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The Role of Sarak Opat in Preventing Prostitution: An Islamic Criminal Law Perspective

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Abstract:

Prostitution in Central Aceh, despite the implementation of *Qanun Jinayat* as Islamic criminal law, reflects ongoing challenges in the effectiveness of Islamic law enforcement within local communities. This study examines the role of *Sarak Opat*, a traditional customary institution in Aceh, in preventing prostitution and strengthening the enforcement of Islamic criminal law. Using an empirical legal research method with a

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case-study approach in Central Aceh, data were collected through field observations, structured interviews with *Sarak Opat* members, community leaders, and law enforcement officers, as well as literature analysis. The study finds that *Sarak Opat* plays a significant role in preventing prostitution through strengthening the “Golden Triangle” relationship among customary leaders, government authorities, and religious leaders; conducting moral and religious socialization; providing public education regarding the dangers of moral deviance; supervising lodging businesses; and supporting the enforcement of sanctions against proven violations. The findings demonstrate that the revitalization of customary institutions contributes positively to the implementation of Islamic criminal law while simultaneously reinforcing social order and local wisdom values. This study contributes to the development of Islamic legal scholarship by offering an integrative model among *adat* law, Islamic law, and national law in addressing moral crimes within Indonesia’s plural legal system.

Keywords:

Sarak opat; Criminal prostitution; Central Aceh;
Positive law; Customary law

Introduction

Central Aceh, one of Aceh’s cities that implements Islamic Sharia, strongly opposes immoral practices, including the criminal act of prostitution.¹ This prohibition is reflected in the *Aceh Qanun on Jinayat Law* as a representation of Islam by combating cases of immorality. In Central Aceh, this *qanun* is locally enforced through collaboration between the *Sarak Opat*² institution, religious authorities, and local government officials, making it a distinctive example of

¹ Mirza Fanzikri et al., “Digital: Fenomena Prostitusi Online di Daerah Penerapan Syari’at Islam,” *Al-Ijtima’i: International Journal of Government and Social Science* 8, no. 2 (2023): 197–212, <https://doi.org/10.22373/jai.v8i2.2641>.

² Arifin Abdullah and Armiyadi, “Peran Lembaga Sarak Opat dalam Menyelesaikan Kasus Kekerasan dalam Rumah Tangga (KDRT),” *Legitimasi: Jurnal Hukum Pidana dan Politik Hukum* 7, no. 1 (2018): 1–26, <https://doi.org/10.22373/legitimasi.v7i1.3962>.

Sharia implementation at the district level.³ In a larger scope, as a province with special autonomy, Aceh has the authority to implement Islamic law within its legal system.⁴ Aceh *Qanun Hukum Jinayat* No. 6 of 2014 concerning *Jinayat* Law and Aceh *Qanun* No. 7 of 2013 concerning *Jinayat* Procedural Law play a crucial role in enforcing Islamic criminal law related to prostitution.⁵ Article 33 of Aceh *Qanun* No. 6 of 2014 concerning *Jinayat* Law stipulates that the punishment of *'uqūbāt al-ḥudūd*, which entails 100 (hundred) lashes applies to anyone who deliberately engages in adultery.⁶

Strict enforcement of Islamic law should ideally serve as a strong defence against many forms of wrongdoing. However, in practice, this is not always the case. Prostitution, although hidden, nevertheless exists and remains a concerning issue, particularly in Central Aceh. Several factors can contribute to the occurrence of prostitution in Central Aceh; one of them is the tourism factor.⁷ Due to its appeal to tourists from many backgrounds and ethnicities, Central Aceh has become a bustling destination. The influx of visitors may augment the demand for prostitutes. Furthermore, the presence of cold weather in highland areas also contributes to prostitution.⁸ According to Marisa Cohen, a psychology professor at St. Francis College in Brooklyn and author of *"From First Kiss to Forever: A Scientific Approach*

³ Ali Abubakar and Zulkarnain Lubis, *Hukum Jinayat di Aceh: Sebuah Pengantar* (Jakarta: Prenadamedia Group, 2019), 258.

⁴ Khairil Akbar et al., "Sistem Pengawasan Dana Otonomi Khusus Aceh dan Dampaknya terhadap Pemberantasan Korupsi," *Integritas: Jurnal Antikorupsi* 7, no. 1 (2021): 101–20, <https://doi.org/10.32697/integritas.v7i1.719>.

⁵ Muhammad Muthi Al zakawali, "Penegakan Hukum terhadap Tindak Pidana Kejahatan Prostitusi Online (Studi Penelitian di Kota Langsa)," *Suloh: Jurnal Fakultas Hukum Universitas Malikussaleh* 10, no. 2 (2022): 448–63, <https://doi.org/10.29103/sjp.v10i2.9149>.

⁶ Abubakar and Lubis, *Hukum Jinayat di Aceh: Sebuah Pengantar*; Farkhani et al., "Legal Protection of Minority Rights: Study on the Implementation of Qanun Number 6 of 2014 Concerning the Jinayat Law in Langsa City, Aceh Special Region Province," *Al-Manahij: Jurnal Kajian Hukum Islam* 17, no. 2 (2023): 215–32, <https://doi.org/10.24090/mnh.v17i2.7897>.

⁷ Ade Ikhsan Kamil et al., "Bur Telege: Etnografi Gerakan Kolektif Masyarakat dalam Membangun Wisata Islami," *Aceh Anthropological Journal* 5, no. 2 (2021): 118–37, <https://doi.org/10.29103/aaj.v5i2.5650>.

⁸ Vania Twidesyadinda, "Perlindungan Hukum terhadap Anak Korban Kekerasan Seksual dalam Praktik Penegakan Hukum Pidana (Studi Kasus Polres Wonosobo dan Pengadilan Negeri Wonosobo)" (Universitas Islam Indonesia, 2019), 62, <https://dspace.uui.ac.id/handle/123456789/13947>.

to Love", individuals who feel cold tend to desire warmth and intimacy.⁹ This can elucidate the reasons behind the prevalence of prostitution in areas with cold climates, such as Central Aceh, though it doesn't become any justifying reason.

