



## Islamic Studies Update: Examining the Sharia Court in Aceh in the Perspective of Legislation in Indonesia

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**Abstract:** The integration of Islamic law into Indonesia's national legal system continues to provoke significant constitutional and institutional discourse, particularly in the case of Aceh's Sharia Court (*Mahkamah Syariah*). Established under the special autonomy granted by Article 18 B of the 1945 Constitution, the court implemented Qanun Jinayat, an Islamic criminal code that operates within the national legal framework. This unique judicial structure highlights Indonesia's commitment to legal pluralism, while simultaneously exposing tensions between Islamic norms, human rights principles, and national legislative coherence. This study examined the legal status, institutional authority, and normative functions of the Syaria Court through the lens of constitutional law and legal pluralism. It adopts a normative legal research methodology that combines deductive reasoning, historical analysis, and case studies, and is supported by statutory documents, judicial rulings, and relevant literature. By framing the court as a hybrid institution shaped by regional autonomy and national oversight, this article offers a conceptual model of functional recognition, rather than hierarchical subordination. The findings reveal that Mahkamah Syaria exercises jurisdiction over both civil and criminal matters based on Islamic law. However, challenges remain in harmonising procedural standards, ensuring legal certainty, and accommodating plural citizenship, particularly in cases involving non-Muslim minorities. Despite these tensions, courts play a growing role in mediating religious legal traditions and constitutional imperatives. This article contributes to the broader academic discourse on judicial hybridity in decentralised states. It provides a new perspective on the adaptive function of religious courts within democratic legal systems, and proposes pathways for strengthening integration without eroding institutional pluralism.

**Keywords:** *Islamic Studies, Courts, Sharia, Law, Aceh.*

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### Introduction

The convergence between Islamic law and the national legal system in Indonesia has become a controversial topic that not only touches on the normative realm but also shakes up established judicial institutional structures (Abbas and Murziqin 2021). One of the most explicit manifestations of this dynamic is the existence of the Sharia Court in Aceh, which operates as a sharia-based judicial institution within the framework of the democratic rule of law. Aceh's specialty not only reflects a political response to a history of conflict but also opens up new legal spaces that give rise to tensions between the universal principles of the constitution and the specificity of religious norms (Zada, 2023).

This tension is further compounded when Qanun Jinayat is widely implemented, creating a criminal law sanction system that is substantially different from the national Criminal Code.

Several studies have shown that the people of Aceh support the implementation of flogging as a form of moral deterrence (Aksa et al., 2023), but this raises serious questions related to human rights principles and fair and accountable judicial mechanisms (Hamida, 2022). In this context, the existence of the Syaria Court must not only be judged by its legal legitimacy but also by its adaptive capacity to constitutional challenges and the modernity of national law.

Academic studies of the Syaria Court in Aceh have generally focused on two main approaches: descriptive-normative and juridical-comparative. Descriptive normative studies explore the place of Sharia courts within the national legal system and illustrate that the Syaria Court operates under the influence of Law No. 11/2006 and Qanun which are *lex specialis* (Edwar, 2020; Iskandar et al., 2023). However, this approach often fails to institutionally uncover the interactional dimension between sharia and general courts. In contrast, the juridical-comparative approach tends to place the Syaria Court as an exception to the general judicial system but has not explicitly examined the dynamics of judicial power among national judicial institutions. Some studies even treat the Syaria Court as an alternative judicial sub-system without clarifying whether its authority is constitutional or merely administrative under Aceh's specificity law (Abbas & Murziqin, 2021; Muhtar et al., 2024).

This research aims to fill the gap between these two approaches by developing an analysis of the legal position and authority of the Sharia Court through the scalpel of legal pluralism theory and legal decentralisation theory. This is important considering that the legal decentralisation policy in Indonesia is still running within the framework of a "pseudo-unitary system", where the supremacy of national law remains the main reference (Hamida, 2022). Thus, this research takes a strategic position as a bridge between normative and institutional studies by presenting a contextual approach that combines the perspectives of Islamic law, constitutional law, and the dynamics of judicial practice in Aceh. This research proposes a new conceptual model to understand the vertical integration of the Syaria Court into the national system simultaneously, not through subordination but through functional recognition.

