

Witness Qualification and Quantification in Sexual Jarimah under Aceh Qanun: A Fiqh Jinayah Perspective on Mahkamah Syar'iyah Banda Aceh Decisions

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Abstract

This article examines the qualification and quantification of witness testimony in sexual jarimah adjudication under Aceh's special criminal law regime, particularly Qanun Aceh No. 6 of 2014 on Jinayat and Qanun Aceh No. 7 of 2013 on Jinayat Procedure. The analysis focuses on zina, liwāt, musāḥaqah, khalwat and ikhtilāt through a normative-juridical and case-law reading of Mahkamah Syar'iyah Banda Aceh decisions. The revised coding available in the manuscript covers fifteen decisions with complete witness-count data, while the broader corpus described by the author refers to sixteen decisions; the remaining decision should be completed before final submission. The findings show that most coded decisions did not satisfy the four-witness evidentiary threshold associated with zina in classical fiqh jinayah and in Article 182 of Qanun Aceh No. 7 of 2013. Judicial reasoning instead relied heavily on defendants' confessions, corroborative witness statements, electronic evidence and physical indications. This evidentiary pattern raises a doctrinal tension between positive jinayat procedure, classical safeguards against qadhif, and contemporary due-process concerns, especially where co-defendants or alleged participants function as "crown witnesses" while simultaneously occupying the position of maqdhūf 'alayh. The article argues that Aceh's jinayat evidentiary framework requires doctrinal clarification and regulatory harmonisation, particularly after the later enactment of Qanun Aceh No. 12 of 2025 amending Qanun Aceh No. 6 of 2014 and Law No. 20 of 2025 on the new Criminal Procedure Code. The contribution of the study lies in identifying a specific normative gap: the four-witness rule is expressly articulated for zina but not equivalently operationalised for liwāt, even though several juristic traditions analogise liwāt to zina through qiyās.

Keywords: Aceh Qanun; fiqh jinayah; witness testimony; zina; liwāt; qadhif; criminal procedure; legal pluralism.

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INTRODUCTION

Aceh occupies a distinctive position within Indonesia's plural legal order. Its special autonomy gives the province authority to implement Islamic legal norms through qanun, a province-level regulation that operates alongside national criminal and procedural law. In the field of jinayat, this authority is reflected primarily in Qanun Aceh No. 6 of 2014 on Jinayat and Qanun Aceh No. 7 of 2013 on Jinayat Procedure, both of which regulate selected jarimah and their procedural consequences (Afandi & Bagaskoro, 2024; Qanun Aceh No. 6/2014; Qanun Aceh No. 7/2013).

Among the most sensitive provisions are those governing sexual jarimah, including zina, liwāt, musāḥaqah, khalwat and ikhtilāt. These offences implicate not only public morality and public order but also privacy, evidentiary certainty, bodily autonomy, stigma,

and the risk of wrongful punishment. For this reason, classical Islamic criminal jurisprudence developed strict evidentiary thresholds, especially in relation to zina and qadhf. The four-witness requirement was not designed merely as a formal barrier; it was also a procedural safeguard that placed heavy evidentiary responsibility on an accuser before the state could punish a person for a sexual offence (‘Audah, n.d.; al-Jazīrī, 1980; Muslich, 2005).

The principal problem addressed by this article is the apparent tension between the strict evidentiary logic of fiqh jinayah and the evidentiary practice reflected in several Mahkamah Syar’iyyah Banda Aceh decisions. The original manuscript asserts that many decisions did not meet the four-witness threshold and relied instead on confession, witness statements that did not reach the classical threshold, electronic evidence and physical objects. This raises a crucial question: how should the Acehese jinayat court reconcile confession, circumstantial evidence and electronic evidence with the classical requirement of qualified and quantified testimony?