In fact, in addition to its specific autonomy, culturally, Aceh has a well-established system to maintain its noble and modesty values through community and traditional institutions.¹⁰ In Central Aceh, the traditional institution known as *Sarak Opat* consists of four main elements: *Imem* (imam), *Petue* (customary/adat elders), *Reje* (village head), and *Rakyat* (citizens).¹¹ These four elements are supposed to collaborate to maintain social order and morality.¹² *Sarak Opat* serves not just as an enforcer of customary law but also safeguards moral and social values. They play an important role in the prevention and handling of prostitution issues.¹³ This study highlights the role of *Sarak Opat* in supporting prostitution prevention in Central Aceh through cultural approaches and indigenous wisdom that complement the implementation of *Qanun Jinayat*.¹⁴ Although prostitution cases continue to occur, *Sarak Opat* contributes through community

⁹ Marisa T. Cohen, *From First Kiss to Forever: A Scientific Approach to Love* (New York: MindPrint Press, 2016).

¹⁰ Khamami Zada, "Sentuhan Adat dalam Pemberlakuan Syariat Islam di Aceh (1514-1903)," *Karsa: Journal of Social and Islamic Culture* 20, no. 2 (2013): 197-210, <https://doi.org/10.19105/karsa.v20i2.42>.

¹¹ Djanuari, Hazar Kusmayanti, and Divya Pratiwi, "Pengalihan Wakaf oleh Sarak Opat di Aceh Tengah Ditinjau Hukum Islam dan Hukum Adat," *Al-Manahij: Jurnal Kajian Hukum Islam* 15, no. 2 (2021): 263-76, <https://doi.org/10.24090/mnh.v15i2.3285>.

¹² Amir Syam, "Lembaga Adat Sarak Opat dalam Penyelenggaraan Pemerintahan Kampung," *RESAM Jurnal Hukum* 5, no. 2 (2019): 76-94, <https://doi.org/10.32661/resam.v5i2.32>.

¹³ Maura Pemelie Walidain and Laras Astuti, "Implementasi Qanun Jinayat dalam Penegakan Hukum Pidana di Aceh," *Indonesian Journal of Criminal Law and Criminology (IJCLC)* 2, no. 3 (2021): 184-93, <https://doi.org/10.18196/ijclc.v2i3.13790>; Ajidar Matsyah, Mursyid Djawas, and Dedy Sumardi, "Cultural Continuity and Legal Adaptation: The Evolution of Suluh in Aceh's Conflict Resolution System," *Juris: Jurnal Ilmiah Syariah* 24, no. 1 (2025): 101-10, <https://doi.org/10.31958/juris.v24i1.13272>.

¹⁴ Ali Abubakar et al., *Problematika Penegakan Qanun Jinayat di Aceh*, ed. Mursyid Djawas (Banda Aceh: Sahifah, 2019); Zul Anwar Ajim Harahap, Zulfan, and Muhammad Ridwan, "Analyzing the Offense of Juvenile Khalwat in Aceh: Evaluation of Qanun Number 14 of 2003 from an Islamic Legal Perspective," *Al-Manahij: Jurnal Kajian Hukum Islam* 18, no. 1 (2024): 79-93, <https://doi.org/10.24090/mnh.v18i1.10648>.

supervision, moral education, customary sanctions, and social rehabilitation efforts.

It has been noticeable that research on prostitution has shown a growing interest among scholars in recent years. For instance, in 2020, Jonathan Surya Wijaya conducted extensive research on criminal accountability for all parties involved in prostitution cases.¹⁵ Furthermore, Ahmad Bani Sadar delved into criminal law policies in law enforcement efforts against prostitution, with a specific focus on studying the verdicts of the Kisaran District Court.¹⁶ Rani Hendriana conducted a study in 2016 that explores the causes of prostitution and efforts to combat it from a criminological perspective. The study scrutinizes the underlying factors of prostitution and assesses the different approaches taken to tackle this issue.¹⁷ In 2022, Ispawati Asri conducted a study on the interpersonal communication patterns of commercial sex workers in the prostitution industry on social media, specifically in Central Jakarta's Bilangan area.¹⁸

However, none of these studies specifically examined the integration between Islamic criminal law (*Qanun Jinayat*) and customary institutions in the prevention of prostitution. Previous research has mostly focused on normative legal analysis or urban social behavior rather than on empirical customary practices in rural Islamic regions such as Central Aceh. This study fills that gap by highlighting how *Sarak Opat* functions as a moral and legal intermediary that strengthens the implementation of *Qanun Jinayat* at the community level. Therefore, this article contributes a new perspective by

¹⁵ Jonathan Surya Wijaya, "Pertanggungjawaban Pidana terhadap Para Pihak Perkara Prostitusi Online Sebagai Pelaku Tindak Pidana," *Jurist-Diction* 3, no. 6 (2020): 2245–60, <https://doi.org/10.20473/jd.v3i6.22970>.

¹⁶ Ahmad Bani Sadar, Mustamam Mustamam, and Adil Akhyar, "Kebijakan Hukum Pidana dalam Penegakan Hukum terhadap Prostitusi Online (Studi Putusan Pengadilan Negeri Kisaran Nomor 341/Pid.Sus/2020/PN.Kis)," *Jurnal Ilmiah Metadata* 5, no. 1 (2023): 181–95, <https://doi.org/10.47652/metadata.v5i1.317>.

¹⁷ Rani Hendriana Riko Sabam Setiawan, Budiyono, "Sebab-Sebab Terjadinya Prostitusi Online dan Upaya Penanggulangannya dari Perspektif Kriminologi (Studi di Wilayah Hukum Polresta Banyumas)," *Soedirman Law Review* 5, no. 1 (2016): 40–54, <https://doi.org/10.20884/1.slr.2023.5.1.3488>.

