

# The Reactualization of the Murder Payment of Fines (*Diyah*) in the Aceh Qānūn: A Sociological Perspective of the Islamic Law

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## ABSTRACT

As the only province in Indonesia implementing Islamic Sharia law, Aceh has a rich historical and cultural context rooted in Islamic traditions. In the modern era, understanding how Sharia law interacts with diverse community demands is crucial. This study examines the actualization of *diyah* (compensation) in Aceh's Qānūn Jināyah (Crimes) using a sociological approach to Islamic law. The qualitative research method employed involves descriptive data collection. The findings reveal that the *diyah* law in Aceh's Qānūn Jināyah illustrates the intricate interaction between social, cultural, legal, and religious aspects in the application and acceptance of Islamic law. *Diyah* serves not only as a formal legal instrument for justice but also as a reflection of the strong cultural values, religious traditions, and social norms within Acehnese society. Through sociological analysis, the study highlights how the mechanism for implementing *diyah* in the Qānūn Jināyah embodies the integration of Islamic law with the socio-cultural values of Acehnese society, offering insights into how Sharia law adapts to contemporary social challenges and changes.

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## 1. INTRODUCTION

The existence of Indonesian Islam, which has its own characteristics and uniqueness, needs to be studied in more depth (Akbar, 2020). Aceh is one of the regions in Indonesia that has special features. Based on Law Number 18 of 2001 concerning 'Special Autonomy for Special Regions', Aceh has internal affairs, one of which is the establishment of Sharia (Islamic law) legislation (Miller, 2004). The Qānūn Jināyah Law Legislation in Aceh is actually not something new because long before that, various taknin had been born, such as al-Fatawā al-Hindiyyah. (India), al-Aḥkām al-‘Adliyyah (Ottoman Turkey), Qānūn al-‘Asyī (Aceh-tempo Doeloe), and so on. The Jināyah Law Qānūn is a form of law enforcement against the judiciary in the legal system of the Aceh government which follows the way of writing the draft Qānūn from the perspective of fiqh proposals and based on fiqh material, without ignoring the methodology and taknin al-siyāsah al-syar‘iyyah methodology. These two methodologies are interrelated to produce a regulation (Qānūn Hukum Jināyah). With al-siyāsah al-syar‘iyyah, the government has the right and authority to formulate and establish regulations for its people so as to create *taknīn* to be implemented, obeyed, and adhered to together. However, the Qānūn Jināyah Law has caused widespread controversy among the people of Aceh. However, after it was ratified at the end of September 2014, conditions in Aceh were again conducive to struggle (Yahya, 2014).

Akbar (2017) also stated in his research that the Jināyah Aceh Qānūn adheres to Islamic principles, legality, justice and balance, benefit, protection of human rights, and the principle of learning for society. These principles are interrelated and give rise to other new principles, such as Islamic personality, patterns of sanctions, and self-submission. Furthermore, this research also found the relevance, in particular, of the principles of legality, justice and balance, benefit, protection of human rights, and the principle of learning in society to the principle of belief in one Almighty God. However, the principles contained in Qānūn Jināyah Aceh are still very limited and require further development or interpretation. Principles that are irrelevant to the principle of belief in the Almighty God are Islamic principles based on authentic Qānūn interpretations. This principle differentiates legal treatment based on religion. Based on this principle, the *jarimah* and *‘uqubah hudūd* are held, which are considered as worship. This is contrary to the principle of the Almighty God, who requires the protection of freedom of religion, worship, and freedom to believe in something based on conscience. Lastly, the incompatibility of Islamic principles can also be seen from explanations denying religious and religious sources other than Islamic sources (the Qur'an and Sunnah) (Muhammadun et al, 2021).

This is important to know as one of the regions that is given the authority to implement Islamic law. Realizing the process of determining *diyah* as stated in Qānūn Jināyah Aceh Number 6 of 2014 concerning Jināyah Law (Aceh, 2014). The implementation of the Qānūn Jināyah regarding *diyah* punishment for perpetrators of murder is in line with criminal law policy theory and is supported by the conditions of Acehnese society, which is predominantly Muslim (Yulis et al, 2022).

