



The Dynamics of Islamic Sharia Implementation in Aceh: A Socio-Legal Study on the Interaction between Islamic Sharia, Customary Law, and National Positive Law

Article	Abstract
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Introduction

Aceh occupies a distinctive position in the historical development of Islam and constitutional governance in Indonesia. Since the establishment of the Aceh Darussalam Sultanate in the sixteenth century, Islam has served as the principal foundation of Acehnese social, cultural, political, and

legal life.¹ This historical legacy has shaped the collective identity of Acehnese society as a deeply religious community with a strong commitment to Islamic principles. Throughout its history, the relationship between Islam and governance in Aceh has undergone significant transformations, extending from the colonial period and the post-independence era to the democratic reforms following the Reformasi movement. State recognition of Aceh's distinctive identity has been institutionalized through the granting of special status and special autonomy, which authorize the Aceh Government to administer public affairs in accordance with the values of Islamic Sharia.²

The formal implementation of Islamic Sharia in Aceh is founded upon Law Number 44 of 1999 concerning the Special Status of the Special Region of Aceh, which grants the province authority over religious affairs, customary institutions, education, and the participation of Islamic scholars (*ulama*) in regional policymaking.³ These powers were subsequently expanded through Law Number 18 of 2001 on Special Autonomy for the Province of Nanggroe Aceh Darussalam and later reaffirmed by Law Number 11 of 2006 on the Governance of Aceh, enacted as part of the peace agreement between the Government of the Republic of Indonesia and the Free Aceh Movement (*Gerakan Aceh Merdeka* or GAM).⁴ Collectively, these legislative instruments provide Aceh with constitutional legitimacy to enact *qanun* (regional regulations) governing the implementation of Islamic Sharia across various dimensions of public and private life.

The implementation of Islamic Sharia has subsequently been institutionalized through numerous *qanun* regulating matters of *aqidah* (creed), *ibadah* (ritual worship), *muamalah* (civil and commercial transactions), and *jinayah* (Islamic criminal law). Among these regulations, Qanun Aceh Number 6 of 2014 on *Jinayat* Law has attracted considerable public and academic attention because it governs a range of criminal offenses (*jarimah*), including *khalwat* (close proximity between unmarried individuals), *maisir* (gambling), *khamar* (alcohol consumption), *ikhtilat* (physical intimacy between unrelated men and women), and *zina* (adultery), together with their enforcement mechanisms.⁵ The enactment of this *qanun* signifies that Islamic Sharia in Aceh is no longer regarded merely as a source of moral guidance or social ethics but has become an integral component of the formal legal system possessing binding legal authority and enforceable by state institutions. Consequently, Aceh remains the only province in Indonesia where Islamic criminal law is formally incorporated into the national legal framework.

Nevertheless, the implementation of Islamic Sharia in Aceh continues to generate extensive academic and political debate. Proponents regard its implementation as an expression of the Acehnese people's constitutional right to preserve and practice the religious values that constitute their collective identity.⁶ Conversely, critics have raised concerns regarding its implications for human rights, gender equality, and the compatibility of religious law with the principles of a democratic rule-of-law state. Several international organizations have argued that certain provisions of the *Qanun Jinayat* may conflict with international human rights instruments

¹ Anthony Reid, *The Contest for North Sumatra: Atjeh, the Netherlands and Britain 1858–1898* (Kuala Lumpur: Oxford University Press, 1969), 12–18.

² Edward Aspinall, *Islam and Nation: Separatist Rebellion in Aceh, Indonesia* (Stanford: Stanford University Press, 2009), 198–205.

³ Undang-Undang Nomor 44 Tahun 1999 tentang Penyelenggaraan Keistimewaan Provinsi Daerah Istimewa Aceh.

⁴ Undang-Undang Nomor 11 Tahun 2006 tentang Pemerintahan Aceh.

⁵ Qanun Aceh Nomor 6 Tahun 2014 tentang Hukum Jinayat.

⁶ Arskal Salim, *Challenging the Secular State: The Islamization of Law in Modern Indonesia* (Honolulu: University of Hawai'i Press, 2008), 141–150.

ratified by Indonesia.⁷ These debates demonstrate that the implementation of Islamic Sharia in Aceh extends beyond a purely legal issue, encompassing broader questions of political authority, cultural identity, and power relations within contemporary society.

From a socio-legal perspective, the implementation of Islamic Sharia is particularly significant because it operates alongside Acehnese customary law (*adat*), which has long functioned as a living legal system within local communities. Customary law occupies a central position in Acehnese society and serves as one of the primary mechanisms for resolving disputes at the *gampong* (village) level. The well-known Acehnese maxim, *adat bak poe teumeureuhom, hukom bak syiah kualah*, reflects the inseparable relationship between customary norms and Islamic law in governing social life.⁸ In practice, numerous community disputes are resolved through customary institutions before being referred to formal legal authorities. This phenomenon illustrates that customary law continues to possess substantial social legitimacy despite the formal institutionalization of Islamic Sharia through regional legislation.

The coexistence of Islamic Sharia, customary law, and Indonesia's national legal system demonstrates that Aceh's legal order is inherently pluralistic rather than monolithic. Instead of being governed by a single legal system, Aceh represents a distinctive manifestation of legal pluralism, characterized by the simultaneous operation of multiple normative orders within the same social space. Griffiths conceptualizes legal pluralism as a condition in which more than one legal system coexists within a society.⁹ This perspective is further reinforced by Tamanaha, who argues that state law is not the sole source of normative authority, as communities also recognize and comply with religious, customary, and other non-state legal systems possessing their own legitimacy and effectiveness.¹⁰ Within the Acehnese context, legal pluralism is manifested through the interaction between Sharia *qanun*, customary law, and national law, all of which mutually influence both law-making and law enforcement processes.

The interaction among these three legal systems is not always harmonious. Differences frequently emerge in dispute-resolution mechanisms, interpretations of legal norms, and the allocation of authority between customary institutions and formal Sharia enforcement bodies.¹¹ At the same time, numerous examples demonstrate successful harmonization, whereby customary law and Islamic Sharia operate synergistically to maintain social order and community cohesion. Accordingly, understanding the implementation of Islamic Sharia in Aceh requires more than a conventional doctrinal analysis of statutory regulations; it also demands an analytical framework capable of explaining how law functions within the social realities of everyday life.

A socio-legal approach provides an appropriate analytical framework for examining this phenomenon because it conceptualizes law as a social institution shaped by power relations, cultural values, societal norms, and interactions among diverse actors.¹² Through this perspective, the implementation of Islamic Sharia can be understood not merely as the application of

⁷ Human Rights Watch, *Policing Morality: Abuses in the Application of Sharia in Aceh, Indonesia* (New York: Human Rights Watch, 2010), 17–21.