¹⁸ Ispawati Asri, "Pola Komunikasi Interpersonal Pekerja Seks Komersil dalam Prostitusi Online di Sosial Media," *IKON: Jurnal Ilmu Komunikasi* 27, no. 1 (2022): 83–106, <https://journals.upi-yai.ac.id/index.php/IKON/article/view/1831>.

positioning customary law not merely as a cultural heritage, but as an active instrument of Islamic law enforcement in contemporary Aceh.

This article examines the prevention of prostitution in Central Aceh from the perspectives of Islamic criminal law and customary law, particularly through the role of *Sarak Opat* as a traditional institution in Acehnese society.¹⁹ The prostitution phenomenon at the area indicates the need for a more culturally rooted and community-based approach to law enforcement.²⁰ Accordingly, this study is structured around three interrelated themes. *First*, it tracks the prostitution existence in Central Aceh. *Second*, it investigates the role of *Sarak Opat* in preventing prostitution crimes in Central Aceh, focusing on its functions of social control, moral guidance, customary adjudication, and support for the implementation of Qanun Jinayat. *Third*, it examines the refunction of customary institutions in the context of national law enforcement, emphasizing how the revitalization of customary law can complement formal legal mechanisms and strengthen the enforcement of Islamic criminal law in Aceh. Together, these themes provide the analytical framework for understanding the contemporary relevance of customary institutions in addressing prostitution-related offenses.

Methods

This article employs an empirical legal research method²¹ with a case approach²² to examine the issue of prostitution in Central Aceh.²³ Data collection was conducted through field studies. This type of research is considering primary data, which is then analyzed alongside

¹⁹ Dahlia Darida et al., "Legal Protection for Disputing Parties Through the Aceh Customary Court," *Al-Ihkam: Jurnal Hukum dan Pranata Sosial* 15, no. 1 (2020): 31–49, <https://doi.org/10.19105/al-ihkam.v15i1.2250>; Atika, Andriyani, and Adelia Salsabila Putri, "Settlement of Non-Litigation Rape Crime Cases in the Perspective of Islamic Law," *Nurani: Jurnal Kajian Syari'ah dan Masyarakat* 22, no. 1 (2022): 191–200, <https://doi.org/10.19109/nurani.v>.

²⁰ Lutfil Ansori, "Reformasi Penegakan Hukum Perspektif Hukum Progresif," *Jurnal Yuridis* 4, no. 2 (2017): 148–63, <https://doi.org/10.1017/S0041977X00106330>.

²¹ I Wayan Rideng, "Metode Penelitian Hukum Normatif," *Kertha Widya: Jurnal Fakultas Hukum UNIPAS* 1, no. 1 (2013): 21–30, <https://doi.org/10.37637/kw.v1i1.419>.

²² Muhammad Siddiq Armia, *Penentuan Metode dan Pendekatan Penelitian Hukum*, ed. Chairul Fahmi (Banda Aceh: LKKI, 2022).

²³ F Faturrohman, "Prostitusi Online dalam Perspektif Hukum Pidana di Indonesia," *Res Justitia: Jurnal Ilmu Hukum* 2, no. 2 (2022): 285–92, <https://doi.org/10.46306/rj.v2i2.39>.

the secondary data.²⁴ The interviews were conducted by selecting ten informants in a structured and purposive manner, consisting of traditional leaders, government officials, law enforcement representatives, and community figures who are directly or indirectly involved in addressing prostitution issues in Central Aceh. Interviews were conducted between March and April 2024, both in person and via teleconference. Data collection faced certain limitations due to the covert nature of prostitution practices within the community. The secondary data in this article comprises information obtained from literature research and documents, which are the results of research by previous researchers.²⁵ The analysis is conducted inductively, leading to an understanding of concepts and legal principles related to the discussed issue. This framework empowers researchers to formulate generalizations and conclusions grounded in specific evidence, fostering a more profound comprehension of the regulations and legal issues under scrutiny.²⁶

Result and Discussion

Tracking the Prostitution Existence in Central Aceh

Based on the conducted documentary study, multiple cases of prostitution were discovered in Central Aceh. Interviews reveal how the local community expressed its concerns regarding this issue. According to Juhursyah,²⁷ in order to comprehend the existence of prostitution, which is currently being discussed within the Gayo community, it is important to reflect on the historical context when customary rules were strictly enforced. According to Juhursyah, a figure from Linge Isak Village, Gayo customary law has a concept written below:

“Every decision must be based on concrete evidence and legitimate authority, usually by ‘Reje’ as customary leader

²⁴ Lexy J. Moleong, *Metode Penelitian Kualitatif* (Bandung: Remaja Rosdakaya, 2007).

²⁵ D Tan, “Metode Penelitian Hukum: Mengupas dan Mengulas Metodologi dalam Kajian Ilmu Hukum,” *Nusantara: Jurnal Ilmu Pengerahuan Sosial* 8, no. 8 (2021): 1–21, <https://doi.org/10.31604/jips.v8i8.2021.2463-2478>.

²⁶ Ishaq, *Metode Penelitian Hukum dan Penulisan Skripsi, Tesis, Serta Disertasi* (Bandung: Alfabeta, 2017).

²⁷ Juhursyah, A Traditional Leader of Linge Isak Village, *Interview*, March 13, 2024.

(*Salah Bertegah Benar Berpapah Pantas Berulo Taring Berai, Emas Berpure Malu Beruang, Salah Bersemah Ilit Berisi, Wajib Atas Tempat Warus Barang Kafat, Suket Kuare Timang Kuneraca, Senare Opat Kal Seneta Roa Jengkal, Engon Sareh Panang Nyata, Amat Mutubuh Pangan Murasa*)," (Interview Excerpt, March 2024, translated)

These concepts reflect the traditional value of preserving Gayo community's ethics and behaviour – customary law which become as a life reference for living in Gayo Community. Regrettably, people are increasingly abandoning these values, making them no longer the primary guiding principles in their daily lives. The weakening role of customary institutions has reduced the effectiveness of community-based social control mechanisms. This is clear from the decreasing role and influence of customary figures, implying how the customary law was not respected enough anymore. The villagers even believe that customary law is not related anymore in this generation. Instead, they believe that it would be better if the government law enforcement officer is the one whom in charge instead of traditional institution law such as *Sarak Opat*. Therefore, although formal legal frameworks and Islamic Sharia regulations continue to exist in Central Aceh, limitations in supervision, coordination, and social participation have created gaps that may be exploited for deviant practices, including prostitution. This condition indicates the need for stronger synergy between formal authorities, customary institutions, and local communities in maintaining social morality and public order.