The article therefore asks three research questions. First, how do Aceh’s positive jinayat rules regulate witness qualification and witness quantification in sexual jarimah? Second, to what extent do the analysed decisions satisfy the classical and statutory evidentiary thresholds for zina and analogous sexual jarimah? Third, what regulatory and doctrinal refinements are required to harmonise positive jinayat procedure with fiqh jinayah and modern due process?

This study contributes to the literature in two ways. Substantively, it maps the gap between statutory design and judicial practice in a concrete set of Mahkamah Syar’iyyah Banda Aceh decisions. Doctrinally, it advances the argument that *liwāṭ* cannot be treated as evidentially lighter than zina without explicit justification, because the dominant juristic analogy treats both as grave sexual jarimah requiring heightened safeguards. At the same time, the article avoids an overbroad conclusion that every conviction is invalid; rather, it frames the issue as a problem of evidentiary consistency, legal certainty and proportional procedural protection.

Literature Review and Theoretical Framework

1. Aceh’s jinayat regime and legal pluralism

Aceh’s jinayat system is an example of state-recognised legal pluralism. It combines national constitutional authority, provincial special autonomy and selected doctrines of Islamic criminal law. Qanun Aceh No. 6 of 2014 defines a range of jarimah, including khamar, maisir, khalwat, ikhtilāṭ, zina, sexual harassment, rape, qadhf, *liwāṭ* and *musāḥaqah*. Qanun Aceh No. 7 of 2013 provides procedural rules, including the admissible forms of evidence and the threshold for judicial conviction (Qanun Aceh No. 6/2014; Qanun Aceh No. 7/2013).

The special character of qanun does not remove Aceh’s courts from the demands of legality, proportionality and fair trial. The principle of legality requires that criminal rules be written, clear and foreseeable. Where a qanun borrows from national criminal procedure, changes in national law may create interpretive pressure on the provincial framework. This is relevant because Law No. 20 of 2025 introduced a new Criminal Procedure Code, while Qanun Aceh No. 12 of 2025 amended the 2014 Jinayat Qanun.

These later developments do not automatically determine the validity of earlier decisions, but they are highly relevant to the article's recommendation for harmonisation.

2. Witness qualification and witness quantification in fiqh jinayah

In fiqh jinayah, witness testimony (shahādah) is both a means of proof and a moral-legal responsibility. Classical jurists commonly require that a witness be legally competent, mature (bāligh), rational (ʿāqil), capable of accurate perception and narration (dābiṭ), able to speak (nāṭiq), and morally upright (ʿadl). These qualitative conditions are not fully codified in the Aceh qanun framework, which creates an analytical gap between fiqh doctrine and positive legal procedure (al-Jazīrī, 1980; al-Māwardī, 1975; Muslich, 2005).

The Qur'anic anchor for the four-witness standard is QS al-Nūr (24):4:

وَالَّذِينَ يَزْمُونَ الْمُحْصَنَاتِ ثُمَّ لَمْ يَأْتُوا بِأَرْبَعَةِ شُهَدَاءَ فَاجْلِدُوهُمْ ثَمَانِينَ جَلْدَةً وَلَا تَقْبَلُوا لَهُمْ شَهَادَةً أَبَدًا وَأُولَئِكَ هُمُ الْفَاسِقُونَ

Translation: "Those who accuse chaste women and then do not produce four witnesses - flog them with eighty lashes and do not accept from them testimony ever after. They are the defiantly disobedient." The verse links accusation, proof and qadhf consequences. Linguistically, the phrase arba'at shuhadā' establishes a quantified evidentiary burden. Jurists differ on whether the formulation restricts testimony to men only or allows women within a ratioed evidentiary structure. The Shāfi'ī, Mālikī, Ḥanafī and Ḥanbalī positions generally preserve a stringent male-witness model for ḥudūd, while Ibn Ḥazm's literalist approach is more open to female testimony in selected formulations (Ibn Qudāmah, 1997; Mukhsin Nyak Umar, 2012; Qudāmah, 1997).

