital masih merupakan area yang relatif terabaikan, padahal media online memainkan peran sentral dalam pembentukan opini publik serta negosiasi makna hukum dalam masyarakat yang semakin terdigitalisasi. Artikel ini menganalisis bagaimana narasi media online membingkai pelaksanaan

Qanun Jinayat, serta bagaimana wacana digital mencerminkan dan memengaruhi persepsi publik terhadap legitimasi, etika, dan efektivitas hukum syariah dalam konteks ketegangan antara nilai-nilai religius lokal dan prinsip-prinsip hak asasi manusia universal. Dengan menggunakan metode netnografi dan framing discourse analysis terhadap sejumlah artikel media daring nasional dan internasional selama periode November 2024–Januari 2025, penelitian ini mengkaji tiga dimensi hukum: law in the idea (konsep), law in the book (norma hukum), dan law in action (praktik). Temuan menunjukkan adanya polarisasi narasi yang tajam antara media lokal yang cenderung menekankan legitimasi religius-kultural dan legalitas prosedural berbasis otonomi khusus, dan media internasional serta lembaga hak asasi manusia yang menyoroti praktik diskriminatif, inkonsistensi implementasi, serta pelanggaran terhadap hak-hak individu. Penelitian ini menunjukkan bahwa media digital tidak sekadar berfungsi sebagai saluran informasi, tetapi sebagai aktor diskursif yang aktif dalam membentuk, mempertarungkan, dan merekonstruksi legalitas serta legitimasi moral syariah di Indonesia kontemporer. Dengan demikian, Qanun Jinayat harus dipahami tidak hanya sebagai teks hukum, melainkan sebagai konstruksi sosial yang senantiasa dinegosiasikan dalam ranah publik digital.]

Keywords: Aceh's *Qanun Jinayat*, Digital Media, Human Rights, Public Caning, Sharia.

Introduction

The implementation of Aceh's Qanun No. 6 of 2014 on Islamic Criminal Law (*Qanun Jinayat*) has triggered significant multidimensional controversy among academics, human rights activists, and the international community.¹ This controversy reflects the intersection of three value systems that frequently exist in epistemological tension: religious norms, state legal authority, and universal human rights principles.² Within the context of Indonesia as a democratic state that upholds religious and cultural pluralism, the formal institutionalization of Islamic law in Aceh Province presents complex conceptual and practical challenges, particularly regarding the implementation of physical punishment through caning for moral violations.³ This practice has not only attracted domestic attention but has also drawn sharp scrutiny from the international community, which questions its compatibility with Indonesia's commitments to ratified international human rights conventions.⁴ At the local level, the validity of *Qanun Jinayat* creates a semi-autonomous legal system within the framework of a unitary state, while simultaneously generating complex social dynamics concerning how this law is interpreted, practiced, and debated by various social actors.⁵ In this context, digital media plays a strategic role as an arena for the production, reproduction,

¹ Damien Kingsbury, "The Free Aceh Movement: Islam and Democratisation," *Journal of Contemporary Asia* 37, no. 2 (May 2007): 166–89.

² Ridwan Nurdin and Muhammad Ridwansyah, "Aceh, Qanun and National Law: Study on Legal Development Orientation," *Samarah: Jurnal Hukum Keluarga dan Hukum Islam* 4, no. 1 (June 30, 2020): 107–31.

³ Zul Anwar Ajim Harahap, Zulfan, and Muhammad Ridwan, "Analyzing the Offense of Juvenile Khalwat in Aceh: Evaluation of Qanun Number 14 of 2003 from an Islamic Legal Perspective," *Al-Manahij: Jurnal Kajian Hukum Islam* 18, no. 1 (May 3, 2024): 79–94.

⁴ Rasheed Oyewole Olaniyi, "Hisbah and Sharia Law Enforcement in Metropolitan Kano," *Africa Today* 57, no. 4 (2011): 71.

⁵ Dina Hariani and Mohd Hafiz Hanafiah, "The Competitiveness, Challenges and Opportunities to Accommodate the Halal Tourism Market: A Sharia-Law Tourism Destination Perspectives," *Journal of Islamic Marketing* 15, no. 3 (February 19, 2024): 919–42.

and negotiation of meaning regarding caning practices—not merely reflecting public perceptions⁶ but also shaping social constructions of Islamic law and navigating the relationship between religious norms and human rights.⁷

Digital media, particularly online platforms, no longer simply functions as channels for information transmission but has evolved into discursive spaces where religious values, collective identities, and ethical perspectives are openly negotiated.⁸ Within the discourse surrounding caning implementation, digital media possesses ambivalent transformative potential: on one hand reinforcing the dominance of conservative-religious narratives, while on the other creating space for symbolic resistance and articulation of criticism toward Sharia policies.⁹ Sensational or biased reporting practices can reinforce social stereotypes, reproduce stigmatization, and deepen societal fragmentation. Conversely, media exposure of these practices also places Aceh within the radar of global discourse, introducing normative pressure from the international community in the name of human rights protection and universal values. Therefore, it becomes crucial to examine how online media not only represents the reality of Islamic law but also functions as a discursive agent that actively shapes collective perceptions, social dynamics, and political articulations surrounding the legitimacy and effectiveness of Sharia-based law enforcement in Aceh.¹⁰

Previous studies have identified at least three dominant approaches in assessing the existence and implementation of *Qanun Jinayat*. First, the normative-cultural approach views *Qanun Jinayat* as an instrument for preserving the religious and cultural identity of Acehnese society within the framework of constitutionally legitimate regional autonomy. This approach emphasizes the historical and symbolic legitimacy of implementing Islamic law as an integral part of Aceh's collective heritage.¹¹ Second, the critical human rights approach highlights that the implementation of *Qanun Jinayat*, particularly in the form of physical punishment such as caning, potentially violates fundamental human rights principles, including individual freedom, non-discrimination, and protection of vulnerable groups. This criticism stems from the assumption that *Qanun Jinayat* enforcement is often exclusive, disproportionate, and prone to causing systematic violations of citizens' basic rights.¹² Third, the political-

⁶ Muhibbuthabry Muhibbuthabry et al., "Qanun, Religious Education, Religiosity and Sexual Activity among Muslim Youth," *HTS Teologiese Studies / Theological Studies* 79, no. 1 (January 24, 2023): a8020.

⁷ 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.

⁸ Muhammad AR et al., "Education Strategies to Prevent Child Abuse in Aceh, Indonesia: Women and Child Empowerment Center and Protection Unit," *Multidisciplinary Reviews* 6, no. 2 (August 2, 2023): 2023018.

⁹ Yuhdi Fahrimal et al., "Local Issue, National Media, and Global Implication: Media Construction of Reality about Qanun of Aceh Polemic," *CoverAge: Journal of Strategic Communication* 8, no. 2 (March 1, 2018): 14–22.

¹⁰ Maurits S. Berger, "Understanding Sharia in the West," *Journal of Law, Religion and State* 6, no. 2–3 (May 18, 2018): 236–73.

¹¹ Rodd McGibbon, *Secessionist Challenges in Aceh and Papua: Is Special Autonomy the Solution?*, Policy Studies 10 (Washington, D.C: East-West Center Washington, 2004), 1–107.

¹² See: Jess Melvin, Sri Lestari Wahyuningroem, and Annie Pohlman, "The Search for Truth and Justice in Aceh," in *Resisting Indonesia's Culture of Impunity: Aceh's Truth and Reconciliation Commission*, ed. Jess Melvin, Sri Lestari Wahyuningroem, and Annie Pohlman, 1st ed. (ANU Press, 2023), 1–31; Muhammad Aa'zamuddin Ahmad Radzi et al., "An Islamic Ethico-Legal Framework for Articular Cartilage Tissue Engineering Research," *Malaysian Journal of Medicine and Health Sciences* 18, no. 19 (December 12, 2022): 191–97; Elizabeth Pisani and Michael Buehler, "Why Do Indonesian Politicians Promote Shari'a Laws? An Analytic

instrumentalist approach regards *Qanun Jinayat* as a power mobilization instrument used by local political actors to build social legitimacy and electoral alliances,¹³ particularly amid rising religious conservatism. This research positions itself among these three approaches by offering a conceptual contribution through analysis of digital discourse as an articulative space where conflicts between religious norms and human rights principles are openly negotiated by the public.

Based on this framework, this study aims to explore how public debates regarding caning implementation within the context of *Qanun Jinayat* are mediated by online media, and how the dynamics of such digital discourse both reflect and shape collective perceptions of the legitimacy, ethics, and effectiveness of Islamic law enforcement. While the legal-formal and political dimensions of *Qanun Jinayat* have been extensively discussed in previous literature, there exists a conceptual gap in understanding the relationship between digital narratives, the claimed moral function of caning punishment, and societal responses to it within the context of global connectivity. On one hand, *Qanun Jinayat* supporters affirm caning as a means of public moral restoration and guardian of Islamic identity. On the other hand, critics target this practice as a form of institutional violence contrary to democratic values and universal human rights. This tension manifests in digital media spaces, where ideological articulations, emotional expressions, and lived experience narratives interweave to form evolving interpretations of Islamic law in Aceh.