This situation is exacerbated by increasing number of tourists visiting Central Aceh, particularly due to the appealing mountainous landscapes and the refreshing Laut Tawar Lake. The increase in local tourists from Aceh and North Sumatra has led to a rise in the demand for accommodations. Regrettably, many hotels, accommodations, homestays, and tents around Laut Tawar Lake are inadequately monitored, causing visitors to engage in indecent behaviour. This situation exploits loopholes in existing social and legal controls, despite Central Aceh having implemented Islamic Sharia law and customary law through the Customary Council.²⁸

²⁸ Ahyar Ari Gayo, *Hukum Adat Gayo: Masa Lalu dan Masa Sekarang*, ed. Muhaimin (Jakarta: Balitbangkumham Press, 2021).

To provide a clearer situation of the ongoing prostitution phenomena in Central Aceh, Table 1 summarizes several recorded and reported cases over the past few years. The data were compiled from documentary sources, police reports, media coverage, and community interviews. The cases demonstrate that prostitution has occurred in various forms and locations, ranging from hotels and cafés to disguised food stalls and homestays around Lake Laut Tawar.

Tabel 1. Prostitution Cases in Central Aceh

Years	Location / Modus	Perpetrators / Involved Parties	Facts / Case Evidence	Response of Authorities / Community
Contemporary (up to present)	Hotels, homestays, tent houses around Lake Laut Tawar	Tourists, unlawful couples, pimps	Many accommodations do not monitor visitor identities; immoral practices highly likely occur	Some inn and homestay owners are selective (accepting only lawful couples); community put up banners with customary rules
2023	Hotels & Inns in Central Aceh	TW/Ola (pimp)	Police uncovered a human trafficking case; TW was arrested based on community information	Investigation and imprisonment
2022	Food stalls in Belang Bebangka, Pegasing Subdistrict	Perpetrators not clearly identified	A 59-second video circulated on social media showing young men and women dancing as in a nightclub	Community expressed concern; the case became a public discussion
2020–2021	Houses, cafés, salons, and homestays around Lake Laut Tawar	Sex workers from outside Central Aceh through pimps	Covert modus: disguised as tourists or guests at accommodations	Authorities & customary institutions considered insufficiently firm; activities

continued
discreetly

Source: Compiled from various sources.

Table 1 shows that prostitution in Central Aceh continues in various forms despite the enforcement of *Qanun Jinayat* and the presence of *Sarak Opat*. Cases from 2020–2023 indicate weak supervision and inconsistent law enforcement. This condition has caused unrest among the local community, especially those living in areas frequently used for prostitution activities. Despite the increase in tourist visits, particularly on weekends and national holidays, the local community still experiences disturbance and disruption due to activities that violate social norms and customs. The owner of Linge Land Hotel, retired head of The Central Aceh tourism office, Muhlis Gayo²⁹ mentioned as below:

“Prostitution in Central Aceh can be understood as a social clash and the result of complex environmental influences, including geographical factor. (Interview Excerpt, 2024, translated)

Referring to Cesare Lombroso’s criminological theory,³⁰ which examined the northern interior regions of Italy, it was found that highland, cold, and isolated areas tend to have higher volumes of crime, including sexual crimes.³¹ Genetically, Central Aceh, which is

²⁹ Muhlis Gayo, Owner of Linge Land Hotel and Community Leader, *Interview*, March 17, 2024.

³⁰ Charles A Ellwood, “Lombroso’s Theory of Crime,” *Journal of the American Institute of Criminal Law and Criminology* 5, no. 2 (1912): 716–23, <https://www.jstor.org/stable/1132830>; Muzakkir, “The Effectiveness of Aceh’s Jinayat Qanun on Crime Rates in the Community in a Review of Legal Socialization,” *Al-Manahij: Jurnal Kajian Hukum Islam* 16, no. 2 (2022): 255–68, <https://doi.org/10.24090/mnh.v16i2.6643>.

³¹ Chiara Beccalossi, “Cesare Lombroso and Italian Criminal Anthropology,” in *Female Sexual Inversion: Same-Sex Desires in Italian and British Sexology, c. 1870–1920* (London: Springer, 2012), 117–46; RM. Armaya Mangkunegara, “Juridical Analysis of Forestry Criminal Law Enforcement by Corporations in Environmental Fiqh Framework,” *Nurani: Jurnal Kajian Syari’ah dan Masyarakat* 24, no. 1 (2024): 235–52, <https://doi.org/10.19109/vs92sa64>; Faisal Zulfikar, Hilman Taqiyuddin, and Mohamad Muchlisin, “Maqashid Syariat Asy-Syatibi Review of Marital Rape in the

also a highland region, demonstrates a similar tendency. However, within the Gayo social and cultural context, the strong presence of religion and customary law has been deemed to restrain such deviant behavior.

