

Maqasid Al-Qur'an in the Face of Contemporary Legal Challenges: An Epistemological Study on the Implementation of the Aceh Qanun Jinayat in Indonesia's Public Sphere

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KEYWORDS

Maqasid Al-Quran; Islamic Law; Qanun Jinayat; Contemporary Law

ABSTRACT

This study aims to explain how maqāṣid al-Qur'ān can serve as an epistemological framework for assessing the implementation of the Aceh Criminal Code (qanun jinayat) in the context of Indonesia's public sphere. This issue is important because the qanun is often debated in terms of the legitimacy of local autonomy, the moral demands of the Acehnese people, and modern human rights criticisms. The research employs a qualitative-epistemological approach that integrates content analysis of Qanun No. 6 of 2014, a systematic literature review of studies published between 2019 and 2025, thematic analysis, and a socio-legal approach to map the relationship between Sharia norms, legal practices, and social dynamics. The findings demonstrate that the qanun possesses strong historical and political legitimacy and functions as an instrument for maintaining moral order and social cohesion in post-conflict Aceh. Evaluated through the maqāṣid perspective, the qanun represents an effort to protect religion, life, and public honor, especially when implemented through educational and preventive mechanisms. However, achieving alignment with maqāṣid principles depends heavily on procedural quality, operational standards, victim protection, and moderation of implementation. The study concludes that reforming implementation mechanisms constitutes the most maqāṣidi approach to ensuring substantive justice and the protection of human dignity in Aceh.

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INTRODUCTION

The implementation of Qanun Jināyat in Aceh represents a distinctive legal phenomenon in Indonesia, where a province exercises special autonomy to enforce sharia-based criminal law within its jurisdiction. This situation raises fundamental questions about the position of religious law within a modern nation-state framework. The Maqāṣid al-Qur'ān, in its modern approach, serves as a normative evaluative tool, not merely justifying rules, but testing whether legal practice provides *maslahah* (benefit) and reduces *mafsadah* (damage) at the social level. The latest maqāṣidi literature emphasizes the importance of outcome indicators, not just formal legal compliance. (Suryana & Muhajirin, 2024)

At the implementation level, Qanun Jināyat requires synchronization between institutions (Syar'iyyah Court, Wilayatul Hisbah, police, prosecutor's office) procedural disharmony is one of the main tasks that reduces the effectiveness of punishment and raises the problem of legal certainty. From the perspective of maqāṣid, the purpose of the law (such as the protection of religion, soul, honor) must be measured by its social impact whether the enforcement of the

qanun reduces risky behavior, improves the social order, and strengthens social cohesion and not just displays sanctions. In previous studies, there were several indications of a decrease in violations after organized enforcement.(Farkhani et al., 2023)

Human rights criticism of practices such as public whipping often highlights the dimensions of dignity and visual trauma, suggesting a more contextual legal study advocating procedural reforms so that punishment maintains the purpose of *maqāṣid* without giving rise to new *mafsadah*. Public perception in Aceh is often different from the national/international narrative. Many local communities see the qanun as an instrument of post-conflict moral restoration and order, supported by Aceh's socio-historical context (Helsinki MoU and special autonomy). Social studies affirm the importance of this context when assessing the legitimacy of qanun.

The *maqāṣid* approach provides a normative basis for saying that religious law can be compatible with modern governance if its implementation is directed at prevention, guidance, and redress, not mere retaliation. *Maqāṣid* literacy among policymakers helps shift the focus to beneficial outcomes. Several field studies (khalwat, zina, alcohol consumption) in the 2020–2023 period noted that structured enforcement accompanied by coaching programs showed a reduction in the effect of certain incidents. This is consistent with the purpose of *maqāṣid* *hifz al-nafs* and *hifz al-'irdh*. However, the results are still local and not necessarily generalisable without continuous evaluation.(Bastiar et al., 2022)

Another epistemological challenge is the difference in the meaning of scholars, sharia judges, bureaucrats, and ordinary people often use different legitimacy criteria. The role of Wilayatul Hisbah (WH) is often the fulcrum of the implementation of qanun. The effectiveness of the WH is closely related to its local legitimacy and institutional capacity, including officer training, enforcement SOPs, and coordination with other enforcement officials. In the judicial realm, judges of the Syar'iyyah Court may face a dilemma in applying the text of the qanun as written or interpreting it for the purpose of *maqāṣid* when social conditions demand correction.(Afandi & Bagaskoro, 2024)

