

Sex In The Car as a Contemporary Form of *Khalwat* in Aceh: An Analysis of Jinayah *Fiqh* and Maqasid Syariah

Retanisa Rizqi

Universitas Islam Negeri Jurai Siwo Lampung, Indonesia
retanisarizqi@metrouniv.ac.id

Abstract: This study examines the phenomenon of sex in the car in Aceh within the framework of *fiqh jinayah* and *maqāṣid al-sharī'ah* to explore its legal, moral, and policy implications in the enforcement of Islamic law. The study focuses on the classification of sexual activity inside vehicles within the categories of *jarimah* (*ḥudūd* or *ta'zīr*) and on the extent to which such conduct contravenes the five essential objectives of Islamic law (*al-dharūriyyāt al-khams*). Employing a normative legal research method, this study analyzes statutory regulations (Qanun Aceh No. 6 of 2014), classical and contemporary *fiqh* literature, and the *maqāṣid al-sharī'ah* framework as its conceptual basis. Secondary data were obtained from books, peer-reviewed journals, and official reports published within the last six years. The findings indicate that the phenomenon of sex in the car is generally classified as a *jarimah ta'zīr*, the imposition of which falls under the discretionary authority of law enforcement officials, and that such conduct is inconsistent with the fundamental principles of *maqāṣid al-sharī'ah*, particularly *ḥifẓ al-dīn*, *ḥifẓ al-nafs*, and *ḥifẓ al-nasl*, thereby underscoring the novelty of this study in developing a *maqāṣid al-sharī'ah*-based approach to addressing sex in the car as a contemporary form of *khalwat* within the practice of Islamic law enforcement in Aceh. The study further emphasizes the need to recontextualize *fiqh jinayah* by adopting preventive legal measures (*sadd al-dharī'ah*), clarifying evidentiary standards, and integrating educational approaches.

Keywords: *Fiqh Jinayah*, *Maqāṣid al-Sharī'ah*, Sex in the Car, Aceh

Introduction

Sexual behavior in public spaces is a serious concern in Aceh, which applies Islamic sharia through Qanun Jinayat. One prominent example is sex in the car, where sexual activity takes place in a vehicle. Legally, this is considered immoral, and under Islamic law, it falls under *zina* or at least *khalwat*. Thus, sex in the car in Aceh violates both social norms and sharia law, with criminal consequences.¹

¹ Azharuddin Azharuddin et al., "The Dynamics of *Khalwat* Criminalization in Aceh: The Urgency of Revising Qanun Jinayat to Prevent Legal Conflicts," *El-Suffah: Journal of Islamic Studies* 1, no. 2 (2024): 185–205, <https://doi.org/10.70742/suffah.v1i2.73>.

In the context of Aceh, the application of sharia law has been institutionalized through Qanun Aceh Number 6 of 2014 concerning the Law of Jinayat, which expressly regulates the acts of *khalwat*, *ikhtilat*, and adultery.² However, despite the fact that the qanun has been in force for almost a decade, data show that cases of sexual misconduct still occur. Recent research found that implementing this qanun faces challenges, including limited personnel in Wilayatul Hisbah, minimal facilities, and socialization that has not been maximized.³ With this condition, the phenomenon of sex in the car can be understood as part of a structural problem in sharia enforcement, not just an individual deviation.

Previous studies reveal that *khalwat* and deviant sexual behavior remain prevalent in Aceh despite sharia enforcement. Budi's research in Gayo Lues Regency shows *khalwat* persists, leading authorities to impose whipping sanctions under qanun.⁴ Another Banda Aceh study identifies digital media influence, weak family control, and low public awareness of sharia law as trigger factors.⁵ Although regulations exist, environmental and socio-cultural factors contribute to this phenomenon.

Recently a viral case in Banda Aceh revealed a parked car at a hotel containing condoms. This incident confirms that cars are frequently used as semi private spaces for sexual activities that violate sharia norms⁶. This phenomenon underscores the need to update Islamic law studies on *khalwat*, especially regarding vehicles as modern *khalwat* spaces.

Research on the implementation of Islamic law in the context of public space and sexual behavior in Aceh has been conducted by several researchers previously with diverse focuses and approaches. Hoda El-Saadi (2022), in her article entitled *Fiqh Rulings and Gendering the Public Space: The Discrepancy between Written Formality and Daily Reality* examines in depth the incompatibility between classical *fiqh* legal texts regarding public space and Muslim women's real experiences in social life. He found that

² Implementation of Qanun and Aceh Number, "Regarding Jinayah Against Khalwat Actors" 8, no. 6 (2025).