This research employs netnographic methodology, a qualitative approach based on digital ethnography that enables in-depth analysis of social interaction patterns and discourse construction within online communities. Netnography was chosen for its capacity to capture authentic, spontaneous, and reflective expressions from society regarding sensitive issues such as caning, through media coverage and accompanying public responses.¹⁴ Data were collected over a three-month period (November 2024 to January 2025) using the keyword “Aceh *Qanun Jinayat* controversy” through Google search engine, yielding approximately 99,500 online news articles. After selection based on substantial relevance to caning issues within *Qanun Jinayat*, 26 articles were chosen for in-depth analysis. Analysis was conducted through open and thematic coding to identify discourse patterns, ideological motives, and primary representational categories. This study also adopts a framing discourse analysis framework to reveal how media frames this issue within political, normative, and cultural dimensions.¹⁵ The primary focus was directed toward local and national media, although

Framework for Muslim-Majority Democracies,” *Third World Quarterly* 38, no. 3 (March 4, 2017): 734–52; Kurnia and Andi Miftahul Maulidil Mursyid, “Freedom on Whose Terms? A Decolonial Re-Examination of Religion in Indonesia,” *Journal of Religion and Decolonality* 1, no. 1 (June 26, 2025): 1–15.

¹³ See: Philip Fountain, “Mennonite Disaster Relief and the Interfaith Encounter in Aceh, Indonesia,” *Asian Ethnology* 75, no. 1 (June 30, 2016): 163–90; Daniel Fitzpatrick, “Ontologies of Property: Land Titling after the Indian Ocean Tsunami Disaster,” *Global Environment* 11, no. 2 (October 2018): 294–318; Janet Steele, “Doesn’t Everyone Support Shari‘a?: Journalism and Competing Ethical Standards in Aceh, Indonesia,” *Indonesia* 106, no. 1 (2018): 35–51; Bukhari Ali et al., “The Preemptive Approach of Ulama in Aceh to Eradicating Corruption,” *El-Mashlahab* 14, no. 2 (December 31, 2024): 361–80.

¹⁴ Martin MacCarthy, “Netnography, Complementing Netnography: A Defensible Praxis for the Online Researcher,” *Current Issues in Tourism* 26, no. 23 (December 2, 2023): 3782–93.

¹⁵ Robert M. Entman, “Framing Bias: Media in the Distribution of Power,” *Journal of Communication* 57, no. 1 (March 2007): 163–73.

references from international media were also analyzed insofar as they emerged within domestic news discourse. Through this approach, this study is expected to provide empirical and conceptual contributions to understanding how digital media shapes, mediates, and reconstructs tensions between Islamic law and human rights principles, and how online discourse becomes an important indicator for assessing the legitimacy and social dynamics of religious law in contemporary Indonesian society.

Caning Provisions in *Qanun Jinayat* and Its Controversies

Aceh's Qanun No. 6 of 2014 on Islamic Criminal Law constitutes a Sharia-based criminal law instrument implemented exclusively in Aceh Province as a manifestation of special autonomy implementation within the framework of national legality.¹⁶ This *Qanun Jinayat* came into effective force in 2014 and functions as a substantive legal framework for regulating criminal acts classified as *jarimah* (Sharia criminal offenses), including *kehalwāt* (unlawful seclusion), *ikhtilāf* (illicit mingling between men and women), *zīnā* (adultery), *maysir* (gambling), and consumption of *khamar* (alcoholic beverages).¹⁷ The legislative process of *Qanun Jinayat* was conducted in accordance with Law No. 12 of 2011 on the Formation of Legislative Regulations, through collaboration between the provincial government and the Aceh People's Representative Assembly (DPRA),¹⁸ representing synergy between regional executive and legislative authorities in formulating legal policies rooted in Islamic values deemed essential by the majority of Acehnese society.¹⁹

Although *Qanun Jinayat* exists within the legal hierarchy below the 1945 Constitution and other national regulations, its position acquires special status through asymmetric decentralization mechanisms within the special autonomy framework.²⁰ This specificity provides space for Aceh to adopt Sharia-based criminal norms as long as they do not substantially contradict constitutional principles, particularly those related to respect for human rights.²¹ Nevertheless, the validity of this legal dualism creates normative tensions between local legal authority and the national legal framework, especially when jurisdictional conflicts arise or incompatibilities emerge between *Qanun Jinayat* norms and national legal

¹⁶ See: Yusmalinda Yusmalinda, Asmuni Asmuni, and Dhiauddin Tanjung, "Problems of Mudharabah Financing in Islamic Banking After the Implementation of Qanun of Islamic Financial Institutions in Aceh," *Justicia Islamica* 19, no. 1 (June 20, 2022): 1–20; Kharisatul Janah, Siti Fatimah, and Hajar Salamah Salsabila Hariz, "The Role of Aceh Local Parties in the 2024 General Election in Realizing Democratization," *Volkgeist: Jurnal Ilmu Hukum dan Konstitusi* 6, no. 1 (June 27, 2023): 33–47.

¹⁷ Ira Nurliza, Syahrizal Abbas, and Zikra Juninawan, "Formulation of Criminal Sanctions against Alcohol Drinkers in the Jinayah Qanun in Aceh," *Syariah: Jurnal Hukum dan Pemikiran* 22, no. 2 (December 21, 2022): 194–202.

¹⁸ Syahrizal Abbas et al., "Dynamics of Sharia Law Taqin in Aceh 2013-2017: Analysis of Regulative Policies and Social Reality," *Petita: Jurnal Kajian Ilmu Hukum dan Syariah* 9, no. 1 (February 24, 2024): 269–89.

¹⁹ Jailani Jailani, "Dampak Penerapan Hukum Jinayat terhadap Pengembangan Kurikulum Fakultas Syari'ah dan Hukum di Aceh," *Jurnal Ilmiah Islam Futura* 19, no. 2 (December 28, 2019): 294–307.

²⁰ Azhari Yahya et al., "Legal Study of Building Sharia-Based Investment in Aceh: The Challenges After the Enactment of the Qanun of Sharia Financial Institution," *Samarab: Jurnal Hukum Keluarga dan Hukum Islam* 7, no. 2 (May 28, 2023): 959–77.

²¹ Irwan Abdullah et al., "Religion of Pandemic: Delegitimization of Authority During the Covid-19 Era," *Al-Albab* 12, no. 2 (December 31, 2023): 293–314.

principles.²² In practice, *Qanun Jinayat* often becomes the primary reference in resolving criminal cases in Aceh, even in situations where misalignment exists with national regulations.²³ Acehnese society's adherence to *Qanun Jinayat* largely stems from perceptions that Islamic law represents a manifestation of absolute religious conviction,²⁴ not subject to positive law compromises. This phenomenon illustrates the complexity of relationships between regional autonomy, religious moral authority, and national legal supremacy within Indonesia's pluralistic legal system configuration.²⁵

Aceh's Qanun No. 6 of 2014 comprises 10 chapters and 75 articles encompassing fundamental principles, scope of authority, *jarimah* classification, and sanctions provisions (*'uqūbah*). Specific provisions regarding caning punishment are contained in Chapter IV on *Jarimah* and *'Uqūbah*, which covers approximately 49 articles and regulates physical sanctions for at least ten types of violations, including: *khamar*, *maysir*, *khabwāt*, *ikhtilāf*, *zīnā*, *liwath* (same-sex relations between men), *musahaqah* (same-sex relations between women), sexual harassment, rape, and *qadhif* (accusation of adultery without evidence).²⁶ For instance, Article 46 stipulates that perpetrators of sexual harassment are subject to *'uqūbah ta'zīr* in the form of maximum 45 lashes, fines up to 450 grams of pure gold, or maximum 45 months imprisonment. Meanwhile, Article 47 aggravates sanctions against perpetrators of child sexual harassment, with threats of maximum 90 lashes, fines up to 900 grams of pure gold, or imprisonment up to 90 months.²⁷ These provisions demonstrate the integration of religious norms into the state's formal legal system, while simultaneously generating diverse responses from various stakeholders, both domestically and internationally, regarding the legitimacy, ethics, and human rights implications of such practices.

The most prominent controversy in *Qanun Jinayat* implementation relates to the execution of physical punishment, particularly caning, which has been consistently criticized by a number of international human rights institutions as cruel, inhuman, and degrading treatment.²⁸ Amnesty International, for example, explicitly calls for the abolition of caning

²² Ismail Ismail, Novi Hendri, and Putri Rahmah Nurhakim, "Minangkabau's Doro Tradition: Coexistence of Customary Law and Islamic Law in Caning Punishment," *Samarah: Jurnal Hukum Keluarga dan Hukum Islam* 7, no. 1 (March 31, 2023): 579–601.

²³ Yusrizal Hasbi et al., "Criminalising Women, Silencing Victims: Human Rights and Sharia Enforcement in Aceh," *De Jure: Jurnal Hukum dan Syar'iah* 17, no. 1 (June 6, 2025): 175–203.

²⁴ 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 (December 26, 2021): 689–708.

²⁵ Hasrat Efendi Samosir et al., "Recontextualizing the Medina Charter: Consensus-Based Political Communication for Contemporary Plural Societies," *MILRev: Metro Islamic Law Review* 4, no. 1 (June 30, 2025): 645–75.

