

Negotiating Victim Protection in Aceh's Qanun Jinayat: Judicial Reasoning in the Blangkejeren Sharia Court's Rape Decision

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Abstract: This article addresses a central tension in the adjudication of rape under Aceh's Qanun Jinayat: a judgment may establish criminal responsibility and impose severe punishment while still leaving the victim's procedural voice, recovery, and material redress underdeveloped. It examines Decision Number 25/JN/2025/MS.Bkj of the Blangkejeren Sharia Court to determine how the judges constructed the elements of rape, assessed evidence, treated the mahram relationship, and connected punishment to victim protection. The study uses normative legal research with statutory, case, conceptual, and comparative approaches. Primary materials include the court decision, Qanun Aceh Number 6 of 2014, Law Number 12 of 2022 on Sexual Violence Crimes, and Qanun Aceh Number 12 of 2025. The findings show that the court's attribution of guilt rested on convergent facts, the defendant's admission, repeated conduct, pregnancy, and a profound familial power imbalance. Nevertheless, the reasoning remained predominantly offender- and punishment-centred: it did not fully articulate the victim's trauma, participation, restitution, long-term recovery, or protection from secondary victimization. The article therefore proposes a Victim-Centred Jinayat Justice model that combines Islamic commitments to dignity, justice, and prevention with trauma-informed procedure, non-stereotyped evidence assessment, victim voice, integrated remedies, and transparent proportionality review. The contribution lies in reframing the legitimacy of jinayat adjudication: it should be measured not only by the severity of 'uqubat, but also by the quality of the process and the completeness of remedies delivered to the victim.

Submitted: March 6, 2026

Accepted: June 30, 2026

Published: June 30, 2026

To Cite this Article: Lukman, A. R., Andryan Andryan, and Ruetaitip Chansrakao. "Negotiating Victim Protection in Aceh's Qanun Jinayat: Judicial Reasoning in the Blangkejeren Sharia Court's Rape Decision." *Ahlika: Jurnal Hukum Keluarga dan Hukum Islam* 3, no. 1 (2026): 68-89. <https://doi.org/10.70742/ahlika.v3i1.573>



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Keywords: Qanun Jinayat, judicial reasoning, rape, procedural justice, victim protection

Abstract: Artikel ini membahas ketegangan mendasar dalam pemeriksaan tindak pidana pemerkosaan berdasarkan Qanun Jinayat Aceh, yaitu bahwa putusan dapat menetapkan pertanggungjawaban pidana dan menjatuhkan hukuman berat, tetapi tetap belum memadai dalam mengakomodasi suara prosedural, pemulihan, dan ganti kerugian korban. Penelitian menganalisis Putusan Mahkamah Syar'iyah Blangkejeren Nomor 25/JN/2025/MS.Bkj untuk menilai cara majelis hakim mengonstruksikan unsur pemerkosaan, mengevaluasi alat bukti, mempertimbangkan hubungan mahram, serta menghubungkan pemidanaan dengan perlindungan korban. Penelitian ini merupakan penelitian hukum normatif dengan pendekatan perundang-undangan, kasus, konseptual, dan perbandingan. Bahan hukum primer meliputi putusan pengadilan, Qanun Aceh Nomor 6 Tahun 2014, Undang-Undang Nomor 12 Tahun 2022 tentang Tindak Pidana Kekerasan Seksual, dan Qanun Aceh Nomor 12 Tahun 2025. Hasil penelitian menunjukkan bahwa penetapan kesalahan terdakwa ditopang oleh fakta yang saling menguatkan, pengakuan terdakwa, perbuatan berulang, kehamilan korban, dan ketimpangan kuasa dalam relasi keluarga. Namun, pertimbangan hukum masih dominan berorientasi pada pelaku dan penghukuman karena belum menguraikan secara memadai trauma, partisipasi, restitusi, pemulihan jangka panjang, dan pencegahan viktimisasi sekunder. Artikel ini menawarkan model Victim-Centred Jinayat Justice yang memadukan nilai Islam mengenai martabat, keadilan, dan pencegahan dengan prosedur berbasis trauma, penilaian bukti tanpa stereotip, suara korban, pemulihan terpadu, dan pengujian proporsionalitas yang transparan. Kontribusi penelitian terletak pada penegasan bahwa legitimasi peradilan jinayat tidak hanya diukur dari beratnya 'uqubat, tetapi juga dari kualitas proses dan kelengkapan pemulihan bagi korban.

Kata kunci: Qanun Jinayat, pertimbangan hakim, pemerkosaan, keadilan prosedural, perlindungan korban.

