

IMPLEMENTATION OF *MAQĀSĪD AL-QUR'ĀN* IN ACEH'S QANUN: TOWARD A FRAMEWORK OF SHARIA LEGISLATION AND SOCIAL *MAŞLAĤAH*

Sulthan Mujahidin^{1*}

¹ Universitas PTIQ Jakarta, Indonesia; sultanmujahidin82@gmail.com

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Abstract: Aceh, as a province with special autonomy, has implemented Islamic Sharia through regional regulations known as *qanun*. However, its implementation is frequently criticized for being entangled in legalistic and punitive formalism. This research aims to analyze the implementation of *maqāṣid al-Qur'ān* within the Aceh *Qanun* and its transformation toward substantive justice. Diverging from previous studies that focused primarily on classical *maqāṣid al-sharī'ah* (the protection of the five essential elements), this study employs the more universal and inclusive paradigm of *maqāṣid al-Qur'ān* as an analytical framework. The methodology is qualitative-descriptive, utilizing exegetical literature—specifically *Tafsir Al-Misbah*—and contemporary *maqāṣid* theories as primary sources to examine the Aceh *Qanun* as the object of research. The findings reveal a significant gap between the idealistic message of the *Qur'an*—which emphasizes mercy, social justice, and human dignity—and the reality of *qanun* texts, which remain predominantly punitive. This study identifies that the *Qanun Jinayat*, *Qanun Maisir*, and *Qanun Syiar Islam* require methodological deconstruction to shift their focus from mere external compliance to substantive welfare. As a solution, this research proposes “The Integrated *maqāṣid al-Qur'ān* Framework” for future legislative drafting, based on value-based ontological analysis, a multidisciplinary systems approach, and social *maşlahah* indicators. These findings underscore the necessity of revitalizing the paradigm of Islamic law in Aceh, moving from a mere instrument of social control toward a humanistic and dignified model of human empowerment in accordance with the universal vision of the *Qur'an*.

Keywords: Aceh, Aceh *Qanun*, Islamic Law, Islamic Sharia, *Maqāṣid al-Qur'ān*.

Abstrak: Aceh, sebagai provinsi dengan otonomi khusus, telah mengimplementasikan syariat Islam melalui *qanun*. Namun, implementasinya sering dikritik karena terjebak dalam formalisme legalistik yang punitif. Penelitian ini bertujuan menganalisis implementasi *maqāṣid al-Qur'ān* dalam *Qanun* Aceh dan transformasinya menuju keadilan substantif. Berbeda dengan kajian terdahulu yang terpaku pada *maqāṣid al-sharī'ah* klasik (perlindungan lima unsur pokok), penelitian ini menggunakan paradigma *maqāṣid al-Qur'ān* yang lebih universal dan inklusif sebagai

* Corresponding Author

pisau analisis. Metode yang digunakan adalah kualitatif-deskriptif dengan menempatkan literatur tafsir (khususnya *Tafsir Al-Misbbah*) dan teori *maqāsid* kontemporer sebagai sumber primer untuk membedah Qanun Aceh sebagai objek penelitian. Hasil penelitian menunjukkan adanya kesenjangan (*gap*) antara idealitas pesan Al-Qur'an yang menekankan rahmat, keadilan sosial, dan martabat kemanusiaan dengan realitas teks *qanun* yang masih dominan bersifat menghukum (*punitive*). Studi ini mengidentifikasi bahwa Qanun Jinayat, Qanun Maisir, dan Qanun Syiar Islam memerlukan dekonstruksi metodologis agar tidak hanya mengejar kepatuhan lahiriah tetapi juga kesejahteraan substantif. Sebagai solusi, penelitian ini menawarkan "*the integrated maqāsid al-Qur'an framework*" dalam penyusunan legislasi masa depan yang berbasis pada analisis ontologi nilai, pendekatan sistem multidisipliner, dan indikator kemaslahatan sosial. Temuan ini menegaskan perlunya revitalisasi paradigma hukum Islam di Aceh dari sekadar instrumen kontrol sosial menjadi instrumen pemberdayaan manusia yang humanis dan bermartabat sesuai visi universal Al-Qur'an.

Kata-kata Kunci: *Aceh, Hukum Islam, Maqāsid al-Qur'an, Qanun Aceh, Syariat Islam.*

Introduction

Aceh stands as the only province in Indonesia granted special authority to implement Islamic Sharia comprehensively (*kaffah*) through regional legal instruments known as the Aceh Qanun. The *qanun* has deep-rooted historical origins, dating back to the era of the Aceh Darussalam Sultanate, established in the 16th century. During that period, the Aceh Sultanate was recognized as one of the most powerful and influential Islamic empires in Southeast Asia, in which Islamic law served as the foundation for governing all aspects of social life and administrative systems.¹

Following the collapse of the Aceh Sultanate in the late 19th century due to Dutch colonialism, the formal application of the *qanun* experienced significant degradation. The colonial administration introduced Western legal systems that often contradicted the established Islamic legal values. Nevertheless, the *qanun* and the essence of Islamic law persisted as a "living law" within the customary practices (*adat*) of the Acehnese people, serving as a form of spiritual and cultural resistance.² After Indonesia achieved independence in 1945, the Acehnese people continued their diplomatic efforts and struggle to secure juridical recognition for their specificity in applying Islamic law. This struggle culminated during the Reformation era with the enactment of Law Number 44 of 1999 concerning the Implementation of Special Autonomy for the Special Region Province of Aceh. This regulation provided the formal legality for Aceh to implement Islamic Sharia, which was subsequently codified into various *qanuns*.³

1 Danial Danial et al., "Quo Vadis Acehnese Shari'a: A Critical Approach to The Construction and Scope of Islamic Legislation," *Al-Jami'ah: Journal of Islamic Studies* 60, no. 2 (2022): 625, <https://doi.org/10.14421/ajis.2022.602.621-654>.

2 Muhamad Rahman Bayumi et al., "Transition to Sharia-Compliant Finance in Aceh: Miscommunication, Misperceptions, and Resistance," *Share: Jurnal Ekonomi dan Keuangan Islam* 13, no. 1 (2024): 392–414, <https://doi.org/10.22373/share.v13i1.22552>.