²⁶ See: "Aceh's Qanun No. 6 of 2014 on Islamic Criminal Law," Articles 15–64, https://dsi.acehprov.go.id/media/2023.07/qanun_aceh_nomor_6_tahun_2014_tentang_hukum_jinayat1.pdf; Zulfia Hanum Alfi Syahr et al., "The Role of Indigenous Peoples, Social Workers, and the Syar'iyah Court in Diversion of Children Perpetrators of Jinayah," *Al-Manabij: Jurnal Kajian Hukum Islam* 17, no. 1 (June 15, 2023): 113–24.

²⁷ "Aceh's Qanun No. 6 of 2014 on Islamic Criminal Law," Articles 46–7.

²⁸ Ummi Kalsum et al., "The Forms of Legal Protection for Victims of Rape in Qanun Number 6, 2014 Concerning Jinayat Law," *International Journal of Criminology and Sociology* 10 (December 15, 2021): 1588–93.

punishment on the grounds that such practices contradict the Convention Against Torture,²⁹ which Indonesia ratified in 1998.³⁰ On another front, the application of *Qanun Jinayat* equally to Muslim and non-Muslim individuals is viewed as potentially violating principles of equality before the law and religious freedom guaranteed constitutionally and within the international human rights legal framework.³¹ Human Rights Watch also highlights that public caning implementation may violate rights to privacy and freedom of expression, while triggering psychological trauma and social stigmatization for individuals exposed to such practices.³² However, local perspectives often advance different narratives: some religious leaders and Acehese community members consider caning punishment as part of social mechanisms for maintaining public morality and upholding Islamic norms.³³ In this view, *Qanun Jinayat* is positioned as an expression of local value sovereignty within the regional autonomy framework, reflecting collective commitment to Islamic Sharia principles. Caning punishment is even interpreted as an educative and preventive instrument, as well as a symbol of social integrity based on religious values. These perspectival differences affirm that *Qanun Jinayat* implementation operates not only within the realm of formal legality but is also closely connected to social constructions of justice and truth within local cultural contexts laden with symbolic meaning.³⁴

The evolving public discourse surrounding caning punishment in *Qanun Jinayat* reflects unresolved fundamental tensions between religious law implementation and state responsibility in ensuring compliance with national and international human rights standards. On one hand, there exists pressure from different civil society groups and the international community for the central government to conduct critical evaluations of provisions within *Qanun Jinayat* deemed to violate non-discrimination principles and individual freedoms, even to revoke articles considered problematic.³⁵ On the other hand, defenses emerge regarding the importance of maintaining regional autonomy as a form of recognition of Indonesia's

²⁹ See: Amnesty International, "Indonesia: Repeal or Revise All Provisions in the New Aceh Islamic Criminal Code That Violate Human Rights," October 22, 2015, <https://www.amnesty.org/en/documents/asa21/2726/2015/en/>.

³⁰ See: Amnesty International, "Indonesian Government Must Repeal Caning Bylaws in Aceh," May 23, 2011, <https://www.amnesty.org/en/latest/press-release/2011/05/indonesian-government-must-repeal-caning-bylaws-aceh/>.

³¹ Rizanizarli Rizanizarli et al., "The Application of Restorative Justice for Children as Criminal Offenders in the Perspective of National Law and Qanun Jinayat," *Samarah: Jurnal Hukum Keluarga dan Hukum Islam* 7, no. 1 (March 31, 2023): 21–39.

³² See: Human Rights Watch, "Indonesia: Aceh's New Islamic Laws Violate Rights," October 2, 2014, <https://www.hrw.org/news/2014/10/02/indonesia-acehs-new-islamic-laws-violate-rights>.

³³ See: Ida Ayu Rosida and Achmad Hariri, "Pemberlakuan Sanksi Cambuk, Qanun Jinayat di Aceh dalam Perspektif Hak Asasi Manusia," *Media of Law and Sharia* 4, no. 2 (March 16, 2023): 115–29; Febri Nurrahmi, "Mediated Representation of Sharia in Aceh: A Hybrid Approach to Media Frames," *Religions* 13, no. 9 (September 2022): 857.

³⁴ See: Nurdin and Muhammad Nur, "Implementing Islamic Criminal Law: Does It Break the Indonesian Legal System?," *International Journal of Innovation, Creativity and Change* 12, no. 6 (2020): 135–50; Berlian Puji Pangastuti, "Contextualizing Justice in Times of Crisis: A Study of QS. Al-Mā'idah 5:38 and Its Application in Criminal Theft Cases," *Jurnal Studi Ilmu-Ilmu Al-Qur'an dan Hadis* 24, no. 1 (January 31, 2023): 161–80; Ria Anista, "Transformasi Kebudayaan: Dampak Perkembangan Teknologi dan Media Sosial," *Jurnal Pendidikan Sosial Indonesia* 1, no. 1 (2023): 35–43.

³⁵ Abdul Manan and Cut Intan Salasiah, "Evaluating the Implementation of Sharia in Aceh, Indonesia," *Jurnal Ilmiah Peuradeun* 9, no. 3 (September 30, 2021): 149–85.

diverse value systems.³⁶ Within this context, academics and legal observers emphasize the urgency of balanced normative evaluation capable of accommodating the historical, social, and cultural sensitivities of Acehese society,³⁷ without neglecting fundamental principles of the rule of law and human rights. Therefore, navigating tensions between local legal sovereignty, commitment to universal human rights values, and national legal integration becomes one of the primary challenges in developing a pluralistic and inclusive legal system in contemporary Indonesia.³⁸

Online Media Discourse Representations of the *Qanun Jinayat* Controversy

The controversy surrounding *Qanun Jinayat* implementation in Aceh, as reflected in various online media narratives, can be conceptually analyzed through a three-dimensional legal approach: law in the idea (law as concept), law in the book (law as written norms), and law in action (law in practice). At the law in the idea level, debates are rooted in interpretive issues regarding Islamic legal concepts and moral values contained within *Qanun Jinayat*. Affirmative narratives frequently frame this *Qanun Jinayat* as an authentic expression of Acehese religious identity and local culture. Conversely, critical narratives question the compatibility of these values with the realities of modern society that is plural and globally connected.³⁹ Meanwhile, in the *law in the book* dimension, analysis is directed toward the legal-formal structure of *Qanun Jinayat*, including its conformity with national constitutional principles and international human rights standards. Within this realm, concerns emerge regarding potential contradictions between the substantial content of *Qanun Jinayat* and principles of equality, non-discrimination, and protection of vulnerable groups.⁴⁰ As for the law in action dimension, media raises a number of implementational issues in the field, such as law enforcement inconsistencies, gender bias toward women and minorities, and psychosocial impacts from public caning execution.⁴¹ When analyzed integratively, these three dimensions demonstrate that media functions not merely as information channels, but as discursive

³⁶ See: Nurdin and Nur, "Implementing Islamic Criminal Law," 135–50; Nur Alia et al., "Understanding and Implementing Islamic Law: Challenges and Solutions in Modern Contexts," *Antmind Review: Journal of Sharia and Legal Ethics* 1, no. 2 (December 12, 2024): 72–82.

³⁷ Junaidi Junaidi, Muhammad Rusdi bin Muhammadiyah, and Muhazir Muhazir, "Revitalisasi Penerapan Qanun Nomor 6 Tahun 2014 tentang Hukum Jinayat di Kota Langsa Aceh," *Al-Manabij: Jurnal Kajian Hukum Islam* 14, no. 1 (June 2, 2020): 147–60.

³⁸ Mulizar Mulizar, Asmuni Asmuni, and Dhiauddin Tanjung, "Maqashid Sharia Perspective of Legal Sanction for Khalwat Actors in Aceh," *Al-Istinbath: Jurnal Hukum Islam* 7, no. 1 (May 30, 2022): 161.

³⁹ See: Husamuddin MZ and Harwis Alimuddin, "The Urgency of Maqāṣid al-Sharīa in Strengthening Religious Moderation in Aceh," *Al-Risalah Jurnal Ilmu Syariah dan Hukum* 22, no. 2 (November 30, 2022): 105–20; Helmina Helmina et al., "Compromising and Repositioning the Meaning of Corruptors as Thieves in Applying the Provisions of Shara' into the Modern Era Context," *Al-'Adalah* 21, no. 1 (June 17, 2024): 25–52.

⁴⁰ Tarmizi M. Jakfar et al., "The Struggle Between Salafi Scholars and Islamic Boarding School Scholars: The Controversy Over the Practice of Fiqh Hadith in Aceh and North Sumatra, Indonesia," *Jurnal Ilmiah Islam Futura* 23, no. 1 (February 20, 2023): 88–109.