Introduction

Rape adjudication tests more than the capacity of criminal law to classify conduct and punish an offender. It also tests whether the legal process can hear a victim without reproducing shame, disbelief, or coercive power. Comparative victimology research demonstrates that survivors encounter barriers at every stage of the justice process, including distrust, rape myths, fragmented

institutional responses, and the fear that reporting will create further harm.¹ For this reason, a legally valid conviction is necessary but not sufficient. The legitimacy of the process also depends on dignity, respectful treatment, meaningful voice, neutrality, and institutional trustworthiness.²

That concern is particularly important in Aceh, where Islamic criminal law operates inside Indonesia's plural constitutional and criminal-law order. Qanun Aceh Number 6 of 2014 translates selected Islamic criminal norms into a regional statutory framework and authorizes the Sharia courts to adjudicate jarimah, including rape. The framework is neither an isolated religious code nor merely a local criminal ordinance. It is a site of interlegality in which Islamic norms, national legislation, judicial practice, administrative capacity, and social expectations continuously interact.³ Studies of Aceh therefore caution against reducing the Qanun to a simple opposition between "religion" and "human rights"; its operation must be evaluated through the concrete institutions and choices that shape enforcement.⁴

The protection of dignity (al'ird), bodily integrity, lineage, and human security gives Islamic law a strong normative basis for condemning rape. Yet

¹ Michelle Wieberneit et al., "Silenced Survivors: A Systematic Review of the Barriers to Reporting, Investigating, Prosecuting, and Sentencing of Adult Female Rape and Sexual Assault," *Trauma, Violence, & Abuse* 25, no. 5 (2024): 3742–3757, <https://doi.org/10.1177/15248380241261404>.

² Brittany L. Acquaviva and Christi L. Gullion, "A Qualitative Analysis of Victims' Perceptions of Procedural Justice for Sexual Victimization," *Violence Against Women* 31, no. 14 (2025): 3632–3656, <https://doi.org/10.1177/10778012241283493>; Katrin Hohl, Kelly Johnson, and Sarah Molisso, "A Procedural Justice Theory Approach to Police Engagement with Victim-Survivors of Rape and Sexual Assault: Initial Findings of the 'Project Bluestone' Pilot Study," *International Criminology* 2, no. 3 (2022): 253–261, <https://doi.org/10.1007/s43576-022-00056-z>.

³ Dedy Sumardi, Ratno Lukito, and Moch Nur Ichwan, "Legal Pluralism within the Space of Sharia: Interlegality of Criminal Law Traditions in Aceh, Indonesia," *Samarah* 5, no. 1 (2021): 426–449, <https://doi.org/10.22373/sjhk.v5i1.9303>; Zainul Fuad, Surya Darma, and Muhibbuthabry, "Wither Qanun Jinayat? The Legal and Social Developments of Islamic Criminal Law in Indonesia," *Cogent Social Sciences* 8, no. 1 (2022): 2053269, <https://doi.org/10.1080/23311886.2022.2053269>.

⁴ Simon Butt, "Religious Conservatism, Islamic Criminal Law and the Judiciary in Indonesia: A Tale of Three Courts," *The Journal of Legal Pluralism and Unofficial Law* 50, no. 3 (2018): 402–434, <https://doi.org/10.1080/07329113.2018.1532025>; Abdul Halim, "Non-Muslims in the Qanun Jinayat and the Choice of Law in Sharia Courts in Aceh," *Human Rights Review* 23, no. 2 (2022): 265–288, <https://doi.org/10.1007/s12142-021-00645-x>.

moral condemnation does not automatically produce victim-centred justice. A system may emphasize public morality, social order, and the severity of 'uqubat while giving insufficient attention to the victim's safety, privacy, participation, restitution, psychosocial recovery, and freedom from secondary victimization. This is the theoretical position adopted in this article: the internal moral purposes of jinayat law and contemporary victim rights should be read as mutually reinforcing standards, not as rival sources of legitimacy.

Existing scholarship identifies several parts of this problem. Fadlia and Ramadani criticize evidentiary structures and enforcement practices that may burden women who report rape, while Devy and Yunus find a continuing gap between the protective promise of the Qanun and its practical implementation.⁵ Muzakkir's analysis of child-rape decisions in Langsa explains how judges rely on the gravity of the offense and its effects on the victim's future.⁶ Other studies focus on restitution, criminal-law policy, or the choice between Qanun Jinayat and national sexual-violence legislation.⁷ These contributions are valuable, but they generally examine either the macro-regulatory framework, victim protection in the abstract, or selected sentencing considerations. They do not fully reconstruct how one court moved from facts to elements, from elements to culpability, and from culpability to a punishment whose relationship with victim recovery remains uncertain.

⁵ Faradilla Fadlia and Ismar Ramadani, "The Qanun Jinayat Discriminates Against Women (Victims of Rape) in Aceh, Indonesia," *Journal of Southeast Asian Human Rights* 2, no. 2 (2018): 448–470, <https://doi.org/10.19184/jseahr.v2i2.8358>; Soraya Devy and Fakhurrrazi M. Yunus, "Protection of Women in Aceh Qanun No. 6 of 2014 concerning Jinayah Law (Acehnese Perception Analysis)," *Media Syari'ah* 24, no. 2 (2022): 258–275, <https://doi.org/10.22373/jms.v24i2.15380>.