³ Qanun and Nomor.

⁴ Gayo Lues et al., "Rio Law Journal," no. 6 (2024).

⁵ Amrullah, "The Social Phenomenon of Jarimah Khalwat and Free Sex in the City of Banda Aceh after the Enactment of Qanun No. 6 of 2014 concerning the Law of Jinayat," *Al-Ijtima' in International Journal of Government and Social Science* 6, no. 1 (2014): 99–113.

⁶ Agus Setyadi, "Condom-Filled Car Parked at a Sealed Hotel in Banda Aceh," *North Sumatra Seconds*, 2025, <https://www.detik.com/sumut/hukum-dan-kriminal/d-8070556/mobil-bergorden-isi-kondom-terparkir-di-hotel-disegel-di-banda-aceh>.

the construction of *fiqh* law related to gender separation is not entirely derived from the Qur'an or Sunnah, but is the result of the social, political, and cultural construction of scholars at a certain time.⁷ This study emphasizes that *fiqh* is contextual and dynamic, but has not yet linked the discussion of public spaces to contemporary sexual behavior phenomena such as sexual activity in semi-public spaces or private vehicles.

Furthermore, a study conducted by Zul Anwar Ajim Harahap, Zulfan, and Muhammad Ridwan (2024) entitled *Analyzing the Offense of Juvenile Khalwat in Aceh: Evaluation of Qanun Number 14 of 2003 from an Islamic Legal Perspective* examines the criminal acts of *khalwat* committed by adolescents in Aceh based on the perspective of Islamic law and the implementation of Qanun No. 14 of 2003. The results of his research show that the phenomenon of *khalwat* among adolescents occurs due to weak family supervision, modern social influences, and a lack of socialization of sharia law⁸. However this study has not discussed new forms of *khalwat* that have emerged due to social changes, such as *khalwat* behavior in vehicles, and has not used the sharia maqashid approach as a framework for moral and legal analysis.

Rabea N. Benhalim (2024), in her article "*Contract Customization, Sex, and Islamic Law*," discusses the contractual dimension of legal sexual relations under Islamic law. He explained that in the Islamic tradition, sexual relations are regulated through legal contracts, such as *nikah urfi*, *misyar*, or *mut'ah*, which prioritize the principle of agreement and protection of rights between the two parties. This article proposes that contracts in Islamic law can be adapted to accommodate modern moral and social needs.⁹ However, Benhalim's research focuses more on the

⁷ Hoda El Saadi, "Fiqh Rulings and Gendering the Public Space : The Discrepancy between Written Formality and Daily Reality Chapter Author (s) : Hoda El-Saadi Book Title : Islamic Interpretive Tradition ... McGill-Queen's University Press Chapter Title : Fiqh Rulings and Gendering the Public Space : The Discrepancy between Written Formality and Daily Reality Chapter Author (s) : Hoda El-Saadi Book Title : Islamic Interpretive Tradition and Gender Justice Book Subtitle : Processes of Canonization Subversion and Change Book Editor (s) : NEVIN REDA , YASMIN AMIN," no. June (2022).

⁸ 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-Manabij: Journal of Islamic Law Studies* 18, no. 1 (2024): 79–93, <https://doi.org/10.24090/mnh.v18i1.10648>.

⁹ Rabea N Benhalim, "Colorado Law Scholarly Commons Contract Customization, Sex, and Islamic Law," 2024.

theoretical aspects of contract law and sexual relations in Western society than on the application of criminal law or sexual behavior in public spaces, such as in Aceh.

A more contextual study of Aceh was conducted by Azharuddin and colleagues (2024) in the article titled "*The Dynamics of Khalwat Criminality in Aceh: The Urgency of Revising Qanun Jinayat to Prevent Legal Conflicts.*" This study analyzes the legal conflict between Qanun Jinayat and the Aceh Governor's Circular Letter No. 451/11286, particularly regarding the enforcement of articles on *khalwat* in public places and vehicles. The results of the study show that differences in interpretation between the qanun and the circular create potential for implementation conflict, so it is necessary to revise the definition of *khalwat* to better suit the social conditions of the Acehnese people¹⁰. However, this research stops at the juridical level and has not elaborated in depth the implications of *fiqh* and sharia maqashid on modern forms of *khalwat*, such as *sex in the car*.