In the explanation in the general part of Qānūn Jināyah Number 6 of 2014, it is stated that *diyah* is *‘uqubah* (a kind of reward). paid by the perpetrator to the victim of abuse or the family of the murder victim. Further details and explanations regarding the formulation, form, and procedures for its application by the judge and its implementation by the public prosecutor have not yet been regulated. However, the basic *diyah* rate in the Qānūn is 100 (one hundred) adult

camels for perpetrators of premeditated murder (Qotadah & Achmad, 2020) . Then, the mechanism for implementing *diyah* in Qānūn Jināyah refers to Aceh Qānūn Number 7 concerning Jināyah Procedural Law. The Qānūn of the Jināyah program also clearly states that all determination processes must follow the court process until there is a legal decision. Furthermore, the provisions for compensation in the Jināyah Event Qānūn result from the victim's request to the judge as stated in Chapter XIII article 101 paragraph 1.

Based on the explanation above, it can be seen that Aceh, as the only province in Indonesia that applies Islamic Sharia law, has a strong historical and cultural context in the Islamic tradition. However, in the modern era filled with changing social dynamics, it is important to understand how Sharia law's application interacts with society's diverse demands. Public perception of the implementation of Sharia law, including *diyah*, varies from strong support for Islamic values to concern about restrictions on individual freedom. The social implications of implementing *diyah* include its impact on relationships between individuals, power structures in society, and the formation of collective identity. In this context, sociological analysis of Islamic law makes it possible to explore the extent to which the application of *diyah* reflects the principles of justice in Islam and how Sharia law responds to social challenges and changing times. Through this research, a deeper understanding of the complexity of implementing Sharia law, its consequences for the people of Aceh, and its relevance in the context of social justice can be gained.

## **2. METHODS**

The research method used in this research is qualitative research with an Islamic legal sociology approach. The data collection technique in this research is a literature study with primary data sources Aceh Qānūn Number 6 of 2014, as well as collecting data that is relevant or in accordance with research needs, scientific articles, journals, or other sources that are credible and trustworthy and in accordance with the topic of research carried out. The research results will be interpreted to develop an in-depth understanding of the application of *diyah* law in the social, cultural, and legal context in Aceh, and conclusions and implications will be formulated to present the research results comprehensively.

## **3. RESULTS AND DISCUSSION**

### **3.1. *Diyah* Levels in the Perspective of Classical Ulama**

Reference data proves that differences in determining *diyah* levels in a country or place include the following: Social and Economic Conditions: Each country has different social and economic conditions. Considerations regarding the level of living, cost of living, and economic conditions of the community can influence the amount of *diyah* determined. Second, legal development: law in a country can develop over time. The determined amount of *diyah* can be changed through statutory regulations or binding court decisions. Third: Legal Interpretation and Legal Schools: There are various legal schools in Islam, and the interpretation of *diyah* can vary between these schools. This can affect the amount of *diyah* applied in the jurisdiction of each country. Fourth, Legal Policies and Values: Each country can have different legal policies and cultural values. This can influence the emphasis on the legal objectives of *diyah* and the amount determined in the context of criminal law.

Other factors that influence the amount of *diyah* include: First, legal provisions: Islamic law has guidelines regarding *diyah*, such as in the Koran and hadith, which provide instructions regarding the amount of *diyah* for each type of crime. However, there is also room for legal interpretation and interpretation by local scholars or legal authorities. Second Principle of Justice: The principle of justice is important in determining the level of *diyah*. *Diyah* must be fair and proportional to the losses incurred as a result of the crime. Factors such as the standard of living, cost of living, and economic conditions of the community can also influence the determination of the level of *diyah*. Third, the perpetrator's financial ability: The perpetrator's financial ability can also determine the level of *diyah*. Suppose the perpetrator of the crime does not have the financial capacity to pay a high *diyah*. In that case, the amount of the *diyah* can be adjusted according to the perpetrator's economic capacity. Fourth, consider the needs of the victim's family. The needs of the victim's family can also be taken into consideration when determining the level of *diyah*. *Diyah* can be carried out by considering the losses experienced by the victim's family and providing sufficient compensation for their recovery. Fifth, Local and Cultural Values: Local and cultural values can also influence the level of *diyah* in a society. Factors such as social norms, traditions, and society's views on *diyah* can play a role in determining the level of *diyah* applied (Salim 2020; Kuswandi, Nuraeny, and Solihah 2020 Dāud, ‘Amr, and al-Sijistānī, nd; al-Nasā’I , And).