⁶ Muzakkir Muzakkir, "The Analysis of the Decisions of the Sharia Court Judges on Child Rape Cases in the City of Langsa," *Al-Istinbath: Jurnal Hukum Islam* 7, no. 2 (2022): 395–414, <https://doi.org/10.29240/jhi.v7i2.4922>.

⁷ Syarifah Rahmatillah Aljamalulail, Faisal A. Rani, and Muazzin, "The Politics of Law on the Fulfillment of Restitution Rights for Rape Victims Based on the Qanun Jinayat in Aceh," *Samarah* 8, no. 1 (2024): 299–315, <https://doi.org/10.22373/sjkh.v8i1.16307>; Muhammad Nur, Muhammad Salda, and Hamdani, "The Politics of Criminal Law on the Protection of Rape Victims Based on the Qanun of Jinayah in Aceh," *Kanun Jurnal Ilmu Hukum* 23, no. 2 (2021): 247–256, <https://doi.org/10.24815/kanun.v23i2.20311>; Nurini Aprilianda, Mufatikhatul Farikhah, and Liza Agnesta Krisna, "Critical Review Selecting a Proper Law to Resolve Sexual Violence Against Children in Indonesia," *Samarah* 6, no. 2 (2022): 954–974, <https://doi.org/10.22373/sjkh.v6i2.9050>.

The research gap becomes clearer when the relevant literature is mapped against the analytical tasks required by Decision Number 25/JN/2025/MS.Bkj.

Study	Principal focus	Contribution	Remaining gap addressed here
Fadlia and Ramadani (2018)	Gendered burden and discriminatory effects	Identifies risks to women reporting rape	Does not reconstruct the reasoning of a specific recent judgment
Muzakkir (2022)	Judicial considerations in Langsa child-rape cases	Shows the importance of harm and the victim's future	Limited engagement with procedural justice, restitution, and proportionality
Sumardi, Lukito, and Ichwan (2021)	Legal pluralism and interlegality in Aceh	Explains interaction among legal traditions	Does not focus on rape adjudication or victim-centred remedies
Aljamalulail, Rani, and Muazzin (2024)	Restitution policy under Qanun Jinayat	Demonstrates the underdevelopment of material redress	Does not integrate restitution with evidence, sentencing logic, and victim voice
Fuad, Darma, and Muhibbuthabry (2022)	Legal and social development of Qanun Jinayat	Provides a macro-level account of implementation	Does not test the quality of judicial reasoning in a concrete case
Present article	Decision No. 25/JN/2025/M S.Bkj	Integrates elements, evidence, mahram power, proportionality, national law, and victim-centred justice	Develops an operational reform model for jinayat adjudication

The legal landscape has also changed. Law Number 12 of 2022 on Sexual Violence Crimes established a national framework organized around prevention, handling, protection, and recovery. More recently, Qanun Aceh Number 12 of 2025 amended the 2014 Qanun after the regional legislature expressly recognized that the earlier framework had not fully protected children and women who experienced sexual violence.⁸ The amendment post-dates the conduct and adjudicative framework examined in this case, so it should not be applied retroactively to determine guilt. It is nevertheless an important

⁸ Aceh, *Qanun Aceh Number 12 of 2025 concerning Amendment to Qanun Aceh Number 6 of 2014 concerning Jinayat Law*; Indonesia, *Law Number 12 of 2022 concerning Sexual Violence Crimes*.

interpretive and reform benchmark because it confirms that punishment alone did not exhaust the province's responsibility toward victims.

Decision Number 25/JN/2025/MS.Bkj is therefore analytically significant. It concerns repeated rape allegedly committed by a biological father against his child within a mahram relationship. The case raises difficult questions about proof in a private setting, the meaning of consent under familial domination, the aggravating quality of kinship, and the responsibility of the court to address harm beyond the conviction. It also permits a close examination of whether the reasoning's moral language is translated into concrete protection for the person whose dignity has been violated.

This article makes three contributions. First, it reconstructs the court's legal logic by separating factual findings, offense elements, evidentiary convergence, criminal responsibility, aggravation, and sentencing purposes. Second, it evaluates the judgment through a victim-centred procedural justice framework, asking whether the process gives practical meaning to dignity, voice, neutrality, trust, and recovery. Third, it develops a Victim-Centred Jinayat Justice (VCJJ) model that connects Islamic legal objectives with national victim-rights standards and institutional responsibilities. The novelty is thus not a general claim that victims should be protected; it is a decision-specific and operational account of how protection should shape proof, reasons, remedies, and review.

The study asks: (1) how does the Blangkejeren Sharia Court construct the elements and proof of rape under Qanun Aceh Number 6 of 2014; (2) to what extent does its reasoning reflect proportional, deterrent, and victim-centred justice; and (3) what institutional model can harmonize jinayat adjudication with the protection and recovery framework of national sexual-violence law and the 2025 amendment?