Meanwhile, a study by Maura Pemelie Walidain and Laras Astuti (2021) entitled *Implementation of Qanun Jinayat in Criminal Law Enforcement in Aceh* examined the implementation of Qanun Jinayat-based criminal law enforcement through the Sharia Court, Wilayatul Hisbah, and Aceh Customary Institutions. This study found that factors affecting law enforcement effectiveness include limited apparatus, facilities, and public awareness of Sharia values.¹¹ Although this study provides a comprehensive overview of the institutional structure of law enforcement, it does not address the development of the modern *khalwat* phenomenon or the problem of public morality in semi-private spaces, such as vehicles.

Thus, research on the *phenomenon of sex in the car* from the perspective of Islamic law in Aceh has a novelty, because there have not been many academic studies that specifically highlight the car as a private/semi-public space within the framework of *fiqh* jinayah. This research is also relevant to *the maqashid of sharia*, namely maintaining religion (*hifz al-din*), maintaining honor and posterity (*hifz al-nasl*), and maintaining public morality. Furthermore, this study seeks to answer two

¹⁰ Azharuddin et al., "The Dynamics of Khalwat Criminalization in Aceh: The Urgency of Revising Qanun Jinayat to Prevent Legal Conflicts."

¹¹ Maura Pemelie Walidain and Laras Astuti, "The Implementation of Qanun Jinayat in Criminal Law Enforcement in Aceh," *Indonesian Journal of Criminal Law and Criminology (IJCLC)* 2, no. 3 (2021): 184–93, <https://doi.org/10.18196/ijclc.v2i3.13790>.

main questions: How is the phenomenon of *sex in the car* in Aceh understood within the framework of *jiyah fiqh*? And how is the phenomenon analyzed from the perspective of *Sharia maqashid*? It is important to identify this problem so that the discussion is not merely descriptive but can make a significant academic contribution to the development of Islamic law and its enforcement in Aceh.

Result and Discussion

The sex in the car phenomenon has drawn attention in Aceh, such as a 2023 Banda Aceh case, where authorities found a car parked near a hotel with used condoms inside. Although the perpetrator escaped, the case reinforces that cars serve as private-semi-public spaces for unlawful sexual activities.¹²

Another case was also recorded in the Wilayatul Hisbah Aceh Besar report (2022), in which a young couple was found alone in a car parked in a quiet area. They are then processed according to the jarimah *khalwat*, as per the qanun¹³. These facts show that cars are now not only a means of transportation but also serve as modern *khalwat* spaces, posing a new challenge for the enforcement of Islamic law in Aceh.

The case of sex in the car in Aceh will resurface in 2025, showing that the phenomenon of using cars as a private-semi-public space for sexual activities is still a serious challenge in the enforcement of sharia law. One of the most recent cases occurred in Banda Aceh on August 20, 2025, when authorities found a car loaded with many condoms parked in the back area of a hotel. According to the *Detik.com report*,¹⁴ the white Honda Jazz appeared suspicious because all the windows were covered with curtains. During the inspection, a number of used condoms were found in the car, and the condition of the hotel room was messy with strong indications of immoral activities. The car's owner was known to be a woman

¹² Agus Setyadi, "Condom-filled car parked at a sealed hotel in Banda Aceh."

¹³ Media Center, "Satpol PP and WH Aceh Besar Solved 23 Khalwat Cases Throughout 2022," *Official Website of the Government of Aceh Besar Regency*, n.d., [https://acehbesarkab.go.id/berita/kategori/skpd/satpol-pp-dan-wh-aceh-besar-selesaikan-23-kasus-khalwat-sepanjang-2022#:~:text=Satuan the Pamong Praja Police \(Satpol PP\) and, the occurrence of khalwat cases in Aceh Besar Regency.](https://acehbesarkab.go.id/berita/kategori/skpd/satpol-pp-dan-wh-aceh-besar-selesaikan-23-kasus-khalwat-sepanjang-2022#:~:text=Satuan the Pamong Praja Police (Satpol PP) and, the occurrence of khalwat cases in Aceh Besar Regency.)

¹⁴ Agus Setyadi, "Condom-filled car parked at a sealed hotel in Banda Aceh."

staying at the hotel. The Banda Aceh City Government then sealed the hotel because it was suspected to be a place of perversion.