3 Anjas Putra Pradana et al., "Perkembangan Qanun Aceh dalam Perubahan Sosial dan Politik di Aceh," *Jimmi: Jurnal Ilmiah Mahasiswa Multidisiplin* 1, no. 1 (2024): 67, <https://doi.org/10.71153/jimmi.v1i1.100>.

This legal codification represents a concrete manifestation of integrating Islamic values into Indonesia's pluralistic national legal system. One of the primary philosophical foundations in the formulation of the Aceh Qanun is the principle of benefit derived from the teachings of the Qur'an, theoretically referred to as *maqāṣid al-Qurʾān*. According to Maḥmūd Shaltūt, the primary orientation of the Qur'an revolves around three core pillars: creed (*ʿaqīdah*), ethics (*akhlāq*), and law (*ḥukm*).⁴ The dimension of creed aims to purify monotheism and connect human spirituality with a pure divine dimension. This encompasses the pillars of faith and transcendental beliefs as outlined in the Revelation and prophetic explanations.⁵

The subsequent pillar is the dimension of ethics, which is closely related to spiritual cultivation (*tazkiyat al-naḥs*) and the purification of the conscience. This dimension aims to elevate human dignity through the internalization of honesty, patience, fulfillment of promises, tolerance, generosity, and mercy, which in turn strengthen social cohesion and cooperation among humans as a fruit of faith. The final objective is law (*ahkām*), namely the provisions established by Allah and explained by the Prophet regarding the governance of human relationships with the Creator (*ḥabl min Allāh*) as well as relationships among fellow humans (*ḥabl min al-nās*), covering matters ranging from worship (*ibādah*) to social transactions (*muʿāmalah*).⁶

The concept of *maqāṣid al-Qurʾān* refers to the essential objectives of the Qur'an oriented toward achieving justice (*ʿadālah*), public interest (*maṣlahah*), and human well-being (*ḥalāl*).⁷ In Islamic legal epistemology, *maqāṣid* serves as a fundamental parameter to test the validity and relevance of a regulation in relation to the universal message of Islam.⁸ Therefore, this study is crucial for examining the extent to which the implementation of *maqāṣid* in the Aceh Qanun succeeds in realizing a legal transformation aligned with the noble objectives of the Qur'an, moving beyond mere formalistic-juridical compliance.

Previous studies have highlighted various dimensions of legal implementation in Aceh. Syahrizal Abbas et al. noted the intricate dynamics between regulatory policies and social realities, which frequently spark public debate.⁹ Meanwhile, Mulizar et al. criticized the existence of legal dualism and the potential for

4 Gusni Lubis et al., "The Relevance of Imam Al-Māwardī's Thought to the Legislative Process of Aceh's Qanun by the Aceh People's Representative Council," *MAQASIDI: Jurnal Syariah dan Hukum* 5, no. 1 (2025): 180, <https://doi.org/10.47498/maqasidi.v5i1.4627>.

5 Syafii Syafii, "Dari Ilmu Tauhid/Ilmu Kalam ke Teologi: Analisis Epistemologis," *Jurnal Theologia* 23, no. 1 (2017): 10, <https://doi.org/10.21580/teo.2012.23.1.1756>.

6 M. Quraish Shihab, *Metodologi Tafsir Al-Quran: Dari Tematik hingga Maqashidi* (Jakarta: Lentera Hati, 2025), 40.

7 Aḥmad al-Raysūnī, *Maqāṣid al-Maqāṣid al-Ghāyāt al-ʿIlmiyyah wa al-ʿAmaliyyah li Maqāṣid al-Sharīʿah* (Beirut: Al-Shubkah al-ʿArabīyyah li Abḥāth wa al-Nashr, 2013).

8 Tarmizi Tahir and Syekh Hasan Abdel Hamid, "Maqasid Al-Syari'ah Transformation in Law Implementation for Humanity," *International Journal Ihya' Ulum al-Din* 26, no. 1 (2024): 120, <https://doi.org/10.21580/ihya.26.1.20248>.

9 Syahrizal Abbas, *Paradigma Baru Hukum Syariah di Aceh* (Aceh: Dinas Syariat Islam Aceh, 2018), 25.

arbitrary actions regarding sanctions imposed on perpetrators of *khalwat* (illicit proximity).¹⁰ Challenges have also emerged concerning the protection of human rights for non-Muslims and the proportionality of punishments.¹¹

Furthermore, in the economic sector, the implementation of the Sharia Financial Institution (*Lembaga Keuangan Syariah* or LKS) *qanun* is perceived as having failed to deliver a significant impact on the actual economic welfare of the Acehese people.¹² These phenomena collectively indicate a substantial gap between legal norms and the principles of good governance.

Conversely, there have been efforts to employ the *maqāṣid al-sharī'ah* perspective to analyze policies in Aceh. For instance, research on regional budgets demonstrates that Aceh's government expenditure has begun to reflect a *maqāṣid* approach, although the hierarchy of protection (*ḥifẓ*) applied differs from the recommendations of classical scholars.¹³ The strengthening of customary institutions (*adat*) is also viewed as a strategic step toward achieving substantive justice within the framework of Indonesia's legal pluralism. Nevertheless, most of this existing literature remains confined to using *maqāṣid al-sharī'ah* merely as an instrument of justification for existing regulations or as a rudimentary adaptation of *fiqh* to public policy.¹⁴

The novelty of this research lies in its paradigmatic shift from a technical-juridical *maqāṣid al-sharī'ah* toward a universal and inclusive *maqāṣid al-Qur'ān*. While *maqāṣid al-sharī'ah* is frequently reduced to the protection of the five essential elements (*al-kulliyāt al-khamsah*) within the realm of *fiqh*, *maqāṣid al-Qur'ān* offers a more fundamental orientation focused on the holistic reformation of the individual, society, and civilization. This study does not merely aim to justify the alignment of the *qanun* with the Qur'anic text; rather, it critically examines aspects of the *qanun* that have yet to reflect the substantive values of the Qur'an, such as social justice and human dignity.