⁴¹ See: Zahratul Idami et al., "Prevention of Higher Education Radicalism in Aceh: Perspectives of Constitutional Law and Islamic Law," *Samarah: Jurnal Hukum Keluarga dan Hukum Islam* 7, no. 3 (November 30, 2023): 1845–67; 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-Manabij: Jurnal Kajian Hukum Islam* 17, no. 2 (2023): 215–32.

arenas where law is contested, interpreted, and negotiated⁴²—between religious idealism, state legitimacy, and universal ethical demands within Aceh’s socio-political landscape.⁴³

Conceptual Representations of Qanun Jinayat in Online Media

At the conceptual level, representations of *Qanun Jinayat* in digital media reflect a discursive field where Islamic legal ideology interacts and negotiates with modern social norms and national legal structures.⁴⁴ Media narratives demonstrate that debates do not stop at theological foundations or normative philosophy of caning implementation, but extend to issues of ethical legitimacy and social acceptability within a plural and digitalized society. In this context, *Qanun Jinayat* is positioned ambivalently: on one hand as a symbol of religious authority reflecting local identity, and on the other as a form of moral control questioned within the framework of human rights and democratic values.⁴⁵ Generally, media produces two dominant narrative poles. First, affirmative discourse that frames *Qanun Jinayat* as an instrument for preserving Sharia values and manifestation of legitimate cultural autonomy. Second, critical discourse that questions the ethical and political dimensions of the law’s validity, particularly regarding exclusion of vulnerable groups. This polarization is formed through narrative strategies that are not value-free, influenced by each media’s ideological orientation, scope of reach (national and international), and characteristics of target readership.

Table 1 illustrates media narrative mapping regarding *Qanun Jinayat* by distinguishing discourse positions, framing focus, media distribution scale, and data sources. National media such as *Republika* frames *Qanun Jinayat* as an important instrument for ensuring social stability and public order, as reflected in the narrative: “*We want to see Aceh become an example in strong and just Islamic Sharia enforcement. There should be no legal loopholes that make perpetrators feel they can escape punishment. We must unite to protect Aceh’s future generations.*”⁴⁶ *Wartanad* emphasizes *Qanun Jinayat*’s function as a means of social control and guardian of public morality, with the narrative: “*Qanun Jinayat not only creates individual trust, but also builds collective trust that can*

⁴² See: Y Sonafist and Henny Yuningsih, “Islamic Law, the State, and Human Rights: The Contestation of Interfaith Marriage Discourse on Social Media in Indonesia,” *JURIS (Jurnal Ilmiah Syariah)* 22, no. 2 (December 28, 2023): 381–91; Anwar Mujahidin, Muhammad Shohibul Itmam, and Ahmad Choirul Rofiq, “The Dynamic of Contextualization in Indonesian Qur’anic Tafsirs: A Comparative Study of Tafsir al-Azhar and Tafsir al-Mishbāh on the Story of the Prophet Moses,” *Jurnal Studi Ilmu-Ilmu Al-Qur’an dan Hadis* 25, no. 2 (August 15, 2024): 221–46.

⁴³ Febri Nurrahmi, “Mediated Representation of Sharia in Aceh: A Hybrid Approach to Media Frames,” *Religions* 13, no. 9 (September 2022): 857.

⁴⁴ See: Zainul Fuad, Surya Darma, and Muhibbuthabry, “Wither Qanun Jinayat? The Legal and Social Developments of Islamic Criminal Law in Indonesia,” *Cogent Social Sciences* 8, no. 1 (December 31, 2022): 2053269; Muhammad Adib Alfarisi et al., “Negotiating Customary Law and Fiqh Norms: The Transformation of the Mepahukh Tradition in the Indigenous Marriage Practices of the Alas People in Southeast Aceh,” *Indonesian Journal of Sharia and Socio-Legal Studies* 1, no. 1 (May 28, 2025): 72–93; Junaidi Abdillah et al., “Contribution Model of al-Mas’ūliyyah al-Jinā’iyyah in the Formulation of Criminal Liability in Indonesia’s New Criminal Code,” *Al-Abkam* 34, no. 2 (October 31, 2024): 367–92.

⁴⁵ See: Nurrahmi, “Mediated Representation of Sharia in Aceh,” 857; Muannif Ridwan et al., “Reconciliation of Human Rights, Positive Law, and Siyash Syar’iyyah: An Innovative Approach to Addressing Human Rights Issues in the Contemporary Era,” *MILRev: Metro Islamic Law Review* 4, no. 1 (June 30, 2025): 463–87.

⁴⁶ See: *Republika*, “Pengamat: Realisasi Qonun Jinayah Masih Banyak Kendala,” September 30, 2014, <https://republika.co.id/berita/dunia-islam/islam-nusantara/14/09/30/ncpbas-pengamat-realisasi-qonun-jinayah-masih-banyak-kendala>.

*promote social stability while strengthening Aceh's identity as the 'Veranda of Mecca',*⁴⁷ indicating that *Qanun Jinayat* is understood as articulation of local community cultural values. The procedural legitimacy dimension also emerges in local media narratives from *The Aceh Institute*, which states, “*The existence of this Qanun Jinayat represents an important moment in making Islamic law a living positive law throughout Acehnese society.*”⁴⁸ Thus, *Qanun Jinayat* is framed not only as top-down policy, but also as a product of normative consensus rooted in social structures. International media such as *BBC News Indonesia* appreciates *Qanun Jinayat* as integrated criminal law that unifies previously separate Sharia provisions,⁴⁹ while *Lintas Gayo* emphasizes that “*Qanun Jinayat is a way to preserve culture and maintain local traditions from being lost to the currents of time.*”⁵⁰ These affirmative narratives demonstrate acceptance of value pluralism within local legality frameworks.

Table 1
Conceptual Representations of *Qanun Jinayat* in Online Media

No.	Discourse Position	Discourse Framing Focus	Media Scale	Source
1.	Pro	Legitimacy of religious norms in public legal system	National	<i>Tempo</i>
2.	Pro	Legal-formal strength within regional autonomy framework	National	<i>Business Law Bisnis</i>
3.	Pro	Becoming reference for other countries	Local	<i>Serambinews</i>
4.	Contra	Inequality in access to justice and gender bias in law	National	Constitutional Court of the Republic of Indonesia (RI)
5.	Contra	Conflict between Sharia law and constitutional human rights	National	<i>Hukum Online</i>
6.	Contra	Criticism of violations of the right to humane treatment	International	Amnesty International

Source: Compiled based on analysis of several online news articles, November 2024 to January 2025.

Conversely, critical discourse regarding *Qanun Jinayat* is more dominantly raised by international and national media, focusing on discrimination and human rights issues. *BBC News Indonesia* highlights that “*Regulations within Aceh's Islamic Sharia Bylaws potentially strengthen violence and discrimination against women,*”⁵¹ leading to criticism of systematic exclusion of vulnerable groups who lack bargaining power within socio-religious structures.⁵² Similar

⁴⁷ See: *Wartanad*, “Urgensi dan Dampak Kehadiran Qanun Aceh No 11 Tahun 2018 tentang Lembaga Keuangan Syariah,” December 26, 2024, <https://www.wartanad.id/2024/12/urgensi-dan-dampak-kehadiran-qanun-aceh.html>.

⁴⁸ See: *The Aceh Institute*, “Perspektif Qanun Jinayat dan Qanun Acara Jinayat dalam Menciptakan Kelestarian Syariat Islam,” September 10, 2013, <https://acehinstitute.org/pojok-publik/agama/perspektif-qanun-jinayat-dan-qanun-acara-jinayat.html>.

⁴⁹ See: *BBC News Indonesia*, “Perda Jinayat Aceh Terus Dikecam,” October 23, 2015, https://www.bbc.com/indonesia/berita_indonesia/2015/10/151023_indonesia_pemberlakuan_jinayah.

⁵⁰ See: *Lintas Gayo*, “Akankah Qanun Pemajuan Kebudayaan Aceh Melindungi dan Merawat Warisan Pengetahuan Tradisional Gayo,” November 10, 2024, <https://lintasgayo.co/2024/11/10/akankah-qanun-pemajuan-kebudayaan-aceh-melindungi-dan-merawat-warisan-pengetahuan-tradisional-gayo/>.

⁵¹ See: *BBC News Indonesia*, “Dianggap Merugikan, Perda Syariat Islam di Aceh Diusulkan Ditinjau,” accessed May 10, 2024, <https://www.bbc.com/indonesia/indonesia-41714022>.

⁵² See: Tetiana Voloshanivska et al., “Legal Regulation of Release of Minors From Punishment and From Service of Punishment: Foreign Experience, Administrative and Criminal Aspect,” *Syariah: Jurnal Hukum*

concerns are expressed by *Kumparan*, which notes that “*Caning law is also considered contrary to anti-torture conventions ratified by Indonesia through Law No. 5 of 1998.*”⁵³ The sharpest criticism emerges regarding physical punishment aspects, particularly caning, with Human Rights Watch condemning *Qanun Jinayat* implementation as cruel punishment and urging the Indonesian government to revoke *Qanun Jinayat* deemed to violate human rights.⁵⁴ Thus, these criticisms not only question *Qanun Jinayat* as an instrument potentially violating international human rights convention provisions, but also assess physical punishment forms in *Qanun Jinayat* as inhumane actions from international legal perspectives.