This is normative legal research using statutory, case, conceptual, and comparative approaches. The principal legal materials are Decision Number 25/JN/2025/MS.Bkj, Qanun Aceh Number 6 of 2014 on Jinayat Law, Law Number 12 of 2022 on Sexual Violence Crimes, Government Regulation Number 30 of 2025, and Qanun Aceh Number 12 of 2025. The study also examines peer-reviewed literature on Aceh's legal pluralism, Islamic criminal law, victimology, procedural justice, sexual-assault case processing, and

restitution. The comparative dimension is functional rather than transplant-oriented: national and international scholarship is used to identify what a criminal process must do for victims, while the proposed institutional design remains anchored in Aceh's legal structure.

The decision is analyzed through five doctrinal questions: what conduct was legally relevant; how the evidence supported each element; how the mahram relationship affected culpability and harm; how the reasons connected punishment with proportionality and prevention; and whether the judgment addressed victim participation and remedies. The analysis does not re-try the facts or infer materials absent from the published decision. Its limitation is that it examines one judgment through documentary legal materials and does not include interviews with the victim, judges, prosecutors, service providers, or community actors. Those limits are stated because a doctrinally sound model still requires empirical evaluation in later research.

From Moral Regulation to Victim-Centred Adjudication

Qanun Aceh Number 6 of 2014 locates rape within a regional Islamic criminal-law framework and provides ta'zir sanctions through judicially administered forms of punishment. The Qanun's normative importance lies in its unequivocal classification of rape as a grave violation rather than a private family matter. It gives the Sharia Court jurisdiction, a statutory definition, and a sanctioning structure. In a setting where sexual violence can be concealed by stigma and family authority, formal criminalization is itself a protective commitment.

That commitment, however, should be distinguished from a complete theory of victim justice. Criminalization answers whether the state condemns the act; victim-centred adjudication asks how the state treats the person harmed while investigating, prosecuting, deciding, and enforcing the case. Research on sexual-assault case processing shows that credibility judgments can accumulate through stereotypes, assumptions about reporting behavior, and institutional convenience.⁹ A victim-centred court must therefore scrutinize not only

⁹ Melissa S. Morabito, Linda M. Williams, and April Pattavina, "It All Just Piles Up: Challenges to Victim Credibility Accumulate to Influence Sexual Assault Case Processing," *Journal of Interpersonal Violence* 34, no. 15 (2019): 3151–3170, <https://doi.org/10.1177/0886260516669164>; Daniel S. Lapsey, Bradley A. Campbell, and

whether evidence is legally sufficient, but also whether it was collected and interpreted without expecting a “perfect” victim who reports immediately, resists in a particular way, or narrates trauma with artificial consistency.

The mahram context sharpens this distinction. Familial authority can create dependency, fear, secrecy, emotional manipulation, and practical barriers to disclosure. In such circumstances, the absence of an immediate report or an external eyewitness is not neutral evidence of consent. It may be a predictable consequence of domination. This insight does not lower the criminal standard of proof. Rather, it requires the fact-finder to evaluate evidence contextually and to explain why the pattern of conduct, surrounding circumstances, and corroborative facts do or do not support the legal elements.

National law supplies an important complementary orientation. Law Number 12 of 2022 treats the response to sexual violence as an integrated continuum of prevention, handling, protection, and recovery, while Government Regulation Number 30 of 2025 further emphasizes fast, integrated, and accessible services.¹⁰ These instruments do not erase Aceh’s special autonomy or displace the Qanun mechanically. They articulate nationwide victim-rights functions that should inform institutional coordination and the interpretation of procedural duties wherever sexual violence is prosecuted.

The 2025 amendment to the Qanun is equally significant. Its official legislative abstract acknowledges that the 2014 framework had not fully protected women and children and identifies strengthened procedure, evidence, witness protection, rehabilitation, and sanctions as reasons for reform.¹¹ The amendment therefore provides an internal Acehnese confirmation of the central argument made here: the legitimacy of jinayat enforcement cannot rest solely on the existence of a severe penalty. It must also

Benjamin T. Plumlee, “Focal Concerns and Police Decision Making in Sexual Assault Cases: A Systematic Review and Meta-Analysis,” *Trauma, Violence, & Abuse* 23, no. 4 (2022): 1220–1234, <https://doi.org/10.1177/1524838021991285>.

¹⁰ Indonesia, *Law Number 12 of 2022 concerning Sexual Violence Crimes*; Indonesia, *Government Regulation Number 30 of 2025 concerning Prevention of Sexual Violence Crimes and the Handling, Protection, and Recovery of Victims*.

¹¹ Aceh, *Qanun Aceh Number 12 of 2025 concerning Amendment to Qanun Aceh Number 6 of 2014 concerning Jinayat Law*.

be measured by the accessibility, fairness, and restorative completeness of the legal response.

