

## Analysis of the *Qanun* Aceh within the Framework of the *Qur'anic Maqāshid* in the Unitary State of the Republic of Indonesia

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### ABSTRACT

Despite the constitutional recognition of Aceh's special autonomy, scholarly debates persist regarding the compatibility of Aceh's *Qanun* regulations with the broader legal and ideological framework of the Unitary State of the Republic of Indonesia (NKRI), particularly when assessed through Qur'anic normative principles. This study aims to examine the extent to which the implementation of *Qanun* in Aceh Province aligns with the framework of the *Maqāshid al-Qur'an* while remaining consistent with the foundational principles of the Indonesian state. Using a qualitative library research approach, this study analyzes legal documents, regional regulations, and scholarly works related to the *Qanun*, with particular attention to regulations concerning Islamic criminal law, Islamic financial institutions, and educational governance. The analysis focuses on how these regulations function in promoting public welfare, justice, and social order within Acehese society. The findings reveal that the *Qanun* of Aceh generally reflects the objectives of the *Maqāshid al-Qur'an*, particularly in safeguarding public interests, strengthening moral and social responsibility, and supporting community-based development. Although challenges remain, especially regarding human rights discourse and legal harmonization, the *Qanun* continues to operate within the constitutional framework of the NKRI. This study contributes to the discourse on Islamic law and constitutional pluralism in Indonesia by demonstrating that regionally based *Shari'a* regulations can coexist with national legal systems and serve as a model of local wisdom that reinforces national unity rather than undermining it.

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## Introduction

In the Acehnese–Indonesian dictionary, the term *qanun* is defined as regulations or provisions enacted by a reigning authority or ruler (Kamus Aceh -Indonesia, 1985). Linguistically, *qanun* originates from the Arabic language and denotes rules, principles, or laws. In the context of Aceh, Indonesia, the term *Qanun* refers to regional regulations that are closely associated with Islamic law (*Sharī'a*) and local customs (Kamus Arab-Indonesia, nd). These regulations govern various aspects of social life and reflect the unique religious and cultural context of the region. The formulation of *Qanun* involves community participation, embodying local values and Islamic principles while remaining within the framework of Indonesian national law (Praniti et al., 2023). As such, *Qanun* aims to protect social interests, ensure public participation in decision-making processes, and foster a supportive environment for societal development and welfare (Nasution et al., 2023; Muammar & Maghfirah, 2023).

*Qanun* in Aceh Province constitutes a form of regional regulation enacted under the province's special autonomy to implement Islamic law (Ghazali, 2024; Ikhwan & Dady, 2019). Based on Law Number 18 of 2001 and reinforced by Law Number 11 of 2006, Aceh is granted the authority to establish regulations in accordance with the Islamic values embraced by its society, making it the only province in Indonesia with such privileges. The scope of *Qanun* covers diverse areas of life, including criminal law (*jināyah*), civil and economic transactions (*mu'āmalah*), religious practices, education, and socio-cultural affairs. The enforcement of *Qanun* is supervised by institutions such as *Wilayatul Hisbah*, commonly known as the Islamic or *Sharī'a* police, which are responsible for ensuring public compliance with established regulations (Reza, 2024).

The formulation of *Qanun* in Aceh is guided by the principles of *Maqāṣid al-Sharī'a* and *Maqāṣid al-Qur'an*, reflecting an integration of *Sharī'a* values with the practical needs of local society (DPR Aceh, 2024). *Maqāṣid al-Qur'an*, as the overarching objectives of Islamic law, function as a conceptual framework to ensure that regulations align with broader moral and social goals. Within this framework, *Qanun* is designed to promote human welfare by prioritizing public benefit (*maṣlaḥah*), including the protection of individual rights, the fulfillment of basic needs, and the realization of social justice. *Qanun* based on *maqāṣid* considerations does not merely emphasize legal formalism but also accounts for its social and economic implications, thereby seeking to prevent harm and injustice that may arise from legal norms insensitive to local contexts (Tea, 2024).