The doctrinal function of this requirement is protective. It does not merely make conviction difficult; it also protects the accused from public sexual accusation and protects society from normalising surveillance and exposure. Where four direct witnesses cannot be produced, the accuser may face qadhf liability. This logic is especially important in sexual-offence adjudication because reputational harm can persist even after acquittal.

3. Liwāṭ, qiyās and the evidentiary analogy to zina

The term liwāṭ is associated with the people of Prophet Lūt. QS al-A'raf (7):80-81 states: وَلَوْطًا إِذْ قَالَ لِقَوْمِهِ أَتَأْتُونَ الْفَاحِشَةَ مَا سَبَقَكُمْ بِهَا مِنْ أَحَدٍ مِنَ الْعَالَمِينَ (80) إِنَّكُمْ لَتَأْتُونَ الرِّجَالَ شَهْوَةً مِنْ دُونِ النِّسَاءِ ۚ بَلْ أَنْتُمْ قَوْمٌ مُّسْرِفُونَ

Translation: "And [We sent] Lūt, when he said to his people, 'Do you commit such immorality as no one has preceded you with from among the worlds? Indeed, you approach men with desire instead of women. Rather, you are a transgressing people.'" The verses condemn the conduct but do not themselves codify a detailed procedural model. Juristic treatment of liwāṭ therefore often depends on qiyās to zina, ta'zīr reasoning, or a separate ḥadd/ta'zīr classification depending on school and interpretive method (Ibn al-'Arabī, 1998; Sabiq, n.d.; Zuhaylī, n.d.).

The central doctrinal issue for this article is not whether liwāṭ is prohibited in Islamic law, but whether its evidentiary threshold should be lighter than zina. If liwāṭ is analogised to zina because of a shared ʿillah involving prohibited sexual penetration, a lighter evidentiary threshold requires explicit justification. Without such justification, the statutory silence on four witnesses for liwāṭ may produce inconsistent adjudication.

4. Confession, qarīnah and judicial caution

Classical fiqh recognises confession (iqrar) as a significant form of proof, but confession is treated with caution. Relevant prophetic reports show verification, repeated opportunity to withdraw, and concern for mental capacity and surrounding circumstances. In the report of Ma'iz and al-Ghamidiyyah, the Prophet Muhammad (peace be upon him) repeatedly redirected the confessing person toward repentance and verified the nature of the act before punishment was carried out. The relevant reports include Sahih Muslim 1695a and the Sunan Abi Dawud reports 4419 and 4427.

«وَيْحُكَ ارْجِعْ فَاسْتَغْفِرِ اللَّهَ وَتُوبْ إِلَيْهِ»

Translation: “Woe to you; go back, seek Allah’s forgiveness and repent to Him.” Al-Nawawī reads such reports as supporting judicial verification and caution before enforcing ḥadd punishments (al-Nawawī, n.d.).

Qarīnah, or circumstantial indication, also has a place in Islamic evidentiary reasoning. The Qur’anic narrative of Yūsuf and the torn shirt is often discussed as a model for inferential proof. Nevertheless, qarīnah cannot automatically replace a strict witness threshold in zina-like offences unless the applicable legal system expressly defines its evidentiary status. This is especially relevant to electronic evidence, chat records, phones, condoms or other physical objects used in Aceh jinayat proceedings. Such objects may corroborate conduct, opportunity or intention, but they do not always prove the legally required act of penetration.

METHOD

This study uses normative-juridical legal research. It analyses statutes, legal principles, classical Islamic criminal-law doctrine and case-law reasoning. The primary legal materials are Qanun Aceh No. 6 of 2014, Qanun Aceh No. 7 of 2013, relevant national criminal-procedure provisions, and Mahkamah Syar’iyyah Banda Aceh decisions concerning zina, liwāt, musāḥaqah, khalwat and ikhtilāf. Secondary materials include classical fiqh works, Indonesian legal scholarship, journal articles and doctrinal commentaries.