⁸ Rusjdi Ali Muhammad, *Revitalisasi Syariat Islam di Aceh* (Jakarta: Logos Wacana Ilmu, 2003), 87–91.

⁹ John Griffiths, "What Is Legal Pluralism?" *Journal of Legal Pluralism and Unofficial Law* 24, no. 1 (1986)

¹⁰ Brian Z. Tamanaha, "Understanding Legal Pluralism: Past to Present, Local to Global," *Sydney Law Review* 30, no. 3 (2008), 375–378.

¹¹ Ratno Lukito, *Legal Pluralism in Indonesia: Bridging the Unbridgeable* (London: Routledge, 2013), 55–68.

¹² Andrian W. Bedner et al., *Kajian Sosio-Legal* (Denpasar: Pustaka Larasan, 2012), 7–15.

formal legal rules but also as the product of dynamic social and political processes involving regional governments, *ulama*, customary institutions, law enforcement agencies, civil society organizations, and the broader Acehnese community. Consequently, a comprehensive socio-legal analysis is essential to explain how Islamic Sharia, customary law, and national law interact in shaping legal practices and governance within Acehnese society.

This study proceeds from the assumption that the implementation of Islamic Sharia in Aceh constitutes a manifestation of legal pluralism characterized by continuous processes of negotiation, adaptation, harmonization, and contestation among Islamic law, customary law, and national positive law. Accordingly, the study seeks to analyze the dynamics of Islamic Sharia implementation from a socio-legal perspective, identify the patterns of interaction among these three legal systems, and examine the factors influencing both the effectiveness and the challenges of Sharia implementation in Aceh. By doing so, this research aims to contribute to the theoretical development of legal pluralism and Islamic legal studies in Indonesia while providing policy recommendations for developing a more responsive legal framework that accommodates societal needs and upholds the principles of a democratic rule-of-law state.

Scholarly discussions on the implementation of Islamic Sharia in Aceh have expanded considerably over the past two decades, particularly following the enactment of special autonomy under Law Number 18 of 2001 and Law Number 11 of 2006 on the Governance of Aceh.¹³ Existing studies have primarily focused on the politics of law, the implementation of *qanun*, human rights issues, and the relationship between Islamic Sharia and Indonesia's national legal system. Feener argues that the implementation of Islamic Sharia in Aceh represents a form of social engineering, whereby legal instruments are employed by the state to shape societal behavior in accordance with Islamic values. Similarly, Arskal Salim contends that the formalization of Islamic Sharia constitutes part of a broader process of legal Islamization within the modern state, influenced by political dynamics, constitutional developments, and the aspirations of local communities.¹⁴

From the perspective of legal pluralism, the implementation of Islamic Sharia in Aceh cannot be understood merely as the application of religious law. Rather, it reflects the interaction of three coexisting legal systems: Islamic law, customary law (*adat*), and state law. Griffiths conceptualizes this condition as *legal pluralism*, referring to the coexistence of multiple legal systems within the same social arena.¹⁵ This perspective is further developed by Tamanaha, who argues that state law is not the sole source of effective legal authority, as communities also adhere to religious norms, customary practices, and other non-state normative systems possessing their own social legitimacy. In the Acehnese context, legal pluralism is manifested through the interaction among the *Mahkamah Syar'iyah* (Sharia Court), the *Wilayatul Hisbah* (Sharia enforcement agency), and customary institutions at the *gampong* (village) and *mukim* (subdistrict customary community) levels.

Within Indonesian legal scholarship, Ratno Lukito has significantly contributed to the study of legal pluralism by demonstrating that the relationship among Islamic law, customary law, and state law is characterized more by compromise, negotiation, and adaptation than by conflict.¹⁶

¹³ Michael Feener, *Sharia and Social Engineering: The Implementation of Islamic Law in Contemporary Aceh, Indonesia* (Oxford: Oxford University Press, 2013), 7–18.

¹⁴ Arskal Salim, *Challenging the Secular State*: 137–150.

¹⁵ John Griffiths, "What Is Legal Pluralism?", 1–8.

¹⁶ Ratno Lukito, *Legal Pluralism in Indonesia*: 31–56.

This argument is reinforced by Syahrizal Abbas, whose research shows that customary dispute-resolution mechanisms in Aceh continue to enjoy strong social legitimacy because they are perceived as more consistent with local values and more effective in preserving social harmony.¹⁷ Likewise, Rusjdi Ali Muhammad emphasizes the integrative relationship between customary law and Islamic Sharia in Aceh, as reflected in the well-known Acehnese philosophical expression *adat bak poe teumeureuhom, hukom bak syiah kuala*, which signifies that customary traditions and Islamic law function as complementary pillars in maintaining social order.¹⁸

Despite these important contributions, previous studies have generally examined the implementation of Islamic Sharia from fragmented perspectives, focusing separately on normative legal analysis, legal politics, or human rights issues. Relatively few studies have comprehensively investigated the dynamics of Sharia implementation through a socio-legal framework that integrates theories of legal pluralism, social interaction, and the relationship among customary law, Islamic Sharia, and national positive law within a unified analytical framework. This study seeks to address this gap by offering a more holistic analysis of the dynamics of Islamic Sharia implementation in Aceh from the perspective of legal pluralism. In doing so, it aims to contribute to the advancement of Islamic legal studies and constitutional law scholarship in Indonesia.

Method

This study employs a qualitative research design using a socio-legal approach to examine the dynamics of Islamic Sharia implementation in Aceh and its interaction with customary law and national positive law. A socio-legal approach is adopted because the research extends beyond the normative analysis of statutory legislation and *qanun* to investigate how legal norms operate within the social realities of Acehnese society. According to Bedner, socio-legal research enables law to be understood as a social institution shaped by cultural, political, economic, and power-related factors that evolve within society.¹⁹ Accordingly, this approach is particularly appropriate for explaining the interaction between Islamic Sharia, customary law, and state law within the framework of legal pluralism in Aceh. The research is based on library research utilizing primary, secondary, and tertiary legal materials. Primary legal materials include Law Number 44 of 1999 concerning the Special Status of Aceh, Law Number 11 of 2006 on the Governance of Aceh, and various *qanun* regulating the implementation of Islamic Sharia, particularly Qanun Aceh Number 6 of 2014 on *Jinayat* Law.²⁰ Secondary legal materials consist of books, national and international journal articles, research reports, master's theses, and doctoral dissertations addressing Islamic Sharia implementation, legal pluralism, and customary law in Aceh. Tertiary legal materials include legal dictionaries, encyclopedias, and other relevant reference sources.²¹ Data were collected through documentary research involving the identification, classification, and systematic examination of legal documents and scholarly literature relevant to the research

¹⁷ Syahrizal Abbas, *Mediation in Islamic Law and Contemporary Indonesian Practice* (Jakarta: Kencana, 2009), 214–223.