Social changes in the Gayo region, influenced by the arrival of other ethnic groups, have also gradually weakened traditional Gayo customs. Previously, interactions between men and women were mostly individual and unorganized, but prostitution in Central Aceh has now become more organized, often involving pimps and temporary accommodations in homes, cafés, and beauty salons. The growth of tourism around Lake Laut Tawar has also increased demand for hotels, homestays, and tents, many of which lack proper guest supervision and are vulnerable to misuse for immoral activities. Although Islamic and customary laws are formally implemented, social control remains weak. Muhlis Gayo further stresses that the decline of traditional marriage customs has contributed to high divorce rates and weakened household harmony within the Gayo community.³² In line with Muhlis Gayo, Riduan³³ from the Central Aceh Prosecutor's Office stated that:

“There has been no formal process of addressing prostitution cases, whether involving individuals or organized by pimps. I recognize the existence of prostitution activities that often occur discreetly or covertly, with the perpetrators frequently found in cafes or disguised as tourists. The execution of prostitution usually takes place in accommodations such as hotels, homestays, or tents around Laut Tawar Lake. Many accommodations no longer properly inquire about the guests' identities, whether they are a married couple or a family group, thus creating an opportunity for immoral behaviour. (Interview Excerpt, March 2024, Translated).

Sexual Violence Crime Law,” *Nurani: Jurnal Kajian Syari'ah Dan Masyarakat* 23, no. 1 (2022): 97-110, <https://doi.org/10.19109/nurani.v%vi%i.16991>.

³² Muhlis Gayo, Owner of Linge Land Hotel and Community Leader, *Interview*, March 17, 2024.

³³ Riduan, Central Aceh State Prosecutor's Office employee, *Interview*, March 14, 2024.

However, Riduan acknowledges that they continue to receive information about prostitution. Accordingly, Ramdanu Martis, an accommodation owner in Mendale,³⁴ stated that:

"I emphasize that in my own accommodation, as me and my family also reside there, prospective residents must provide clear identification. Only married couples, siblings, or members of a group that is exclusively composed of males or females are permitted to stay. I am anxious about the insufficient government control and oversight from relevant agencies in enforcing Islamic law as the number of tourists visiting Central Aceh rises. I hope for the restoration of Gayo dignity to its former condition, characterized by comfort and a strong sense of togetherness, as exemplified in the term "*Bujang Berama Beru Berine*" which signifies a tight-knit fraternity." (Interview Excerpt, March 2024, translated)

Flogging penalties were still in place during the first implementation of Sharia law, but these incidents are now rare. In the political year 2024, it was desired that the elected leader would demonstrate a strong dedication to enforcing Islamic Sharia law and customary law, which have historically governed social and governmental interactions. Ramdanu's testimony goes the same as that of Hasbul,³⁵ a 'reje' from Hakim Bale Bujang Dedalu Village, as follows.

"In accommodation around the right edge of Laut Tawar Lake, specifically in the villages of Bale, One-one, Pedemun, Towerem, Rawe, and Nosar, the handling of residents is quite strict and selective." (Interview Excerpt, March 2024, Translated)

Amrustian,³⁶ a retired secretary office of Kuteni Reje Village in Laut Tawar District stated as below:

³⁴ Mandale, Accommodation Owner in Mendale, *Interview*, March 19, 2024.

³⁵ Hasbul, Reje Kampung of Hakim Bale Bujang Dedalu, *Interview*, March 19, 2024.

³⁶ Amrustian, a retired secretary office of Kuteni Reje Village, *Interview*, March 19, 2024.

“There are no places or residences, including hotels, in our community that are utilized for accommodations without exemplifying the community’s commitment to preserving cultural and Islamic values in our region. We understand the importance of upholding moral and social norms, enforcing strict policies to ensure that only legally married couples or legitimate families are allowed to stay as guests.” (Interview excerpt, March 2024, Translated”

Although we found no direct testimonies from accommodation owners about their loose rules in welcoming the guests or collusion between certain accommodation owners and external actors who exploit tourism for profit, it is worth balancing the prostitution case reports, implying that the factor does not only engage with permissive attitude from accommodation owners. Above all, other than that very particular factor, prostitution persistence is largely due to weak enforcement mechanisms and the absence of consistent monitoring from authorities. Consequently, the effectiveness of *Sarak Opat*’s moral regulations will much depend not only on their existence but also on continuous coordination and firm law enforcement by both customary and governmental institutions.

Sarak Opat's Role in Preventing Prostitution Crimes in Central Aceh

Sarak Opat customary institution plays a crucial role in upholding social and religious norms in Central Aceh. Given the growing threat of prostitution and other violations of Islamic law, the involvement of *Sarak Opat* becomes increasingly vital in maintaining the community’s moral integrity. Based on the findings of this study, the forms of *Sarak Opat*’s role can be categorized into several key areas, namely: (1) socialization and public education, (2) coordination with law enforcement and other authorities, (3) formulation of customary sanctions, (4) strengthening of local regulations, and (5) moral supervision within society. Each of these aspects demonstrates how *Sarak Opat* functions as a bridge between customary authority, religious principles, and state law enforcement.

First, *Sarak Opat* actively engages in socialization activities within mosques and public gatherings, emphasizing the importance of

upholding Islamic law and avoiding societal problems such as prostitution and drug abuse. Community leaders play a crucial role in delivering persuasive messages and supporting the police in preventing violations of religious law. This socialization not only provides information but also fosters collective awareness regarding the moral dangers of prostitution. For instance, according to an interview with the Reje (village head) of Mendale, Kebayakan District (April 16, 2024), *Sarak Opat* regularly holds Friday evening forums (*musyawarah jum'at malam*) at local mosques to remind residents about the moral dangers of free sex and prostitution around the Laut Tawar Lake area.



Figure 1. Interview with Reje *Sarak Opat* about Field Observations and Distributing Banners

Furthermore, *Sarak Opat* in Mendale and surrounding areas has distributed banners and circulars warning the public about sanctions under *Qanun Jinayat*, emphasizing both physical punishment and social shame for moral violations. Field observations and interviews conducted in March–April 2024 show that *Sarak Opat*, together with the Central Aceh government, carried out socialization programs targeting cafés, camping areas, homestays, and hotels to strengthen compliance with Islamic law and public morality regulations. These activities were conducted through formal meetings and direct visits to business

premises, including instructions to prevent unmarried couples from sharing rooms and to ensure gender-appropriate services in salons and bridal businesses as part of efforts to prevent covert prostitution and other immoral practices.