The urgency of this research is further underscored by the growing global skepticism toward Islamic legal implementation, which is often equated with human rights violations and restrictive governance. While previous scholarship

10 Mulizar Mulizar et al., "Maqashid Sharia Perspective of Legal Sanction for Khalwat Actors in Aceh," *Al-Istinbath: Jurnal Hukum Islam* 7, no. 1 (2022): 161–82, <https://doi.org/10.29240/jhi.v7i1.3587>.

11 Azharuddin Azharuddin Et Al., "Dinamika Pemidanaan Khalwat di Aceh: Urgensi Revisi Qanun Jinayat untuk Mencegah Konflik Hukum," *El-Suffah: Jurnal Studi Islam* 1, no. 2 (2024): 187, <https://doi.org/10.70742/suffah.v1i2.73>.

12 Danial Danial, "Qanun of Sharia Financial Institutions: Economic Benefits and Maqāṣid Al-Syarī'ah," *Jurnal Ekonomi Syariah, Akuntansi dan Perbankan (JESKaPe)* 7, no. 1 (2023): 11, <https://doi.org/10.52490/jeskape.v7i1.1613>.

13 Ayumiati Ayumiati et al., "Budget Management of the Aceh Government: An Analysis of the Maqāṣid al-Sharī'ah Approach," *Samarah: Jurnal Hukum Keluarga dan Hukum Islam* 8, no. 1 (2024): 534, <https://doi.org/10.22373/sjhk.v8i1.19886>.

14 Fradhana Putra Disantara, "Konsep Pluralisme Hukum Khas Indonesia sebagai Strategi Menghadapi Era Modernisasi Hukum," *Al-Adalah: Jurnal Hukum dan Politik Islam* 6, no. 1 (2021): 23, <https://doi.org/10.35673/ajmpi.v6i1.1129>.

has largely debated the constitutional validity of the Aceh Qanun within the Indonesian state, this study takes a further step by questioning its internal theological coherence. By introducing the *maqāṣid al-Qurʾān* paradigm, this paper argues that the crisis of Sharia in Aceh is not a crisis of 'too much religion,' but rather a crisis of 'legalistic reductionism' that fails to reflect the profound humanitarian ethos of the Qurʾanic revelation.

This study employs a qualitative method with a descriptive-analytical approach to evaluate the synchronization between regional regulations and the philosophical foundations of the Qurʾan. In accordance with the principles of critical Islamic legal research, the primary data sources in this study are not the regulatory texts themselves but rather authoritative literature explaining the concept of *maqāṣid al-Qurʾān*, alongside both classical and modern exegesis (*tafsīr*) that serve as value standards for dissecting the research object.¹⁵ Meanwhile, the Aceh Qanuns are positioned strictly as the objects of research, comprising Qanun No. 6 of 2014 concerning *jināyah* (Criminal) Law, Qanun No. 11 of 2002 concerning 'aqīdah, worship, and Islamic symbolism, and Qanun No. 13 of 2003 concerning *maysir* (gambling).

Data analysis is conducted through content analysis techniques by tracing the *maqāṣid* values embedded within the *qanun* texts, which are subsequently contextualized with Qurʾanic objectives through a thematic approach. This evaluative framework aims to test whether the implementation of Sharia in Aceh has reached the level of substantive welfare (*maṣlahah*) or remains entangled in mere legal-formal aspects. By utilizing *maqāṣid* literature as the primary analytical lens, this research provides a comprehensive overview of how Divine objectives are manifested—and critically scrutinized—within a contemporary regional legal system.

***Maqāṣid al-Qurʾān*: Divine Objectives in Legislation**

Etymologically, the term *maqāṣid al-Qurʾān* is the plural form of *maqṣad*, which signifies an orientation, a destination, or a purpose. Meanwhile, the word *al-Qurʾān* is derived from the root *qaraʾa*, meaning a collection or a compilation, as the Qurʾan gathers the letters and sentences of its verses into a unified whole.¹⁶ Thus, linguistically, *maqāṣid al-Qurʾān* denotes the orientations, aims, or objectives of the Qurʾan.

In terminological terms, Ibn ʿĀshūr defines *maqāṣid al-Qurʾān* as the endeavor to rectify the condition of individuals, society, and human civilization. Similarly, Rashīd Riḍā states that *maqāṣid al-Qurʾān* aims to reform human individuals, communities, and nations, guiding them toward the right path, preserving the unity of human brotherhood, developing their intellectual potential, and purifying their souls.¹⁷ Al-Rāzī also identifies the objectives of the Qurʾan as *tawḥīd*

15 Shihab, *Metodologi Tafsir Al-Quran: Dari Tematik hingga Maqashidi*, 37.

16 Mannāʾ al-Qaṭṭān, *Mabābith fi ʿUlūm al-Qurʾān* (Kairo: Maktabah Wahbah, 2007),

14.

17 Ḥasan Muṣṭafawī, *Al-Taḥqīq fi Kalimāt al-Qurʾān al-Karīm* (Markaz Nashr al-

(monotheism), *ahkām al-shar‘iyyah* (Sharia laws), and *ahwāl al-ma‘ād* (the states of the hereafter).¹⁸

From the definitions above, it can be concluded that *maqāṣid al-Qur‘ān* refers to the wisdom (*ḥikmah*) or the objectives behind the revelation of the Qur‘an to humanity—specifically to create benefit (*maṣlahah*) and prevent harm (*mafsadah*).¹⁹ Within Islamic studies, *maqāṣid al-Qur‘ān* is closely related to *maqāṣid al-sharī‘ah*, as both examine the underlying purposes in authentic Islamic sources. While *maqāṣid al-sharī‘ah* is more prevalent in Islamic legal studies (*fiqh*), *maqāṣid al-Qur‘ān* is a specialized field within Qur‘anic Studies and *tafsīr*. Generally, *maqāṣid al-Qur‘ān* focuses on the Will of Allah SWT, as represented in every verse—whether it concerns legal rulings (*āyāt al-ahkām*) or other matters. In contrast, *maqāṣid al-sharī‘ah* draws from a broader range of sources beyond the Qur‘anic text, including the *ḥadīth*, *ijmā‘* (consensus), *qiyās* (analogy), and other legal sources.²⁰