Most scholars agree that the *qisās* punishment must be imposed on criminals who commit premeditated murder (*qatl al-‘amd*). However, if the victim's family apologizes and asks for *diyah* (ransom), then the perpetrator can avoid the punishment of *qisās* and be obliged to pay *diyah*. The rate or amount of one *diyah* is 100 camels. This happens if the victim is a free Muslim man. Many scholars have different opinions regarding the lifespan of camels. In this case, for example, according to the Syāfi‘ī Madzhab put forward by Imam al-Nawāwī, the *diyah* in cases of premeditated murder is 30 *hiqqah* (3-year-old camels become four year old) and 30 jaz'ah (3-year-old camels become 4 year old) and 30 jaz'ah (a 3-year-old camel becomes a 4-year-old) and 30 jaz'ah (the size of a camel). Four-year-old camel; the camel is now five years old) and 40 caliphs (pregnant camels). In the case of the premeditated murder of a free Muslim, the *diyah* is 100 camels divided into three parts: 30 *hiqqahs*, 30 jaz'ahs, and 40 caliphs. According to Imam Syāfi‘ī, if the victim of premeditated murder is an independent Muslim woman, then her *diyah* is half a man's *diyah*, namely 15 *hiqqah*, 15 jaz'ah, and 20 khalīfah. According to Imam Syāfi‘ī, this opinion has been agreed upon by the ulama (consensus) (al-Nawāwī, nd) .

This is written in the Book of *al-Umm* (al-Syāfi‘ī, nd): "I don't see any difference between the past and present scholars (during the time of Imam Syāfi‘ī) that women's *diyyat* is half the men's *diyah*. That means 50 camels. Therefore, if the *diyah* is determined to belong to a woman, then the *diyah* is 50 camels. If he is killed in premeditated murder and his family then chooses *diyah*, then the *diyah* is 50 camels of the age of the camel that carried out premeditated murder *diyah*, regardless of whether the person who killed him was a man, a group of people, or a woman. The *diyah* is the age of the camel that carried out the planned murder. ” the TKW *diyah* above is 50 camels x 25 million Rupiah (the average price is quite expensive), so it is equivalent to 1.25 billion Rupiah. But what happens if the family of a premeditated murder victim asks for payment that exceeds the specified amount? Of course, the figure of 1.5 billion is far from the amount of Rp. 21 billion or Rp. 1.5 billion that TKW must pay. (Burlian, 2015) . Is it possible?

Ibn al-Qayyīm al-Jauzī wrote in his book *al-Haddū al-Nabawī*: Actually, the obligation of *qiṣāṣ* (taking one's life) or *diyyah* is to pay a fine. In this case, the victim's guardian has four options: forgive the murderer for free, forgive with *diyyah*, or choose *qiṣāṣ*. Among scientists, there is no difference between the three options. Meanwhile, the fourth option is to achieve peace between the guardians of the victim and the murderer, with a *diyyah* that is higher or lower than the existing provisions. Ibn al-Qayyīm said that there are two opinions among the ulama regarding whether or not it is permissible to set prices for *diyyah* outside the general rules. The opinion of most scholars of the first Ḥanbālī School is that it is permissible.