This phenomenon reinforces previous findings that cars and longery function solely as means of transportation, but also serve as modern *khalwat* spaces that are difficult for law enforcement officials to supervise. Based on Qanun Aceh No. 6 of 2014 concerning the Law of Jinayat, *khalwat* or alone between men and women who are not *mahram* in a closed place is *jarimah* (sharia crime) that can be punished by *ta'zir*, in the form of whipping, fines, or imprisonment. However, under Article 24 of the Qanun, the initial settlement of *khalwat* cases should ideally be carried out through the gampong's customary mechanism before being referred to the Syar'iyah Court. In practice, the form of customary sanctions applied varies, ranging from advice, light fines, to the obligation to marry for perpetrators who are proven to have committed *khalwat*.¹⁵

However some studies show that the effectiveness of implementing Qanun Jinayat and customary mechanisms continues to face obstacles in practice. A study conducted by the Geuthee Institute (2023) found that cases of *khalwat* in hidden spaces, such as cars, are often difficult to prove legally due to limitations in witness testimony and physical evidence. In addition, many communities still prefer peaceful settlements through gampong deliberation rather than bringing cases to the formal legal realm, so the sanctions imposed often do not have a deterrent effect.¹⁶

Socio-culturally, the case Sex in the Car in Aceh also reflects a shift in social behavior that challenges the boundaries of public morality amid the strict supervision of the Wilayatul Hisbah apparatus. The car which was once considered a safe and private space, has now become an ambivalent symbol between individual freedom and Sharia-based social control. This condition shows that implementing Islamic law in Aceh requires a more adaptive approach to shaping modern society's behavior, without reducing the values upheld by Sharia. Thus the 2025 case can serve as important empirical material to reassess the effectiveness of sharia law enforcement,

¹⁵ Mahdi Abdullah Syihab, "Crime Settlement of Khalwat in Aceh," *São Paulo* 28, no. 4 (2022): 578, <https://doi.org/10.47268/sasi.v28i4.1065>.

¹⁶ Fauzah Nur Aksa et al., "The Effectiveness of Qanun Aceh No. 9/2004 and Qanun Aceh No 6. 2014 in Solving Khalwat Cases in Sawang District," *Journal of Multidisciplinary Research: Multidisciplinary Research* 6, no. 3 (2023): 243, <https://doi.org/10.52626/jg.v6i3.265>.

inter-agency coordination, and strategies to prevent violence through moral education among young people.

The phenomenon of sex in the car in Aceh cannot be seen only as a violation of individual morality, but also as a serious problem in the context of Islamic law enforcement. Aceh, with special authority granted by the central government through Law No. 44 of 1999 and Law No. 11 of 2006 concerning the Government of Aceh, has the legitimacy to formally enforce sharia through Qanun Jinayat. Thus, every case of sharia violation, including sex in the car, must be analyzed in the framework of *fiqh jinayah* and *maqashid sharia* in order to gain a more comprehensive understanding of the law.

1. The Phenomenon of sex in the car in the Frame of *Jinayah Fiqh*

In the framework of *jinayah fiqh*, it is important to emphasize the conceptual distinction between *zina as jarimah hudud* and *khalwat* or *ikhtilat as jarimah ta'zir*. Doctrinally adultery can only be declared to have occurred if the elements of perfect intercourse (*al-wath'u al-kamil*) are fulfilled with a very strict standard of proof, namely four fair witnesses or the confession of the perpetrator. Meanwhile, the phenomenon of sex in the car that appears in the practice of enforcing Qanun Jinayat in Aceh generally does not meet the formal and material elements of *zina hudud*, but is more accurately qualified as a form of *khalwat* or an act that is close to *zina (muqaddimat al-zina)*. Therefore, the use of the term *zina* in this context must be understood in a sociological-descriptive way, not in the juridical-normative sense of *fiqh*, so that there is no conceptual overlap between the delicacies of *hudud* and *ta'zir*, and to affirm that the handling of sex in the car is within the realm of the ruler's policy (*siyāsah shar'iyah*) through the mechanism of *jarimah ta'zir*.

Adultery is defined as sexual relations outside of marriage, as affirmed in God's words:

وَلَا تَقْرَبُوا الزَّوْجَىٰ إِنَّهُ كَانَ فَاحِشَةً وَسَاءَ سَبِيلًا

"Do not approach adultery. Indeed, it is an abominable deed and the worst way."

This verse shows that not only is adultery prohibited, but also all forms of acts that come close to adultery, including *khalwat*. In the

context of sex in the car, although it is not always proven that there is physical sexual intercourse, the situation of being alone in a closed space (car) between a man and a non-mahram woman is included in the category of *khalwat*.

The Messenger of Allah (peace and blessings of Allaah be upon him) has forbidden the act of *khalwat* with this foreign woman in a saheeh hadith by saying,

أَلَا لَا يَخْلُونَ رَجُلٌ بِامْرَأَةٍ إِلَّا كَانَ ثَالِثَهُمَا الشَّيْطَانُ

"A man should never be alone with a woman, except with his mahram. Because, if a man is alone with a woman, then the third one is a demon." (HR. Tirmidhi)

In *fiqh jinayah*, there is the concept of *sadd al-dzari'ah*, which is to close all paths that have the potential to plunge people into great sins. Thus, sex in the car is not just a private matter, but *jarimah khalwat*, which can be sanctioned as stipulated in Qanun Aceh No. 6 of 2014, namely the punishment of caning in public.