Legal framework	Primary orientation	Victim-protection function	Analytical implication for the case
Qanun Aceh No. 6 of 2014	Definition of jarimah and ta'zir punishment	Criminal accountability and possible restitution	Conviction and punishment must be connected to concrete victim rights
Law No. 12 of 2022	Prevention, handling, protection, and recovery	Integrated rights, services, and procedural safeguards	National victim-rights standards provide a complementary benchmark
Government Regulation No. 30 of 2025	Coordinated implementation and accessible services	Fast, integrated, and inclusive assistance	Judicial orders and referrals should be institutionally executable
Qanun Aceh No. 12 of 2025	Reform of the earlier jinayat framework	Stronger evidence, witness, rehabilitation, and protection mechanisms	Confirms the need to move from punishment-centred to victim-centred enforcement

A victim-centred reading is also consistent with the internal purposes of Islamic law. Protection of dignity cannot be reduced to the public declaration that an act is immoral. Dignity requires the legal system to prevent further humiliation, enable safe participation, recognize material and non-material harm, and support recovery. Justice ('adl) requires reasoned differentiation between cases and an explanation of why a sanction and remedy are proportionate to culpability and harm. Prevention requires more than exemplary severity; it requires credible institutions, safe reporting, effective investigation, and enforceable remedies. These principles permit an integrated interpretation in which Islamic legal objectives and contemporary victim rights reinforce each other.

Reconstructing the Court's Legal Logic in Decision Number 25/JN/2025/MS.Bkj

The Blangkejeren Sharia Court examined allegations that the defendant, Hermansyah bin Anwar Juhri, repeatedly had sexual intercourse with the victim between 2021 and February 2025. The judgment records that the conduct occurred approximately once a week, at the defendant's residence and an empty

house, and was discovered after the victim became pregnant. It further identifies the defendant as the victim's biological father and notes his admission and expression of regret.¹² These facts placed the case at the intersection of sexual violence, child vulnerability, and abuse of familial authority.

The first layer of the court's logic concerns legal classification. The judges were required to determine whether the proven conduct satisfied the statutory concept of rape under the Qanun and whether the mahram relationship triggered the relevant aggravated framework. The decision concluded that the legal elements had been fulfilled. That conclusion is doctrinally understandable because the repeated sexual acts could not be evaluated as an ordinary interpersonal encounter detached from the victim's age, dependency, and relationship to the offender. The biological-father relationship is not merely an additional moral wrong; it is a structure of power that affects coercion, the possibility of refusal, the ability to report, and the magnitude of betrayal.

The second layer concerns proof. Sexual violence frequently occurs without independent eyewitnesses, so lawful adjudication depends on the convergence of testimony, admissions, medical or pregnancy evidence, behavioral context, digital or documentary traces where available, and the consistency of surrounding facts. In this case, the defendant's admission, the repeated pattern, the pregnancy, and the familial relationship mutually reinforced the prosecution narrative. Their combined force is more important than treating any single fact as mechanically decisive. A transparent judgment should make this convergence explicit so that the finding of guilt can be reviewed without resorting to stereotypes about how a victim "should" behave.

The court's approach is stronger where it links the evidence to the defendant's agency and rejects the existence of a justification or excuse. The defendant was capable of responsibility, understood the prohibited character of the conduct, and repeatedly exploited access created by a family relationship. Repetition over an extended period supports a finding of sustained choice rather than an isolated lapse. The mahram relationship simultaneously

¹² Mahkamah Syar'iyah Blangkejeren, *Decision Number 25/JN/2025/MS.Bkj*, 1–32.

increases culpability and harm because it converts a relationship of protection into a mechanism of access and silence.

Yet the judgment's victim analysis is comparatively thin. The published reasoning, as reflected in the materials examined, gives substantial attention to the prohibited act, the offender's responsibility, and the appropriateness of punishment. It does not equally develop the victim's experience of coercive control, trauma, dependency, pregnancy, continuing safety, education, family displacement, psychosocial treatment, or material loss. This asymmetry matters. Procedural justice research consistently finds that victims assess legal institutions through the opportunity to be heard, respectful treatment, impartial decision-making, and trustworthy concern for their welfare.¹³ A judgment that speaks forcefully about moral wrongdoing but minimally about the victim risks making the victim legally visible only as evidence against the accused.

The evidentiary analysis should also be assessed against the risk of secondary victimization. Systematic studies of rape and sexual-assault cases show that case attrition and institutional harm are often produced by credibility discounting, fragmented communication, and assumptions that do not reflect trauma.¹⁴ In a mahram case, these risks are heightened because the victim may be economically and emotionally connected to the offender or other family members. The court's written reasons should therefore record, to the extent compatible with privacy, that testimony was assessed contextually and that

¹³ Ben Bradford, "Voice, Neutrality and Respect: Use of Victim Support Services, Procedural Fairness and Confidence in the Criminal Justice System," *Criminology & Criminal Justice* 11, no. 4 (2011): 345-366, <https://doi.org/10.1177/1748895811408832>; Katelyn A. Stanek et al., "Who Can You Trust? The Impact of Procedural Justice, Trust, and Police Officer Sex on Women's Sexual Assault Victimization Reporting Likelihood," *Violence Against Women* 29, no. 5 (2023): 860-881, <https://doi.org/10.1177/10778012221097139>.