The socialization process is not merely declarative but occurs regularly—especially before major holidays such as Ramadan or the year-end tourist season—when the influx of visitors increases. *Sarak Opat* members and *Satpol PP* officers distribute banners, leaflets, and public notices, as can be seen on Figure 2, around Lake Laut Tawar bearing messages such as “*Respect Islamic Law – Avoid Violating Aceh Qanun No. 6 of 2014 on Jinayat.*” According to observations in Mendale and Kebayakan Subdistricts, this campaign has heightened public vigilance and reduced reports of immoral activities in several monitored accommodations.



Figure 2. Banners Displaying 18 Issues

Sarak Opat has also put up billboards, as can be seen on Figure 2, displaying 18 issues that can be resolved in the village, according to *Qanun* No. 9 of 2004. These include domestic disputes, inheritance conflicts, quarrels among residents, adultery or illicit relationships,

property disputes, petty theft, livestock theft, violations of customary norms in agriculture and forestry, market disputes, minor assaults, defamation, incitement, environmental pollution, and other violations of local customs. Within this framework, prostitution is implicitly categorized under “adultery or illicit relationships,” which are regarded as moral offenses (*pelanggaran akhlak*) under both Islamic and customary law. Thus, cases of prostitution can also be addressed through customary mechanisms if they occur within the village jurisdiction.

Second, the institution collaborated with the Subdistrict Religious Affairs Office and youth groups to organize an anti-prostitution campaign in 2023, where public banners and sermons were used to emphasize moral discipline and community vigilance. This was followed by the issuance of Circular Letter No. 451/789/DSI/2024 concerning the Prevention of Violations against Islamic Sharia and Public Order, implying the effort to strengthen authority of *Sarak Opat* in preventing prostitution and violations of Islamic law. Through the Letter, the Regent of Central Aceh, based on Aceh’s special autonomy laws and *Qanun Jinayat*, regulates hotels, homestays, cafés, salons, and public gatherings to comply with Islamic norms, including restrictions on unmarried couples, alcohol, inappropriate dress, and activities disrupting public order. It also encourages prayer observance and moral supervision in public spaces. Through this policy, the Regent institutionalizes cooperation between *Sarak Opat*, religious leaders, and government authorities in maintaining moral order and preventing social problems such as prostitution within the framework of Islamic criminal law.

The issue of prostitution in Central Aceh has drawn attention from both law enforcement agencies and customary institutions. According to Subandi³⁷ and Ariansyah³⁸, the police have conducted several investigations and successfully apprehended perpetrators involved in covert prostitution networks. However, these law enforcement efforts are not carried out in isolation. The *Sarak Opat* customary institution plays a complementary role by facilitating

³⁷ Subandi, Regional Secretary of Central Aceh Regency, *Interview*, April 16, 2024.

³⁸ Ariansyah, Section Head of Satpol PP (Municipal Police) of Central Aceh Regency, *Interview*, April 16, 2024.

mediation, moral counseling, and community awareness initiatives to prevent the recurrence of such cases.

As emphasized by AKBP Bambang Junianto,³⁹ the preventive approach to prostitution involves not only legal enforcement but also social and moral rehabilitation. In this regard, *Sarak Opat* played its *third* and *fifth* role, namely collaborating with the police and village leaders (*Reje Kampung*) to provide guidance for offenders and their families. Individuals caught in prostitution-related offenses are summoned before the *Sarak Opat* council, where they receive admonitions rooted in Islamic and customary values. They are reminded of the moral, spiritual, and social consequences of their actions and are encouraged to return to lawful and dignified livelihoods.

This collaborative mechanism ensures that preventive measures against prostitution in Central Aceh are not limited to punishment alone but also encompass the reassertion of customary and religious values within the community. Through its moral authority and proximity to local residents, *Sarak Opat* effectively bridges the gap between formal law enforcement (*Qanun Jinayat*) and everyday social realities, transforming prevention into a culturally grounded process of moral restoration.

During the celebration of Idul Fitri 1445 H/2024, the officers of Central Aceh *Satpol PP* (*Pamong Praja Police Unit/Municipal Police*) conducted unexpected inspections at various accommodations, including hotels, homestays, and camping tents. Inspections effectively discovered an illicit couple in one of the camping tents in Mepar, along the shores of Laut Tawar Lake. This case has been handed over to *Sarak Opat* for its jurisdictional processing, which includes imposing fines and confiscating facilities used for immoral activities. This unexpected inspection is part of a deliberate endeavour to minimize Islamic law violations. The findings of the *Satpol PP* indicate that strict monitoring and prompt action can decrease the frequency of violations. The case being handed over to *Sarak Opat* further affirms that customary institutions have the authority to handle customary violations, which frequently proves more effective in delivering deterrent effects.

In general, *Sarak Opat* does play a significant role in managing cases related to violations of Islamic moral and criminal law, including

³⁹ Junianto, The head of Banda Aceh police sector, *Interview*, March 19, 2024.

those involving prostitution. According to Syaifullah,⁴⁰ when a case involving an unmarried couple suspected of engaging in prostitution occurred in Mendale Village, *Sarak Opat* immediately held a deliberation (*musyawarah*) and imposed a customary fine of IDR 1,800,000 on the offenders. The case was resolved on the same day through a community-based approach that prioritized moral restoration rather than punitive isolation. Islamic Syaria Services subsequently supervised the case to ensure that the resolution complied with the *Qanun Jinayat*, including possibilities for marriage or reconciliation with the families involved.

The historical and sociological roots of *Sarak Opat* help to explain its enduring influence. Having been institutionalized within Gayo's customary structure for centuries, *Sarak Opat* enjoys a high level of public trust and social legitimacy. Anthropologically, Gayo customs are closely aligned with Islamic teachings, making community members more receptive to customary norms than to state-imposed regulations. Psychologically, sanctions based on shame and communal reputation function as an internalized moral control mechanism. Nevertheless, no matter how strong and respected *Sarak Opat* remains within Gayo society, its existing mechanisms require continuous improvement to address contemporary challenges such as prostitution more effectively. In particular, greater emphasis on restorative, educational, and rehabilitative approaches is needed, as reliance solely on social sanctions may perpetuate stigma and social exclusion rather than promote genuine behavioral change and long-term social reintegration.