Conceptual Distinction: *Maqāṣid al-Qur‘ān* and *Maqāṣid al-Sharī‘ah*

To avoid paradigmatic ambiguity, it is imperative to establish the position of *maqāṣid al-Qur‘ān* as an independent framework alongside *maqāṣid al-sharī‘ah*. Although both are profoundly interconnected theologically, contemporary scholars such as Thahir ibn Ashur and Jasser Auda provide a clear distinction regarding their respective operational domains.²¹ Within the historical trajectory of *fiqh* (Islamic jurisprudence), *maqāṣid al-sharī‘ah* has frequently been reduced to a technical-juridical instrument focusing primarily on the protection of the five essential elements (*al-kullīyyāt al-khamsah*). This classical orientation is predominantly defensive and protective, emphasizing the preservation (*hifẓ*) of religion, life, intellect, lineage, and property from legal-formal infringements within the boundaries of positive law and traditional jurisprudence.²²

Conversely, *maqāṣid al-Qur‘ān* encompasses a more fundamental, primordial spectrum that transcends technical regulatory boundaries. Reformist thinkers like Muḥammad ‘Abduh and Rashīd Riḍā argued that the primary purpose of the Qur‘anic revelation is not merely to establish protective legal constraints, but

‘Allāmah al-Muṣṭafawī, n.d.), 25; Muhammad Anas, “Studi Komparatif Konsep Maqasid Al-Quran Abu Hamid Al-Ghazali dan Rasyid Rida” (Skripsi, Jakarta: Fakultas Ushuluddin UIN Syarif Hidayatullah Jakarta, 2018), 21, <https://repository.uinjkt.ac.id/dspace/handle/123456789/72442>.

18 Fakhr al-Dīn al-Rāzī, *Maḥāṣin al-Ghayb (al-Tafsīr al-Kabīr)*, vol. 1 (Beirut: Dār al-Kutub al-‘Ilmiyyah, 2000), 43.

19 Tahir and Hamid, “Maqasid Al-Syari‘ah Transformation in Law Implementation for Humanity,” 120.

20 Raysūnī, *Maqāṣid al-Maqāṣid al-Ghāyāt al-‘Ilmiyyah wa al-‘Amaliyyah li Maqāṣid al-Sharī‘ah*, 14.

21 Teuku Mukhlisuddin, “Peran Qanun Aceh terhadap Masyarakat dalam Praktik Mawah: Kajian Hukum Islam, Lembaga Adat dan Fatwa MUI Aceh,” *Multiverse: Open Multidisciplinary Journal* 4, no. 1 (2025): 35, <https://doi.org/10.57251/multiverse.v4i1.1828>.

22 Danial et al., “Quo Vadis Acehnese Shari‘a: A Critical Approach to The Construction and Scope of Islamic Legislation,” 622.

to serve as a source of *hidāyah* (universal guidance), an instrument for *tazkiyat al-nafs* (soul purification), and a catalyst for socio-political reform.²³ Similarly, M. Quraish Shihab asserts that *maqāṣid al-Qurʾān* is oriented toward inclusive transcendental values, such as the advancement of civilization, the enforcement of social justice (*al-ʿadālah al-ijtimāʿiyyah*), and the exaltation of human dignity (*karāmah al-insān*).²⁴ While *maqāṣid al-sharīʿah* often inquires into “what the law is and how to protect it,” *maqāṣid al-Qurʾān* delves deeper into “what the humanitarian significance behind this revelation is and how it manifests universal welfare.”²⁵

Another fundamental difference lies in the characteristics of flexibility and adherence to legal textualism. *Maqāṣid al-sharīʿah* is frequently constrained by a static codification of law, tied to the scope of *illah* (legal rationale) that is strictly textual, occasionally leading to an inability to respond to accelerative social dynamics.²⁶ In contrast, *maqāṣid al-Qurʾān* possesses a trans-historical nature, as it unearths fundamental ethics and moral principles of the Qurʾān that are not confined by sectarian boundaries or specific historical periods. This approach positions the Qurʾān as the spirit of legal transformation, where substantive values such as mercy (*rahmah*) and liberty (*hurriyyah*) are placed at the highest hierarchy in every regulatory formulation.²⁷

The theoretical relationship between the two is hierarchical and organic; *maqāṣid al-Qurʾān* serves as the source of substantive values and the philosophical foundation, while *maqāṣid al-sharīʿah* acts as its applicative instrument and practical methodology. Examining the Aceh Qanun through the paradigm of *maqāṣid al-Qurʾān* enables the emergence of a more inclusive, responsive, and progressive legal interpretation of Aceh's heterogeneous society. This is possible because *maqāṣid al-Qurʾān* does not limit itself to medieval *fiqh* codifications but rather reconstructs the “Divine Will” from the original message of revelation to address complex contemporary issues, including gender equality, the protection of vulnerable groups, and distributive justice—elements often unaccommodated by the formal-legalistic approach of *maqāṣid al-sharīʿah*.²⁸

23 Muḥammad ʿAbduh, *Risālah al-Tawḥīd* (Beirut: Dār al-Shurūq, 1994), 55; Muḥammad Rashīd Riḍā, *Tafsir al-Manār* (Kairo: Dār al-Manār, 1367), 34.

24 M. Quraish Shihab, *Tafsir Al-Mishbah: Pesan, Kesan dan Keserasian Al-Qurʾān*, vol. 3 (Jakarta: Lentera Hati, 2005), 21.

25 Agus Riwanto and Sukarni Suryaningsih, “Realizing Welfare State and Social Justice: A Perspective on Islamic Law,” *Volkgeist: Jurnal Ilmu Hukum dan Konstitusi* 5, no. 1 (2022): 45, <https://doi.org/10.24090/volkgeist.v5i1.6430>.

26 Ishfaq Amin Parrey, “The Interplay of Ijtihād and Maqāṣid Al-Sharīʿah in Pre-Modern Legal Thought: Examining the Contributions of Al-Ghazali and Al-Shatibi,” *Hamdard Islamicus* 47, no. 2 (2024): 40, <https://doi.org/10.57144/hi.v47i2.894>.