The article applies four complementary approaches. First, the statute approach examines positive provisions on admissible evidence, judicial conviction and special evidentiary requirements. Second, the conceptual approach reconstructs the fiqh concepts of shahādah, iqrār, qarīnah, qadhif and maqdhūf ‘alayh. Third, the case-law approach evaluates the evidentiary basis used in Mahkamah Syar’iyyah Banda Aceh decisions. Fourth, the comparative approach situates Aceh’s framework in broader debates about Islamic criminal procedure and legal harmonisation, including later statutory changes such as Qanun Aceh No. 12 of 2025 and Law No. 20 of 2025.

The source manuscript states that sixteen decisions were examined. However, the extracted evidentiary tables supplied for revision contain complete coding for fifteen decisions only. This article therefore distinguishes between the stated broader corpus of sixteen decisions and the fifteen decisions for which confession and witness-count data were available. Before journal submission, the missing coded values for Putusan No. 40/JN/2025/MS.Bna should be inserted to avoid a numerical inconsistency. The current

quantitative statements are accordingly expressed as coded-case findings, not as final population estimates.

RESULTS AND DISCUSSION

1. Confession as the dominant evidentiary pattern

The coded decisions show a repeated pattern: defendants acknowledged the alleged conduct or accepted the chronology contained in the case file. Confession therefore became a central evidentiary basis across the dataset. This pattern is legally important because Article 37 of Qanun Aceh No. 6 of 2014 allows a person examined in a *khalwat* or *ikhtilāf* case who confesses to *zina* to be treated as requesting the imposition of *zina* punishment. The problem is not the existence of confession as evidence; rather, the problem is whether confession is being used to bypass the heightened safeguards associated with *zina* or *zina*-analogous conduct.

Table 1. Confession pattern in coded Mahkamah Syar'iyah Banda Aceh decisions

No.	Decision number	Confession pattern
1	18/JN/2017/MS.Bna	Confessed / acknowledged the act
2	19/JN/2017/MS.Bna	Confessed / acknowledged the act
3	1/JN/2025/MS.Bna	Confessed / acknowledged the act
4	7/JN/2025/MS.Bna	Confessed / acknowledged the act
5	8/JN/2025/MS.Bna	Confessed / acknowledged the act
6	16/JN/2025/MS.Bna	Confessed / acknowledged the act
7	17/JN/2025/MS.Bna	Confessed / acknowledged the act
8	18/JN/2025/MS.Bna	Confessed / acknowledged the act
9	19/JN/2025/MS.Bna	Confessed / acknowledged the act
10	20/JN/2025/MS.Bna	Confessed / acknowledged the act
11	21/JN/2025/MS.Bna	Confessed / acknowledged the act
12	25/JN/2025/MS.Bna	Confessed / acknowledged the act
13	26/JN/2025/MS.Bna	Confessed / acknowledged the act
14	32/JN/2025/MS.Bna	Confessed / acknowledged the act
15	39/JN/2025/MS.Bna	Confessed / acknowledged the act

Source: author's coding of the supplied manuscript table. Putusan No. 40/JN/2025/MS.Bna is cited in the broader manuscript but was not coded in the supplied confession table.

2. Witness counts and the four-witness threshold

The coded witness-count table shows that only three of fifteen decisions listed four or more witnesses: Putusan No. 7/JN/2025/MS.Bna, Putusan No. 8/JN/2025/MS.Bna and Putusan No. 32/JN/2025/MS.Bna. The remaining twelve coded decisions list three witnesses. Thus, in the available coded dataset, at least 80% of the decisions fall below the four-witness threshold. This corrects the earlier inconsistency in the manuscript, which alternated between two and three decisions satisfying the threshold and also stated a percentage of approximately 88%. Based on the supplied table, the defensible coded-case figure is twelve of fifteen, or 80%. If the missing sixteenth case is later coded as having fewer than four witnesses, the figure would become thirteen of sixteen, or 81.25%. Table 2. Witness count, crown-witness status and offence classification in coded decisions