Furthermore, the drafting of *Qanun* in Aceh must take into account societal dynamics and contemporary challenges (Maulana, 2024). Through this approach,

*Qanun* seeks to harmonize religious values with the practical needs of society, resulting in regulations that are both fair and equitable. The application of *Maqāṣid al-Qur'an* principles is not merely normative but also practical, as it involves concrete efforts to improve the quality of life of the community. Social issues such as poverty, education, and public health are therefore key considerations in the formulation of *Qanun* to ensure its relevance and effectiveness. The implementation of *maqāṣid*-based principles is also expected to inspire other regions to develop more just and sustainable legal systems (Asrun et al., 2019).

This paper aims to analyze the role of *Qanun* in Aceh as a legal instrument that integrates Shari'a values with local customs, as well as to examine how its formulation is guided by *Maqāṣid al-Qur'an* within the framework of the Unitary State of the Republic of Indonesia. It is expected that this study will provide insights into the effectiveness of *Qanun* in protecting community rights and its capacity to adapt to social dynamics and contemporary challenges. Ultimately, this paper seeks to contribute to the development of legal and public policy discourse in Aceh and to serve as a reference for further research in the fields of Islamic law and socio-cultural studies.

## Method

This study adopts a qualitative library research approach by collecting data from a wide range of written sources, including academic journals, books, scholarly articles, and official legal documents related to the implementation of *Qanun* in Aceh, *Maqāṣid al-Qur'an*, and the legal framework of the Unitary State of the Republic of Indonesia. These sources were selected to provide a comprehensive understanding of the normative, legal, and conceptual foundations underlying the formulation and application of *Qanun*. By relying on authoritative and peer-reviewed literature, this study ensures the validity and relevance of the data used in the analysis.

The collected data were analyzed using content analysis to identify key themes, patterns, and normative principles concerning the alignment between *Qanun* regulations and the objectives of *Maqāṣid al-Qur'an*, as well as their consistency with the fundamental values of the NKRI. This analytical process enabled the study to assess how *Qanun* functions not only as a formal legal instrument of Islamic law but also as a mechanism aimed at promoting public welfare, social justice, and legal harmony within a pluralistic national framework. Through this approach, the study offers a deeper and more contextualized understanding of the application of Islamic law in Aceh in relation to both religious objectives and national constitutional principles.

## Result and Discussion

### The Historical Development of *Qanun* in Aceh

Aceh, widely known as the *Verandah of Mecca*, is the only province in Indonesia granted special autonomy to implement Islamic law (Dhuhri, 2017). Long before Indonesia's independence, the Sultanate of Aceh Darussalam had already applied *Qanun* as a foundational legal framework. During the reign of Sultan Alaidin Riayat Syah II Abdul Qahhar (1539–1571), *Qanun al-Asyi* was introduced and later refined under Sultan Iskandar Muda (1617–1636). Further development occurred during the rule of Queen Tajul Alam Safiatuddin (1641–1675), resulting in what became known as *Qanun Meukuta Alam*, also referred to as *Adat Meukuta Alam* or *Adat Aceh*. These legal traditions continued to evolve throughout subsequent reigns and persisted until Indonesia achieved independence. Today, *Qanun* has been formally recognized as binding law in Aceh through national legislation (Sraswati & Fauzan, 2019; Antariksa, 2017).

Law Number 18 of 2001 concerning Special Autonomy for Aceh Province marked the first formal legal foundation granting Aceh broad authority to regulate its internal affairs. This law emerged following a prolonged conflict between the Government of Indonesia and the Free Aceh Movement (GAM), during which Acehnese society sought recognition of its political, cultural, and religious rights. Through this autonomy, Aceh was given the opportunity to implement Islamic law as an integral part of its regional identity. In 2002, the first *Qanun* concerning the Islamic Sharia Court system was enacted, regulating various aspects of religious life, civil transactions, and public morality to guide social conduct in Aceh.