The case of a scuffed car found by the authorities in Banda Aceh in 2023, with evidence of condoms in it, can be a concrete example of how the phenomenon of sex in the car is categorized in *fiqh jinayah*. From the perspective of *fiqh*, even though there is no evidence of intercourse that meets the elements of adultery, the presence of non-mahram men and women in a closed car with indications of sexual activity is enough to be sanctioned by *khalwat*. This is in line with the principle of *sadd al-dzari'ah*, which is to close all paths to adultery, as Ibn Qayyim emphasized that all actions that have the potential to lead to adultery must be prevented through legal.¹⁷

If viewed from the classification of *fiqh jinayah*, the case includes *jarimah ta'zir* with a punishment that is left to the policy of the ruler, if the conditions of adultery are not met (for example, four witnesses or confessions). This means that the sharia apparatus in Aceh is authorized to impose the punishment of whipping as stipulated in the Aceh Qanun

¹⁷ Johnson Kawakib and Hafdz Syuhud, "Implementation of the Concept of Sadd Al-Dzari'ah in Islamic Law (Perspective of Ibn Al-Qayyim Al-Jauziyah and Ibn Hazm)," *International Journal of Philosophy* 9, no. 4 (2021): 193, <https://doi.org/10.11648/j.ijp.20210904.13>.

Jinayat Number 6 of 2014. The novelty of this case is that *fiqh jinayah* is now faced with a new locus: a vehicle treated as a contemporary *khalwat* space. In classical books, the discussion of *khalwat* is more limited to houses, rooms, or enclosed rooms.¹⁸ Therefore, this analysis extends the application of *fiqh jinayah* into the modern social realm, ensuring that Islamic law remains relevant to the dynamics of today's society.

The case of sex in the car in Aceh, which was re-revealed with the discovery of a condom-containing bunk car behind a hotel in Banda Aceh in August 2025, illustrates the transformation of the vehicle into a contemporary locus of *khalwat* and challenges the applicable boundaries of *jinayah fiqh*. When viewed from the classification of *fiqh jinayah*, the act is included in *jarimah ta'zir*, because the elements of proof of *zina shar'i* (four fair witnesses or confession) have not been fulfilled. As *jarimah ta'zir*, the sentencing is *discretionary* and is left to the discretion of the ruler or *syar'i* judge; in Aceh, this is operationalized through Qanun enforcement officials (including Wilayatul Hisbah) who can impose administrative sanctions, fines, or whipping punishments in accordance with the provisions of Qanun Jinayah Aceh Number 6 of 2014.

An important novelty of this phenomenon is the shift in the locus applicative, *jinayah fiqh*, which has been discussing *khalwat* in the framework of traditional private spaces of houses, rooms, or closed rooms, according to classical literature, must now formulate practical rules to deal with new private-semi-public spaces such as motor vehicles. In classical books, the discussion of *khalwat* is indeed more limited to fixed, enclosed spaces (e.g., houses or rooms), so that the evidence and enforcement procedures are tailored to the context. However, the Banda Aceh 2025 case shows that vehicles can be modified into temporary enclosed spaces (with curtains, partitions, or partitions), thus creating ambiguities of evidence and enforcement challenges, for example: the difficulty of obtaining witnesses, the speed of the perpetrator leaving the location, and the existence of physical evidence that is easy to eliminate.

¹⁸ Nurdin Bakri, "The Territorial Principles in Islamic Criminal Law: Should A Non-Muslim Be Punished?," *International Journal of Innovation, Creativity and Change*. *Www.Ijicc.Net* 13, no. 8 (2020): 486–504, www.ijicc.net.

Based on the analysis of *jināyah fiqh*, several normative and procedural implications emerge from this latest case. *First*, the shari'a authorities need to clarify the criteria for proving *jarimah ta'zīr* in the context of vehicles, whether evidence such as used condoms, closed curtains, and the state of a messy hotel room is sufficient to apply the *sanction of ta'zīr* according to qanun, or whether there should be additional procedures (e.g., witness minutes, forensic examinations). *Second*, there needs to be synchronization between the gampong customary mechanism and sharia judicial procedures so that deliberative settlements do not eliminate the elements of legal accountability and preventive effect. *Third*, from a policy perspective, lodging areas and hotel management need to be regulated more strictly, including guest reporting obligations, parking area supervision, and administrative sanctions for facilities that are the site of repeated *khalwat* practices, as an implementation of *the principle of sadd al-dzari'ah* to close the road to adultery.