No.	Decision number	Witnesses	Crown witness	Offence
1	18/JN/2017/MS.Bna	3	Yes	Liwāt
2	19/JN/2017/MS.Bna	3	Yes	Liwāt
3	1/JN/2025/MS.Bna	3	Yes	Liwāt
4	7/JN/2025/MS.Bna	7	Yes	Zina
5	8/JN/2025/MS.Bna	7	Yes	Zina
6	16/JN/2025/MS.Bna	3	Yes	Liwāt
7	17/JN/2025/MS.Bna	3	Yes	Liwāt
8	18/JN/2025/MS.Bna	3	Yes	Zina
9	19/JN/2025/MS.Bna	3	Yes	Zina
10	20/JN/2025/MS.Bna	3	Yes	Zina
11	21/JN/2025/MS.Bna	3	Yes	Zina
12	25/JN/2025/MS.Bna	3	Yes	Ikhtilāṭ
13	26/JN/2025/MS.Bna	3	Yes	Ikhtilāṭ
14	32/JN/2025/MS.Bna	4	Yes	Zina
15	39/JN/2025/MS.Bna	3	Yes	Zina

Source: author’s coding of the supplied manuscript table. The row for Putusan No. 40/JN/2025/MS.Bna should be completed before submission.

3. Forms of evidence used in the decisions

The decisions referred to in the manuscript used several evidentiary forms recognised by Article 181 of Qanun Aceh No. 7 of 2013: witness testimony, physical objects, electronic evidence, defendants’ confessions and defendants’ statements. Expert testimony and documentary evidence appear absent in the cited set of decisions. Electronic evidence included chat records and seized mobile phones. Physical objects included condoms in the liwāt decisions from 2017. The manuscript’s original argument is preserved here: these forms of proof may corroborate conduct, but they do not necessarily substitute for a statutory or fiqh-based witness threshold in zina-like cases.

4. Direct observation, locus and tempus

Classical doctrine requires direct observation of the legally relevant sexual act. The manuscript states that only three decisions contained testimony involving direct observation of penetration or the core act: Putusan No. 1/JN/2025/MS.Bna, Putusan No. 20/JN/2025/MS.Bna and Putusan No. 21/JN/2025/MS.Bna. Even in those decisions, the direct observer was allegedly only one witness, which remains insufficient if the four-witness threshold is applied cumulatively. Juristic debates over whether witnesses must agree precisely on locus and tempus are important, but they become secondary where the number of witnesses and the directness of observation are already insufficient.

Discussion

1. The four-witness threshold as a procedural safeguard

The four-witness threshold operates as a procedural safeguard against wrongful accusation. It places a heavy burden on the accuser and prevents sexual offences from being proven through vague suspicion, moral panic or social pressure. In Aceh’s positive law, Article 182(5) of Qanun Aceh No. 7 of 2013 expressly requires four witnesses who directly observe the act of zina at the same time, place and process. Article 182(6) further links false testimony to qadhf consequences. This structure mirrors the classical concern

that accusing a person of zina without strong proof is itself a punishable wrong (al-Jazīrī, 1980; Muslich, 2005; Qanun Aceh No. 7/2013).

The analysed decisions therefore raise a doctrinal tension. Where a decision concerns zina but has fewer than four qualified direct witnesses, the court must explain why conviction remains legally permissible. If the conviction is based on confession, the court must explain whether confession independently satisfies the evidentiary burden or merely complements other evidence. If confession arises after investigation has begun through accusation, raid or report, the court should also consider whether the confession was voluntary, informed and free from psychological pressure.

2. Liwāt and the problem of asymmetrical evidentiary treatment

A central novelty of the article is its identification of asymmetry: the Aceh procedural qanun expressly articulates the four-witness rule for zina but does not equally articulate it for liwāt. This creates a gap because liwāt is often treated in fiqh as zina-like conduct through qiyās. If liwāt is assimilated to zina for punitive seriousness, it should not be separated from zina for evidentiary safeguards without an explicit doctrinal rationale. Otherwise, the legal system risks expanding punitive reach while narrowing procedural protection.