From a theological perspective, *Qanun Jinayat* supporters articulate caning implementation as a form of *‘uqūbah* directly sourced from the Qur’an and Hadith, which they interpret as an expression of obedience to divine provisions that are absolute and non-negotiable.⁵⁵ As elaborated by Mursyid Djawas et al., this approach positions physical sanctions as instruments for maintaining social integrity and upholding moral discipline within Islamic society.⁵⁶ However, this approach stands in opposition to views developing within international legal frameworks and universal human rights systems, which categorize caning punishment as a form of cruel treatment that degrades human dignity.⁵⁷ Within the context of the International Covenant on Civil and Political Rights (ICCPR), such punishment contradicts non-derogable rights principles that cannot be compromised even during emergency situations. From a socio-legal perspective, these two discourse poles reveal tensions between local value autonomy and global norms, between claims to religion-based moral authority and demands for universal justice based on human rights.⁵⁸ Media plays a key role in mediating this tension: local media tends to advance affirmative narratives based on cultural legitimacy and majority social acceptance,⁵⁹ while international media and human rights institutions promote narratives emphasizing individual rights across cultural and jurisdictional boundaries.⁶⁰ Therefore, media cannot be viewed merely as information

dan Pemikiran 23, no. 2 (2023): 151–61; Ibnu Elmi AS Pelu et al., “Polygamy Law Reform Through the Development of the Aceh Qanun: A New Approach to Protecting the Rights of Women and Children in Indonesia,” *El-Mashlahab* 14, no. 1 (June 30, 2024): 149–68.

⁵³ See: *Kumparan*, “Qanun, Qanun Jinayat, dan Permasalahannya,” March 18, 2018, <https://kumparan.com/syafira-farhani-ramadhanti/qanun-qanun-jinayat-dan-permasalahannya>.

⁵⁴ See: Human Rights Watch, “Indonesia: Aceh’s New Islamic Laws Violate Rights,” October 2, 2014, <https://www.hrw.org/news/2014/10/02/indonesia-acehs-new-islamic-laws-violate-rights>.

⁵⁵ Danial Danial, “Criminalization in Islamic Penal Code: A Study of Principles, Criminalization Methods, and Declining Variations,” *Jurnal Ilmiah Peuradeun* 11, no. 3 (September 30, 2023): 1005–26.

⁵⁶ 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 (June 19, 2023): 95–120.

⁵⁷ Liza Agnesta Krisna et al., “Discourse on the Formulation of the Jarimah of Sexual Violence against Children in the Aceh Qanun Jinayat,” *Research, Society and Development* 10, no. 11 (September 9, 2021): e531101120059.

⁵⁸ See: Salma et al., “The Other Side of the History of the Formulation of Aceh Jinayat Qanun,” *Abkam: Jurnal Ilmu Syariah* 22, no. 1 (2022): 83–110; Muhammad Maulana et al., “Islamic Banking Services for Communities and Families in Aceh Province Post Closure of Conventional Banks: A Comprehensive Review,” *El-Usrab: Jurnal Hukum Keluarga* 7, no. 2 (December 31, 2024): 903–22.

⁵⁹ Siti Sahara et al., “Sosio-Kultural dalam Masyarakat Aceh: Strategi Perlindungan Hukum bagi Korban Kekerasan dalam Rumah Tangga,” *Jurnal Mediasas: Media Ilmu Syari’ah dan Abwal Al-Syakhsiyah* 7, no. 2 (December 2, 2024): 434–46.

⁶⁰ See: Ahmad Rahmatullah Airlangga PH, Widya Ajeng Saputri, and Putri Rahmah Nurhakim, “Socio-Religious Behavior on Consumption Pattern during Israel and Palestine Conflict in Muslim Society,” *LAS*

intermediaries, but as discursive actors that shape the landscape of legal meaning as a field of value contestation.

Legal Representations of Qanun Jinayat in Online Media

The legal dimension of *Qanun Jinayat* reflects an intense normative contestation space between Sharia-based local legal authority and national legal principles and international standards related to human rights.⁶¹ As a legitimate regional legislative product within the special autonomy framework based on Law No. 11 of 2006 on Aceh Governance, this *Qanun Jinayat* obtains formal legitimacy within Indonesia's legal system that adopts an asymmetric decentralization model.⁶² Nevertheless, certain provisions—particularly those regulating physical punishment such as caning—become critical points in both national and international legal debates, especially regarding their compatibility with constitutional principles, non-discrimination principles, and Indonesia's commitments to various international human rights treaties.⁶³ Online media narratives reflect both epistemological and normative tensions: between claims of legal validity based on Acehese religious and cultural values, and universalistic views emphasizing individual rights supremacy, substantive justice, and human dignity integrity.⁶⁴ Thus, the legality issue within the *Qanun Jinayat* context becomes not only a matter of juridical validity, but also touches upon ethical and political legitimacy dimensions of religious law within a pluralistic democratic rule of law structure.

Table 2
Legal Representations of *Qanun Jinayat* in Online Media

No.	Discourse Position	Discourse Framing Focus	Media Scale	Source
1.	Pro	Legitimacy of religious norms in public legal system	National	<i>Tempo</i>
2.	Pro	Legal-formal strength within regional autonomy framework	National	<i>Business Law Bisnis</i>
3.	Pro	Becoming reference for other countries	Local	<i>Serambinews</i>
4.	Contra	Inequality in access to justice and gender bias in law	National	Constitutional Court of RI
5.	Contra	Conflict between Sharia law and constitutional human rights	National	<i>Hukum Online</i>
6.	Contra	Criticism of violations of the right to humane treatment	International	Amnesty International

Source: Compiled based on analysis of several online news articles, November 2024 to January 2025.

Journal of Localities 1, no. 2 (2024): 138–52; Yevhen Leheza et al., “The Human Right to an Environment Safe for Life and Health: Legal Regulation, Contemporary Challenges and Comparative Perspectives,” *Syariah: Jurnal Hukum dan Pemikiran* 23, no. 2 (2023): 138–50.

⁶¹ Nurdin and Ridwansyah, “Aceh, Qanun and National Law,” 107–31.

⁶² Dedy Ardian Prasetyo and Rahimah Embong, “The Impact of Human Rights Principles on the Criminal Act of Caning: Asymmetric Decentralization Insight,” *Journal of Human Rights, Culture and Legal System* 5, no. 1 (March 21, 2025): 60–90.

⁶³ Rizanizarli et al., “The Application of Restorative Justice for Children as Criminal Offenders in the Perspective of National Law and Qanun Jinayat,” 21–39.

⁶⁴ See: Maryam et al., “Context of Islamic Sharia Enforcement Policy in North Aceh District,” *International Journal of Research and Innovation in Social Science* 6, no. 12 (2022): 669–73; Holijah Holijah and M. Rizal, “Contraction of Criminal Law Against Blaspheming the President as the Head of Government in Indonesia,” *Nurani: Jurnal Kajian Syari’ah dan Masyarakat* 23, no. 1 (June 8, 2023): 1–10.

Table 2 illustrates narrative mapping emerging in digital media regarding *Qanun Jinayat*, depicting two ideologically opposing poles of legal representation. On one side, affirmative narratives in national media such as *Tempo* frame *Qanun Jinayat* as an expression of locally legitimate legal authority while representing Acehese moral aspirations.⁶⁵ *Qanun Jinayat* is viewed not merely as a legal-formal instrument with regional regulation legitimacy, but also as manifestation of Sharia-based normative consensus living within local communities. *Business Law Bisnis* affirms, “*Qanun Jinayat possesses legal legitimacy because it is based on special autonomy, making it a regional-scale legislative product or Sharia Regional Regulation,*”⁶⁶ indicating that the autonomy framework is understood not only as an administrative mechanism, but also as an instrument for affirming legal identity that is constitutionally and culturally legitimate. Furthermore, *Serambinews* emphasizes, “*Aceh’s Qanun Jinayat as part of Islamic Sharia implementation has shown significant progress compared to other regions, even becoming a model for Perak state in Malaysia,*”⁶⁷ confirming that Sharia law implementation in Aceh has become an international reference. Such framing makes law not only procedurally valid, but also meaningful because it is rooted in social structures and local values.⁶⁸

Conversely, critical narratives in national and international media underscore *Qanun Jinayat’s* incompatibility with fundamental constitutional law principles and international human rights standards. The Constitutional Court of RI affirms, “*Qanun Jinayat implementation often discriminates against women and minority groups,*”⁶⁹ indicating inequality in access to justice and violations of non-discrimination principles. *Hukum Online* adds that “*Several provisions of Qanun Jinayat contradict human rights principles in law enforcement,*”⁷⁰ particularly regarding protection of individual freedoms and procedural justice. The sharpest criticism comes from Amnesty International, which states, “*Physical punishment such as caning is inhumane and can cause physical and psychological trauma.*”⁷¹ Within this framework, *Qanun Jinayat* is viewed not only as a product of regional autonomy, but also as a legal instrument potentially violating international conventions such as the Convention Against Torture ratified by Indonesia. These narratives shift discourse from procedural legality toward legal ethics substance, making human dignity protection the primary focus in evaluating institutionalized Sharia legal systems in Aceh.

Critical analysis of *Qanun Jinayat’s* legal legitimacy demonstrates that although this

⁶⁵ See: *Tempo*, “Mengenal Qanun, Hukum Syariat Islam di Aceh,” September 6, 2023, <https://www.tempo.co/politik/mengenal-qanun-hukum-syariat-islam-di-aceh-147309>.