¹⁸ Rusjdi Ali Muhammad, *Revitalisasi Syariat Islam di Aceh*, (2003), 87–94.

¹⁹ Andrian W. Bedner et al., *Kajian Sosio-Legal* (Denpasar: Pustaka Larasan, 2012), 3–15;

²⁰ Undang-Undang Nomor 11 Tahun 2006 tentang Pemerintahan Aceh; Pemerintah Aceh, Qanun Aceh Nomor 6 Tahun 2014 tentang Hukum Jinayat.

²¹ Soerjono Soekanto dan Sri Mamudji, *Penelitian Hukum Normatif: Suatu Tinjauan Singkat* (Jakarta: Rajawali Pers, 2015), 12–14.

objectives. The collected data were analyzed using a descriptive-analytical method through the stages of data reduction, data presentation, interpretation, and conclusion drawing.²² The analysis primarily draws upon the theory of legal pluralism developed by John Griffiths and Brian Z. Tamanaha to explain the interaction among Islamic law, customary law, and state law. Furthermore, Max Weber's theory of social action is employed to analyze the roles of social actors in the implementation of Islamic Sharia, while Antonio Gramsci's theory of hegemony is utilized to examine the power relations influencing the formulation and implementation of Sharia policies in Aceh. Through this analytical framework, the study seeks to provide a comprehensive understanding of the dynamics of Islamic Sharia implementation within the broader context of legal pluralism in Aceh.

Result and Discussion

The Genealogy of Islamic Sharia in Aceh

The genealogy of Islamic Sharia in Aceh cannot be separated from the long historical development of Islam in the Indonesian archipelago. Aceh is widely recognized as one of the earliest regions in Southeast Asia to embrace and disseminate Islam. Since the establishment of the Aceh Darussalam Sultanate in the sixteenth century, Islam has served as the principal foundation of governance, the legal system, education, and the social life of the Acehnese people. Aceh's strategic position as a center of international trade facilitated interactions with Muslim scholars (*ulama*) from the Middle East, India, Persia, and other parts of Asia, all of whom played a significant role in the Islamization of Acehnese society.²³

During the Aceh Darussalam Sultanate, Islamic law was implemented across various aspects of public life and constituted the principal source of political legitimacy. The Sultan functioned not only as the head of government but also as the guardian of religion responsible for ensuring the implementation of Islamic Sharia in public affairs.²⁴ Historical accounts indicate that during the reign of Sultan Iskandar Muda (1607–1636), the Islamic legal system experienced substantial development through the establishment of religious institutions and the strengthening of the role of *ulama* in governmental administration.²⁵ Throughout this period, Islamic law did not operate independently from customary law (*adat*); rather, both developed in a complementary and mutually reinforcing manner. This relationship gave rise to the well-known Acehnese philosophical principle, *hukom ngon adat lagee zat ngon sifeut* (law and custom are inseparable, like substance and its attributes), reflecting the harmonious integration of Islamic law and customary traditions within Acehnese society.²⁶

The position of Islamic Sharia changed considerably during the Dutch colonial period. The colonial administration sought to restrict the influence of Islamic law by replacing it

²² Matthew B. Miles, A. Michael Huberman, dan Johnny Saldaña, *Qualitative Data Analysis: A Methods Sourcebook*, 4th ed. (California: Sage Publications, 2020), 7–15.

²³ Azyumardi Azra, *Jaringan Ulama Timur Tengah dan Kepulauan Nusantara Abad XVII dan XVIII* (Jakarta: Kencana, 2013), 67–82.

²⁴ Denys Lombard, *Kerajaan Aceh: Zaman Sultan Iskandar Muda (1607–1636)* (Jakarta: Balai Pustaka, 1986), 45–58.

²⁵ Anthony Reid, *Southeast Asia in the Age of Commerce 1450–1680, Vol. II* (New Haven: Yale University Press, 1993), 142–148.

²⁶ Rusjdi Ali Muhammad, *Revitalisasi Syariat Islam*, 87–91.

with a centralized colonial legal system.²⁷ Nevertheless, Acehnese resistance to colonial rule strengthened Islamic identity as both a political and social symbol of resistance. The Aceh War, which began in 1873, was understood not merely as an anti-colonial struggle but also as a form of *jihad* aimed at defending both religion and the sovereignty of the Acehnese people.²⁸ Within this context, Islam became a powerful source of political legitimacy capable of unifying diverse segments of Acehnese society against colonial domination.

Following Indonesia's independence, Acehnese aspirations for formal recognition of their Islamic identity remained a central issue in relations between Aceh and the central government. During the early years of independence, the government's centralized administrative policies generated widespread dissatisfaction among the Acehnese population, who sought greater autonomy to implement Islamic values in public life.²⁹ These circumstances gave rise to several political movements advocating recognition of Aceh's distinctive status, including the Darul Islam/Indonesian Islamic Army (DI/TII) rebellion led by Daud Beureueh in 1953.³⁰ Although the conflict was eventually resolved through the granting of special regional status to Aceh in 1959, demands for the formal implementation of Islamic Sharia continued to shape the province's political landscape.

A significant transformation occurred during Indonesia's Reformasi era, when the government introduced decentralization and regional autonomy policies. In Aceh, these reforms were institutionalized through Law Number 44 of 1999 concerning the Special Status of the Special Region of Aceh, which granted authority over religious affairs, customary institutions, education, and the participation of *ulama* in regional policymaking.³¹ These provisions were subsequently strengthened through Law Number 18 of 2001 on Special Autonomy for the Province of Nanggroe Aceh Darussalam, which explicitly established the legal foundation for the implementation of Islamic Sharia in Aceh.³² According to Aspinall, this policy was intended not only to accommodate the religious aspirations of the Acehnese people but also to serve as a political strategy for mitigating the conflict between the Free Aceh Movement (*Gerakan Aceh Merdeka*—GAM) and the central government.³³

The most significant milestone in the development of Islamic Sharia in Aceh occurred following the signing of the Helsinki Memorandum of Understanding (MoU) in 2005, which formally ended the armed conflict between GAM and the Government of Indonesia. This agreement was followed by the enactment of Law Number 11 of 2006 on the Governance of Aceh, providing a stronger constitutional foundation for the implementation of Islamic Sharia.³⁴ Under this legislation, the Aceh Government was granted authority to enact *qanun* (regional regulations) governing various aspects of public life in accordance with the principles of Islamic Sharia.