¹⁴ Debra Patterson, "The Linkage Between Secondary Victimization by Law Enforcement and Rape Case Outcomes," *Journal of Interpersonal Violence* 26, no. 2 (2011): 328-347, <https://doi.org/10.1177/0886260510362889>; Julie Murphy-Oikonen et al., "Unfounded Sexual Assault: Women's Experiences of Not Being Believed by the Police," *Journal of Interpersonal Violence* 37, nos. 11-12 (2022): NP8916-NP8940, <https://doi.org/10.1177/0886260520978190>; Katherine Lorenz, Anne Kirkner, and Sarah E. Ullman, "A Qualitative Study of Sexual Assault Survivors' Post-Assault Legal System Experiences," *Journal of Trauma & Dissociation* 20, no. 3 (2019): 263-287, <https://doi.org/10.1080/15299732.2019.1592643>.

delayed disclosure, fear, or continued proximity did not automatically negate coercion.

The third layer is sentencing. The public prosecutor demanded 200 months' imprisonment.¹⁵ The gravity of repeated rape, the victim's vulnerability, the parental relationship, and the duration of abuse provide a strong basis for a severe sanction. Nevertheless, severity and proportionality are not synonyms. A proportionate sentence should explain the relationship among culpability, harm, aggravating and mitigating factors, consistency with comparable cases, prevention, and the victim's needs. Merely invoking deterrence does not establish that a particular number of months will prevent future abuse. The reasoning becomes more persuasive when it specifies why the chosen sanction is necessary and how it fits the statutory range and purposes.

Comparative case-processing research shows that police and prosecutorial decisions can overlap in ways that obscure responsibility for case outcomes, while focal concerns about credibility and practical constraints influence whether sexual-assault cases advance.¹⁶ Judicial reasons should counter that opacity. They should identify which facts establish each element, which factors aggravate the offense, how defense arguments were answered, and why the sanction is proportionate. This discipline protects the accused against arbitrary punishment and protects the victim against an unexplained or symbolically severe judgment that fails to deliver concrete justice.

Comparison with earlier Aceh scholarship reveals a recurring pattern. Muzakkir's study of Langsa decisions shows judges emphasizing the seriousness of child rape and the damage to the victim's future. Research on restitution, however, finds that material and non-material losses remain insufficiently integrated into judicial reasoning and enforcement.¹⁷ The Blangkejeren decision appears to continue this pattern: the punitive case is developed more fully than the restorative case. The comparison does not imply that punishment

¹⁵ Mahkamah Syar'iyah Blangkejeren, *Decision Number 25/JN/2025/MS.Bkj*, 32.

¹⁶ Cassia Spohn and Katharine Tellis, "Sexual Assault Case Outcomes: Disentangling the Overlapping Decisions of Police and Prosecutors," *Justice Quarterly* 36, no. 3 (2019): 383–411, <https://doi.org/10.1080/07418825.2018.1429645>.

¹⁷ Muzakkir, "Analysis of the Decisions"; Aljamalulail, Rani, and Muazzin, "Politics of Law on the Fulfillment of Restitution Rights."

should be reduced. It implies that punishment should be accompanied by enforceable victim-oriented measures rather than treated as their substitute.

Restitution is particularly important because rape can generate medical costs, psychological treatment needs, education disruption, loss of housing or family support, and long-term social consequences. Aceh scholarship has identified a doctrinal basis for restitution while also documenting practical obstacles to obtaining it.¹⁸ A victim-centred judgment should state whether restitution was requested, whether loss was assessed, what evidence was needed, and which institution is responsible for enforcement. When restitution cannot be ordered, the reasons should be explicit and the court should identify available protection and recovery pathways.

The court's moral reasoning also warrants refinement. Describing rape as an offense against religion, family, and social morality expresses legitimate condemnation, but it can unintentionally shift attention from the victim's autonomy and bodily integrity to the community's moral image. The better approach is to show that the violation of Islamic morality is concretely realized in the destruction of safety, trust, dignity, and agency. This reorientation does not secularize the Qanun; it gives its moral commitments a human subject.

On balance, the judgment has a defensible foundation for criminal responsibility because the legal elements were supported by convergent evidence and the mahram relationship materially aggravated culpability. Its principal weakness is not the absence of moral seriousness, but the incomplete translation of that seriousness into victim-centred reasons and remedies. The juridical implication is that future judgments should use a structured reasoning format covering elements, evidence, power relations, victim impact, proportionality, restitution, protection, and recovery. The social implication is equally important: trust in jinayat enforcement will depend on whether victims can see the court as a place of safety and recognition, not only a site of punishment.