⁶⁶ See: *Business Law Bisnis*, “Etimologi ‘Qanun’ dan Posisinya Sebagai Sumber Hukum,” January 2015, <https://business-law.binus.ac.id/2015/01/06/etimologi-qanun-dan-posisinya-sebagai-sumber-hukum/>.

⁶⁷ See: *Serambinews*, “Penerapan Syariat Islam di Aceh Jadi Rujukan Muslim Dunia,” January 22, 2025, <https://aceh.tribunnews.com/2025/01/22/penerapan-syariat-islam-di-aceh-jadi-rujukan-muslim-dunia>.

⁶⁸ Febri Nurrahmi and Nasya Bahfen, “Representations of Public Caning in Serambi Indonesia: A Linguistic Approach to News Framing Analysis,” *Studies in English Language and Education* 11, no. 1 (January 31, 2024): 549–67.

⁶⁹ See: Mahkamah Konstitusi, “MK: Hukuman Mati Tak Melanggar Konvenan Internasional Hak Sipil dan Politik,” January 20, 2015, <https://www.mkri.id/index.php?page=web.Berita&id=10521>.

⁷⁰ See: *Hukum Online*, “Penerapan Qanun Jinayah Dinilai Langgar HAM dan KUHP,” accessed July 4, 2024, <https://www.hukumonline.com/berita/a/penerapan-qanun-jinayah-dinilai-langgar-ham-dan-kuhp-lt60b89b64b2230/>.

⁷¹ See: Amnesty International, “Indonesia: End Caning as a Form of Punishment in Aceh,” April 18, 2016, <https://www.amnesty.org/en/documents/asa21/3853/2016/en/>.

Qanun Jinayat obtains justification through the regional autonomy framework, its content raises constitutional problems that cannot be ignored.⁷² Aceh's special autonomy does indeed grant regional authority to design legal systems based on Islamic values, but such autonomy is not absolute. It remains subject to fundamental constitutional principles, such as the right to be free from torture, treatment that degrades human dignity, and guarantees of religious freedom. As explained by Mohd Din and Al Yasa' Abubakar, Sharia law in the Acehnese context not only reflects normative religious interpretation, but also constitutes a strategy for preserving local cultural identity.⁷³ Nevertheless, this position becomes problematic when tested against international legal principles that demand universal justice, non-discrimination, and protection of individual rights. Irwan Abdullah emphasizes that the application of religious law within modern nation-state frameworks requires re-examination of its substantive content to ensure it does not contradict universally recognized global norms.⁷⁴ Therefore, the primary challenge of *Qanun Jinayat*'s legality lies not in its formal legislative process, but in its normative integrity within national and international human rights frameworks.

The two narrative poles constructed by media demonstrate that in the Acehnese context, law functions not only as a regulative instrument, but also as a symbol of struggle between claims over local moral authority and pressure toward compliance with global legal norms. On one side, *Qanun Jinayat* is positioned as an authentic expression of local sovereignty, articulation of Islamic norms, and instrument of public moral arrangement based on communitarianism.⁷⁵ On the other side, this *Qanun Jinayat* is criticized for potentially eroding fundamental principles of democratic rule of law and non-derogable rights principles within international human rights frameworks.⁷⁶ Media becomes an agent forming this legality construction, not only by representing legal reality, but also by framing, articulating, and mediating legal narratives contested in public space. National media tends to focus attention on formal legitimacy and local consensus, while international media and global human rights institutions highlight Indonesia's position within the international legal system. Therefore, evaluation of *Qanun Jinayat* provisions must consider local social acceptability and global conformity, so that applicable law is not merely procedurally valid, but also substantively just and ethically dignified.⁷⁷

Practical Representations of Qanun Jinayat in Online Media

The praxis aspect of *Qanun Jinayat* implementation reflects the dynamics of Islamic law enforcement at the community level, encompassing enforcement procedures, execution

⁷² Abdul Manan and Cut Intan Salasih, "Implementation of Islamic Sharia Laws in East Aceh: The Acehnese Perspectives," *Journal of Contemporary Islam and Muslim Societies* 6, no. 2 (December 20, 2022): 149–85.

⁷³ Din and Abubakar, "The Position of the Qanun Jinayat as a Forum for the Implementation of Sharia in Aceh in the Indonesian Constitution," 689–708.

⁷⁴ Irwan Abdullah, *Konstruksi dan Reproduksi Kebudayaan* (Yogyakarta: Pustaka Pelajar, 2015), 276.

⁷⁵ Sakhowi Sakhowi, "Taqnīn Method of Qānūn Jināyah and Problems of Its Implementation in Aceh, Indonesia," *Journal of Islamic Law* 3, no. 2 (August 31, 2022): 193–211.

⁷⁶ Fuad, Darma, and Muhibbuthabry, "Wither Qanun Jinayat?," 2053269.

⁷⁷ Abdul Manan and Cut Intan Salasih, "Evaluating the Implementation of Sharia in Aceh, Indonesia," *Jurnal Ilmiah Peuradeun* 9, no. 3 (September 30, 2021): 549–66.

mechanisms—particularly caning punishment—and its impact on Acehese social order.⁷⁸ Controversy at this implementational level reveals sharp tensions between claims of Sharia moral-legal authority and international human rights principles, especially when physical punishment is considered degrading treatment potentially causing psychological trauma. Supporter groups argue that caning implementation functions as an effective means for maintaining public order and morality.⁷⁹ Conversely, critics—including human rights organizations and international media—highlight that such practices potentially violate non-discrimination principles, procedural justice principles, and neglect protection of vulnerable groups. In this regard, media representations of *Qanun Jinayat* practice become a discursive arena that contests different normative, cultural, and ethical interests: local and national media emphasize aspects of traditional values, religious authority participation, and social acceptance, while international media precisely raises legal and ethical dimensions deemed contrary to international conventions such as the Convention Against Torture. Thus, *Qanun Jinayat* implementation not only tests the formal validity of a legal product, but also illustrates how social legitimacy and legal ethics are negotiated within a plural and democratic rule of law framework.

Table 3
Practical Representations of *Qanun Jinayat* in Online Media

No.	Discourse Position	Narrative Focus	Media Scale	Source
1.	Pro	Policy adaptation based on societal social values	National	<i>Retizen</i>
2.	Pro	Community acceptance of customary and religious law integration	National	<i>Tempo</i>
3.	Pro	Technical reform as response to criticism	Local	<i>Aceh Trend</i>
4.	Pro	Preventive effect on social behavior	National	<i>Kompasiana</i>
5.	Contra	Deterrent effect on victims and violation of justice principles	National	Solidaritas Perempuan
6.	Contra	Legal uncertainty	National	<i>Hukum Online</i>
7.	Contra	Reputational and economic effects of law implementation	National	<i>Vive</i>
8.	Contra	Criticism of moral criminalization and symbolic violence	International	Human Rights Watch

Source: Compiled based on analysis of several online news articles, November 2024 to January 2025.

As reflected in Table 3, media narratives demonstrate sharp polarization between affirmative and critical discourses in representing *Qanun Jinayat* practices. National media *Retizen* emphasizes gradual and adaptive approaches, as stated in the narrative, “*The Aceh Government conducts outreach programs to enhance public understanding of Sharia and its application in daily life,*”⁸⁰ framing *Qanun Jinayat* as an expression of socio-communal will rather than a state coercive instrument. *Tempo* affirms public acceptance with the narrative, “*The community*

⁷⁸ Said Amirulkamar et al., “Administration Reagent of Aceh Family Law Qanun: Siri Marriage Motives Towards the Legality of Polygyny,” *De Jure: Jurnal Hukum dan Syar’iah* 15, no. 1 (2023): 129–43.

⁷⁹ Nurdin and Nur, “Implementing Islamic Criminal Law,” 135–50.

⁸⁰ See: *Retizen*, “Implementasi Qanun dan Perannya di Aceh,” November 16, 2023, <https://retizen.republika.co.id/posts/245793/implementasi-qanun-dan-perannya-di-aceh>.

supports Qanun Jinayat implementation because it is considered aligned with Islamic teachings and customary values,”⁸¹ confirming the close relationship between law, religion, and local culture. Reformist narratives emerge in *Aceb Trend*, which states, “Caning law implementation is now conducted privately or publicly according to circumstances to preserve dignity,”⁸² indicating adaptive responses to external pressure to maintain Sharia law legitimacy. Meanwhile, *Kompasiana* emphasizes *Qanun Jinayat*’s preventive function as a social control mechanism based on Islamic morality, stating that “the community is more cautious in behaving in public spaces.”⁸³

Conversely, critical discourse developing through national and international media underscores issues of injustice, symbolic violence, and social impacts in *Qanun Jinayat* implementation. Solidaritas Perempuan highlights, “Qanun Jinayat potentially causes layered violence against women, and women do not receive information about its formation, despite being vulnerable to its impact,”⁸⁴ confirming law’s failure to distinguish between victim and perpetrator positions. *Hukum Online* reports inconsistencies in law enforcement that create uncertainty and diminish law’s social legitimacy.⁸⁵ Reputational and economic dimensions are also highlighted by *Vice*, which states, “International media coverage of caning punishment worsens Aceh’s image as a tourism destination,”⁸⁶ demonstrating connections between legal practices and global perceptions and local economic development. Human Rights Watch assesses caning punishment as state violence contradicting human dignity principles as regulated in the Convention Against Torture ratified by Indonesia.⁸⁷ Within this framework, *Qanun Jinayat* is evaluated not only as a domestic legal instrument, but also as a global issue testing Indonesia’s credibility in commitment to international legal systems and human rights standards.⁸⁸

These findings indicate relatively firm discursive separation between local and international narratives. Local media generally emphasizes *Qanun Jinayat* legitimacy within frameworks of cultural preservation, Islamic value expression, and regional autonomy affirmation. Conversely, national and international media focus more on substantive legality

⁸¹ See: *Tempo*, “Mengenal Qanun, Hukum Syariat Islam di Aceh,” September 6, 2023, <https://www.tempo.co/politik/mengenal-qanun-hukum-syariat-islam-di-aceh-147309>.