The Refunctioning Pattern of Customary Institutions in Islamic Criminal Law Enforcement

In Central Aceh, prostitution is not merely understood as a violation of social norms but also as conduct that contradicts Islamic values and may lead to *jarimah* against morality as regulated under Aceh's Islamic legal framework. Consequently, efforts to prevent prostitution involve not only the application of formal sanctions under *Qanun Aceh* No. 6 of 2014 concerning *Jinayat* Law, but also the active

⁴⁰ Syaifullah, Reje Kampung of Mendale, *Interview*, April 16, 2024.

participation of customary institutions in maintaining social order and moral discipline.⁴¹

From the perspective of Islamic law, prostitution is closely associated with acts leading to *zinā*, which is explicitly prohibited in the Qur'an and Sunnah.⁴² Islamic criminal law emphasizes not only punishment after the commission of an offense but also preventive measures through the doctrine of *sadd aẓ-ẓarī'ah* (blocking the means to unlawful acts).⁴³ Such preventive efforts are consistent with the objectives of *maqāṣid asy-syarī'ah*, particularly the protection of honor (*ḥifẓ al-'ird*) and lineage (*ḥifẓ an-nasl*).⁴⁴ However, the effectiveness of law enforcement depends not solely on the existence of legal norms but also on the extent to which those norms are internalized within society. The *qanun* provides a formal legal basis for addressing offenses related to morality and public decency.⁴⁵ In Central Aceh, *Sarak Opat* functions as one of the most important institutions responsible for preserving this legal culture within the Gayo community.

The *Sarak Opat* institution consists of four interrelated components: the *Reje Kampung* (village head), who leads deliberations and enforces administrative sanctions; the *Imem Meunasah* (religious leader), who provides spiritual and moral guidance; the *Petue* (community elder), who interprets customary principles; and the *Rakyat Genap Mupakat* (community representatives), who ensure collective legitimacy. This structure allows *Sarak Opat* to respond holistically to prostitution-related offenses, combining legal reasoning, moral persuasion, and community consensus. Although *Sarak Opat* does not possess formal authority to impose *jinayat* punishments, it plays an important role in preventing social behaviours that may lead

⁴¹ Muhammad Siddiq Armia, *Penegakan Syariat Islam di Aceh: Dinamika dan Tantangan* (Banda Aceh: Bandar Publishing, 2021); Irwan Waris et al., "Reframing Public Policy on Narcotic Case Dismissals: Integrating Maqasid Al-Shari'ah and Restorative Justice in the Contemporary Era," *MILRev: Metro Islamic Law Review* 4, no. 1 (2025): 566–96, <https://doi.org/10.32332/milrev.v4i1.10579>.

⁴² Mia Amalia, "Prostitusi dan Perzinahan dalam Perspektif Hukum Islam," *Tahkim: Jurnal Peradaban dan Hukum Islam* 1, no. 1 (2018): 68–87, <https://doi.org/10.29313/tahkim.v1i1.3265>.

⁴³ Wahbah Al-Zuhayli, *Al-Fiqh Al-Islāmī wa Adillatuhu* (Beirut: Dar al-Fikr, 1997).

⁴⁴ Abu Ishaq Al-Shatibi, *Al-Muwafaqat fi Usul al-Shariah* (Kairo: Al-Maktabah Al-Tawfikia, 2003).

⁴⁵ Muhammad Yusuf, *Implementasi Hukum Jinayat di Aceh: Keadaran, Kepatuhan, dan Efektivitas* (Banda Aceh: Bandar Publishing, 2022).

to criminal violations. For more detail, the refunctioning *Sarak Opat* to prevent the prostitution can be seen in Table 2.

Table 2. Refunctioning *Sarak Opat* into The Implementation of *Qanun* for Preventing *Jinayat* Punishment

Enforcement Stages	<i>Qanun Jinayat</i> Mechanism	<i>Sarak Opat</i> Mechanism	Refunctioning of <i>Sarak Opat</i> and <i>Qanun Jinayat</i>
Prevention	<i>Qanun</i> mostly regulates prohibitions and threats of punishment	<i>Sarak Opat</i> provides religious counselling, moral development, community supervision, and early detection of deviant behaviors	<i>Sarak opat</i> is the official partner of the village government in the program to prevent crimes of morality
Early detection	Community-based detection mechanisms have not been specifically regulated	Informants stated that social monitoring is carried out collectively, allowing for early detection of deviant behaviour.	<i>Sarak Opat</i> serves as an initial reporting network before cases escalate into criminal acts
Pre-litigation	The focus of <i>Qanun</i> is the legal process following an alleged crime.	Cases are often resolved first through customary deliberation, religious counselling, and family mediation.	<i>Sarak Opat</i> is provided as a non-judicial mechanism as long as it does not remove the authority of the authorities over the crime that must be processed
Formal enforcement	Investigations and prosecutions are carried out by the authorized officers	<i>Sarak Opat</i> does not have the authority to impose ' <i>uqubah</i>	<i>Sarak Opat</i> functions as a supporter of social proof, provider of information, and a facilitator of communication

Enforcement Stages	<i>Qanun Jinayat</i> Mechanism	Sarak Opat Mechanism	Refunctioning of <i>Sarak Opat</i> and <i>Qanun Jinayat</i>
Social rehabilitation	<i>Qanun</i> places greater emphasis on sanction	The research shows the importance of socio-economic development and empowerment	between the public and the authorities <i>Sarak Opat</i> oversees social reintegration after case resolution through religious and social development
Strengthening legal compliance	The compliance is built through the enforcement of legal norms	Public compliance arises from moral legitimacy and customary consensus (living law)	<i>Sarak Opat</i> serves as a bridge between formal norms and the community's legal culture, thereby increasing compliance with the <i>Qanun</i>
Adaptation for digital prostitution	There is no specific regulation	The research shows that there is a tendency that prostitution not only in the real world but can be happened through digital platform	<i>Sarak Opat</i> can be implemented as a digital counselling, moral literacy, and collaboration with village governments and law enforcement official