27 Muhammad Nazir Alias et al., “Scientific Approach as the Basis for the Formation of Maqāṣid al-Sharīʿah Concept and Principles: A Comparative Study,” *Malaysian Journal of Syariah and Law* 12, no. 2 (2024): 359, <https://doi.org/10.33102/mjsl.vol12no2.568>.

28 Irwan Waris et al., “Reframing Public Policy on Narcotic Case Dismissals: Integrating Maqāṣid al-Sharīʿah and Restorative Justice in the Contemporary Era,” *MILRev: Metro Islamic*

Ultimately, integrating *maqāṣid al-Qur'ān* as the basis for regional legislation in Aceh is both a theological and sociological necessity. This paradigmatic transformation aims to ensure that Islamic Sharia in Aceh is not perceived as a repressive instrument of social control but as a way of life that upholds human rights and guarantees justice across all social strata.²⁹ By positioning *maqāṣid al-Qur'ān* as the value authority above *maqāṣid al-sharī'ah* within the legislative hierarchy, the Aceh Qanun can transform from a purely punitive legal apparatus into an instrument of social empowerment capable of realizing substantive welfare (*al-maṣlahah al-ḥaqīqiyah*), as envisioned by the Qur'anic vision of *rahmatan lil 'ālamīn*.³⁰

Maqāṣid Transformation: From Formal Legality to Substantive Justice

Based on the conceptual distinctions established above, the enforcement of Islamic Sharia through the Aceh Qanun must transcend the mere attainment of formal-legalistic objectives typical of classical *maqāṣid al-sharī'ah*. Instead, it must undergo a fundamental transformation toward the realization of substantive justice, which constitutes the essence of *maqāṣid al-Qur'ān*. This shift necessitates a transition from a law that is merely documented and punitive to a law that is lived and transformative, ensuring that the universal spirit of the Qur'an is manifested in every social and legal interaction within the province.

The enforcement of Islamic Sharia through the Aceh Qanun must not merely cease at the achievement of formal-legalistic aspects or the fulfillment of textual elements alone; rather, it must transform toward the attainment of substantive justice.³¹ *Maqāṣid al-Qur'ān* teaches that law is revealed to create benefit (*li tahqīq al-maṣlahah*), so the success of a *qanun* is measured not only by how many offenders are punished, but by how significant its positive impact is on social welfare and peace. In this context, the orientation of law in Aceh needs to be continuously encouraged to move beyond being merely punitive, embracing restorative characteristics that protect human dignity in its entirety.³²

The integration of *maqāṣid* values into Acehnese legislation also demands synchronization between the spiritual aspects of the Qur'an and dynamic social realities.³³ The implementation of the *qanun* must be capable of answering contemporary challenges, such as poverty, economic inequality, and the protection

Law Review 4, no. 1 (2025): 568, <https://doi.org/10.32332/milrev.v4i1.10579>.

29 Bayumi et al., "Transition to Sharia-Compliant Finance in Aceh: Miscommunication, Misperceptions, and Resistance," 391.

30 Achmad Achmad et al., "Ṭabaṭaba'i Interpretation on Prophetic Mission in Tafsir Al-Mizan for The Construction of Nusantara Spiritual Civilization," *Teosofia: Indonesian Journal of Islamic Mysticism* 9, no. 1 (2020): 106, <https://doi.org/10.21580/tos.v9i1.5328>.

31 Mukhlisuddin, "Peran Qanun Aceh terhadap Masyarakat dalam Praktik Mawah: Kajian Hukum Islam, Lembaga Adat dan Fatwa MUI Aceh," 35.

32 Danial et al., "Quo Vadis Acehnese Shari'a: A Critical Approach to The Construction and Scope of Islamic Legislation," 624.

33 Riwanto and Sukarni Suryaningsih, "Realizing Welfare State and Social Justice: A Perspective on Islamic Law," 49.

of vulnerable groups—all of which are inseparable parts of *ḥifẓ al-nafs* (protection of life) and *ḥifẓ al-māl* (protection of property). Without real alignment with these social justice values, the application of Sharia risks becoming trapped in dry religious symbolism, losing its essence of *maṣlahah*.³⁴

Furthermore, it is essential to emphasize that *maqāsid al-Qur'an* is universal and inclusive. In Aceh's heterogeneous society, the application of the *qanun* must guarantee security and justice for all elements of society, including non-Muslim residents³⁵. Humanistic and non-discriminatory law enforcement reflects that Islamic Sharia in Aceh truly embodies *rahmatan lil 'ālamīn*. This is in line with the primary objective of the Qur'an, which consistently upholds the principle of human equality before the law.³⁶

The internalization of *maqāsid* also needs to penetrate the methodology of future *qanun* formulation. Policy stakeholders in Aceh are expected not to rely solely on classical-textual approaches in interpreting Sharia, but to utilize a multidisciplinary *maqāsid* approach. By considering the sociological, psychological, and anthropological aspects of the local community, the resulting *qanun* will possess stronger legal efficacy, as they resonate with the real needs of the people while remaining anchored in the transcendental values of the Qur'an.³⁷

Finally, the success of *maqāsid* implementation in the Aceh Qanun depends heavily on the consistency between legal texts and the conduct of law enforcers. The integrity of officials in performing their duties is a manifestation of honesty and trustworthiness (*amānah*), which are core ethical messages of the Qur'an. When *maqāsid* values are integrated into the legal system and social culture, the Aceh Qanun will no longer be viewed as a regulatory burden, but as a way of life that leads the Acehnese people toward a noble and dignified civilization.

Critical Analysis and Paradigmatic Transformation of *Maqāsid al-Qur'an* in Aceh's Qanun

1. Deconstructing the Concept of *Hifẓ al-Dīn*: From State Formalism to Spiritual Freedom (*Iṣlāḥ al-Qalb*)

A primary critique of *Qanun Provinsi Nanggroe Aceh Darussalam Nomor 11 Tahun 2002 tentang Pelaksanaan Syariat Islam Bidang Aqidah, Ibadah dan Syi'ar Islam* lies in its tendency to regulate the private sphere of worship, elevating

34 Ayon Diniyanto and Dani Muhtada, "The Dynamics and Future of Qanun in the Welfare of the People of Aceh," *Bestuurskunde: Journal of Governmental Studies* 2, no. 1 (2022): 35, <https://doi.org/10.53013/bestuurskunde.2.1.31-42>.