Comparative Lessons and the Victim-Centred Jinayat Justice Model

The relationship between Qanun Jinayat and national sexual-violence law should be approached through functional harmonization. Aprilianda,

¹⁸ Nur, Salda, and Hamdani, "Politics of Criminal Law"; Aljamalulail, Rani, and Muazzin, "Politics of Law on the Fulfillment of Restitution Rights."

Farikhah, and Krisna show that choosing the appropriate legal framework for child sexual violence requires attention to the law that most effectively protects the child, rather than a formalistic contest between statutes.¹⁹ Functional harmonization asks which institution can lawfully perform each protective task: investigation, prosecution, adjudication, emergency safety, medical care, psychosocial recovery, restitution assessment, and long-term monitoring. The Sharia Court retains its adjudicative role, while victim services and national protection mechanisms can support rights that the criminal judgment alone cannot deliver.

International scholarship adds two cautions. Comparative work on Jordan shows how a criminal-law system may formally regulate sexual conduct while allowing the victim's individual harm to be overshadowed by family honor and state ordering.²⁰ First, criminal law can make the victim "vanish" when the proceeding becomes primarily a vehicle for state morality, institutional reputation, or symbolic punishment. Second, importing a foreign model without regard to local law and culture can produce another form of abstraction. The proper comparative lesson is therefore institutional: regardless of legal tradition, victims need safe access, respectful treatment, evidence practices free from myths, intelligible reasons, and remedies that can actually be enforced.

Procedural justice offers a practical vocabulary for this task. Bradford identifies voice, neutrality, and respect as central to confidence in justice institutions, while later sexual-violence research demonstrates that dignity, trustworthiness, and the quality of official interaction influence willingness to report and continue participating.²¹ These values are not cosmetic additions to a criminal trial. They affect evidence quality, cooperation, institutional legitimacy, and the prevention of future under-reporting.

Restorative practices require particular caution. Survivor-centred restorative processes may provide recognition, answers, and agency for some

¹⁹ Aprilianda, Farikhah, and Krisna, "Critical Review Selecting a Proper Law."

²⁰ Catherine Warrick, "The Vanishing Victim: Criminal Law and Gender in Jordan," *Law & Society Review* 39, no. 2 (2005): 315–348, <https://doi.org/10.1111/j.0023-9216.2005.00084.x>.

²¹ Bradford, "Voice, Neutrality and Respect"; Acquaviva and Gullion, "Victims' Perceptions of Procedural Justice"; Stanek et al., "Who Can You Trust?"

victims, but they must never be imposed, used to pressure reconciliation, or substituted for accountability in serious sexual violence. Research involving anti-rape activists supports a model in which the victim decides whether such a process is appropriate and where safety and informed consent are non-negotiable.²² In a father-child rape case, the power imbalance is so profound that any restorative component must be separated from coercive family expectations and cannot diminish criminal responsibility.

Based on these lessons, this article proposes the Victim-Centred Jinayat Justice (VCJJ) model. It is not a new source of jurisdiction and does not alter the statutory burden of proof. It is an institutional reasoning and coordination framework with five pillars: trauma-informed access; contextual and non-stereotyped evidence; protected victim voice; integrated remedies and recovery; and transparent proportionality with review. Each pillar gives operational content to Islamic commitments to dignity, justice, and prevention while remaining compatible with national victim-rights law.

Stage and pillar	Required action	Responsible actors	Judicial or institutional indicator
1. Trauma-informed access	Provide safe reporting, legal information, privacy protection, emergency referral, and child-sensitive communication	Investigators, prosecutors, legal-aid providers, victim-service units	Early risk assessment; documented referral; minimal repetitive interviewing
2. Contextual evidence	Build proof from testimony, admissions, medical facts, digital or documentary traces, behavior, and power relations without rape myths	Investigators, prosecutors, experts, judges	Element-by-element reasoning; explanation of evidentiary convergence; no stereotyped credibility assumptions
3. Protected victim voice	Enable the victim to describe harm and needs without confrontation or family pressure	Court, prosecutor, support person, protection institutions	Privacy safeguards; support person; victim-impact information considered in reasons

²² Daye Gang, Maggie Kirkman, and Bebe Loff, “Obviously It’s for the Victim to Decide’: Restorative Justice for Sexual and Family Violence from the Perspective of Second-Wave Anti-Rape Activists,” *Violence Against Women* 30, nos. 12–13 (2024): 3187–3210, <https://doi.org/10.1177/10778012231174353>.

Stage and pillar	Required action	Responsible actors	Judicial or institutional indicator
4. Integrated remedies	Assess restitution, medical and psychological care, education continuity, relocation or safety needs, and enforcement follow-up	Prosecutor, court, local services, protection and recovery institutions	Express ruling or reason on restitution; named referral pathway; implementation monitoring
5. Proportionality and review	Connect culpability, harm, aggravation, prevention, and remedies; compare relevant decisions	Judges and appellate bodies	Transparent sentencing matrix; response to parties' arguments; reviewable reasons

At the investigative stage, VCJJ requires a single coordinated plan that limits repetitive questioning and identifies immediate safety and service needs. The plan should not treat support services as external charity; they are conditions for meaningful access to justice. Where the alleged offender is a parent, risk assessment should address housing, financial dependency, contact with siblings, intimidation, and the possibility that other family members may pressure the victim to withdraw.