A major milestone in Aceh's legal and political development was the Helsinki Memorandum of Understanding signed on 15 August 2005. This agreement not only ended decades of armed conflict but also paved the way for broader implementation of special autonomy, including the authority to enact *Qanun* as a legal instrument governing Acehnese society based on Islamic principles. This development was further strengthened by Law Number 11 of 2006 on the Government of Aceh, which reinforced Aceh's legal position as a region authorized to regulate and enforce *Qanun*. As a result, Aceh has become a prominent example of the formal implementation of Islamic law within Indonesia's legal system (Ulya, 2014; Etika, 2024).

As of 2024, Aceh has enacted more than 200 *Qanun* regulating diverse areas such as governance, Islamic law, environmental protection, and socio-cultural affairs. These regulations are managed and updated by the Secretariat of the Aceh Regional House of Representatives to ensure responsiveness to societal needs and legal

developments. Nevertheless, the implementation of *Qanun* has not been without controversy (Ikramatoun & Amin, 2018; Open Data Aceh, 2024). Certain *Qanun*, particularly those related to Islamic criminal law, have been criticized for allegedly conflicting with human rights principles. Despite these debates, *Qanun* remains implemented within the constitutional framework of the Unitary State of the Republic of Indonesia (NKRI), presenting ongoing challenges in balancing legal pluralism within a diverse national context.

### ***Qanun in Aceh and the Principles of Maqāṣid al-Qur'an***

*Qanun* plays a central role in Acehnese society as a legal foundation rooted in Islamic principles. One of the primary objectives of *Qanun* implementation is to establish Islamic law as a guiding framework for regulating social, economic, and cultural life based on the principles of *Maqāṣid al-Qur'an*. Each provision within *Qanun* is expected to promote public benefit (*maṣlaḥah*) and prevent harm (*mafsadah*), aligning with the broader objectives of Islamic law that emphasize the protection of fundamental human rights and social order (Susantri & Hidayat, 2020; Ghazali, 2024).

Ibn 'Āshūr identified eight core objectives of *Maqāṣid al-Qur'an*, including the strengthening of sound faith, the cultivation of noble character, the Qur'an as the primary source of law, political governance oriented toward public welfare, adaptive education, moral guidance for individuals and society, environmental preservation, and the development of a just and prosperous civilization (Abidin et al., 2011; Hidayat, 2021). These objectives resonate strongly with the design of *Qanun* in Aceh, which seeks to translate Qur'anic values into everyday legal and social practices. Through this framework, *Qanun* functions not merely as a regulatory mechanism but as a moral guide aimed at achieving comprehensive societal welfare.

Through *Qanun*, the Aceh government seeks to maintain social stability by regulating various aspects of life in accordance with *maqāṣid*-oriented principles. This approach is intended to strengthen Islamic values while ensuring the protection of basic rights and social security. Efforts are also made to balance Islamic legal norms with local customs to promote fairness in education, economic development, and inclusive governance (Abbas et al, 2024; Hasibuan, 2023). Although challenges remain in translating abstract *maqāṣid* principles into concrete policies applicable to all social groups, the overarching goal of *Qanun* implementation remains the realization of collective welfare.

## **The Legal Status of *Qanun* within the Indonesian Legislative System**

The position of *Qanun* within Indonesia's legislative system is distinctive. As a province with special autonomy, Aceh is authorized to enact regional regulations based on Islamic law. This authority is explicitly recognized in Law Number 11 of 2006 on the Government of Aceh, which provides legal space for the enforcement of Sharia through local regulations (MZ & Alimuddin, 2022). While *Qanun* functions similarly to regional regulations in other provinces, it differs in scope and substance due to its integration of Islamic legal norms.

The drafting process of *Qanun* involves multiple stages, beginning with the identification of societal needs. The Aceh government and the Aceh Regional House of Representatives collaborate with religious scholars and community leaders to formulate draft regulations. These drafts undergo deliberation processes that may involve central government representatives to ensure legal harmonization. Throughout this process, public aspirations and Sharia principles serve as primary guidelines to ensure the relevance and legitimacy of *Qanun* (Nurdin, 2029; Antariksa, 2017).