²⁷ M.B. Hooker, *Indonesian Islam: Social Change through Contemporary Fatawa* (Honolulu: University of Hawai'i Press, 2003), 21–29.

²⁸ Ibrahim Alfian, *Perang di Jalan Allah: Perang Aceh 1873–1912* (Jakarta: Pustaka Sinar Harapan, 1987), 112–126.

²⁹ Nazaruddin Sjamsuddin, *The Republican Revolt: A Study of the Acehnese Rebellion* (Singapore: Institute of Southeast Asian Studies, 1985), 45–53.

³⁰ C. van Dijk, *Rebellion under the Banner of Islam: The Darul Islam in Indonesia* (The Hague: Martinus Nijhoff, 1981), 231–242.

³¹ Undang-Undang Nomor 44 Tahun 1999 tentang Penyelenggaraan Keistimewaan Provinsi Daerah Istimewa Aceh.

³² Undang-Undang Nomor 18 Tahun 2001 tentang Otonomi Khusus bagi Provinsi Nanggroe Aceh Darussalam.

³³ Edward Aspinall, *Islam and Nation*, 198–205.

³⁴ Undang-Undang Nomor 11 Tahun 2006 tentang Pemerintahan Aceh.

Subsequently, numerous *qanun* were enacted to regulate the implementation of Islamic Sharia, including Qanun Number 11 of 2002 on the Implementation of Islamic Sharia in the Fields of *Aqidah*, *Ibadah*, and Islamic Propagation; Qanun Number 12 of 2003 concerning *Khamar* (alcoholic beverages); Qanun Number 13 of 2003 concerning *Maisir* (gambling); Qanun Number 14 of 2003 concerning *Khalwat* (close proximity between unmarried individuals); and ultimately Qanun Aceh Number 6 of 2014 on *Jinayat* Law.³⁵ The enactment of these *qanun* demonstrates the transformation of Islamic Sharia from a predominantly socio-religious norm into a formal legal system possessing binding legal force and enforceable by state institutions, including the *Mahkamah Syar'iyah* (Sharia Court) and the *Wilayatul Hisbah* (Sharia enforcement authority).³⁶

Despite these institutional developments, the implementation of Islamic Sharia in Aceh does not occur within a socially homogeneous environment. Islamic Sharia continuously interacts with customary law, which has long served as a living legal system within Acehnese communities, as well as with Indonesia's national legal system, which remains applicable as part of the country's constitutional order. This coexistence generates a distinctive form of legal pluralism and positions Aceh as a compelling socio-legal laboratory for examining the relationship among religion, customary institutions, and the state.³⁷ Accordingly, the genealogy of Islamic Sharia in Aceh reflects not only the historical evolution of Islamic law but also the ongoing processes of political, social, and cultural negotiation that have shaped the contemporary character of Sharia implementation in the province.

Legal Pluralism within Aceh's Leg

Legal pluralism constitutes one of the defining characteristics of Aceh's legal system. The concept of legal pluralism refers to the coexistence, recognition, and simultaneous operation of more than one legal system within a society. In the Acehnese context, legal pluralism is reflected in the interaction among Islamic law, formally institutionalized through *qanun* (regional regulations); customary law (*adat*), which continues to function as a living legal system within local communities; and Indonesia's national positive law, which remains applicable as an integral part of the legal system of the Republic of Indonesia.³⁸ The coexistence of these three legal systems makes Aceh one of the most prominent examples of legal pluralism within Indonesia's constitutional and legal order.

Historically, legal pluralism in Aceh predates the enactment of regulations governing the formal implementation of Islamic Sharia. During the Aceh Darussalam Sultanate, Islamic law and customary law served as the two principal normative systems regulating social life. Rather than functioning in an antagonistic manner, these legal traditions complemented one another in maintaining social order.³⁹ This relationship is encapsulated in the well-known Acehnese philosophical maxim, *hukom ngon adat lagee zat ngon sifeut* (law and custom are inseparable, like substance and its attributes), which illustrates that Islamic law and customary law are regarded

³⁵ Pemerintah Aceh, Qanun Aceh Nomor 6 Tahun 2014 tentang Hukum Jinayat.

³⁶ R. Michael Feener, *Sharia and Social Engineering: The Implementation of Islamic Law in Contemporary Aceh, Indonesia* (Oxford: Oxford University Press, 2013), 97–124.

³⁷ Ratno Lukito, Legal Pluralism in Indonesia, 31–56.

³⁸ Brian Z. Tamanaha, "Understanding Legal Pluralism: Past to Present, Local to Global," *Sydney Law Review*, Vol. 30, no. 3 (2008): 375–411.

³⁹ Rusjdi Ali Muhammad, *Revitalisasi Syariat Islam di Aceh*, 87–94.

as mutually inseparable elements of Acehese society. Consequently, customary law has long functioned as an important medium through which the principles and values of Islamic Sharia are implemented in everyday community life.

From the perspective of legal pluralism theory, this historical experience demonstrates that law is not exclusively produced by the state but also emerges from the social and cultural practices of society. Griffiths argues that legal pluralism exists when multiple legal systems coexist and operate simultaneously within the same social arena without depending entirely on state recognition or legitimacy. This theoretical perspective is particularly relevant to Aceh, where customary law continues to enjoy strong social legitimacy despite the state's formal institutionalization of Islamic Sharia through various *qanun*. In many instances, Acehese communities continue to prioritize customary dispute-resolution mechanisms before referring disputes to formal judicial institutions such as the *Mahkamah Syar'iyah* (Sharia Court) or the general courts.

Legal pluralism in Aceh has become increasingly complex following the introduction of special autonomy and the formal implementation of Islamic Sharia through a series of *qanun*. The enactment of Qanun Aceh Number 6 of 2014 on *Jinayat* Law further strengthened the position of Islamic law as an integral component of the province's positive legal system, possessing binding legal force and enforceable by state authorities.⁴⁰ Nevertheless, the establishment of these *qanun* has neither displaced customary law nor diminished the applicability of national law. Instead, all three legal systems continue to interact in regulating social life in Aceh. In practice, social disputes may be resolved through customary institutions, Islamic legal mechanisms, or the national legal system, depending upon the nature and characteristics of the case concerned.

According to Tamanaha, legal pluralism signifies not only the coexistence of multiple legal systems but also the dynamic relationships that develop among them.⁴¹ Within the Acehese context, the interaction between Islamic law, customary law, and state law demonstrates diverse patterns ranging from harmonization and adaptation to normative conflict. Harmonization occurs when customary norms reinforce the implementation of Islamic Sharia while remaining compatible with national legal principles. Conversely, normative conflict may arise when customary dispute-resolution mechanisms differ from the provisions established under *qanun* or national legislation.