This point does not require the court to ignore electronic or physical evidence. Rather, it requires a clear hierarchy: electronic evidence and physical objects may support an inference, but the law must specify whether they can replace, supplement or merely corroborate witness testimony. Without that clarification, judges may apply evidence in an alternative manner, whereas classical zina proof often treats the relevant evidentiary elements cumulatively.

3. Crown witnesses, co-defendants and maqdhūf ‘alayh

The repeated appearance of crown witnesses is one of the strongest procedural concerns in the manuscript. Where one alleged participant in a sexual jarimah testifies against another, the witness may simultaneously occupy the position of participant, accused, co-defendant or maqdhūf ‘alayh. In classical terms, this complicates the witness’s neutrality and legal qualification. In modern criminal-procedure terms, it raises concerns over self-interest, pressure to confess, and the evidentiary reliability of testimony exchanged between related cases.

A reputable-journal version of the argument should avoid the categorical claim that all such witnesses must automatically be punished for qadhif. A more defensible formulation is that the use of co-defendant testimony should trigger a qadhif-sensitive inquiry: was the witness an active accuser or a passive witness summoned by the court? Did the witness independently satisfy the qualitative standards of competence and integrity? Did the testimony directly observe the legally relevant act? Was the witness insulated from prosecutorial pressure? These questions are essential for aligning qanun practice with both fiqh safeguards and due process.

4. Confession under Article 37 and the risk of bypassing safeguards

Article 37 of Qanun Aceh No. 6 of 2014 is central to the evidentiary pattern because it permits an admission during khalwat or ikhtilāṭ examination to be treated as a request for zina punishment. This provision may be defensible where a person voluntarily

approaches the judge and confesses without prior accusation. It is more problematic where the confession is elicited after arrest, raid, investigation, public exposure or pressure. Classical reports on confession show judicial caution, not evidentiary shortcut. The Prophet Muhammad (peace be upon him) did not rush to punish confessions; he verified, redirected and considered surrounding conditions, including pregnancy and breastfeeding in the report of al-Ghāmidīyah (Muslim ibn al-Ḥajjāj, n.d., no. 1695a; al-Nawawī, n.d.).

For this reason, the article recommends that Aceh's jinayat procedure distinguish at least three confession contexts: voluntary self-report before accusation, confession during investigation after a report, and confession by a co-defendant whose testimony may affect another person. Each context should carry different safeguards. At minimum, the court should record voluntariness, legal understanding, absence of coercion, consistency across proceedings, and whether the confession is being used only against the confessor or also against another accused person.

5. Qarīnah, electronic evidence and physical objects

The manuscript's discussion of condoms, mobile phones and chat records can be retained, but it should be framed more carefully. A condom or chat record may indicate sexual intention, opportunity, preparation or communication. It does not necessarily prove penetration, identity of the act, time, place and direct observation required in zina. Similarly, absence of medical evidence such as visum et repertum can weaken a conclusion where the prosecution relies on physical inference rather than direct testimony.

This does not mean electronic evidence is irrelevant. Modern criminal procedure must accommodate digital proof. The issue is the legal weight assigned to such evidence. Aceh's qanun should specify whether electronic evidence can function as independent proof for ta'zīr offences, corroborative proof for confession, or supplementary proof where the four-witness rule is not applicable. Without this hierarchy, courts may unintentionally transform a strict evidentiary regime into an open-ended evidentiary regime.