2. Analysis of Maqashid Syariah on the Phenomenon of Sex in The Car

From the perspective of *Sharia maqashid*, this phenomenon can be analyzed through the five main objectives of Sharia (*al-dharuriyat al-khams*):

a. Hifz al-din (Safeguarding Religion)

Sexual activity in public spaces is clearly contrary to the teachings of Islam, which requires people to maintain their own honor and religion. The main purpose of Islamic sharia is to maintain the purity and honor of religion by preventing actions that undermine the values of monotheism, morality, and moral order.

In the case of a condom-containing car in Banda Aceh (2025), sexual acts in public spaces are not only a form of moral violation but also a rejection of the Sharia norms that are the foundation of law in Aceh. This activity violates Qanun Jinayat No. 6 of 2014, particularly Articles 6 and 7, which explicitly prohibit being alone with non-mahrams in closed places.

From the perspective of *maqāshid*, these acts fall into the category of *lil-syar' mukhalafah*, which is an act that damages religious honor. Ibn 'Āsyūr in *Maqāshid al-Syarī'ah al-Islāmiyyah* affirms that maintaining religion means preventing behavior that can weaken Islamic teachings

in the public sphere¹⁹. When immoral acts occur in areas that uphold the laws of Allah, such as Aceh, the symbolic value of the violation becomes heavier because it hurts the social identity of the community based on sharia.

Therefore, strict enforcement, such as the city government's sealing of hotels, is part of implementing *the principle of hifz al-din* to preserve the glory of religion from being tarnished by the practice of open disobedience.

b. *Hifz al-nafs* (guarding the soul)

Promiscuous sex often leads to violence, sexually transmitted diseases, and psychological damage. The ban on *khalwat* prevents these negative impacts. Islamic shari'a considers the protection of the soul a vital aspect of maqāsid. The prohibition of adultery, *khalwat*, and free sexual activity is actually intended to protect the physical and psychological safety of humans. In the context of the sex in the car case, there are a number of direct impacts on life safety, both for the perpetrator and the surrounding community.

First, sexual behavior in public spaces has the potential to lead to violence, extortion, or harassment, especially if the activity is known to others and triggers a social reaction. *Second*, sexually transmitted diseases (STDs) such as HIV/AIDS or other infections are a real medical risk from sexual intercourse without proper commitment and protection. Third, from a psychological aspect, sexual relations in public spaces reflect moral and spiritual distortions, because they lower the shame (*al-ḥayā'*) which is part of faith, as the Prophet PBUH said: "*Al-ḥayā' min al-īmān.*"

In the case of Banda Aceh, the use of used cars and condoms shows an effort to create a safe space for behavior that threatens the moral and spiritual safety of the perpetrator. Thus, the prohibition of *khalwat* and the enforcement of Qanun Jinayat are manifestations of the principle of *hifz al-nafs*, as they aim to maintain the dignity and safety of the human soul from broader physical and spiritual harm.

c. *Hifz al-nasl* (Taking care of offspring)

Adultery damages the nasab and threatens the family structure. In the case of *sex in the car*, the potential for an out-of-wedlock pregnancy

¹⁹ Ziadul Ulum Wahid, Handoko Budi Prasetyo, and Tutik Hamidah, "Ibn Asyur's Concept of Maqashid Al-Shariah and Its Urgency as a Basis for Contemporary Ijtihad," *Phonology: Journal of English Language and Literature* 3, no. 2 (2025): 14–26, <https://doi.org/10.61132/fonologi.v3i2.1674>.

is a real threat. In *maqāṣid*, safeguarding offspring means ensuring the continuation of a legitimate, honorable, and moral generation. Adultery and sexual relations outside of marriage are direct violations of this principle, as they can cause ambiguity of the nasab (lineage) as well as widespread social damage. In *the case of sex in the car* in Aceh, even if the perpetrator was not caught committing adultery, strong indications, such as the discovery of used condoms and closed places, are enough to show the potential for acts that lead to adultery (*wasā'il al-zinā*).