The existence of customary institutions such as the *gampong* (village) and *mukim* (traditional subdistrict community) provides compelling evidence of the operation of legal pluralism in Aceh. These institutions possess the authority to resolve various social disputes through deliberation, consensus-building, and peaceful settlement.⁴² In many cases, dispute resolution through customary institutions is regarded as more effective because of their close relationship with local communities and their responsiveness to prevailing local values and traditions. This condition demonstrates that the effectiveness of a legal system is determined not only by its formal legal authority but also by the degree of social acceptance and legitimacy it enjoys within the community.

From a socio-legal perspective, legal pluralism in Aceh reflects an ongoing process of negotiation among the state, religion, and society. Through various legislative and regulatory

⁴⁰ Pemerintah Aceh, Qanun Aceh Nomor 6 Tahun 2014 tentang Hukum Jinayat.

⁴¹ Brian Z. Tamanaha, *A General Jurisprudence of Law*, 171–194.

⁴² Syahrizal Abbas, *Mediation in Islamic Law*, 214–223.

instruments, the state seeks to construct a legal system that integrates the principles of Islamic Sharia into public governance. At the same time, Acehnese communities continue to preserve customary practices that constitute an essential component of their social and cultural identity.⁴³ Consequently, the implementation of law in Aceh cannot be adequately understood solely through the textual analysis of statutory provisions but must also be examined through the social practices and normative interactions that characterize everyday life.

Legal pluralism in Aceh further illustrates the role of law as an instrument of social integration. From the perspective of Talcott Parsons' structural functionalism, the coexistence of multiple legal systems may be understood as a mechanism for maintaining social stability and order within a complex society.⁴⁴ Customary law functions to preserve social cohesion at the community level, Islamic Sharia reinforces the religious identity of Acehnese society, while national law provides legal certainty within the framework of a modern constitutional state governed by the rule of law. Accordingly, although each legal system performs a distinct function, they collectively complement one another in maintaining social order and ensuring the effective governance of Acehnese society.

The Interaction of Islamic Sharia, Customary Law, and Positive Law

One of the defining characteristics of Aceh's legal system is the dynamic interaction among Islamic Sharia, customary law (*adat*), and positive law. These three legal systems coexist and evolve simultaneously within Acehnese society, each performing a distinct role in regulating various aspects of social life. Their coexistence demonstrates that the administration of law in Aceh does not operate within a singular legal framework but rather within a system of legal pluralism that accommodates processes of harmonization, adaptation, negotiation, and even normative conflict among different legal orders.⁴⁵ Consequently, the implementation of Islamic Sharia in Aceh cannot be adequately understood through a fragmented or isolated perspective; instead, it must be analyzed within the broader relationship among religion, customary institutions, and the state.

Historically, the relationship between Islamic Sharia and customary law in Aceh dates back to the era of the Aceh Darussalam Sultanate. Rather than replacing pre-existing local traditions, Islam underwent a process of acculturation and integration with the customary values that had long been embedded within Acehnese society.⁴⁶ This historical process gave rise to the widely recognized Acehnese philosophical maxim, *hukom ngon adat lagee zat ngon sifeut* (law and custom are inseparable, like substance and its attributes). This philosophy reflects the understanding that Islamic Sharia and customary law constitute two complementary elements that collectively shape the social order of Acehnese society.⁴⁷

In practice, customary law frequently serves as the primary mechanism through which the principles and values of Islamic Sharia are implemented at the local level. Various dispute-resolution processes conducted through customary institutions such as the *gampong* (village)

⁴³ Andrian W. Bedner et al., *Kajian Sosio-Legal* (Denpasar: Pustaka Larasan, 2012), 25–37.

⁴⁴ Talcott Parsons, *The Social System* (New York: Free Press, 1951), 36–45.

⁴⁵ Brian Z. Tamanaha, hlm. 375–411.

⁴⁶ Anthony Reid, *Southeast Asia in the Age of Commerce 1450–1680*, Vol. II (New Haven: Yale University Press, 1993), 142–148.

⁴⁷ Rusjdi Ali Muhammad, *Revitalisasi Syariat*, hlm. 87–94.

and *mukim* (traditional subdistrict community) are fundamentally grounded in the Islamic values that underpin Acehnese social life.⁴⁸ Mechanisms such as deliberation (*musyawarah*), peaceful settlement (*sulh*), and the imposition of social sanctions illustrate the harmonious interaction between customary law and Islamic Sharia in maintaining public order. In this respect, customary law functions as a social institution that enhances the effectiveness of Sharia implementation without necessarily relying upon formal state legal mechanisms.

The relationship between Islamic Sharia and positive law underwent a significant transformation following the introduction of special autonomy for Aceh. Through Law Number 44 of 1999, Law Number 18 of 2001, and subsequently Law Number 11 of 2006 on the Governance of Aceh, the Indonesian state granted constitutional legitimacy to the implementation of Islamic Sharia in the province.⁴⁹ Within this legal framework, Islamic Sharia ceased to function solely as a socio-religious normative order and became an integral component of the formal legal system through the enactment of various *qanun*. Accordingly, a process of legal transformation occurred in which religious norms were institutionalized as legally binding rules possessing formal legal authority.

The enactment of numerous Sharia *qanun* demonstrates the institutionalization of Islamic values within Aceh's regional legal system. Qanun Aceh Number 6 of 2014 on *Jinayat* Law, for example, regulates a range of criminal offenses based on the principles of Islamic criminal law.⁵⁰ Nevertheless, the implementation of these *qanun* remains situated within Indonesia's broader national legal framework and therefore cannot be separated from constitutional principles, human rights standards, and the national legislative system. This condition indicates that the relationship between Islamic Sharia and positive law is not one of subordination but rather one of legal integration within Indonesia's constitutional order.

From the perspective of legal pluralism, the interaction among Islamic Sharia, customary law, and positive law reveals a complex pattern of legal relationships. Tamanaha argues that legal pluralism encompasses not only the coexistence of multiple legal systems but also the dynamic ways in which these systems influence one another in social practice.⁵¹ Within Aceh, this interaction may be observed in several forms. First, harmonious interaction occurs where the principles of Islamic Sharia, customary law, and state law reinforce one another. Second, adaptive interaction reflects the capacity of each legal system to adjust to changing social circumstances. Third, competitive interaction emerges when normative differences or jurisdictional disputes arise among these legal systems.