At the prosecutorial stage, the indictment and sentencing submission should connect the mahram relationship to coercive power and aggravated harm. The prosecutor should present evidence of victim impact and material loss when legally available, request protective measures, and explain the basis for restitution or other remedies. This would improve the quality of judicial reasons because the court can only decide issues that are properly developed in the case record.

At the adjudicative stage, the court should use a structured sequence. It should identify the statutory element; summarize the evidence supporting and contesting it; explain the contextual significance of age and familial power; state the conclusion; and then address victim impact, aggravation, mitigation, proportionality, restitution, protection, and recovery. A structured judgment is not longer for its own sake. It makes the decision intelligible to the parties, reviewable on appeal, and useful as guidance for later courts.

At the enforcement and recovery stage, responsibility must not end when the sentence becomes final. The victim may still need medical treatment,

counselling, education support, safe accommodation, identity protection, and assistance enforcing restitution. Government Regulation Number 30 of 2025 and the 2025 Qanun amendment create a stronger policy environment for integrated implementation. Future court administration should therefore develop referral protocols and monitoring records that show whether the rights recognized on paper were actually delivered.

The model also responds to the concern that victim-centred justice might weaken due process. It does the opposite. Contextual evidence must still be tested; the accused retains the right to challenge the case; and guilt must still be established according to law. What changes is the rejection of false neutrality toward stereotypes and power. A court can protect the accused from arbitrary conviction while also protecting the victim from degrading treatment. Transparent reasons are the bridge between these commitments.

Finally, VCJJ provides a measurable reform agenda. Courts can audit whether judgments address each element, power relations, victim impact, restitution, and recovery. Prosecutors can track whether victim losses were documented and requested. Service institutions can report whether referrals were completed. Researchers can compare case outcomes, victim satisfaction, restitution enforcement, and the implementation of Qanun Aceh Number 12 of 2025. Reform then moves from general aspiration to indicators that can be evaluated.

Conclusion

This study finds that Decision Number 25/JN/2025/MS.Bkj has a defensible basis for attributing criminal responsibility. The repeated conduct, defendant's admission, pregnancy, surrounding facts, and biological-father relationship formed a convergent evidentiary structure, while the mahram relationship intensified coercive power, betrayal, and culpability. The decision demonstrates the capacity of Qanun Jinayat to condemn and punish serious sexual violence. Its weakness lies in the imbalance of its reasoning: the punitive and moral dimensions are more fully expressed than the victim's trauma, procedural voice, restitution, continuing safety, and recovery.

The theoretical contribution is a shift from a false choice between Islamic moral order and victim rights toward a victim-centred theory of jinayat

legitimacy. Protection of dignity, justice, and prevention requires both accountability and an institutional process that treats the victim as a rights-holder rather than merely a source of evidence. The practical contribution is the VCJJ model, which operationalizes trauma-informed access, contextual proof, protected voice, integrated remedies, and transparent proportionality. Applied consistently, this model would strengthen rather than dilute the authority of the Sharia Court because its judgments would become more reasoned, reviewable, and responsive to harm.

The study is limited to one published decision and documentary legal materials; it does not assess the victim's lived experience, the complete case file, service delivery, or the enforcement of any remedy. Future research should compare multiple Sharia Court decisions, interview judges, prosecutors, advocates, and service providers, and evaluate the implementation of Qanun Aceh Number 12 of 2025. Particular attention should be given to restitution enforcement, child-sensitive procedure, consistency of sentencing, repeat offending, and victim assessments of institutional treatment. The immediate reform priority is clear: Aceh's response to rape must preserve firm criminal accountability while ensuring that every stage of jinayat justice restores, rather than further diminishes, the victim's dignity and agency.

Acknowledgement

The author(s) gratefully acknowledge the constructive comments of the anonymous reviewers and the editorial team, which helped strengthen the article's argument, comparative framework, and victim-protection analysis.

Author Contributions Statement

LA, Conceived and designed the study, developed the research methodology, conducted the legal analysis, prepared the original manuscript draft, and approved the final version of the manuscript. AN, contributed to the legal analysis, critically revised the manuscript for important intellectual content, and approved the final version of the manuscript. RC, contributed to the critical revision of the manuscript, validated the legal arguments and overall content, edited the manuscript, and approved the final version of the manuscript.

AI Usage Statement

Generative artificial intelligence was used solely to support language refinement, structural editing, and consistency checking. The author(s) independently verified all legal sources, citations, arguments, and conclusions and retain full responsibility for the manuscript.

Conflict of Interest

The author(s) declare no conflict of interest.

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