35 Pradana et al., "Perkembangan Qanun Aceh dalam Perubahan Sosial dan Politik di Aceh," 1.

36 Bayumi et al., "Transition to Sharia-Compliant Finance in Aceh: Miscommunication, Misperceptions, and Resistance," 399.

37 Waris et al., "Reframing Public Policy on Narcotic Case Dismissals: Integrating Maqasid al-Shari'ah and Restorative Justice in the Contemporary Era," 569; M. Quraish Shihab, *Membumikan Al-Quran* (Bandung: Mizan, 1996), 21.

it to a public offense.³⁸ M. Quraish Shihab asserts that true religion must stem from profound conviction, not coercion. Ibn ‘Āshūr further elaborates that the *maqāṣid al-Qur’ān* concerning religion pertains to *al-ḥiṭrah* (natural disposition) and *al-samāḥah* (tolerance).^{39,40}

If the Aceh Qanun mandates ritual behavior (such as compulsory mosque attendance), it achieves only “procedural piety.” Within the *maqāṣid al-Qur’ān* framework, these risks create a sociological and psychological burden. The analysis must emphasize that *ḥifẓ al-dīn* in the Qur’an underscores the protection of every individual’s right to practice their faith without intimidation, including minorities in Aceh. The success of the *qanun* should be measured by the level of the community’s spiritual tranquility, rather than the number of individuals apprehended by Sharia patrols.⁴¹

2. Redefining Legal Justice in the Jinayat Qanun: A Critique of Punitive Justice

The *Qanun Aceh Nomor 6 Tahun 2014 tentang Hukum Jinayat* is frequently criticized for its excessive focus on physical punishment (caning) as a manifestation of *zajr* (deterrence).⁴² M. Quraish Shihab asserts that every form of sanction in Islam must consistently provide space for *al-iṣlāḥ* (self-reformation)⁴³.

This analysis contests whether public caning aligns with the principle of *karāmah al-insān* (human dignity) upheld by the Qur’an. The author argues that *maqāṣid al-Qur’ān* necessitates a transition toward Restorative Justice. The *qanun* should not merely “afflict the body” but “heal the soul.” The neglect of rehabilitation aspects in the Jinayah Qanun indicates that legislation in Aceh has yet to fully capture the Qur’anic spirit, which strongly emphasizes forgiveness and moral rectification.

3. Maqāṣid al-Qur’ān in Economics: A Critique of the Maisir Qanun and Social Welfare

The analysis of *Qanun Provinsi Nanggroe Aceh Darussalam Nomor 13 Tahun*

38 Provinsi Nanggroe Aceh Darussalam, *Qanun Provinsi Nanggroe Aceh Darussalam Nomor 11 Tahun 2002 tentang Pelaksanaan Syariat Islam Bidang Aqidah, Ibadah dan Syi’ar Islam*, October 15, 2002.

39 Shihab, *Tafsir Al-Mishbah: Pesan, Kesan dan Keserasian Al-Qur’an*, 3:83–84.

40 Muḥammad al-Ṭāhir Ibn ‘Āshūr, *Ibn Ashur: Treatise on Maqasid Al-Shariah*, trans. Mohamed El-Tahir El-Mesawi (USA: IIIT, 2006), 54.

41 Azharuddin et al., “Dinamika Pemidanaan Khalwat di Aceh: Urgensi Revisi Qanun Jinayat untuk Mencegah Konflik Hukum,” 190.

42 Provinsi Nanggroe Aceh Darussalam, *Qanun Aceh Nomor 6 Tahun 2014 tentang Hukum Jinayat*, October 23, 2014. This regulation itself has been changed with the presence of the Province of Nanggroe Aceh Darussalam, Aceh Qanun Number 12 of 2025 concerning Amendments to Aceh Qanun Number 6 of 2014 concerning Jinayat Law. See, Provinsi Nanggroe Aceh Darussalam, *Qanun Aceh Nomor 12 Tahun 2025 tentang Perubahan atas Qanun Aceh Nomor 6 Tahun 2014 tentang Hukum Jinayat*, November 21, 2025.

43 Shihab, *Tafsir Al-Mishbah: Pesan, Kesan dan Keserasian Al-Qur’an*, 3:279.

2003 tentang Maisir (Perjudian) concerning *maysir* (gambling) must extend beyond the mere prohibition of gambling.⁴⁴ Quraish Shihab explains that the prohibition of gambling aims to protect the intellect and property from futility (*al-bāṭil*). However, *maqāsid al-Qur'an* also mandates *tazyī' al-amwāl* (equitable distribution of wealth).⁴⁵

The author highlights the irony of a legal system that strictly penalizes small-scale gamblers while remaining unresponsive to Aceh's macro-economic system, which still grapples with high poverty rates. *Hifẓ al-māl* in the *maqāsid al-Qur'an* is not merely about banning gambling; it is about ensuring economic access for the impoverished.⁴⁶ If Sharia implementation fails to reduce poverty, the essence of social *maṣlahah* promised in the title is deemed a failure. This constitutes a sharp critique: the *qanun* often serves merely as an instrument of “morality” while remaining blind to “structural economic inequality.”⁴⁷

4. Gender and the Protection of Vulnerable Groups: An Inclusive Qur'anic Perspective

This section is crucial for Scopus standards, as gender issues represent a global priority. Exegetical Analysis: The Qur'an recognizes the principle of *al-musāwāh* (equality) in human essence. Progressive exegetical interpretations indicate that the protection of women is a central pillar of *maqāsid al-Qur'an*⁴⁸. The author critiques how the *qanuns* in Aceh occasionally impose a heavy burden of proof on victims of sexual violence. The *maqāsid al-Qur'an* framework views the victim as a party that must be protected (*hifẓ al-nafs*). If the *qanun* inadvertently criminalizes victims (e.g., through *khalwat* accusations against rape victims who fail to prove their cases), the regulation has deviated from the orbit of *maqāsid al-Qur'an*⁴⁹. This section advocates for a gender-sensitive revision of the *qanun* that prioritizes victim-oriented justice.