Sources: processed data

It can be seen in Table 2 that *Sarak Opat* cannot be integrated into *Qanun*. However, it can be run simultaneously with the *Qanun*.⁴⁶ Such a Table obviously shows that by including the *Sarak Opat* into *Qanun Jinayat*, it can complement the missing aspects, such as the non-existent

⁴⁶ John Griffiths, "What Is Legal Pluralism?," *The Journal of Legal Pluralism and Unofficial Law* 18, no. 24 (January 1, 1986): 1-55, <https://doi.org/10.1080/07329113.1986.10756387>; Iskandar Ritonga, Muhammad Shodiq, and Ulya Atsani, "Contesting Polygamy in Aceh: Legal Pluralism and the Politics of Islamic Family Law," *Juris: Jurnal Ilmiah Syariah* 25, no. 1 (2026): 229-40, <https://doi.org/10.31958/juris.v25i1.16933>.

of specific regulation in digital prostitution, which can be manifested by digital counselling by involving the community.

The position of *Sarak Opat* within Aceh's legal order demonstrates a form of legal pluralism in which state law, Islamic law, and customary law operate simultaneously.⁴⁷ Rather than functioning as a substitute for formal law enforcement, *Sarak Opat* complements the implementation of *Qanun Jinayat* by providing social legitimacy and cultural acceptance. Community members often perceive customary decisions as morally binding because they are grounded in shared religious values, local wisdom, and communal consensus. Consequently, compliance is frequently achieved through moral persuasion and social accountability rather than coercive sanctions.

Nevertheless, the study identifies several contemporary challenges. The expansion of digital communication and social media has altered the patterns through which prostitution operates in Central Aceh. Informants reported that some prostitution-related activities are increasingly conducted through private online communication and informal social networks, making them more difficult to detect through conventional community-based supervision.

This finding may be explained through Travis Hirschi's Social Control Theory, which argues that strong social bonds serve as an important mechanism for preventing deviant behaviours.⁴⁸ In Central Aceh, the close relationship between *Sarak Opat* and the community enables customary institutions to maintain moral control even in the absence of formal coercive authority. However, no matter how strong its social legitimacy remains, *Sarak Opat* requires continuous institutional strengthening to address increasingly complex forms of prostitution in the contemporary era.

⁴⁷ Griffiths, "What Is Legal Pluralism?"; Bambang Tri Bawono et al., "Human Trafficking and the Relevance of Hifz Al-Nafs and Hifz Al-'ird in Contemporary Islamic Legal Ethics," *MILRev: Metro Islamic Law Review* 4, no. 1 (2025): 597–618, <https://doi.org/10.32332/milrev.v4i1.10694>.

⁴⁸ Travis Hirschi, "Social Control Theory: A Control Theory of Delinquency," in *Criminology Theory* (New York: Routledge, 1998); Souad Ezzerouali, "Expanding the Authority of Muhtasib to Protect Consumers: A Comparison between Moroccan Law and Islamic Qanun of Aceh," *Trunojoyo Law Review (TLR)* 7, no. 2 (2025): 161–91, <https://doi.org/10.21107/tlr.v7i2.29151>; Chika Praska Anggraini, Darul Akbar, and M Fijar Ishlahul Ummah, "Women's Leadership in Islamic Law: Between Normative Foundations and Contemporary Realities," *Nusantara: Journal of Law Studies* 3, no. 1 (2024): 1–13, <https://doi.org/10.5281/zenodo.17366381>.

Therefore, the refunctioning of *Sarak Opat* should be understood as an adaptive process rather than merely a restoration of traditional authority. The revitalization of customary institutions must emphasize not only customary sanctions but also educational, preventive, rehabilitative, and socio-economic empowerment approaches that align with the objectives of Islamic law. Through such adaptation, customary institutions can continue to contribute to the protection of morality, social order, and community welfare while remaining relevant in contemporary society.

Ultimately, the Central Aceh experience demonstrates that effective prostitution prevention cannot rely exclusively on formal legal sanctions. Instead, it requires synergy between Islamic criminal law, customary law, and community participation. The relationship between *Qanun Jinayat* and *Sarak Opat* illustrates how living law reinforces the implementation of Islamic legal norms by strengthening legal culture, moral awareness, and collective responsibility. In this sense, the revitalization of customary institutions constitutes an important component of Islamic criminal law enforcement in Aceh.

Conclusion

This study concludes that the participation of customary institutions (*Sarak Opat*) in Central Aceh demonstrates a practical and functional model of local government in upholding Islamic and social morality. Between 2022 and 2024, *Sarak Opat* successfully mediated at least four cases involving moral and prostitution-related violations. The existence of *Sarak Opat* also reflects the living philosophy *murip dikanung adat, mati dikanung bumi*—to live under the rule of custom and to return to the earth in death. This cultural belief reinforces social compliance, ensuring that customary norms are perceived as morally binding even without coercive legal power. Through this moral legitimacy, *Sarak Opat* continues to function as an effective community-based mechanism for preventing prostitution and strengthening public morality, despite its limited formal authority under state law.

The model of conflict resolution developed by *Sarak Opat* in Central Aceh offers an important reference for other customary regions in Indonesia. It demonstrates that integrating customary authority with Islamic and formal legal frameworks can create a more holistic approach to social control and moral restoration. The limitation of this study lies in its scope, which focuses solely on Central Aceh, thus

limiting generalization to other Acehnese regions. Additionally, the descriptive-qualitative approach does not yet capture the psychological dynamics of prostitution actors or the emerging digital patterns of solicitation. Future research should therefore employ interdisciplinary methods, such as digital ethnography and social network analysis, to explore how customary institutions can adapt to evolving forms of social deviance in a digitalized world.

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