The dynamics of legal elections by citizens (including non-Muslims) in Aceh show that aspects of accessibility, speed, and cost of procedures play a role. Some non-Muslims choose the sharia route because it is considered more efficient. National and international media often highlight the visual of punishment without conveying the coaching aspects that accompany many judgments before making normative judgments. Some previous studies have shown this framing gap. Case studies in several districts/cities in Aceh show that the combination of sanctions and coaching programs increases social acceptance of qanun. Enforcement accompanied by rehabilitation and reintegration results in closer results in long-term *maqāṣid*. (Halim, 2022)(Hakim et al., 2025)

From some of the above problems, several questions arise, How is *maqāṣid al-Qur'ān* interpreted in the framework of contemporary legal epistemology to assess sharia criminal law? To what extent does the implementation of Qanun Jināyat Aceh in the public sphere reflect the goals of *maqāṣid* (*hifz al-dīn*, *hifz al-nafs*, *hifz al-'irdh*, *hifz al-'aql*, *hifz al-māl*)? What are the procedural and institutional problems that hinder the realization of *maqāṣid* in the implementation of qanun, and how are they solved? How can *maqāṣid*-based indicators be designed to objectively evaluate the social impact of qanun?

METHOD

This study employed a qualitative-epistemological approach focused on analyzing *maqāṣid al-Qur'ān* as a knowledge framework to assess the implementation of Qanun Jināyat Aceh in the Indonesian public sphere. This approach was chosen because the object of study encompassed not only positive regulations but also the value structures, moral goals, and social implications inherent in Sharia law enforcement. The research combined textual analysis, normative legal studies, and empirical analysis of the achievements and challenges of *qanun* implementation. It was descriptive-analytical: descriptive in mapping the conditions of *qanun* implementation objectively, and analytical in applying the *maqāṣid al-Qur'ān* framework to assess and synthesize findings from the literature. Thus, this method enabled a holistic articulation of conclusions—not only in terms of positive Sharia law or morality but as a complex interaction between values, institutions, society, and the state.

RESULTS AND DISCUSSIONS

The Qur'anic Maqāṣid as an Epistemological Framework

The Maqāṣid of the Qur'ān refers to the great purposes of the Qur'an, i.e. the divine purpose that is to be realized through revelation. Understanding the maqāṣid of the Qur'ān is important so that the interpretation is not only literal, but also focuses on the benefit of human beings (tafsir maqāṣidi). The concept of maqāṣid sharia (and related maqāṣid al-Qur'ān) developed from the classical ushul fiqh tradition, such as al-Syātibī thought, and was later expanded by contemporary scholars such as Jasser Auda. Epistemologically, maqāṣid offers a systematic and structured knowledge base. Not just legal texts and commands, but a network of moral, social, and spiritual values.(Zahroh, 2021)

The Maqāṣid al-Qur'ān is not only concerned with law, but also with human development, purification of the soul (tazkiyah), community building, social justice, and civilization building. In Auda's systematic thought, maqāṣid includes purposefulness (moral intentionality) that touches many aspects of life. In the contemporary era, the maqāṣid of the Qur'ān is increasingly relevant as an interpretive basis for dealing with new issues such as technology, the nation-state, and plurality. With the maqāṣidi approach, [Click or tap here to enter text.](#)the mufassir (interpreter of the Qur'an) can interpret the verses not only from a literal side, but consider the purpose of the Qur'anic values for the benefit of mankind.(Bushiri, 2019)

From an ontological point of view, maqāṣid describes a cosmological and social vision in which human reality, nature, and transcendence are interconnected within the framework of moral goals. This relationship is not a coincidence but part of the structure of revelation. In traditional Islamic legal thought, maqāṣid is often understood in a protective way (protecting religion, soul, property, etc.). But modern thinkers such as Auda proposed a developmental maqāṣid, not just conservation. The concept of maqāṣid provides a normative justification for Islamic involvement in the modern state. Maqāṣid values such as justice and benevolence can be used to frame the relationship between religion and the state in a positive way. Imam Wahyuddin in his study called maqāṣid as a bridge between sharia and Pancasila.[Click or tap here to enter text.](#)(Wahyuddin, 2020)