On the other hand, the opinion of the Syāfi'ī school of thought is not permissible. Moreover, according to the results of Ibn al-Qayyīm al-Jauzī's research, the second opinion is considered the most suitable for application in the real world. From the information above, a conclusion can be drawn: The burden of *diyyah* is intended to provide a deterrent effect for perpetrators of crimes and may only be carried out if the perpetrator is an established person. However, if you remember the conditions above if the perpetrator comes from a lower class, then it doesn't feel extra; it will most likely feel very heavy and cannot be paid for unless it is refuted or supported by many people. In this case, opting for a second opinion makes more sense. Quoting Ibn al-Qayyīm al-Jauzī above, it is more appropriate to implement a prohibition on making *diyyah* difficult than what is recommended. Therefore, the conditions for paying *diyyah* for 50 camels at TKW are very strict, and there is no need to increase the fine. In fact, no matter how big the *diyyah* is, it cannot compensate for the cost of lives lost, so forgiveness is better because it can save the next life, namely the perpetrator's life. If the victim's family forgives, then sanctions and *diyyah* are believed to be necessary to provide a deterrent effect so that the perpetrator does not repeat his actions.

### 3.2. Reactualization of Murder *Diyyah* Levels in Qānūn

The enactment of Law Number 18 of 2001 concerning 'Special Autonomy for the Special Region of Aceh Province as Nanggroe Aceh Darussalam Province' marked a major development in the Indonesian government's strategy for resolving the long-standing conflict in Aceh. Ratified by President Megawati Sukarnoputri on August 9, 2001, the 'NAD Law' gave authority to Aceh in its domestic affairs, one of which was establishing Sharia (Islamic law) legislation. One of Aceh's Sharia-based legal products is the Qānūn Jināyah- Aceh Criminal Code. Namely criminal law products that adopt aspects of Islamic law and Islamic criminal procedures (Miller, 2004; Butt, 2018).

Throughout their long history, the people of Aceh have been known as a society that is very close and even enthusiastic about the teachings of Islam. Therefore, Islam has become a characteristic of their culture and sense of identity. The Acehnese people integrate religious teachings into their customs and customary laws, as stated in the traditional saying "Hukom ngoen adat lage dzat ngoen sifeut" (the relationship between sharia and customs is similar), and the characteristics are inherent and cannot be separated. (Yulis et al, 2023; Muhammad, 2021; Amanda et al, 2019) . Since the beginning of independence in the era of the Unitary State of the Republic of Indonesia (NKRI), Aceh has asked the government for permission to implement Islamic law in various areas of life, such as education, social life, *gampong* (village) government, and public and private law. Currently, the implementation of Islamic law in Aceh is mandated, and in this mandate, there are at least three laws, namely :

1. Law Number 44 of 1999 concerning the Implementation of Certain Functions of the State of the Special Region of Aceh.
2. Law Number 11 of 2006 concerning the Aceh Government.
3. Law Number 48 of 2007 concerning State Formation

Regulation in Lieu of Law Number 2 of 2007 concerning Handling of Legal Issues Related to the Implementation of Rehabilitation and Reconstruction of Local and Community Life in the Province and Region of Nangroe Aceh Darussalam. One of the privileges that the people of Aceh have is permission to implement Islamic law. The application of *diyah* to the law on murder is one of the things that is considered in Aceh's Qānūn.

Referring to Qānūn Number 6 of 2014, the *diyah* punishment is intended for perpetrators of murder or abuse. *Diyah* is defined as "compensation paid by the perpetrator to the victim of abuse or the family of the murder victim". The legal amount of *diyah* for murder perpetrators in Qānūn Jināyah no. 6 of 2014 is as follows: In this Qānūn Jināyah, based on reading material and input from many parties, as well as realities in the field, the following improvement efforts are made. The death penalty or *diyah*, namely paying 100 (one hundred) adult camels (as the *uqubat* for intentional killing), is considered the highest '*ūqubah*, especially the highest fine. '*ūqubah* is equated with life imprisonment or the highest prison sentence in the Criminal Code, namely 15 (fifteen) years (to make it easier to round up to 200 (two hundred) months) (Aceh 2014).

If you look at the amount of *diyah* contained in the Qānūn Jināyah, the amount of *diyah* determined still refers to the law from the Al-Qur'an and Hadith. If calculated using the current amount of money, one adult camel can be bought for 30 to 45 million. If we take the highest price, then 100 camels are equivalent to IDR 4,500,000,000 or the equivalent of 5 grams of gold based on the current gold price of 4,154.