Most previous studies have only explained the legal position of the Syaria Court based on formal instruments, such as Qanun, the Law on the Governing of Aceh, and presidential decrees. However, no in-depth study has examined how the Syaria Court exercises its authority in practice amid constitutional pressures from the national legal system and human rights principles (Husain et al., 2024). On the other hand, empirical research on the influence of the Sharia Court on social integration and legal legitimacy in Aceh is limited. In fact, this court not only performs judicial functions, but also normative and educative functions for the community. This space has not been widely explored in contemporary Islamic legal or comparative justice system studies (Friwanti et al., 2021). This research closes that gap by offering a conceptual and institutional analysis of the Sharia Court, not only as a local legal product but also as an actor in the national legal pluralism system. The authors sought to highlight the dynamics of the authority, structure, and legitimacy of this institution in the context of democratic and adaptive judicial governance.

This study aims to answer three main questions that arise from the complexity of the relationship between Islamic law and the national legal system in Indonesia, particularly through the institution of the Sharia Court in Aceh. *First*, what is the legal position and constitutional structure of the Syaria Court within the architecture of Indonesia's national judicial system? *Second*, how does the Sharia Court exercise and develop its substantive authority in the fields of family law, muamalah, and jinayat, and what are the dynamics of its

implementation vis-à-vis the normative boundaries of national law? *Third*, how can the Syaria Court in Aceh be transformed into a judicial institution that is not only administratively subservient to national legislation but also able to contribute to the reform of Islamic law in the context of a democratic and pluralistic state? By answering these three questions, this article not only aims to outline the position and function of the Sharia Court juridically but also offers conceptual thoughts to design a more responsive, sustainable, and inclusive legal mechanism to address the challenges of legal pluralism in Indonesia.

Based on this research question, this article argues that the Syaria Court in Aceh is not merely a derivation of the national religious justice system but is the result of a hybrid legal model formed through a process of legal decentralisation based on regional privileges. This argument stems from the position of the Sharia Court, which is legally constructed within the framework of the national judicial system but at the same time has its own normative foundation through Qanuns derived from Sharia values. Therefore, the position of this institution demands a review of the boundaries of the verticality of judicial power as well as a reinterpretation of how the principle of legal unitarism can adapt to the pluralistic reality inherent in the construction of the post-reform state.

Furthermore, the substantive authority of the Sharia Court which covers Islamic civil and criminal domains, cannot be separated from the challenge of harmonising with the national legal system which tends to be secular and positivistic. The main argument offered is that it is necessary to establish normative and procedural convergence mechanisms that ensure that the implementation of Sharia law does not conflict with constitutional principles, such as justice, human rights, and *the due process of law*. In this context, the Sharia Court not only needs to be recognised structurally but also empowered substantially to become an actor in the development of national Islamic law that is relevant, adaptive, and accountable in the midst of changing global and national dynamics.

The arguments presented are in line with the research objective of reviewing the national legal structure to better accommodate the dynamics of Sharia-based institutions. This research provides a normative and analytical basis for efforts to reconstruct the relationship between the Sharia Court and the Supreme Court in the national legal system, thus not only clarifying the institutional structure but also strengthening legal legitimacy at the local and national levels.

The relevance of this study lies in its ability to fill a theoretical gap in contemporary Indonesian legal studies, particularly in relation to the regulation of faith-based justice systems within a modern legal state. By demonstrating that the Syaria Court can function constitutionally and effectively without creating normative conflicts, this article contributes to the international discourse on legal pluralism and integration of religious legal systems within the framework of the modern state.

### Literature Review

Studies on the position of the Sharia Court in the national judicial system have been conducted by several researchers, but most are descriptive and have not touched on the conceptual dimension of the vertical relationship between the Sharia Court and Supreme Court as the highest judicial authority. For example, Abbas and Murziqin (2021) only highlighted the position of the Sharia Court in the local legal structure without explaining its constitutional position in the national justice system. Whereas, Article 24A paragraph (2) of the 1945 Constitution stipulates that judicial power is exercised by the Supreme Court and the judicial bodies under it, which implicitly raises the question of whether the Syaria Court

has similar structural legitimacy to general or religious courts. In addition, Hamida (2022) emphasises that the Syaria Court in Aceh is an exclusive institution established through regional specificity, but has not examined whether such exclusivity is in conflict or harmony with the principle of integration of the national legal system. The existing literature has not provided a theoretical model to explain the duality of the function of the Syaria Court as part of the national system, as well as an autonomous institution based on Qanun. This opens space for the author to develop a more conceptual and dynamic legal-institutional discourse.