In Islamic philosophy of law, *maqāṣid* is seen as the main pillar because it connects sharia with human welfare. The *maqāṣid* of sharia is designed to maintain human existence and develop its spiritual and social qualities. In the context of sharia reform, *maqāṣid* provides the foundation for modern *ijtihād*. This requires the *mujtahids* to consider the *maqāṣid* in making legal interpretations to suit the needs of today's society. Since *maqāṣid* emphasizes moral goals such as dignity and goodness, it can be used as an argument to ensure that religious law protects human rights, not oppresses them. The article on legal philosophy confirms this in the study of *maqāṣid*.[Click or tap here to enter text.](#)(Jalili, 2021)

In the context of a pluralistic country like Indonesia, *maqāṣid* can be a basis for legitimacy for the application of local sharia norms, as it emphasizes social and moral benefits, rather than being rigid in terms of textuality. Imam Wahyuddin stated that *maqāṣid* is able to bridge sharia values and national values. One concern is that if the interpretation of the Qur'an focuses only on *النص* (literal text) without considering the *maqāṣid*, then the interpretation may be superficial or even deviate from the moral purpose of the Shari'a. Therefore, understanding the *maqāṣid* of the Qur'ān in depth is very important today, especially when sharia is faced with contemporary challenges such as minority rights, plurality, and modernity.(Wahyuddin, 2020)

Qanun Jināyat Aceh in the Indonesian Legal System

Qanun Jināyat contained in Qanun Aceh No. 6 of 2014 is a product of Aceh's special autonomy which is given space by the Autonomy Law (Law No. 11/2006 and previous provisions) to regulate the criminal aspects of sharia in the province. The text of the qanun contains the definition, scope, and type of 'uqubat (punishment) that are regulated separately in the official qanun document. The birth of the qanun cannot be separated from the political history of Aceh (Helsinki MoU, special autonomy) which makes the implementation of Islamic law as a political and local cultural compensation. The Qanun compiles [Click or tap here to enter text.](#) *jarīmah* (forbidden acts) and 'uqubat (forms of punishment: *hudud*, *qishās*, *ta'zīr*) for a number of acts such as *khalwat*, drinking *khamr*, adultery, *qadhf* with detailed arrangements in the appendices to the qanunc chapters.

Some studies note technical differences between the application of qanun and the classical view of fiqh such as the application of the number of lashes without distinguishing the status of marriage in several articles, so that the practice of qanun is not just a transliteration of classical texts. The implementation of qanun involves local institutions (Wilayatul Hisbah/WH, Syar'iyah Court) and state apparatus (police, prosecutor's office) in the role of investigation/prosecution. So it is urgently needed to synchronize the authority between these institutions. Because in an evaluative study, it was stated that there were procedural weaknesses ranging from the mechanism of investigation, proof, to the execution of punishment that needed to be improved so that the qanun ran according to the principles of legal certainty and protection of human rights.(Aksa et al., 2023)

Several field studies have shown that after socialization and structured enforcement, there has been a relative decrease in some violations such as *khalwat* and drinking *khamr* in a number of regions, but the results are local and not uniform between districts/cities. In practice, some communities still often choose to settle through customs or local reconciliation. This

phenomenon reduces the number of formal cases in sharia courts as well as shows the pluralism of the legal settlement system in Aceh.(Muzakkir, 2022)

International criticism of the visual and dignified aspects of public whipping prompted the practical adaptation of some regions to change the implementation procedure to be more closed, adding post-verdict coaching in response to reduce stigma and psychological impact. Formally, the qanun is justified by the Acehnese autonomy regime, but it still poses the challenge of harmonization with national law of the Criminal Code and the Human Rights Law, so that problems of competence, regulatory hierarchy, and potential juridical conflicts sometimes arise. The legitimacy of the qanun is highly dependent on local socio-cultural support. Qanun has a strong legitimacy in communities that see it as part of post-conflict identity so this factor affects acceptance and effectiveness of enforcement.(Danial, 2023)