In the explanation given directly in Qānūn Number 6 of 2014, the number of 100 camels is equivalent to the price of 1000 (one thousand) gold dinars, approximately the same as 4200 (four thousand two hundred) grams of gold today (Aceh, 2014). Based on this opinion, '*uqubat* death can be equated with a fine of 4000 (four thousand) grams of gold rounded up. So, if calculated based on the value of the money, it reaches Rp. 4,333,100,000 rupiah based on current gold prices. The amount of the fine or *diyah* was then cut in the Qānūn to 50% of the original amount, and this was done taking into account the economic capacity of the community (Aceh, 2014). Therefore, the *diyah* fee can be paid for 200 grams of gold or the equivalent of Rp. 2,166,550,000.

However, the implementation of the Qānūn in Aceh Province through the Qānūn Jināyah must be adjusted to Indonesian legal provisions, which refer to the relevance of punishment to the Indonesian legal system, which refers to the 1945 Constitution and the Criminal Code (KUHP) (Yulis et al, 2023).

The mechanism for implementing *diyah* in Qānūn Jināyah refers to Aceh Qānūn Number 7 concerning Jināyah Procedural Law (Aceh, 2014). The Qānūn of the Jināyah program also clearly states that all determination processes must follow the court process until there is a legal decision. The term *diyah* in the Qānūn for Jināyah incidents is more about compensating victims. In Article 1, paragraph 40, it is stated that compensation is '*Uqbah*, namely, the judge imposes an obligation on the defendant to pay a certain amount of money to the victim of the crime or other party who was harmed as a result of the jihad carried out by the defendant."

The compensation provisions in the Jinayah Procedure Qānūn are the result of the victim's request to the judge as stated in the chapter on paying compensation, so the compensation is paid using the following process in article 249 Qānūn no 7 of 2013 concerning the Jinayah procedure law :

1. The prosecutor issued a notification letter to pay compensation to the victim
2. The handover of compensation is carried out in the presence of the prosecutor, accompanied by an official report of the handover of compensation
3. The handover of compensation is considered complete after the perpetrator, victim or heir, legal representative, and public prosecutor sign the minutes of handover of compensation.
4. Compensation is paid within one month
5. If the convict does not pay after one month, the prosecutor can confiscate the convict's assets.

In line with what is stated in the Jinayah Procedural Law Qānūn Paper delivered by Prof. Dr. Rusjdi Ali Muhammad, SH *diyah* in an Islamic Perspective held by the Impartial and Independent Supervision of the Aceh Judiciary (AJMI) on 8-9 May 2007 in Banda Aceh 181 also contained the same scheme, the application of *diyah* was carried out based on the request of the victim or the victim's family. If it is proven that the murder was carried out intentionally, then the punishment is *Qisās*. This can be waived if the victim's family apologizes and asks for the agreed *diyah* as well as the number or amount of the *diyah* itself. Likewise, in the Jinayah Procedural Law Qānūn, requests for *diyah* or compensation are submitted by the victim's family or heirs (Muhammad, 2021; Pulungan, 2023).

### 3.3. Reactualization of Diya Murder in the Aceh Qānūn Through an Islamic Legal Sociology Approach

The implementation of the Qānūn Jinayah, especially regarding *diyah* for murder in Aceh, is an integral part of the sharia legal system applied in the province. Based on Aceh Qānūn Number 6 of 2014 concerning Jinayah Law, *diyah* is compensation that must be paid by the perpetrator to the victim's family in a murder case. The implementation procedure involves the Sharia Court, which has the authority to try the case and determine the amount of *diyah* according to the type of murder, whether intentional, unintentional, or due to negligence. After the amount of *diyah* is determined, the perpetrator is required to pay the agreed compensation, which can be in the form of money or other property. This process often involves mediation between the victim's family and the perpetrator to reach a fair agreement. The implementation of *diyah* in Aceh is aimed at providing justice to the victim and as a means to maintain public order and morals. *Diyah*, as part of Islamic sharia law, provides compensation to the victim or his or her family in cases of serious crimes such as murder or assault, which aims to avoid revenge and offer a fair settlement in accordance with Islamic principles. The enforcement of *diyah* in Aceh also maintains public order and morals. With clear and consistent sanctions, society is expected to be more obedient to sharia law, ultimately reducing violations. Empirical data shows that the implementation of Qānūn Jinayah, including *diyah*, has contributed to a decrease in the level of sharia violations in Aceh, reflecting the effectiveness of sharia law in maintaining social behavior in accordance with Islamic values.