These interactions are particularly evident in the resolution of social disputes at the community level. In certain cases, including family disputes, minor social conflicts, and disagreements among community members, Acehnese people generally prefer customary dispute-resolution mechanisms because they are perceived as more accessible, cost-effective, and capable of preserving social harmony.⁵² Conversely, matters specifically regulated under *qanun* or national legislation are adjudicated through formal institutions such as the *Mahkamah Syariah*

⁴⁸ Syahrizal Abbas, *Mediation in Islamic Law*, hlm. 214–223.

⁴⁹ Undang-Undang Nomor 11 Tahun 2006 tentang Pemerintahan Aceh.

⁵⁰ Pemerintah Aceh, Qanun Aceh Nomor 6 Tahun 2014 tentang Hukum Jinayat.

⁵¹ Brian Z. Tamanaha, *A General Jurisprudence of Law*, 171–194.

⁵² Taqwaddin Husin, *Adat Aceh dalam Perspektif Hukum dan Masyarakat* (Banda Aceh: Dinas Kebudayaan Aceh, 2009), 72–89.

(Sharia Court) or the general courts. This phenomenon demonstrates that Acehnese communities pragmatically utilize the available legal systems according to the nature of the dispute and the legal issues involved.

From a socio-legal perspective, the interaction among these three legal systems illustrates that law is fundamentally a social construct shaped by cultural values, political dynamics, and power relations.⁵³ Through various legislative instruments, the state seeks to develop a legal system that reflects the Islamic identity of Acehnese society, while local communities continue to preserve customary practices regarded as consistent with their cultural values. At the same time, democratization, globalization, and the growing influence of international human rights discourse have also affected the development and implementation of law in Aceh. Consequently, the relationship among Islamic Sharia, customary law, and positive law is not static but continues to evolve in response to changing social, political, and legal conditions.

Accordingly, the interaction among Islamic Sharia, customary law, and positive law in Aceh demonstrates that these legal systems do not function independently but are mutually interconnected and continuously influence one another. Their interaction has produced a distinctive configuration of legal pluralism that constitutes one of the principal determinants of the dynamics of Islamic Sharia implementation in Aceh. Ultimately, the successful implementation of Islamic Sharia depends upon the capacity of state institutions, customary authorities, religious leaders, and society at large to foster harmony among religious values, local wisdom, and the principles of a modern democratic rule-of-law state founded upon justice, legal certainty, and respect for societal diversity.

The Role of Government, *Ulama*, and Customary Institutions in the Implementation of Islamic Sharia in Aceh

The implementation of Islamic Sharia in Aceh is a multifaceted process involving various social and institutional actors with distinct functions and authorities. The effectiveness and challenges of Sharia implementation are determined not only by the quality of the legal framework but also by the effectiveness of the government, *ulama*, and customary institutions as the principal actors within Aceh's socio-legal system. These three components constitute an interconnected institutional network that collaborates in the formulation, implementation, supervision, and internalization of Islamic Sharia values in society.⁵⁴ Accordingly, the implementation of Islamic Sharia in Aceh may be understood as the outcome of continuous interaction among state authority, religious leadership, and the local wisdom embedded within Acehnese communities.

a. The Role of Government in the Implementation of Islamic Sharia

The government occupies a central position in the implementation of Islamic Sharia in Aceh, serving both as the principal policymaker and as the authority responsible for enforcing regulations related to Sharia. This authority is derived from several legal instruments, particularly Law Number 11 of 2006 on the Governance of Aceh, which grants the Aceh Government the constitutional authority to administer public affairs based on the principles

⁵³ Andrian W. Bedner et al., *Kajian Sosio-Legal*, 25–37.

⁵⁴ R. Michael Feener, *Sharia and Social Engineering: The Implementation of Islamic Law*, 45–62.

of Islamic Sharia.⁵⁵ Through this legal mandate, the regional government is empowered to enact *qanun* (regional regulations) that provide the legal foundation for implementing Islamic Sharia across various sectors of public life.

To fulfill these responsibilities, the Aceh Government has established several specialized institutions tasked with administering and supervising the implementation of Islamic Sharia, including the *Dinas Syariat Islam* (Islamic Sharia Office), the *Mahkamah Syar'iyah* (Sharia Court), and the *Wilayatul Hisbah* (Sharia enforcement authority).⁵⁶ The *Dinas Syariat Islam* is responsible for policy formulation, public dissemination, institutional guidance, and the development of programs related to Islamic Sharia. The *Wilayatul Hisbah* functions as the supervisory authority responsible for ensuring compliance with Sharia *qanun* within society. Meanwhile, the *Mahkamah Syar'iyah* exercises judicial authority over matters falling within the jurisdiction of Islamic law in accordance with the applicable statutory framework.

From the perspective of public policy implementation theory, the role of government extends beyond the enactment of legislation. Effective implementation also requires the provision of adequate institutional resources, inter-agency coordination, and sustained political commitment to ensure that public policies achieve their intended objectives.⁵⁷ Consequently, the effectiveness of Islamic Sharia implementation depends substantially upon the administrative capacity of the regional bureaucracy and the political commitment of the Aceh Government in exercising its constitutional authority.

b. The Role of *Ulama* in the Implementation of Islamic Sharia

Alongside the government, *ulama* occupy a highly strategic position in the implementation of Islamic Sharia in Aceh. Historically, *ulama* have constituted the primary religious authorities and have played a pivotal role in the socio-political development of Acehnese society. Since the era of the Aceh Darussalam Sultanate, they have served as advisors to political rulers, contributing to policy formulation while providing religious legitimacy for governmental decisions.⁵⁸ This historical tradition has continued into the contemporary period through the active participation of *ulama* in formal institutions as well as religious and community organizations.

Within Aceh's institutional framework, the role of *ulama* is formally accommodated through the *Majelis Permusyawaratan Ulama* (MPU), which functions as an advisory body providing legal opinions, religious guidance, *fatwas*, and policy recommendations concerning matters related to the religious life of the community.⁵⁹ The *fatwas* and opinions issued by the MPU frequently serve as important references in the drafting of *qanun* and in addressing various social issues arising within society. This institutional arrangement demonstrates that the legitimacy of Islamic Sharia in Aceh derives not only from the authority of the state but also from the religious authority exercised by *ulama*.

⁵⁵ Undang-Undang Nomor 11 Tahun 2006 tentang Pemerintahan Aceh.

⁵⁶ Al Yasa' Abubakar, *Syariat Islam di Provinsi Nanggroe Aceh Darussalam: Paradigma, Kebijakan, dan Kegiatan* (Banda Aceh: Dinas Syariat Islam Aceh, 2008), 65–84.