Many studies emphasize that proper legal socialization through counseling and public education affects compliance. The lack of socialization is associated with the low effectiveness of qanun in some areas. The cases that show the most positive results are those that combine sanctions with coaching programs. The enforcement of the qanun varies between districts/cities (Banda Aceh, Langsa, Aceh Tamiang, etc.). Variables such as WH capacity, local culture, and the involvement of religious leaders make for heterogeneous implementation results. (Farkhani et al., 2023)

The Dimension of Justice and Dignity in the Perspective of Maqasid

One of the central principles of maqāṣid is the glorification of human beings (takrīm al-insān). The law must maintain dignity, not degrade. The maqāṣid approach demands that before imposing or executing sanctions, the state checks whether enforcement procedures respect the humanitarian nature of the perpetrator. This is the main ethical benchmark in assessing the practice of whipping or public sanctions in qanun. In maqāṣid, justice encompasses two dimensions. Namely substantial (whether the law is fair in purpose) and procedural (whether the process is fair). Studies of Qanun Jināyat show that although some norms are maqāṣidi (the purpose of moral protection), procedural weaknesses such as evidentiary standards and the right to defense threaten the validity of the justice being embodied.(Umami & Ghofur, 2022)

From the perspective of maqāṣid, the law should be directed to maintain the benefit (jalb al-maṣālih) and prevent harm (dar' al-mafāṣid). Qanun Jināyat, is an attempt by local legislatures to translate these goals into rules relevant to the post-conflict context of Aceh. As a product of special autonomy, the qanun has a legitimacy basis that allows the application of collective moral norms for the common good. Aceh's historical-political legitimacy (the Helsinki MoU and the right to autonomy) makes the qanun not just an ideological project, but a political-cultural response produced by the process of reconciliation and local representation. This can have the consequence that community compliance is more possible because there is social representation in its formation.(Aksa et al., 2023)

Maqāṣid emphasizes hifz al-dīn (religious protection) and hifz al-‘irdh (protection of honor). For most Acehnese communities, qanun is seen as an instrument to maintain social control over behavior that is considered to undermine the honor of the family and the order of the community. So that qanun can be a goal that can be read as the fulfillment of maqāṣid when

carried out fairly and proportionately. Empirical evidence in the field shows that in areas with structured enforcement and intense socialization, there is a decrease in the incidence of several moral violations such as khalwat and liquor consumption in public spaces, which indicates the preventive effectiveness of qanun when accompanied by coaching.(Muzakkir, 2022)

The role of Wilayatul Hisbah (WH) in best practice is not only to enforce sanctions, but also to carry out socialization, preventive patrols, and coaching so that the enforcement of qanun can work as a collective moral education program, not just a punishment. Maqāṣid demands proportionality of punishment (taqyīm al-juhdah) where punishment must be balanced between deterrent and rehabilitative purposes. Procedural reforms that have been implemented in several places show efforts to maintain the dignity of perpetrators while maintaining the effect of deterrence. The comparison of this practice was observed in a comparative study of Aceh-Malaysia.(Nasir et al., 2023)

In the context of victim protection, qanun can accelerate victims' access to local legal channels if there are referral mechanisms and support services in place. Thus the qanun is not only a punishment for the perpetrator, but also provides a legal instrument that allows the protection of the victim's life and honor when such services are available. Juridical and field studies recorded cases where the qanun pathway facilitated rapid handling. Procedural accountability is the key to the implementation of the qanun in accordance with maqāṣid. Many studies advocate standardization of SOPs, human rights training for WH and officials, and public audits. If in practice there are things that are not up to standard, then it needs to be emphasized that technical improvements are needed, not the cancellation of the qanun itself.(Aksa et al., 2023)

Documented best practices show models of implementation that minimize degradation. For example, medical supervision during executions, proportionate number of floggings, closed executions, and reintegration programs. The involvement of religious leaders, dayah scholars, and traditional leaders in the process of socialization and coaching increases the legitimacy of norms so that compliance is internal (moral awareness), not external (fear). This is important because maqāṣid considers value change to be more important than just the imposition of behavior.(Umami & Ghofur, 2022)