However, the implementation of *diyah* also faces challenges, such as criticism from international non-governmental organizations that consider it inconsistent with human rights principles, as well as variations in the consistency and uniformity of implementation. Even so, the implementation of *diyah* in Aceh still shows how Sharia law can be applied in a modern context, considering local values and customs while facing challenges from a human rights perspective and consistent implementation.

Empirically, it has been shown that the implementation of *diyah* has contributed to a decrease in the crime rate in Aceh. Implementing sharia law, including *diyah*, creates a deterrent effect and reduces incidents of violations of Sharia law. Case studies and statistics from various law enforcement agencies in Aceh show a significant decrease in violations after implementing Qānūn Jināyah.

Analysis of material regarding the mechanism for implementing *diyah* in Qānūn Jināyah using a sociological perspective of Islamic law can provide a deeper understanding of how this law interacts with Acehnese society. The sociology of Islamic law examines how Islamic law is applied and practiced in society and how social and cultural norms influence and are influenced by this law. To understand the interaction between law and society in the context of implementing the *diyah* in Qānūn Jināyah in Aceh, it is important to look at several key aspects that explain how this law is not only a rule that must be followed but also a reflection of the social and cultural values of Acehnese society.

The *diyah* law in Qānūn Jināyah aims to ensure justice for victims and families of victims of criminal acts. Justice here is defined as providing adequate and balanced compensation for the losses experienced by the victim. This shows that the law punishes the perpetrator and pays attention to the victim, thereby creating balance in the justice system. The victim's family can forgive the perpetrator by receiving *diyah* as compensation rather than demanding revenge (*qiṣās*). This reflects Islamic values that emphasize the importance of forgiveness and giving second chances, which are highly valued in religious Acehnese society. *Diyah* law emphasizes individual responsibility for their actions. The perpetrator is required to pay compensation, which teaches the importance of being responsible for actions that harm other people. This educates society that every action has consequences that must be borne, both morally and materially. The mechanism for implementing *diyah*, which is regulated in detail, shows that the regional government is trying to ensure that the law is not just a written regulation but can also be implemented clearly and fairly.

Compliance with *diyah* law in the Qānūn Jināyah in Aceh is greatly influenced by social acceptance and public trust in Sharia principles. Aceh, whose population is predominantly Muslim, has a long tradition of integrating Islamic values into everyday life. Therefore, Qānūn Jināyah, including *diyah* law, is accepted as part of religious teachings that must be obeyed. The belief that *diyah* law is a valid religious commandment makes people more likely to obey it as a form of obedience to Allah. In addition, trust in legal institutions in Aceh, such as sharia courts and prosecutors, which are considered to have credibility and integrity, increases confidence that the law will be enforced fairly and transparently. Detailed and transparent implementation mechanisms, such as the submission of compensation before the prosecutor and official documentation, provide assurance to the public that the legal process is carried out fairly.



Aceh's culture, which is rich in Islamic traditions, also plays an important role in the social acceptance of *diyah* law. The tradition of peaceful conflict resolution through mediation and deliberation is in line with *diyah* law, which provides space for a peaceful resolution through compensation payments. Support and guidance from religious figures and community leaders strengthened social acceptance of this law. Strong social acceptance creates norms that support compliance, where lawbreakers face legal and social sanctions from their communities. Through outreach and education, people become more aware of their rights and obligations under *diyah* law, increasing compliance levels. With strong social acceptance and belief in Sharia principles, the *diyah* laws in Qānūn Jināyah can be implemented effectively, respected, and obeyed by society, thereby strengthening social harmony and justice in Aceh.