The literature on the substantive authority of the Syaria Court in Aceh has largely focused on analysing the Qanun Jinayat and the areas of law over which it has *jurisdiction*, such as *al-ahwal al-syakhsyah*, *mu'amalah*, and *jinayah*. Aksa et al. (2023) and Iskandar et al. (2023) have identified that the authority of the Syaria Court includes civil and criminal dimensions with sharia characteristics, but have not elaborated on how this authority operates in the context of the division of powers established by Law No. 48/2009 on Judicial Power. A purely normative approach is insufficient to explain how the Syaria Court navigates the boundaries of its authority, particularly in the context of criminal law which often intersects the national Criminal Code directly. This points to the need to develop a normative-practical analysis of the limits, scope, and dynamics of the Syaria Court's authority in the context of interlegality, a situation in which two legal systems coexist but overlap (Hamida, 2022).

The relationship between the Sharia Court and national legislation has rarely been examined critically. Most studies assume that the recognition of the Sharia Court through Law No. 11/2006 and the Qanun is sufficient to ensure its integration into the national legal system. However, Abbas and Murziqin (2021) pointed out that the hierarchy of legislation in Indonesia places the Qanun below the law, which has the potential to cause conflict if there is a discrepancy between the two.

## Methods

The research method used in this study was a normative legal research approach with a combination of deductive, historical, and case study approaches. The research began with the identification of primary and secondary legislation that serves as the legal basis, such as the 1945 Constitution, Law No. 44/1999 on the Implementation of the Specialty of the Special Province of Aceh, and Law No. 11/2006 of the Government of Aceh. A deductive approach is applied by taking general propositions that have been recognised as true in the form of constitutional principles and national legislation, then derived into the context of the implementation of the Sharia Court. This method refers to the deductive way of thinking that has been applied in previous legal research (Islahuddin 2021).

Research data were obtained through a literature study by collecting and review of primary and secondary sources in the form of laws and regulations, court decisions, scientific journals, books, and historical documents related to the establishment and implementation of the authority of the Sharia Court in Aceh. This technique allows researchers to conduct a comparative analysis of applicable constitutional norms and national legislation with the practices carried out by the Sharia Court (Adhani, 2019; Sarong et al., 2021).

The collected data were analysed analytically. The researcher reviewed and interpreted the content of the legislation, court decisions, and relevant legal literature to identify the implications of constitutional and national legislation on the authority and function of the Syaria Court. The analysis was conducted by synthesising findings from various sources to produce a comprehensive and integrated understanding of the legal issues studied. To increase data validity, the results of normative and doctrinal interpretations were compared with the

results of previous research and the verified legal literature. Validation is performed through cross-checking between primary data (legal texts, court decisions) and secondary data (academic studies, journal reviews) to produce conclusions that can be accounted for academically and normatively. The applied methodology supports the achievement of the research objectives by providing a strong normative basis and an operational context that is relevant to the legal dynamics in the region.

## Results and Discussion

### The Position of the Aceh Sharia Court in the Indonesian Judicial System

The Aceh Syaria Court has broad jurisdiction, especially in resolving criminal and civil cases based on Islamic values. This function demonstrates an institutional position parallel to that of the general judiciary but with the distinctiveness of managing Sharia disputes (Idris, 2019). Its existence is also understood as a representation of local legal sovereignty and a symbol of the traditional wisdom of the people of Aceh (Anwar and Bukhari 2022). However, the emergence of jurisdictional dualism is a structural challenge that requires institutional structuring so that the judicial process runs effectively and does not lead to overlap.

The application of Islamic law in Aceh has undergone significant transformation. From the Sultanate era to the current modern system, Islamic law was adapted through a series of policies that responded to local social and political dynamics. The Syaria Court adjusted its working mechanisms and interpretations to remain contextual without abandoning its historical roots. This process shows how the Sharia Court acts as a link between tradition and legal modernity (Anwar and Bukhari 2022). The normative juridical study shows that the Sharia Court has constitutional legitimacy that is affirmed through the Law on the Governing of Aceh and legally implemented through Qanun. The implementation of Sharia law through local regulations produces a legal system that is synchronised with the principles of universal justice (Sumawiharja, 2023). In this context, the Sharia Court does not stand apart but is part of the structure of legal pluralism that has been recognised in the Indonesian legislative system.