6. Overcriminalisation and vulnerable groups

The original manuscript uses the term overcriminalisation to describe the risk that a broad evidentiary menu combined with a low conviction threshold may increase punitive reach. This concern is legitimate but should be expressed in a legally neutral manner. The issue is not the identity of a particular group alone; it is whether the evidentiary framework exposes any socially vulnerable defendant to conviction without sufficiently clear safeguards. Sexual and gender minorities, women, young persons, economically disadvantaged defendants and persons caught in public raids may all face heightened vulnerability in confession-driven proceedings (ICJR, as cited in the source manuscript; Rohmah, 2018).

The due-process implication is that jinayat procedure must protect both public morality objectives and individual legal rights. A system that is normatively Islamic but procedurally weak risks becoming symbolic rather than substantively just. This point echoes critiques that incorporation of Islamic law into national legal systems can become

formalistic if not accompanied by maqāṣid-oriented protection of fairness, certainty and proportionality (Milhan, 2021; Rohmah, 2018).

7. Post-2025 harmonisation

A necessary addition for international submission is the post-2025 legal context. Qanun Aceh No. 12 of 2025 amended Qanun Aceh No. 6 of 2014 and expressly concerns improved protection for women and children, adjustment of sanctions, evidentiary rules and rehabilitation. Law No. 20 of 2025 also introduced a new national Criminal Procedure Code. These developments should be treated as subsequent legal context, not as the operative legal basis for judgments decided before their effective dates. The article's recommendation is therefore prospective: Aceh should harmonise Qanun No. 7 of 2013 and the amended Jinayat Qanun to clarify witness qualification, witness quantification, confession safeguards, electronic evidence, and the relationship between zina and liwāṭ.

CONCLUSION

The analysis shows that the supplied coded decisions from Mahkamah Syar'iyah Banda Aceh rely heavily on defendants' confessions, corroborative testimony, electronic evidence and physical indications. In the fifteen decisions with complete coding, twelve list only three witnesses, while three list four or more witnesses. The defensible coded-case finding is therefore that 80% of the available coded decisions fall below the four-witness threshold. This finding should replace the internally inconsistent claim that only two decisions satisfied the threshold or that approximately 88% of the decisions failed it.

From the perspective of fiqh jinayah, the central problem is not merely numerical. The deeper issue is whether witnesses were qualitatively qualified, whether they directly observed the legally relevant act, whether co-defendant testimony can be treated as neutral testimony, and whether confession was voluntary and procedurally safeguarded. The article therefore concludes that Aceh's jinayat evidentiary framework is normatively close to classical Islamic safeguards in some respects, but its implementation and codification remain incomplete.

The article's main novelty is the identification of an asymmetry between zina and liwāṭ. The four-witness rule is explicit for zina, but it is not equally operationalised for liwāṭ, despite the strong juristic tendency to analogise liwāṭ to zina. This asymmetry risks punitive expansion without equivalent evidentiary protection. Reform should therefore focus on clarifying the evidentiary status of liwāṭ, the role of confession under Article 37, the evidentiary value of electronic proof and qarīnah, and the qadhf implications of unsupported accusation.

Finally, after Qanun Aceh No. 12 of 2025 and Law No. 20 of 2025, regulatory harmonisation has become more urgent. Aceh's jinayat system can remain faithful to Islamic legal values only if its procedure protects legal certainty, dignity, privacy and substantive justice. A stronger qanun framework should not merely increase punishability; it should also codify safeguards that prevent wrongful accusation, coerced confession and inconsistent evidentiary practice.

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Author Query Before Submission

AQ1. Complete the missing coded data for Putusan No. 40/JN/2025/MS.Bna. The current article preserves the author's broader statement that sixteen decisions were examined but reports quantitative findings only for the fifteen coded decisions available in the supplied table.

AQ2. Verify whether each cited decision was decided before or after the effective dates of Qanun Aceh No. 12 of 2025 and Law No. 20 of 2025. The revised manuscript treats both instruments as subsequent harmonisation context, not as operative law for earlier judgments.

AQ3. If the target journal requires a strict citation manager workflow, replace the plain APA-style in-text citations with Zotero or Mendeley Word fields after importing the accompanying BibTeX/RIS file.

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