Enforcement of the *diyah* law in the Qānūn Jināyah has had a significant social impact on the people of Aceh. The two main impacts are strengthening social solidarity and peaceful conflict resolution. Paying compensation (*diyah*) in the presence of a prosecutor and with official documentation has several positive social impacts. First, transparency in this process strengthens public trust in the legal system. When the public sees that the law enforcement process is carried out fairly and transparently, their trust in legal institutions increases. This is important because this trust is the foundation of legal legitimacy and people's compliance with existing regulations. Second, this process encourages perpetrators to take responsibility for their actions. By requiring perpetrators to pay *diyah*, there is an emphasis on the aspect of personal responsibility. This provides an important lesson for perpetrators and society at large that every action has consequences, and responsibility for the harm caused must be borne by the perpetrator. Third, this process provides an opportunity for victims or victims' families to obtain justice and recovery. Acceptance of the *diyah* by the victim or the victim's family not only provides financial compensation but also acknowledges the suffering and losses they have experienced. This helps in the emotional and psychological healing process for victims and their families, which in turn strengthens social bonds and solidarity within the community.

The *diyah* law in the Qānūn Jināyah gives the victim's family the option to choose between *qiṣāṣ* (law of retaliation) and *diyah* (compensation). This choice has a big impact on resolving conflicts in a more peaceful way. In many cases, the victim's family may prefer peace and financial recovery through *diyah* rather than revenge through *qiṣāṣ*. This shows the flexibility of sharia law in accommodating various situations and social needs. Conflict resolution through *diyah* payments allows for a more humane reconciliation process. The victim's family choosing to receive *diyah* provides an opportunity for the perpetrator to atone for their mistakes and be accepted back into the community. This helps in easing tensions and preventing a cycle of revenge that could continue in the long term. Additionally, the choice of *diyah* strengthens social harmony because it emphasizes peace and forgiveness, which are important values in Acehnese society. This process shows that the law not only functions as a tool for upholding justice but also as a mechanism for maintaining social order and harmony. By providing space for peaceful resolution, *diyah* law helps prevent further conflict and promotes harmonious coexistence within society.

Legal and religious institutions have an important role in enforcing *diyah* law in Qānūn Jināyah in Aceh. They not only act as law enforcers but also as mediators in resolving disputes between the parties involved. This role reflects the synergy between formal law and religious values that form the basis of Acehnese society. Legal institutions, such as prosecutors and courts, have the primary responsibility for enforcing *diyah* law. They act as law enforcers who carry out

investigations, prosecutions and trials of *diyah* cases. By carrying out these functions professionally and fairly, legal institutions help ensure that *diyah* laws are implemented in accordance with existing provisions. Apart from being law enforcers, legal institutions also play a role as mediators in resolving disputes between perpetrators and victims or the victim's family. This mediation can be carried out both before and during the court process. In the context of *diyah* law, mediation is often an option taken by the victim's family to reach a peaceful resolution and obtain compensation from the perpetrator without having to go through a lengthy court process.

Role institution law and religion in enforcement law *diyah* reflect exists synergy between regulated formal law by country and values religious to be an integral part of life Acehese people . Although law *diyah* is part from law regulated positive by government area , however governing Islamic values law This Also applied in the enforcement process And solution conflict . With thus , institutions law and religion Work together for integrate principles justice and partiality to victim in enforcement law *diyah*. They take role active in ensure that legal process taking place in accordance with Islamic religious teachings and Also reach goals desired justice by Acehese people whole .

Influence culture and tradition local , esp custom strong customs with Islamic values , play role significant in application law *diyah* in Aceh. Custom respectful customs solution peace and respect to decision family victim give support strong culture for implementation law This . In Acehese society, values like forgiveness, patience, and solution conflict in a way discussion has become part not inseparable from culture local . Use discussion in determine magnitude *diyah* show respect to tradition local and participation community in legal proceedings . In discussion this, society consider factors like situation economy and social perpetrator , circumstances family victims , as well condition community in a way whole . Approach This No only reflect wisdom local , however Also help in increase legitimacy and reception law by public . With thus, influence culture and tradition local No only strengthen foundation law *diyah*, however Also form strong foundation for continuity and success implementation law is in Aceh.