Institutionally, the Syaria Court operates autonomously under the framework of Aceh's special autonomy but remains connected to the national justice system. Coordination with the general judiciary is part of an effort to consolidate a national legal system that is responsive to the local context. While there are challenges in coordination and overlapping jurisdictions, this reflects the importance of systemic reform in building institutional harmony (Sumawiharja 2023). Operationally, the Syaria Court demonstrates a model of justice that is not only legal-formal but also ethical and educative. This institution also carries out legal counselling and education for the community (Anwar & Bukhari, 2022), as well as developing a case settlement approach based on human values and social justice (Idris, 2019). This educational function improves the legal literacy of the community and strengthens the legitimacy of the institution.

Based on the analysis of the role and authority of the Aceh Syaria Court, it was found that this institution plays a central role in maintaining the integration between the values of Islamic law and the Indonesian national justice system. The Aceh Sharia Court is recognised as a judicial institution that has the authority to try sharia-based criminal cases, especially those related to the application of *Qanun Jinayat* in the Aceh region. The existence of this institution emphasises the implementation of the principle of legal pluralism in the Indonesian legal system, where sharia norms are not only accommodated but also used as a

legal basis in court decisions, in line with the constitutional mandate as contained in the 1945 Constitution of the Republic of Indonesia (Iskandar et al., 2023).

Empirically, the findings of Iskandar et al. (2023) show that the Court does not only carry out judicial functions as a dispute resolution forum, but also acts as a legal laboratory that integrates Islamic values into the national legal system. Adjustment of law enforcement methods carried out by the Sharia Court using a Sharia normative approach is a concrete form of local value-based legal adaptation. However, the study also highlighted the challenge of procedural synchronisation between the Sharia Court and the general judiciary, which shows that legal integration does not always run linearly without institutional friction.

Walidain & Astuti (2021) also strengthen these findings by showing that the implementation of Qanun Jinayat as part of the criminal law system in Aceh does not only involve the Sharia Court, but also requires coordination with other institutions such as *Wilayahul Hisbah* and customary institutions. This inter-institutional collaboration reflects the pluralistic and integrated character of the legal system in Aceh, which combines formal state, religious, and customary laws in a unified system.

In addition to the structural and functional dimensions, the research results of Friwanti et al. (2021) highlighted the dynamics of acceptance of the Sharia Court as a Sharia criminal justice institution in Aceh. Although there was resistance from some legal practitioners to the delegation of criminal authority to the Sharia Court, the study shows that overall, the Sharia Court succeeded in proving its existence as a pioneer in the implementation of Islamic law at the local level. This shows that the process of legal integration is not only normative, but also requires social and institutional legitimacy.

This discourse shows that the main challenge in legal integration in Aceh is the harmonisation between the epistemology of Islamic law and the principles of national law based on the positive legal system. Iskandar et al. (2023) state that the tension between sharia norms and national legal regulations often leads to interpretative conflicts, especially in differences in principles, procedures, and sanctions. Therefore, an interdisciplinary approach is necessary to develop a compatible and coherent model of law enforcement in regions specific to Aceh.

Further discussion revealed that the autonomy of the Aceh Syaria Court cannot be separated from the decentralisation of legal politics in Indonesia. Aceh's authority to apply Islamic law as a whole is a form of state recognition of the local legal identity. However, this integration still faces various normative and operational challenges, such as differences in legal interpretation, limited human resources, and a lack of integrated training in the field of sharia justice. These obstacles indicate the need for institutional reform and capacity building of law enforcement officials to ensure that Syaria Court decisions are not only legally valid but also substantively and procedurally fair.

The findings of this study confirm that the Aceh Sharia Court plays a strategic role in the structure of the Indonesian judicial system. This institution is a concrete example of the successful application of the principle of legal pluralism within the framework of the modern legal state. The incorporation of Islamic legal norms and universal constitutional values is the basis for judicial reform, which is inclusive and responsive to the diversity of Indonesian society. However, the effectiveness of this institution is highly dependent on institutional synergy and constructive dialog between stakeholders to ensure that the integration between Islamic law and national law takes place consistently and sustainably and upholds the principles of justice (Friwanti et al., 2021; Walidain & Astuti, 2021).