⁸² See: *aceHTrend*, “Tata Laksana Hukuman Cambuk dalam Islam,” April 22, 2018, <https://www.acehtrend.com/news/tata-laksana-hukuman-cambuk-dalam-islam/index.html>.

⁸³ See: *Kompasiana*, “Hukuman (Pidana) Mati dan Prinsip Kehati-hatian,” May 10, 2015, https://www.kompasiana.com/mirza_buana/55530d73b67e611c0c13096c/hukuman-pidana-mati-dan-prinsip-kehati-hatian.

⁸⁴ See: Solidaritas Perempuan, “Pelanggaran Konstitusi dan Hukum: Refleksi Satu Tahun Penerapan Qanun Jinayat,” October 24, 2016, <https://solidaritasperempuan.org/pelanggaran-konstitusi-dan-hukum-refleksi-satu-tahun-penerapan-qanun-jinayat/>.

⁸⁵ See: *Hukum Online*, “Kontroversi Qanun, Perda dengan Karakteristik Khusus,” November 7, 2005, <https://www.hukumonline.com/berita/a/kontroversi-iqanuni-perda-dengan-karakteristik-khusus-ho13872/>.

⁸⁶ See: *Vice*, “Tak Ingin Disorot Media, Aceh Berencana Hentikan Pencambukan Terbuka,” July 12, 2017, <https://www.vice.com/id/article/tak-ingin-disorot-media-aceh-berencana-hentikan-pencambukan-terbuka/>.

⁸⁷ See: Human Rights Watch, “Menegakkan Moralitas: Pelanggaran dalam Penerapan Syariah di Aceh, Indonesia,” Human Rights Watch, November 30, 2010, <https://www.hrw.org/id/report/2010/11/30/256153>.

⁸⁸ La Gursi et al., “Islamic Legal Perspective on Data of Child Victims of Sexual Violence: A Case Study of the Indonesia’s Court,” *De Jure: Jurnal Hukum dan Syariah* 16, no. 2 (December 30, 2024): 456–79.

aspects and human rights problems.⁸⁹ Within the national legal context, criticism targets incompatibility between *Qanun Jinayat* provisions and constitutional principles, particularly Article 28I paragraph (1) of the 1945 Constitution and Law No. 39 of 1999 on Human Rights.⁹⁰ At the international level, physical punishment implementation such as caning is viewed as violating non-derogable rights principles and contradicting Indonesia's commitments as a state party to the Convention Against Torture. Although *Qanun Jinayat* obtains formal legitimacy through the Helsinki MoU and Law No. 11 of 2006, this formal validity does not automatically guarantee its substantial conformity with universally recognized human rights norms. Tensions between local authority claims and state obligations within international legal systems demonstrate that Sharia law implementation in Aceh always exists within complex and overlapping negotiation fields.⁹¹

Thus, the law in action dimension of *Qanun Jinayat* demonstrates that law implementation cannot be assessed solely on compliance with legal-formal procedures, but must be critically examined through the social, psychological, and ethical impacts it generates. Aceh's special autonomy does open space for Sharia-based legal expression, yet *Qanun Jinayat* implementation continues to be questioned from the perspective of fundamental national constitutional principles and international legal standards. On one side, there exists local consensus that interprets *Qanun Jinayat* as a reflection of collective cultural and spiritual identity⁹² On the other side, there is resistance from civil society circles, academics, and global actors who highlight *Qanun Jinayat's* failure to fulfill substantive justice principles and individual rights protection.⁹³ Gender discrimination issues also become primary concerns in practice, especially considering implementation tendencies that more heavily burden women and marginal groups.⁹⁴ In this context, media functions not only as a channel for legal information distribution, but also as a cognitive agent shaping public perceptions regarding legality, legitimacy, and justice of religion-based legal systems within public spaces that continue transforming socially, digitally, and normatively.

Digital Media Representation Dynamics of *Qanun Jinayat*: Between Local Morality and Global Human Rights

The controversy surrounding *Qanun Jinayat* implementation in Aceh cannot be separated from discourse construction formed by media in narrating the social, legal, and cultural

⁸⁹ G. Geltner, *Flogging Others: Corporal Punishment and Cultural Identity from Antiquity to the Present* (Amsterdam University Press, 2014), 1–112.

⁹⁰ Dedisyah Putra and Nuriza Acela, "Human Rights Protection in the Islamic Family Law: A Case Study Concerning Domestic Violences," *El-Ushrah: Jurnal Hukum Keluarga* 6, no. 1 (September 26, 2023): 1–16.

⁹¹ Muzakkir Muzakkir, "Dawn of Justice: Evaluating the Alignment of Women and Children in Aceh's *Qanun Jinayat*," *Al-Ahkam* 32, no. 2 (October 30, 2022): 131–52.

⁹² Husni Mubarrak, Faisal Yahya, and Iskandar Iskandar, "Contestation on Religious Interpretation in Contemporary Aceh Shari'a: Public Caning in Prison as the Case of Study," *JURIS (Jurnal Ilmiah Syariah)* 22, no. 2 (December 15, 2023): 213–22.

⁹³ Henky Fernando, Yuniar Galuh Larasati, and Novita Cahyani, "Being #wanitasalihah: Representations of Salihah Women on TikTok," *LAS Journal of Localities* 1, no. 1 (May 24, 2023): 1–15.

⁹⁴ See: David M. Anderson, "Punishment, Race and 'the Raw Native': Settler Society and Kenya's Flogging Scandals, 1895-1930," *Journal of Southern African Studies* 37, no. 3 (2011): 479–97; Rini Fitriani et al., "Legal Protection for Wife and Child as Consequence of Head of Family's Criminal Imprisonment Enforcement," *Volksgeist: Jurnal Ilmu Hukum dan Konstitusi* 6, no. 1 (June 30, 2023): 77–88.

dimensions of this law before the public.⁹⁵ Various forms of news coverage and narratives developing in digital media demonstrate that *Qanun Jinayat* implementation is understood not only as formal juridical practice, but also as an arena of symbolic struggle involving moral authority, legal legitimacy, and articulation of community collective identity.⁹⁶ In the conceptual dimension, *Qanun Jinayat* is often associated with Acehese historical and religious heritage, positioning Islamic law as the primary foundation of social norms and community moral order.⁹⁷ However, alongside this, discourse constructions emerge that reflect resistance to punishment forms considered incompatible with modern society dynamics that are plural, open, and based on human rights principles.⁹⁸ These narratives form a discursive spectrum that contests between aspirations to maintain local value authenticity and global pressure to respect human dignity and guarantee civil freedoms.⁹⁹

These discourse dynamics become increasingly complex when *Qanun Jinayat* is framed as a legal instrument obtaining legitimacy through special autonomy within Indonesia's constitutional structure.¹⁰⁰ Some national media affirm that *Qanun Jinayat's* formal legality has been fulfilled through regional legislative procedures within the national legal framework. However, narratives developing in parallel also question *Qanun Jinayat's* substantial appropriateness, particularly regarding physical punishment practices displayed in public spaces.¹⁰¹ In this context, *Qanun Jinayat* exists in an ambivalent position: on one side, it is positioned as an authentic expression of Acehese collective aspirations upholding religious norms; on the other side, it is criticized as a state power instrument potentially neglecting basic individual rights protection, particularly vulnerable groups such as women and religious minorities.¹⁰² This tension is reinforced by international media narratives that frame *Qanun Jinayat* as an anomaly in modern democratic state legal systems, placing Aceh in a global image as a region still implementing punishment practices normatively considered repressive and abandoned by progressive legal civilization.¹⁰³

In the praxis dimension, media forms two major opposing narratives. The first narrative emphasizes that *Qanun Jinayat* implementation has undergone a series of administrative reforms, including private caning execution as adaptation efforts toward local values and social sensitivities. This narrative is supported by local sources depicting this

⁹⁵ Fahrimal et al., "Local Issue, National Media, and Global Implication," 14–22.

⁹⁶ Mubarrak, Yahya, and Iskandar, "Contestation on Religious Interpretation in Contemporary Aceh Sharīa," 213–22.

⁹⁷ Din and Abubakar, "The Position of the Qanun Jinayat as a Forum for the Implementation of Sharia in Aceh in the Indonesian Constitution," 689–708.

