

Legal Study about Flagellation Punishment of Qanun Jinayah in Aceh Province

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Abstract : Nangroe Aceh Darussalam is the special district with its long conflict history. The long conflict history started from The Free Aceh Movement's intentions to implement Islamic principles in Aceh Province, it was actually contradicted with the principles of state. This long conflict was finally ended on 2005. Then, since 2005 Aceh had special authority to administer its local government affairs by applying Islamic principles (syariah), included criminal law matters. To administer it, Aceh Government enacted Law Number 6 of 2014 on the Jinayah. This law consists the criminal act (jarimah) and the punishment (uqubat). Khamr, maisir, khalwat, ikhtilath, zina, sexual harrasment, rape, qadzaf, liwath, and musahaqah are the kinds of the criminal act which are ruled within. Meanwhile, Hudud and Takdzir as the kinds of punishment (uqubat). After 2 years of the issuance of this law inflicting controversy from any sides and being discussed not only locally but also globally. The objectives of this paper are to analyze the fundamental value of the flagellation punishment within this law and Aceh Government review in formulating the law.

Keywords : Aceh province, flagellation punishment, Islamic Principle, Qanun Jinayah

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