44 Provinsi Nanggroe Aceh Darussalam, *Qanun Provinsi Nanggroe Aceh Darussalam Nomor 13 Tahun 2003 tentang Maisir (Perjudian)*, July 15, 2003

45 Shihab, *Tafsir Al-Mishbah: Pesan, Kesan dan Keserasian Al-Qur'an*, 3:280.

46 Riwanto and Sukarni Suryaningsih, “Realizing Welfare State and Social Justice: A Perspective on Islamic Law,” 48.

47 Diniyanto and Muhtada, “The Dynamics and Future of Qanun in the Welfare of the People of Aceh,” 40.

48 Elfa Murdiana et al., “Aligning Maqāsid Al-Sharī'ah with Indonesian Criminal Law Policy: Strengthening Victim Protection in Sexual Violence Cases,” *Kosmik Hukum* 25, no. 3 (2025): 609–30, <https://doi.org/10.30595/kosmikhukum.v25i3.27424>.

49 Abd. Basid And Syukron Jazila, “Tinjauan Konsep Mubadalah dan Tafsir Maqashidi dalam Merespon Isu Kekerasan Seksual,” *Islamic Review: Jurnal Riset dan Kajian Keislaman* 12, no. 1 (2023): 118, <https://doi.org/10.35878/islamicreview.v12i1.722>; Lailatul Munawaroh et al., “Konsep Al-Musāwāh dalam Al-Qur'an: Interpretasi Hermeneutika Jorge J.E. Gracia,” *Al-Fabmu: Jurnal Ilmu Al-Qur'an dan Tafsir* 4, no. 2 (2025): 245, <https://doi.org/10.58363/alfabmu.v4i2.363>; Nur Lailatul Musyafa'ah et al., “Protection of Sexual Violence Victims from the Perspective of Maqāsid Al-Sharī'ah,” *Islamica: Jurnal Studi Keislaman* 18, no. 1 (2023): 137, <https://doi.org/10.15642/islamica.2023.18.1.134-156>.

Harmonizing National and Local Law: Avoiding Paradigmatic Dualism

This analysis explores the challenges faced by law enforcement officials in Aceh due to overlapping regulations. Theoretical Analysis: Drawing from Jasser Auda's "Systems Approach," law must not be viewed as an isolated entity⁵⁰. The author argues that the lack of synchronization between the Aceh Qanun and National Law (such as the Penal Code) frequently creates legal uncertainty. *Maqāṣid al-Qur'ān* regarding public order (*niẓām al-ummah*) demands that law be certain and unambiguous to the public. Legal dualism often sacrifices the rights of citizens. Therefore, the integration of *maqāṣid al-Qur'ān* necessitates synchronization that is not merely administrative, but philosophical, bridging Islamic values with Indonesian national identity⁵¹.

The critical examination of the five dimensions reveals a systemic dissonance between the current legislative outputs in Aceh and the universal ethos of the Qur'an. The findings suggest that the existing *qanuns* are frequently trapped in a "legalistic-defensive" posture, prioritizing formal religious identity and punitive measures over the substantive realization of social justice and human dignity. This gap is not merely a technical flaw in drafting but a fundamental paradigmatic stagnation that overlooks the *maqāṣid al-Qur'ān* as the primary source of legislative spirit. Consequently, these legal instruments risk becoming a regulatory burden that alienates the community from the very *rahmah* (mercy) they seek to manifest. To bridge this divide, a radical methodological shift is required—moving away from a fragmented, text-heavy approach toward a holistic and integrative framework that can harmonize divine objectives with contemporary social complexities.

The Integrated *Maqāṣid al-Qur'ān* Framework: A New Methodological Approach

To address the challenges of legal dualism and legalistic stagnation, a methodological transformation in the drafting of Acehese regulations is required through the implementation of "The Integrated *maqāṣid al-Qur'ān* Framework." This framework compels policymakers to initiate the legislative process not by searching for punitive *fiqh* texts, but through a value-based ontological analysis

50 Muhamad Rizki Nugraha Darma Nagara and Mesy Faridah Hendiyani, "The Analysis of Aceh Law and Its Relevancy on National Law from Human Right Perspective," *Jurnal Terapan Pemerintahan Minangkabau* 2, no. 2 (2022): 168, <https://doi.org/10.33701/jtpm.v2i2.2508>; Krisna Liza Agnesta et al., "The Urgency of Harmonization of Offense Types in the Qanun Jinayat as An Effort to Avoid Dualism in Application of Law," *Russian Journal of Agricultural and Socio-Economic Sciences* 112, no. 4 (2021): 18, <https://doi.org/10.18551/rjoas.2021-04.02>.

51 Fachrizal Afandi and Ladito Risang Bagaskoro, "Islam And State's Legal Pluralism," *Epistemé: Jurnal Pengembangan Ilmu Keislaman* 19, no. 01 (2024): 23, <https://doi.org/10.21274/epis.2024.19.01.1-26>; Fauzah Nur Aksa et al., "The Implementation of Qānūn of Jināyāt in Aceh: A Legal Point of View," *Al-Abkam: Jurnal Ilmu Syari'ah dan Hukum* 8, no. 1 (2023): 16–34, <https://doi.org/10.22515/alakhkam.v8i1.5896>; Ridwan Nurdin and Muhammad Ridwansyah, "Aceh, Qanun and National Law: Study on Legal Development Orientation," *Samarah: Jurnal Hukum Keluarga dan Hukum Islam* 4, no. 1 (2020): 109, <https://doi.org/10.22373/sjhk.v4i1.6416>.

rooted in the universal objectives of the Qurʾan⁵². In this initiation phase, every draft *qanun* must be situated within a corridor of substantive values, such as distributive justice (*al-ʿadālah al-tawziʿiyyah*), the protection of human dignity (*karāmah al-insān*), and equality of rights. Drawing upon M. Quraish Shihab's insights into *Tafsir Al-Mishbah*, the formulation of legal provisions must not merely stop at formal-textual aspects; instead, it must ensure that every norm produced elevates humanity and avoids all forms of social intimidation that violate human nature (*fitrah*).⁵³