⁹⁸ See: Nur Aziz et al., "Examining Qanun in Aceh from a Human Rights Perspective," 37–56; Misbachul Munir and Siti Zumrotun, "The Position of Ijbar Rights in Perspective Islamic Law and Human Rights," *El-Ushrah: Jurnal Hukum Keluarga* 6, no. 1 (July 1, 2023): 206–14; SM Fahmi Azhar and Hardimansyah, "Reinterpreting Rā' inā: A Ma' nā Cum Maghzā Approach to Surah al-Baqarah [2]:104 and Its Relevance for Contemporary Communication Ethics," *Basmala Journal of Qur'an and Hadith* 1, no. 1 (July 3, 2025): 28–45.

⁹⁹ Manan and Salasyah, "Evaluating the Implementation of Sharia in Aceh, Indonesia," 549–66.

¹⁰⁰ McGibbon, *Secessionist Challenges in Aceh and Papua*, 1–107.

¹⁰¹ Mubarrak, Yahya, and Iskandar, "Contestation on Religious Interpretation in Contemporary Aceh Sharīa," 213–22.

¹⁰² Yogi Febriandi, Muhammad Ansor, and Nursiti Nursiti, "Seeking Justice Through Qanun Jinayat: The Narratives of Female Victims of Sexual Violence in Aceh, Indonesia," *QIJIS (Qudus International Journal of Islamic Studies)* 9, no. 1 (July 29, 2021): 104–40.

¹⁰³ Nurrahmi, "Mediated Representation of Sharia in Aceh," 857.

Qanun Jinayat as a mechanism for strengthening public morality and protecting communities from moral decadence.¹⁰⁴ Conversely, the second narrative raises crucial issues such as psychosocial impacts, social marginalization, and legitimacy crises due to *Qanun Jinayat* implementation deemed inconsistent and selective.¹⁰⁵ National and international media extensively reproduce this critical narrative by linking it to non-discrimination principle violations, and criticizing criminalization efforts toward personal morality misaligned with global legal norm developments. Thus, *Qanun Jinayat* practice is not merely law implementation, but becomes a locus of discourse production and reproduction about authority, ethics, and justice within institutionalized Islamic law contexts.¹⁰⁶

The impact of such discourse construction does not stop at the representational level, but also manifests in tangible social responses. Within the community realm, controversy regarding *Qanun Jinayat* has generated socio-political polarization between supporting and opposing parties, with each side forming collective identities based on religious value affiliations or commitments to civil rights protection. This polarization not infrequently gives birth to symbolic conflicts and horizontal tensions within society.¹⁰⁷ Furthermore, circulating narratives also influence perceptions of Aceh at national and global levels, where this region begins to be portrayed as a repressive legal entity less accommodating toward universal humanitarian principles.¹⁰⁸ This will affect Aceh's image both nationally and internationally, where Aceh will be perceived as a region with harsh and inhumane legal practices, potentially impacting Aceh's relations with other regions.¹⁰⁹ Overall, the *Qanun Jinayat* controversy not only affects daily social life but also has broad implications for various aspects of life in Aceh.

As a resolute offering toward tensions between religious norms and human rights principles, this study proposes three strategic approaches. First, a dialogical approach involving religious actors, government, academics, and civil society in efforts to build inclusive interpretive consensus regarding the meaning and purpose of Islamic law within democratic state frameworks.¹¹⁰ Second, an educative approach emphasizing the importance of mainstreaming legal and human rights literacy from basic education levels to higher

¹⁰⁴ Nurdin and Nur, "Implementing Islamic Criminal Law," 135–50.

¹⁰⁵ See: Nurrahmi and Bahfen, "Representations of Public Caning in Serambi Indonesia," 548–67; Syaifullah Noor, "Penerapan Hukum terhadap Jarimah Liwath (Homo Seksual) Menurut Qanun Aceh Nomor 6 Tahun 2014 Tentang Jinayah: Studi Putusan Nomor 18/JN/2017/Ms.Bna," *Jurnal Mediasas: Media Ilmu Syari'ah dan Ahwal Al-Syakhsiyah* 5, no. 2 (2022): 122–47; Eko Susanto and Melati Andini, "The Role of Mediation in Resolving Divorce Cases Due to Physical Incapacity in Indonesian Sharia Courts: Banda Aceh Case Study," *Indonesian Journal of Islamic Law* 6, no. 2 (December 30, 2023): 89–109.

¹⁰⁶ Nurrahmi, "Mediated Representation of Sharia in Aceh," 857.

¹⁰⁷ See: Simon Butt, "Religious Conservatism, Islamic Criminal Law and the Judiciary in Indonesia: A Tale of Three Courts," *The Journal of Legal Pluralism and Unofficial Law* 50, no. 3 (September 2, 2018): 402–34; Zumiyati Sanu Ibrahim et al., "Islamic Law and Human Rights: Convergence or Conflict?," *Nurani: Jurnal Kajian Syari'ah dan Masyarakat* 24, no. 2 (November 26, 2024): 431–48.

¹⁰⁸ Simon Butt, "Aceh and Islamic Criminal Law in the Courts," in *Crime and Punishment in Indonesia*, ed. Tim Lindsey and Helen Pausacker, 1st ed. (Routledge, 2020), 18.

¹⁰⁹ Nur Anisah et al., "Political Communication and Gender: An Analysis of Public's Perceptions Toward the Election of the 2017 Mayoral Candidates of Banda Aceh," *International Journal of Media and Communication Research* 3, no. 2 (July 30, 2022): 44–53.

¹¹⁰ Muzakkir, "Dawn of Justice," 131–52.

education, aiming to form critical, participatory, and contextual legal awareness.¹¹¹ Third, a policy approach emphasizing participatory revision mechanisms for *Qanun Jinayat* periodically, based on evaluations of social dynamics, substantive justice demands, and Indonesia's international commitments in protecting citizens' basic rights. These three approaches, if implemented integratively, can encourage *Qanun Jinayat* recontextualization within dynamic Islamic legal horizons, so that it functions not only as a legal-formal instrument, but also as a means of social transformation that is adaptive, inclusive, and upholds human dignity.¹¹²

Conclusion

This research demonstrates that representations of Aceh's Qanun No. 6 of 2014 on Islamic Criminal Law (*Qanun Jinayat*), particularly regarding the controversial issue of caning punishment, are mediated in complex ways through digital discourse spaces that bring together Sharia values, human rights principles, and social constructions of law. Digital media not only represents legal practices factually, but also functions as active discursive actors in shaping collective perceptions regarding the legality, legitimacy, and ethics of religious law in Aceh. Analysis of three legal dimensions—law in the idea (concept), law in the book (legal norms), and law in action (practice)—reveals that discourse contestation between affirmative and critical narratives reflects structural tensions between local legal autonomy and Indonesia's commitments to international human rights conventions. Affirmative narratives generally emphasize cultural legitimacy, religious values, and local community involvement in *Qanun Jinayat* formulation and implementation, while critical narratives highlight issues of discrimination, law enforcement inconsistencies, and violations of individual rights. Thus, debates regarding *Qanun Jinayat* exist not merely within the legal-formal realm, but constitute an arena of symbolic contestation that shapes configurations of identity, power relations, and moral authority within plural society.

The theoretical implications of these findings affirm the urgency of multidisciplinary approaches in understanding contemporary Islamic law closely connected to digital media dynamics, global pressures, and local social transformations. Practically, this research provides foundation for *Qanun Jinayat* recontextualization efforts through dialogical, educative, and participatory policy approaches capable of bridging Sharia value authenticity with substantive justice principles based on human rights. Nevertheless, this research has several limitations. First, the data scope focused on digital media article analysis within a specific period has not fully represented transient and layered public opinion dynamics. Second, this research has not directly explored local actor perspectives through in-depth

¹¹¹ See: AR et al., "Education Strategies to Prevent Child Abuse in Aceh, Indonesia," 2023018; Mujiburrahman Mujiburrahman et al., "The State Intervention in the Islamic Education in Aceh: Threats or Opportunities?," *Jurnal Ilmiah Peuradeun* 12, no. 2 (May 30, 2024): 539–64.

¹¹² See: Manan and Salasiah, "Evaluating the Implementation of Sharia in Aceh, Indonesia," 549–66; Mutiara Fahmi et al., "Islamic Jurisprudence and Local Wisdom in the Humanitarian Protection of Rohingya Refugees by Acehnese Figures," *El-Mashlahab* 14, no. 2 (December 29, 2024): 323–42; Lindra Darnela, Faisal Syafri Azmi, and Arif Sugitanata, "The Dominant Influence of Islamic Law in Addressing the Challenges of Upholding the Rights of Rohingya Refugees," *De Jure: Jurnal Hukum dan Syar'iah* 17, no. 1 (March 11, 2025): 1–32.

interviews or participatory observation, which could enrich contextual understanding regarding community reception of *Qanun Jinayat*. Therefore, further studies are expected to integrate field ethnographic approaches and social media big data analysis to reveal more deeply the narrative articulations, identity politics, and value negotiations accompanying *Qanun Jinayat* practices and validity in contemporary Acehese society.

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