Ibn Qayyim al-Jauziyyah, through the principle of *sadd al-dzari'ah* (closing the path to destruction), emphasized that all acts that have the potential to lead to adultery must be prevented through legal mechanisms. Therefore, the actions of the authorities who sealed the location and conducted an investigation were preventive measures to close the road (*saddu al-abwāb*), which led to the destruction of the family's nasab and honor. If this kind of phenomenon is left unchecked, the people of Aceh will face a crisis of morality and the degradation of family structures, as the younger generation may consider such activities commonplace. Therefore early prevention of *khalwat* and *ikhtilat* is an integral part of maintaining the purity of the lineage and social honor.

d. *Hifz al-'aql* (keep your senses)

Reason is the main instrument by which humans distinguish between good and bad. The phenomenon of *sex in the car* shows that there is a deviation from common sense due to the influence of hedonistic culture and exposure to pornographic media that normalizes immoral behavior. In *maqāṣid*, maintaining reason does not only mean staying away from alcohol or narcotics, but also maintaining a rational and dignified mindset and moral awareness.

The case in Banda Aceh indicates that some young people are beginning to lose their moral sensitivity and shame (*ḥayā'*), so that reason is no longer the controller of lust. This is in line with the view of Imam al-Ghazali in *Iḥyā' Ulūm al-Dīn*, who said that the intellect defeated by the orgasm will give birth to a "corrupt intellect" (*'aql fāsid*), that is, the ability to think that is no longer able to distinguish between halal and haram. Thus, the strict prohibition of *khalwat* and adultery is not only to protect the body, but also to rehabilitate the mind from the moral damage caused by unlimited orgasm.

e. *Hifz al-mal* (Preserving Property)

At first glance the relationship between *sex in the car* and the custody of property seems indirect. However, in the analysis of *maqāṣid*, such moral violations can lead to long-term social and economic losses. The social costs of immoral behavior, such as rising divorce cases, out-of-wedlock pregnancies, and state responsibility for childless children, ultimately become a burden on the public economy.

In the case of Banda Aceh, the government had to spend money on investigations, hotel sealing, and stricter moral supervision. If similar behavior continues, public trust in the tourism and hospitality sectors will also decline, affecting regional economic stability. In this context, *hifz al-māl* not only means safeguarding individual property but also safeguarding the community's collective economic well-being. By closing the opportunity for public disobedience, such as *sex in the car*, the government at the same time protects the socio-economic integrity of Aceh from moral damage that has a financial impact.

Thus law enforcement against *sex in the car* is not only a matter of punishment, but also an effort to maintain sharia *maqashid* in Acehnese society

Conclusion

Based on the analysis of the phenomenon of *sex in the car* in Aceh from the perspective of *maqāṣid al-syarī'ah* and *fiqh jināyah*, it can be concluded that this case is a form of moral violation and sharia law that falls under the category of *jarīmah ta'zīr*, because the elements of proving adultery in sharia are not met. From the perspective of *maqāṣid*, this act violates the five main objectives of sharia (*al-Dharūriyyāt al-khams*), especially in safeguarding religion, soul, and lineage. The novelty of this case lies in the emergence of the modern *khalwat* locus in the form of vehicles that function as private-semi-public spaces, demanding the expansion of the application of *fiqh jināyah* to adapt to social changes. Thus, the enforcement of sharia law in Aceh should be directed not only to punishment but also to prevention and the moral development of the community, in accordance with the principle of *sadd al-dzari'ah*.

Thus, this research not only enriches the theoretical framework of contemporary *jināyah fiqh* in response to the transformation of modern social space and behavior, but also has normative implications for other areas

that apply Islamic law in dealing with new forms of moral transgression that have not been explicitly accommodated in classical *fiqh*.

The Aceh government and the Wilayatul Hisbah apparatus need to strengthen technical guidelines for handling *jarimah ta'zir* in modern contexts, such as in vehicles and other public spaces, and to increase sharia education for the community. Scholars and academics are expected to continue developing the study of *maqāṣid-based fiqh jināyah* so that Islamic law remains relevant to the challenges of the times. In addition, further research can examine other forms of "contemporary *khalwat*", including in the digital space, in order to strengthen disobedience prevention strategies that are in line with Islamic sharia values and the local wisdom of Aceh.