### **Substantive Authority and Power of the Aceh Syaria Court**

The results showed that the authority and substantive powers of the Aceh Syaria Court are the result of a process of integration between the principles of Islamic law and the unique social, cultural, and political dynamics of Aceh Province. This integration does not take place statically but through adaptation that considers the local context. From a normative perspective, the application of jinayat law in Aceh is not carried out dogmatically, as found in some jurisdictions with a formal Sharia legal system. Instead, the implementation of Islamic criminal norms in Aceh prioritises the principle of substantive justice and considers the human values that live in the community. This shows that Sharia law in Aceh is not textual and absolute but contextual and responsive to social development (Sumawiharja, 2023).

From the perspective of legal politics, the establishment of the Aceh Sharia Court can be understood as part of the legal decentralisation policy within the framework of special autonomy. Its presence reflects the state's strategy to accommodate the legal aspirations of Aceh's people through legitimate institutional channels. Idris (2019) asserts that the legitimacy of the Aceh Sharia Court does not only stem from formal regulations, but is also supported by a strong historical and cultural base. Social support for the Sharia Court since its establishment in 2003 is an indicator of public acceptance of the institution as well as its success as a political symbol of Islamic law at the local level.

Furthermore, legal pluralism in Aceh has consequences for the form and exercise of Syaria Court substantive authority. In this context, Afandi and Bagaskoro (2024) identified challenges arising from the dualism between national legal norms and Islamic legal norms, which have the potential to overlap in their implementation. Ongoing institutional coordination is required to avoid normative conflicts and ensure alignment between the Sharia principles of justice and formal principles of justice. Thus, the authority of the Aceh Sharia Court should be positioned as a mechanism that actively bridges the differences between the legal systems within a plural and inclusive national justice system.

The implementation of Qanun Jinayat is a concrete representation of the substantive authority of the Sharia Court. In this regard, Aksa et al. (2023) noted that the Aceh Sharia Court not only enforces criminal law based on sharia, but also carries out preventive and educative roles. Law enforcement is carried out by considering restorative and retributive approaches developed to maintain social stability and encourage changes in community behaviour. This shows that this court not only decides cases but also develops legal norms as a form of social engineering.

In a different study, Friwanti et al. (2021) ) showed that the Aceh Syaria Court played a central role in the integration of national and Islamic laws in Aceh. Although, in practice, there are still challenges related to coordination between institutions and differences in legal substance, the Syaria Court has been able to maintain its credibility as a judicial institution that prioritises the principle of substantive justice. The existence of the Syaria Court is recognised as part of the national justice system that embodies the values of Islamic law without overriding the universal principles of the constitution.

A concrete example of the Sharia Court's authority is also seen in the handling of Sharia economic disputes, such as fiduciary cases, where the institution demonstrates full authority in resolving conflicts based on Sharia principles and national law (Putra, 2023; Walidain & Astuti, 2021). This confirms that the institution's substantive authority crosses sectoral boundaries and underpins the local Islamic financial system (Adhani 2019). Theoretically, this study uses a legal pluralism framework to explain the coexistence of Sharia and national laws in the practice of the Sharia Court (Sanusi, 2018). Modern Ijtihad is used as a

methodological basis to respond to the complexity of contemporary legal issues, while remaining grounded in traditional values. A comparison with the Sharia justice system in Malaysia shows that the Aceh Syaria Court has greater interpretative autonomy, particularly in criminal and economic matters (Sanusi 2018). This reflects its adaptive ability and strong locality as institutional strength.

Considering the overall findings, it can be concluded that the authority and substantive powers of the Aceh Syaria Court are dynamic and contextual. This institution has demonstrated institutional flexibility in responding to the legal needs of the community as well as contributing to the establishment of an inclusive and equitable legal system. The integration between Sharia values and the positive legal system is carried out not only at the normative level but also in procedural and institutional aspects, thus creating a sharia-based judicial model that is in accordance with the principles of the Indonesian rule of law.