Despite its autonomy, *Qanun* must comply with Indonesia's constitutional principles. *Qanun* cannot contradict national legislation, including Pancasila and the 1945 Constitution. Oversight mechanisms are exercised by the central government, particularly the Ministry of Home Affairs, which holds authority to review or revoke *Qanun* found to be inconsistent with national law (Nufiar, 2015; Anggraini, 2011). This supervisory framework reflects the state's effort to balance regional autonomy with constitutional integrity.

## **The Alignment of *Qanun* with the Principles of the NKRI**

The alignment of *Qanun* with the principles of the NKRI demonstrates Indonesia's commitment to unity amid legal and cultural diversity. Aceh's special autonomy allows for the implementation of Sharia-based regulations while maintaining loyalty to the national legal system. This alignment is not without challenges, particularly concerning human rights protections and constitutional guarantees. Continuous evaluation and revision processes have therefore been undertaken to ensure that *Qanun* implementation remains consistent with national and international standards (Abdurrazak & Fajri, 2024; Heryansyah, 2019).

*Qanun* Jinayat represents one of the most debated regulations, as it governs Islamic criminal law, including offenses such as adultery, gambling, and *khalwat* (Rijal, 2021; Kusbari, 2014). While public corporal punishment has drawn criticism from human rights perspectives, many Acehnese view it as a legitimate and effective

deterrent consistent with religious beliefs. The central government continues to respect Aceh's autonomy in this matter, provided that constitutional boundaries are upheld (Safrina, 2023; Ferizal, 2019).

Other examples include *Qanun* on Islamic financial institutions and education, which align with Qur'anic principles prohibiting usury and emphasizing the importance of knowledge. These regulations aim to strengthen ethical economic practices and integrate Islamic values into educational systems while ensuring equitable access and quality standards.

Overall, the existence of *Qanun* in Aceh illustrates Indonesia's recognition of legal diversity within a unitary state. *Qanun* serves as evidence that Islamic law can be accommodated within a national legal framework without undermining national unity. The experience of Aceh offers both challenges and opportunities, positioning the province as a model of regional autonomy that respects local identity while remaining committed to the foundational principles of the NKRI.

## **Conclusion**

*Qanun* Aceh constitutes a set of regional regulations enacted within the framework of Aceh's special autonomy as an effort to integrate Islamic law with the needs of modern society under the constitutional structure of the Unitary State of the Republic of Indonesia (NKRI). The historical development of *Qanun* in Aceh reflects the province's long-standing commitment to preserving its cultural and religious identity in everyday social life. Since the enactment of Law Number 18 of 2001, reinforced by the Helsinki Memorandum of Understanding and Law Number 11 of 2006, Aceh has been granted the authority to formulate regulations grounded in Islamic values, encompassing various domains such as criminal law, economic affairs, and education.

The implementation of *Qanun* in Aceh is fundamentally based on the principles of *Maqāṣid al-Qur'an*, whereby each regulation is conceptually rooted in the Qur'an, even when specific verses are not explicitly cited. *Qanun* Aceh aims to promote public welfare (*maṣlaḥah*) and prevent social harm within Acehnese society. *Qanun Jināyah*, regulations on Islamic financial institutions, and the organization of education serve as concrete examples of *Qanun* formulated with due consideration for social welfare, security, and collective interests. Although certain *Qanun* have generated debate, particularly concerning human rights issues, the Aceh government continues to uphold these regulations as a form of respect for the aspirations, beliefs, and historical traditions of the Acehnese people that date back to the pre-modern era.

The compatibility of *Qanun* with the fundamental principles of NKRI demonstrates that the implementation of Islamic law in Aceh can be accommodated within Indonesia's national legal system without undermining diversity or national unity. Aceh's effort to apply *Qanun* within the framework of *Maqāṣid al-Qur'an* may serve as a model of regional autonomy that respects pluralism while prioritizing social justice and public welfare. The continued implementation of *Qanun* is expected to generate broader benefits for Acehnese society and to inspire the development of legal policies grounded in local wisdom within the Indonesian context.

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