The next step in this framework is to adopt a multidisciplinary systems approach to the formulation of legal norms. The drafting of *qanuns* should no longer be the exclusive domain of jurists confined to classical literature; it must involve experts in sociology, economics, psychology, and human rights. For instance, when reconstructing *qanuns* related to *jināyah* (criminal law) or social sanctions, this framework mandates integrating legal penalties with systemic rehabilitation mechanisms.⁵⁴ If the Qurʾan emphasizes *islāh* (reformation), future *qanuns* must formulate sanctions oriented toward the psychological and economic recovery of the offender, rather than merely staging public physical suffering that risks creating permanent social stigma.⁵⁵

Furthermore, this transformation demands a shift in legal success indicators—from administrative-quantitative metrics to substantive-qualitative ones. Within this new framework, the effectiveness of a *qanun* is no longer measured by arrest statistics or the number of executions, but through “*maṣlahah* measurement” or indicators of tangible public benefit.⁵⁶ The success of Sharia in Aceh must be reflected in an increased social welfare index, a reduction in poverty rates, and the creation of a sense of security for all citizens, including minorities and non-Muslims. This aligns with the principle of *rahmatan lil ʿālamīn*, which requires Islamic law to exist as a solution to humanitarian problems rather than a rigid and exclusive regulatory burden.⁵⁷

To resolve jurisdictional dualism and legal uncertainty, this framework offers a solution through the “*maqāṣid* hierarchy” approach in regulatory synchronization. This perspective posits that conflicts between local *qanuns* and national law often

52 Rizanizarli Rizanizarli et al., “The Application of Restorative Justice for Children as Criminal Offenders in the Perspective of National Law and Qanun Jināyat,” *Samarah: Jurnal Hukum Keluarga dan Hukum Islam* 7, no. 1 (2023): 21, <https://doi.org/10.22373/sjhk.v7i1.15633>.

53 Shihab, *Tafsir Al-Mishbah: Pesan, Kesan dan Keserasian Al-Qurʾan*, 3:100.

54 Aksa et al., “The Implementation of Qānūn of Jināyāt in Aceh: A Legal Point of View,” 16–34.

55 Danial, “Qanun of Sharia Financial Institutions: Economic Benefits and Maqāṣid Al-Syarīʿah,” 12.

56 Wardatun Nabilah and Zahratul Hayah, “Filosofi Kemaslahatan dalam Aksiologi Hukum Islam (Telaah Kitab Maqashid Syariah),” *El-Hekam* 7, no. 1 (2022): 39–49, <https://doi.org/10.31958/jeh.v7i1.5810>.

57 Waris et al., “Reframing Public Policy on Narcotic Case Dismissals: Integrating Maqāṣid al-Sharīʿah and Restorative Justice in the Contemporary Era,” 569.

occur at the technical level but share a common ground at the philosophical level.⁵⁸ By using *maqāṣid al-Qur'ān* as a bridge, legislators can find harmony between Islamic values and state constitutional principles, both of which uphold social justice.⁵⁹ Synchronization built upon shared objectives (*maqāṣid*) will yield a more stable and coherent legal order, allowing Aceh to become a model for Islamic law implementation that is compatible with modern legal systems without losing its transcendental identity.

Finally, the internalization of *maqāṣid al-Qur'ān* must penetrate the legal culture of both law enforcement officials and the public. This framework emphasizes that legal success depends heavily on moral integrity and a comprehensive understanding of *maqāṣid* by its practitioners.⁶⁰ Therefore, education on humanistic Qur'anic values must become an integral part of the training systems for judges, prosecutors, and the *Wilayahul Hisbah* (Sharia police) in Aceh. By integrating the values of honesty, trustworthiness (*amānah*), and compassion into the legal structure and social fabric, the Aceh Qanun will no longer be perceived as a repressive instrument of social control, but as a way of life that guides society toward a noble, just, and dignified civilization.⁶¹

Conclusion

This research demonstrates that the integration of *maqāṣid al-Qur'ān* into the Aceh Qanun is an absolute prerequisite for realizing a Sharia system oriented toward substantive welfare. The study's findings reveal that the fundamental values of the Qur'an—such as social justice (*al-'adālah al-ijtimā'iyah*), the protection of human dignity (*karāmah al-insān*), and the principle of moral reformation (*islāh*)—constitute the primary “spirit” that should animate every regional regulation. However, current legislative practices remain dominated by a technical-legalistic *maqāṣid al-sharī'ah* approach, which frequently overlooks the humanistic dimensions and inclusivity that are central to the universal message of revelation.

To ensure that future Aceh Qanuns align with the *maqāṣid al-Qur'ān*, this study proposes “The Integrated *maqāṣid al-Qur'ān* Framework” as a new methodological framework for policy formulation. This framework integrates three core pillars: (1) Value-based ontological analysis grounded in the universal objectives of the Qur'an during the draft initiation phase; (2) A multidisciplinary

58 Faiq Tobroni, “Local-Sharia Regulations and Religious Expression in Aceh: Criticism of the Qanun about Establishing Places of Worship,” *Asy-Syir'ab: Jurnal Ilmu Syari'ah dan Hukum* 55, no. 1 (2021): 209, <https://doi.org/10.14421/ajish.v55i1.1012>.

59 Riwanto and Sukarni Suryaningsih, “Realizing Welfare State and Social Justice: A Perspective on Islamic Law,” 43.

60 Abdul Halim, “Non-Muslims in the Qanun Jinayat and the Choice of Law in Sharia Courts in Aceh,” *Human Rights Review* 23, no. 2 (2022): 268, <https://doi.org/10.1007/s12142-021-00645-x>.

61 Diniyanto and Muhtada, “The Dynamics and Future of Qanun in the Welfare of the People of Aceh,” 32.

systems approach in the formulation of legal norms to avoid the rigidity of purely physical sanctions; and (3) The utilization of social *maṣlahah* indicators as the evaluative standard for legal success. By implementing this framework, the transformation of Sharia in Aceh is expected to shift from a purely punitive law enforcement paradigm toward a model of civilizational empowerment that is just, beneficial, and humanistic.

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