⁵⁷ George C. Edwards III, *Implementing Public Policy* (Washington D.C.: Congressional Quarterly Press, 1980), 9–17.

⁵⁸ Azyumardi Azra, *Jaringan Ulama Timur Tengah*, 87–102.

⁵⁹ Al Yasa' Abubakar, *Bunga Rampai*, 112–119.

From the perspective of Max Weber's theory of social action, the influence of *ulama* may be understood as a manifestation of charismatic authority capable of shaping public behavior through moral and religious legitimacy.⁶⁰ Consequently, the successful implementation of Islamic Sharia depends significantly upon the ability of *ulama* to educate the public, disseminate Islamic teachings (*da'wah*), and internalize Islamic values within society. Furthermore, *ulama* perform an essential mediating function by facilitating communication and cooperation between the government and the community on issues concerning the implementation of Islamic Sharia.

c. The Role of Customary Institutions in Maintaining Social Harmony

In addition to the government and *ulama*, customary institutions make an equally significant contribution to the implementation of Islamic Sharia in Aceh. The existence of these institutions reflects the enduring strength of local traditions that continue to be recognized and respected by Acehnese society. Institutions such as the *gampong* (village), *mukim* (traditional subdistrict community), *tuha peut* (village consultative council), and *imeum mukim* (traditional community leader) function as social institutions responsible for maintaining public order, resolving disputes, and preserving the cultural and religious values of the community.⁶¹

The role of customary institutions is particularly significant because customary law frequently serves as the principal medium through which Islamic Sharia values are implemented in everyday life. Social disputes arising at the community level are generally addressed first through customary mechanisms before being referred to formal judicial institutions. These customary procedures emphasize deliberation (*musyawarah*), peaceful settlement, and the restoration of social relationships, all of which are consistent with the normative principles of Islamic law.⁶² Accordingly, customary institutions function not merely as custodians of local traditions but also as important social mechanisms that reinforce the effective implementation of Islamic Sharia.

From the perspective of legal pluralism, the existence of customary institutions illustrates that the living law within society is not necessarily identical to state law.⁶³ These institutions enjoy strong social legitimacy because they have emerged from the needs of local communities and have been deeply embedded in Acehnese social life for centuries. Consequently, customary institutions serve as an essential bridge connecting Islamic law with the social realities and cultural practices of Acehnese society.

d. Synergy and Challenges among Institutional Actors

The effective implementation of Islamic Sharia requires close cooperation among the government, *ulama*, and customary institutions. The government provides legal legitimacy and institutional support, *ulama* contribute religious legitimacy and moral guidance, while customary institutions function as social mechanisms that facilitate the acceptance and

⁶⁰ Max Weber, *Economy and Society: An Outline of Interpretive Sociology* (Berkeley: University of California Press, 1978), 241–254.

⁶¹ Taqwaddin Husin, *Adat Aceh dalam Perspektif*, 72–89.

⁶² Syahrizal Abbas, *Mediation in Islamic Law*, 214–223.

⁶³ John Griffiths, "What Is Legal Pluralism: 1–55.

implementation of Islamic Sharia values within society. Although these actors perform distinct institutional roles, they collectively complement one another in developing a social order grounded in Islamic principles.

The foregoing analysis demonstrates that the implementation of Islamic Sharia in Aceh is the product of complex interactions among governmental institutions, religious authorities, and customary institutions. Each of these actors plays an indispensable role in shaping, implementing, and sustaining Islamic Sharia within Acehnese society. Consequently, strengthening coordination, institutional collaboration, and normative harmonization among these actors constitutes a fundamental prerequisite for achieving an implementation of Islamic Sharia that is effective, equitable, and responsive to the evolving needs of Acehnese society within the contemporary democratic constitutional order.

An Analysis of the Dynamics of Islamic Sharia Implementation in Aceh from Multiple Theoretical Perspectives

The implementation of Islamic Sharia in Aceh constitutes a legal and social phenomenon that cannot be adequately understood through a purely normative legal approach. The coexistence and interaction of Islamic Sharia with customary law and national positive law reflect complex social dynamics involving multiple actors, competing interests, and institutional structures. Accordingly, this study adopts four complementary theoretical perspectives, legal pluralism, hegemony theory, social interaction theory, and structural functionalism, to provide a comprehensive analytical framework for explaining the dynamics of Islamic Sharia implementation in Aceh. Collectively, these theoretical approaches offer a multidimensional understanding of how Islamic Sharia operates within Aceh's distinctive socio-legal landscape.

The theory of legal pluralism posits that multiple legal systems may coexist and function simultaneously within a single society. Griffiths argues that legal pluralism arises when state law no longer serves as the exclusive source of social regulation because other normative systems also possess legitimacy and practical effectiveness within society. In the Acehnese context, this theoretical framework is clearly reflected in the simultaneous interaction of three legal systems: Islamic Sharia, customary law (*adat*), and Indonesia's national positive law.

The findings of this study indicate that the implementation of Islamic Sharia in Aceh has not displaced either customary law or national law. Instead, these legal systems have developed a pattern of mutual interaction and reciprocal influence. Numerous social disputes continue to be resolved through customary mechanisms at the *gampong* (village) and *mukim* (traditional subdistrict community) levels, whereas matters specifically regulated under *qanun* are adjudicated by the *Mahkamah Syar'iyah* (Sharia Court) or other formal state institutions.⁶⁴ This situation demonstrates that Acehnese society operates within a legally pluralistic environment in which multiple legal systems function concurrently according to the social needs and practical circumstances of the community.

From Tamanaha's perspective, legal pluralism extends beyond the mere coexistence of multiple legal systems to encompass the dynamic interactions among them.⁶⁵ The findings reveal

⁶⁴ Syahrizal Abbas, *Mediation in Islamic Law*, 214–223.

⁶⁵ Brian Z. Tamanaha, *A General Jurisprudence of Law*, 171–194.

that the relationship among Islamic Sharia, customary law, and positive law is predominantly adaptive and accommodative. Although normative conflicts occasionally arise, these legal systems generally succeed in developing mechanisms of harmonization that preserve social stability within Acehnese society. Consequently, the implementation of Islamic Sharia in Aceh represents a compelling example of legal pluralism operating within Indonesia's constitutional and legal framework.

Antonio Gramsci's theory of hegemony provides an analytical lens for understanding how Islamic Sharia acquires social and political legitimacy in Acehnese society. According to Gramsci, hegemony is achieved when a dominant group secures the consent of society through ideological and cultural leadership rather than solely through coercive state power.⁶⁶

Within the Acehnese context, the implementation of Islamic Sharia is supported not only by formal state regulations but also by deeply embedded religious and cultural values that have shaped the collective identity of the Acehnese people over centuries. Islamic Sharia is widely accepted as an integral component of Acehnese identity, a perception rooted in the historical legacy of the Aceh Darussalam Sultanate.⁶⁷ Consequently, the enactment of Sharia *qanun* should be understood not merely as the product of legal policymaking but also as the outcome of a long process of social construction through which Islamic values have become institutionalized within the public sphere.