### **National Constitutional and Legislative Implications of the Sharia Court**

Based on these research findings, it can be concluded that constitutional implications and national legislation products have a significant impact on the existence, legitimacy, and institutional functions of the Aceh Syaria Court. The existence of the Aceh Sharia Court does not merely stand on the foundation of Islamic law, but also gains constitutional legitimacy through the recognition of Aceh's specialty as stipulated in Article 18 B paragraph (1) of the 1945 Constitution of the Republic of Indonesia. This provision affirms the special rights of regions within the framework of the Unitary State of the Republic of Indonesia as a form of accommodation for diversity and conflict resolution (Adhani 2019). Within this framework, organic regulations such as Law No. 44/1999 on the Implementation of the Specialty of the Special Province of Aceh and Law No. 11/2006 on the Government of Aceh were established, which became the legislative basis for the implementation of Sharia law and the establishment of the Sharia Court as part of the national judicial system.

In practice, the Aceh Syaria Court is required to adapt its substantive authority to national legal norms to avoid conflicts between the principles of Islamic law and universal legal principles. This adjustment is important, given Aceh's multicultural social context. Halim (2022) revealed that the existence of non-Muslim communities in Aceh society requires the application of Qanun Jinayat to be carried out inclusively and based on the principle of non-discrimination. Thus, in the process of law enforcement, the Sharia Court is faced with the need to build a choice-of-law mechanism that can accommodate the principle of legal pluralism and ensure the protection of citizens' human rights, without overriding the basic principles of sharia. Adaptive legal interpretation is necessary to avoid violations of the principle of legal certainty and equality before the law is guaranteed in the framework of the national constitution.

Furthermore, the dynamic relationship between national legislation and the existence of the Aceh Sharia Court can also be analysed through an open legal policy approach. The Constitutional Court's decision regarding Sharia law norms shows that there is open space for legislators to adjust laws and regulations based on the characteristics of a particular region. In this context, Satriawan and Lailam (2019) identified a trend of judicial activism in Aceh that shows the role of the Sharia Court not only as a judicial institution but also as a normative entity that influences the formation and reform of national legislation. The tension between the roles of positive and negative legislators is part of an important discourse in the context of Islamic law in special autonomous regions, which shows that national legislation must be drafted with attention to complex local dynamics and needs.



In the context of regional autonomy, Sarong et al. (2021) assert that the special authority of the Aceh Sharia Court is an integral part of asymmetric decentralisation in Indonesia. This authority not only provides space for the implementation of Sharia law but also strengthens the position of the Sharia Court as a mediator between Islamic tradition and modern legal principles. Through this approach, the Sharia Court plays a dual role as the implementer of sharia-based substantive law, as well as an institution that promotes modern principles of justice and respect for diversity. National legislation, in this case, functions not only as a regulatory framework but also as an instrument of harmonisation between religious and state norms in the national legal system.

This research shows that the relationship between the Aceh Sharia Court and the national constitutional and legislative frameworks reflects a concrete form of legal pluralism in Indonesia's legal system. The institution must be able to carry out its judicial functions while adhering to the principles of constitutionality, universal principles of justice, and consistency in the application of *judicial review* mechanisms. In this context, the sustainability and effectiveness of the Aceh Sharia Court are highly dependent on the ongoing harmonisation between national legislation and the legal needs of the local community. In addition, the Sharia Court's institutional adaptability to national and international legal dynamics is key to ensuring the relevance and acceptability of the Sharia legal system in the context of a plural and democratic state (Adhani, 2019; Halim, 2022; Sarong et al., 2021; Satriawan & Lailam, 2019).

### Conclusion

The findings of this study reveal three main aspects of the Sharia Court's implementation in Aceh that reflect the integration of national and local laws. First, the institution has successfully internalised national constitutional and legislative principles into Sharia judicial practice, while upholding Islamic norms that are aligned with the principles of legal certainty and universal justice. Secondly, the Sharia Court has demonstrated innovative judicial autonomy through the formulation of decisions that combine traditional norms and modern legal values that apply nationally. Third, the dynamics of inter-judicial coordination pose challenges to synchronisation between different legal systems, which, although they have produced adaptive mechanisms, still leave room for improvement in institutional and normative aspects. The use of normative legal methods enriched with historical and case study approaches proved effective in explaining the relationship between the constitution, legislation, and judicial practice, although the limited empirical data suggest the need for more plural methodological development to increase the depth and validity of the findings on an ongoing basis.

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