Sociologically, social integration theory is part of the structural functionalism paradigm introduced by Talcott Parson (1927-1979). This paradigm assumes that basically society is in a social system that binds them in equilibrium (Retnowati, 2014) . Durkheim in his study of social integration explained that social integration can be realized if there is interdependence between specialized parts. In this case, solidarity is based on similarities in beliefs and values that are functionally interdependent in a heterogeneous society (Nuruddin & Nahar, 2022) . This similarity in beliefs and values will provide collective awareness to create unity. Social integration has two main elements, the first is assimilation and adjustment and the second is the functional element. These two elements both have the core of social integration that occurs in social pluralism. The problem of integration points to the need to ensure that emotional ties sufficient to generate solidarity and willingness to cooperate are developed and maintained (Johnson, 2001) . In this theoretical view, it illustrates how the *diyah* law in Qānūn Jināyah in Aceh is not only a formal legal product, but also reflects cultural values, religious traditions and strong social norms in Acehese society. This is in accordance with sociological integration theory which emphasizes the importance of understanding law as an integral part of the social, cultural and religious structure of society.

Then, in the theory of legal pluralism, the influence of local culture and traditions, such as customs and deliberation, in the application of *diyah* law reflects the concept of legal pluralism. In the context of Aceh, Islamic law blends with local customary traditions to form a unique and complex legal system (Sagala, 2022) . The theory of pluralism shows that not only state law applies in society, but other laws also exist in society. Legal pluralism places social spaces and negotiate with each other in the legal space of the state (Berman, 2009) . Furthermore, in social institutional theory, the role of legal and religious institutions as law enforcers and mediators in conflict resolution reflects the concept of social institutions in legal sociology. These institutions not only carry out their formal functions, but also interact with society directly, forming and shaping social norms related to *diyah* law (Wibowo & Kossay, 2023) . Conflict resolution through deliberation and mediation, the concept of social conflict remains involved. *Diyah* law helps prevent larger conflicts by providing a mechanism that can resolve conflicts peacefully, in accordance with the principles of justice and partiality towards victims. Lastly, social acceptance theory highlights how social acceptance of *diyah* law is influenced by cultural, religious and institutional factors. This is in accordance with the theory of social acceptance in the sociology of Islamic law which emphasizes the importance of legal sustainability as a result of community acceptance and understanding (Shalihah, 2017) . With these sociological theories of Islamic law, we can see how these theoretical concepts are reflected and applied in a concrete context, namely the application of *diyah* law in the Qānūn Jināyah in Aceh.

## CONCLUSION

The *diyah* law in the Qānūn Jināyah in Aceh reveals the complexity and depth of interaction between the social, cultural, legal and religious aspects in the application and acceptance of this law. *Diyah* law is not only a formal legal instrument for upholding justice, but also reflects the strong cultural values, religious traditions and social norms of Acehnese society. Legal and religious institutions play an important role in enforcing *diyah* law, both as law enforcers and mediators in resolving conflicts. Apart from that, the influence of local culture and traditions, such as customs and deliberation, also influences how *diyah* law is applied and accepted by society. In this context, *diyah* law is not only an effective legal instrument, but also a reflection of the harmony between formal law, religious values, and cultural traditions that strengthen social ties and harmony in Aceh. Therefore, a holistic and integrative understanding of social, cultural and religious factors is very important in understanding and evaluating the role and impact of the application of *diyah* law in the Aceh context. In the sociological analysis of Islamic law, the mechanism for implementing *diyah* in Qānūn Jināyah reflects the integration between Islamic law and the socio-cultural values of the Acehnese people. This law not only functions as a tool for law enforcement but also as a mechanism for maintaining social harmony and resolving conflicts. Cultural support, social acceptance, and the active role of legal and religious institutions are very important to ensure effectiveness and fairness in the implementation of *diyah* law in Aceh.

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