The hegemonic perspective further demonstrates that the government, *ulama*, and religious institutions function as principal agents in constructing and sustaining the legitimacy of Islamic Sharia through education, *da'wah* (Islamic outreach), regulatory frameworks, and a wide range of religious and social activities. Through these processes, Islamic Sharia is understood not only as a religious obligation but also as a normative social ideal governing public life. Accordingly, the continuity of Islamic Sharia implementation in Aceh is sustained not merely by the coercive authority of the state but also by the widespread acceptance of religious values and ideological norms within society.

Max Weber's theory of social action provides an additional perspective for understanding the roles of various social actors in the implementation of Islamic Sharia. Weber conceptualizes social action as behavior undertaken by individuals or groups that carries subjective meaning and is oriented toward others within social relationships.⁶⁸ Within the context of this study, the implementation of Islamic Sharia can therefore be understood as the product of continuous interaction among governmental institutions, *ulama*, customary institutions, law enforcement agencies, and the broader Acehnese community.

The findings indicate that the effectiveness of Islamic Sharia implementation is strongly influenced by patterns of communication and cooperation among these actors. The government functions as the principal policymaker and provider of legal instruments; *ulama* serve as the primary source of religious legitimacy; while customary institutions operate as social mediators that facilitate the integration of Islamic Sharia with local cultural values.⁶⁹ Harmonious interaction

⁶⁶ Antonio Gramsci, *Selections from the Prison Notebooks*, trans. Quintin Hoare and Geoffrey Nowell Smith (New York: International Publishers, 1971), 12–20.

⁶⁷ R. Michael Feener, *Sharia and Social Engineering*: 145–167.

⁶⁸ Max Weber, *Economy and Society*: 4–26.

⁶⁹ Al Yasa' Abubakar, *Syariat Islam*, 65–84.

among these actors significantly enhances the effectiveness of Sharia implementation throughout Acehnese society.

From Weber's perspective, social action is motivated by various forms of rationality, including instrumental rationality, value rationality, traditional action, and affective action. The Acehnese community complies with Islamic Sharia not merely because of the threat of legal sanctions but also because of deeply held religious beliefs, longstanding social traditions, and a shared cultural identity. Consequently, the implementation of Islamic Sharia cannot be explained solely as the result of state coercion; rather, it should be understood as the outcome of complex social interactions shaped by diverse values, motivations, and collective interests.

Talcott Parsons' theory of structural functionalism conceptualizes society as an integrated system composed of interconnected elements, each performing specific functions necessary to maintain social equilibrium. From this perspective, Islamic Sharia, customary law, and positive law may be understood as complementary components of Aceh's social structure, each fulfilling distinct functions that contribute to the maintenance of social order.

The findings demonstrate that each legal system performs a unique yet complementary role. Islamic Sharia functions as a normative framework providing moral and religious guidance for society. Customary law preserves social cohesion through dispute-resolution mechanisms based on deliberation (*musyawarah*) and local wisdom. National positive law, meanwhile, provides legal certainty and safeguards public order within the framework of a modern constitutional state governed by the rule of law.

According to Parsons, a social system can achieve long-term stability only when it successfully performs the four functional imperatives of the AGIL framework: Adaptation, Goal Attainment, Integration, and Latency (pattern maintenance). Within the Acehnese context, Islamic Sharia reinforces the community's religious identity (Latency); governmental institutions and *qanun* facilitate the achievement of public policy objectives (Goal Attainment); customary law promotes social cohesion and conflict resolution (Integration); while the national legal system enables society to adapt to the evolving institutions of the modern state (Adaptation).⁷⁰ Accordingly, the coexistence of multiple legal systems in Aceh contributes to social stability because each system performs a distinct yet mutually supportive function.

Taken together, these four theoretical perspectives demonstrate that the implementation of Islamic Sharia in Aceh is a multidimensional phenomenon that cannot be adequately explained through a purely doctrinal or normative legal approach. Legal pluralism explains the coexistence and interaction of multiple legal systems; hegemony theory elucidates the processes through which Islamic Sharia acquires social and political legitimacy; social action theory highlights the roles of diverse actors in shaping its implementation; and structural functionalism explains how each legal system contributes to maintaining social order. Accordingly, the implementation of Islamic Sharia in Aceh should be understood as the product of complex interactions among legal structures, political authority, cultural values, and social action within contemporary Acehnese society.

⁷⁰ Talcott Parsons, *The Social System* (New York: Free Press, 1951), 5–29.

Conclusion

The implementation of Islamic Sharia in Aceh is the product of a long historical, political, and social process rooted in the era of the Aceh Darussalam Sultanate and subsequently strengthened through the constitutional recognition granted by the post-Reformasi special autonomy framework. The genealogy of Islamic Sharia demonstrates that its implementation in Aceh did not emerge abruptly; rather, it constitutes an integral component of the social and cultural identity of the Acehnese people that has evolved over several centuries. Through Law Number 11 of 2006 on the Governance of Aceh, Islamic Sharia obtained a robust legal foundation for its implementation across various aspects of public life through the enactment of *qanun* (regional regulations). This study finds that Aceh's legal system exhibits the defining characteristics of legal pluralism, reflected in the coexistence and interaction of Islamic Sharia, customary law (*adat*), and Indonesia's national positive law. These three legal systems do not operate independently but instead interact, adapt, and continuously shape dynamic patterns of legal relations within Acehnese society. Customary law continues to enjoy strong social legitimacy as a community-based mechanism for dispute resolution, whereas Islamic Sharia and national positive law function as formal legal instruments implemented through state institutions. Based on the analysis employing multiple theoretical perspectives, this study concludes that the implementation of Islamic Sharia in Aceh constitutes a multidimensional phenomenon involving the interaction of legal structures, social actors, cultural values, and political authority. The legitimacy of Islamic Sharia is derived from the combined influence of state authority, the religious leadership of *ulama*, and broad societal acceptance. At the same time, the continued existence of customary law and national positive law demonstrates that the implementation of Islamic Sharia takes place within a complex and dynamic framework of legal pluralism. Accordingly, the Acehnese experience illustrates that the effective implementation of Islamic Sharia depends not solely upon formal legal regulation but also upon the continuous interaction among legal institutions, religious authority, customary traditions, and the broader socio-political context in which these normative systems operate.

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