Public Space and the Challenges of Pluralism

Qanun Jināyāt must be seen as a response to local policies to the need of the Acehnese people for clear moral rules in the public sphere. A form of contextual public policy that emerges from the political process of autonomy and reconciliation, not as an imposition from the center. This approach places the qanun as an instrument of local social order rooted in the aspirations of the community. The implementation of qanun transforms the public space into an arena where collective norms (religious and customary) are reproduced and maintained. WH banners, entertainment regulations, and patrols make behavioral boundaries real so that citizens have clearer expectations of behavior. This supports social stability according to qanun's supporters.[Click or tap here to enter text.](#)(Harahap & Nasution, 2023)

In the context of a country that respects autonomy, legal pluralism allows regions like Aceh to formulate rules that reflect local culture. The Qanun which is compiled through a regional political process and supported by local actors (regional parliaments, MPUs, ulama) has democratic legitimacy at the local level. This legitimacy is essential for voluntary *Jurnal Indonesia Sosial Sains*, Vol. 6, No. 1, January 2026

compliance, an aspect that is often overlooked by critics who view qanun only from the perspective of universal human rights. Maintaining public morals such as preventing khalwat, liquor in public areas is directly related to social welfare which reduces the potential for family conflicts, violence, and disturbances of public order. Therefore, local public policy in the form of qanun is seen as a preventive effort.(Muzakkir, 2022)

Aceh's public space is layered starting from state law, customary law, and religious norms intersect. Qanun is able to add a layer of formalized rules thus resolving the ambiguity of norms at the local level. So that this formalization adds to legal certainty, not reduces it. Studies on religious moderation in Aceh show that there are local efforts to place the qanun in a moderate frame that accommodates national values as well as religiosity. These findings confirm that qanun can be managed in a moderate and inclusive manner.(Bukhari & Azwir, 2024)

Empirical studies in Aceh note that there are administrative efforts to safeguard the rights of non-Muslims such as civil settlement options, so the implementation of qanun does not necessarily negate religious plurality if protection mechanisms are implemented. Post-Helsinki Aceh faces the challenge of reconstructing social norms. Many researchers believe that qanun helps restore moral order and community cohesion. A vital function for long-term stability is the strong argument of qanun. The socialization and norm education program has succeeded in increasing public understanding of qanun, so that compliance becomes based on awareness rather than fear.(Feibriandi et al., 2021)

Local institutions established to implement qanun also function as a check and balance mechanism. The MPU gives legitimacy to religion, the Syar'iyyah Court handles judicial aspects, and WH conducts social supervision. This collaboration has been shown in several studies as a support for harmonization between law and societal pluralism. Aceh's experience shows how regions can innovate in public regulation according to local needs. An understanding of pluralism should make room for this kind of legal experiment as long as there is accountability and protection of rights.

CONCLUSION

This study demonstrates that the implementation of Qanun Jināyat Aceh is deeply rooted in its historical, political, and epistemological context as a product of post-conflict special autonomy, serving as an instrument of social recovery aligned with local aspirations rather than coercive religious law. Through the *maqāṣid al-Qur'ān* framework, evaluation shifts from mere sanctions or textual rules to social impacts, moral goals, and benefits, guided by principles such as *hifz al-dīn*, *hifz al-nafs*, and *hifz al-'irdh*, which prioritize value protection over violence. From a pluralistic perspective, the *qanun* can coexist with Aceh's diversity via proper mechanisms for legal choice, non-Muslim protections, and flexible resolutions, embodying Indonesia's legal pluralism while leveraging strong grassroots legitimacy for effectiveness. Epistemologically, *maqāṣid al-Qur'ān* enables assessment based on real outcomes rather than symbolism, affirming that the *qanun*'s future hinges on enhancing institutional capacity, procedural quality, community participation, and ongoing *maqāṣid*-based evaluation to achieve contextual, responsive Sharia implementation consistent with Qur'anic substantive justice. For future research, comparative studies could examine *maqāṣid*-aligned adaptations of similar

regional Sharia regulations in other Indonesian provinces, such as South Sulawesi or West Sumatra, to inform national policy on legal pluralism.

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