Bibliography

- Agus Setyadi. "Condom-filled car parked at a sealed hotel in Banda Aceh." *North Sumatra Seconds*, 2025. <https://www.detik.com/sumut/hukum-dan-kriminal/d-8070556/mobil-bergorden-isi-kondom-terparkir-di-hotel-disegel-di-banda-aceh>.
- Aksa, Fauzah Nur, Herinawati Herinawati, Muhammad Nasir, and Rahmatul Amna. "The Effectiveness of Qanun Aceh No. 9/2004 and Qanun Aceh No 6. 2014 in Solving *Khalwat* Cases in Sawang District." *Journal of Geuthèë: Multidisciplinary Research* 6, no. 3 (2023): 243. <https://doi.org/10.52626/jg.v6i3.265>.
- Amrullah. "The Social Phenomenon of Jarimah *Khalwat* and Free Sex in the City of Banda Aceh after the Enactment of Qanun No. 6 of 2014 concerning the Law of Jinayat." *Al-Ijtima' in International Journal of Government and Social Science* 6, no. 1 (2014): 99–113.
- Azharuddin, Azharuddin, Siti Masyitha, Novianti Indah Tia, Wulan Oktizanna, and Siti Maghfirah. "The Dynamics of *Khalwat* Criminalization in Aceh: The Urgency of Revising Qanun Jinayat to Prevent Legal Conflicts." *El-Suffah: Journal of Islamic Studies* 1, no. 2 (2024): 185–205. <https://doi.org/10.70742/suffah.v1i2.73>.
- Bakri, Nurdin. "The Territorial Principles in Islamic Criminal Law: Should A Non-Muslim Be Punished?" *International Journal of Innovation*,

- Creativity and Change*. *Www.Ijicc.Net* 13, no. 8 (2020): 486–504. www.ijicc.net.
- Benhalim, Rabea N. "Colorado Law Scholarly Commons Contract Customization, Sex, and Islamic Law," 2024.
- Harahap, Zul Anwar Ajim, 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: Journal of Islamic Law Studies* 18, no. 1 (2024): 79–93. <https://doi.org/10.24090/mnh.v18i1.10648>.
- Kawakib, Johnson, and Hafdz Syuhud. "Implementation of the Concept of Sadd Al-Dzari'ah in Islamic Law (Perspective of Ibn Al-Qayyim Al-Jauziyah and IbnHazm)." *International Journal of Philosophy* 9, no. 4 (2021): 193. <https://doi.org/10.11648/j.ijp.20210904.13>.
- Lues, Gayo Regency, Kasir Abadi, Lola Yustrisia, and Riki Zulfiko. "Rio Law Journal," no. 6 (2024).
- Media Center. "Satpol PP and WH Aceh Besar solved 23 cases of *Khalwat* throughout 2022." *Official Website of the Aceh Besar Regency Government*, n.d. [https://acehbesarkab.go.id/berita/kategori/skpd/satpol-pp-dan-wh-aceh-besar-selesaikan-23-kasus-khalwat-sepanjang-2022#:~:text=Satuan Pamong Praja Police \(Satpol PP\) and, the occurrence of *khalwat* cases in Aceh Besar Regency](https://acehbesarkab.go.id/berita/kategori/skpd/satpol-pp-dan-wh-aceh-besar-selesaikan-23-kasus-khalwat-sepanjang-2022#:~:text=Satuan Pamong Praja Police (Satpol PP) and, the occurrence of khalwat cases in Aceh Besar Regency).
- Qanun, Implementation, and Aceh Nomor. "On Jinayah Against *Khalwat* Perpetrators" 8, no. 6 (2025).
- Saadi, Hoda El. "*Fiqh* Rulings and Gendering the Public Space : The Discrepancy between Written Formality and Daily Reality Chapter Author (s): Hoda El-Saadi Book Title : Islamic Interpretive Tradition ... McGill-Queen's University Press Chapter Title : *Fiqh* Rulings and Gendering the Public Space : The Discrepancy between Written Formality and Daily Reality Chapter Author (s): Hoda El-Saadi Book Title : Islamic Interpretive Tradition and Gender Justice Book Subtitle : Processes of Canonization Subversion and Change Book Editor (s): NEVIN REDA , YASMIN AMIN," no. June (2022).

Syihab, Mahdi Abdullah. "Crime Settlement of *Khalwat* in Aceh." *Sci.* 28, no. 4 (2022): 578. <https://doi.org/10.47268/sasi.v28i4.1065>.

Walidain, Maura Pemelie, and Laras Astuti. "The Implementation of Qanun Jinayat in the Enforcement of Criminal Law in Aceh." *Indonesian Journal of Criminal Law and Criminology (IJCLC)* 2, no. 3 (2021): 184–93. <https://doi.org/10.18196/ijclc.v2i3.13790>.

Ziadul Ulum Wahid, Handoko Budi Prasetyo, and Tutik Hamidah. "Ibn Asyur's Concept of Maqashid Al-Shariah and Its Urgency as a Basis for Contemporary Ijtihad." *Phonology: Journal of English Language and Literature* 3, no. 2 (2025): 14–26. <https://doi.org/10.61132/fonologi.v3i2.1674>.