Justicia Islamica: Jurnal Kajian Hukum dan Sosial
Vol 23 No 1, June 2026

Customary Justice and Child Sexual Abuse in Aceh: Legal Pluralism, Restorative Limits, and Child Protection Principles

***Yuni Roslaili,*[1*] *Suparwany,*[2] *Abdul Manan,*[3] *Marina Ulfah,*[4] *Faizah Putroe Phonna*[5]**
[1 3] Faculty of Sharia and Law, UIN Ar-Raniry Banda Aceh, Indonesia
[2] Faculty of Ushuluddin Adab and Da'wah, IAIN Langsa, Indonesia
[3] Research Fellow at the Faculty of Islamic Contemporary Studies of Sultan Zainal Abidin University, Terengganu, Malaysia
[4] Faculty of Psychology, UIN Ar-Raniry Banda Aceh, Indonesia
[5] Faculty of Medicine, Universitas Syiah Kuala, Aceh, Indonesia

[*]*Corresponding Author*: yuni.roslaili@ar-raniry.ac.id

DOI: https://doi.org/10.21154/justicia.v23i1.11867
Received: August 25, 2025 | *Revised*: Nov 16, 2025 | *Accepted*: Jan 22, 2026

Abstract: This study explores the position and limitations of customary law in addressing cases of child sexual violence in Aceh, as well as its interaction with legal pluralism and the principles of *maqaṣid al-sharia*. As a region endowed with special autonomy in the spheres of customary practices and the implementation of Islamic law, Aceh represents a complex manifestation of legal pluralism. This complexity becomes particularly evident when customary dispute-resolution mechanisms intersect with cases of child sexual violence, which are normatively recognised as serious criminal offences. By using a qualitative socio-legal approach, this research integrates an analysis of statutory regulations and *qanun* (Islamic law) with in-depth interviews involving government officials, local leaders, academic communities, and child protection institutions. The findings reveal variations in the application of customary law to cases of sexual violence against children, which can be classified into minor, moderate, and severe categories. In minor cases, customary law may function as a limited mechanism for recovery and social reconciliation. However, in cases of severe sexual violence, formal judicial processes are deemed more appropriate. This is because, from the perspective of *maqasid al-sharia* and the concept of *ta'zir*, child protection is a *daruriyyah* goal that cannot be compromised. This study emphasises the importance of an integrative-complementary model for resolving child sexual abuse cases within the framework of controlled legal pluralism.
Keywords: customary law; child sexual violence; legal pluralism.

Abstrak: Artikel ini menganalisis kedudukan dan batas penerapan hukum adat dalam penyelesaian kasus kekerasan seksual terhadap anak di Aceh, serta

relasinya dengan pluralisme hukum dan prinsip *maqasid al-syari'ah*. Sebagai daerah dengan keistimewaan di bidang adat dan pelaksanaan hukum Islam, Aceh merepresentasikan praktik pluralisme hukum yang kompleks, khususnya ketika mekanisme adat berhadapan dengan tindak pidana kekerasan seksual terhadap anak yang secara normatif dikategorikan sebagai kejahatan serius. Penelitian ini menggunakan pendekatan kualitatif dengan metode socio-legal melalui studi dokumen peraturan perundang-undangan dan *qanun*, serta wawancara mendalam dengan aparat peradilan, tokoh adat, akademisi, dan lembaga perlindungan anak. Temuan menunjukkan bahwa sikap masyarakat terhadap penerapan hukum adat bersifat bertingkat dan kontekstual, dengan klasifikasi kekerasan seksual ke dalam kategori ringan, sedang, dan berat. Hukum adat masih dipandang relevan sebagai mekanisme restoratif terbatas pada kasus ringan, sedangkan kasus berat harus diselesaikan melalui peradilan formal. Dalam perspektif *maqasid al-syari'ah* dan konsep *ta'zir*, perlindungan anak merupakan tujuan *darūriyyah* yang tidak dapat dikompromikan. Penelitian ini menegaskan pentingnya model integratif–komplementer penyelesaian kasus pelecehan seksual anak dalam kerangka pluralisme hukum yang terkendali.
Kata Kunci: hukum adat; pelecehan seksual anak; pluralisme hukum.

Introduction

The increasing incidence of sexual violence against children in Indonesia[1] has led to a significant rise in the number of cases brought before the courts, including in Aceh.[2] According to official judicial records from the Supreme Court of the Republic of Indonesia, the average monthly caseload in 2022 reached 2,579 cases. By comparison, the average monthly caseload in 2021 stood at 1,732 cases. These figures indicate an increase of 54.70% in the Supreme Court's caseload from January to July 2022. In the context of Aceh, data from the Banda Aceh District Court's Case Tracking Information System (SIPP) indicate that cases involving corruption, civil lawsuits, and child abuse remain unresolved within the monthly reporting period. As a result, children

[1] Ivy L. Schwartz, "Sexual Violence Against Women: Prevalence, Consequences, Societal Factors, and Prevention," *American Journal of Preventive Medicine* 7, no. 6 (November 1991): 363–73, https://doi.org/10.1016/S0749-3797(18)30873-0; Andra Teten Tharp et al., "A Systematic Qualitative Review of Risk and Protective Factors for Sexual Violence Perpetration," *Trauma, Violence, & Abuse* 14, no. 2 (April 2013): 133–67, https://doi.org/10.1177/1524838012470031.

[2] Danial Danial, Yoesrizal M. Yoesoef, and Nur Sari Dewi M, "Sexual Violence in the Islamic Law Perspective: Aceh Islamic Law and Local Wisdom Approach," *Ulumuna* 27, no. 1 (September 2023): 367–89, https://doi.org/10.20414/ujis.v27i1.677.

are not only positioned as legal subjects subjected to lengthy and multi-layered judicial processes, but are also exposed to the risk of re-victimisation due to legal mechanisms that are not yet fully child-friendly, thereby prolonging legal uncertainty for child victims.[3]

On the one hand, this situation underscores the need for legal system reform and the strengthening of community-based conflict resolution mechanisms, including customary law systems, to ensure that cases of child sexual abuse are resolved more quickly, fairly, and through a victim-centred approach. On the other hand, child sexual abuse constitutes a serious criminal offence and a grave violation of human rights.[4] Articles 13 and 59 of Law No. 35 of 2014 concerning Child Protection require the State to provide special protection to children who are victims of sexual violence. In addition, Law No. 11 of 2012 concerning the Juvenile Criminal Justice System stipulates that sexual crimes should not be resolved through diversion or purely restorative justice mechanisms, as such offences are not classified as minor crimes under Article 9 paragraph (2).

However, empirical evidence indicates that in several regions of Indonesia, cases of sexual violence have often been resolved through informal mechanisms, including the application of customary law and locally based mediation practices, despite their largely informal nature. In Bali, for example, a case involving a father who impregnated his biological daughter was settled through customary law by the village chief in a *Paruman Prajuru* deliberative forum, which involved representatives of the Desa Pakraman and local village authorities.[5] Similarly, in West Sumatra, customary mechanisms have been employed in addressing cases of sexual violence and adultery. In Nagari Tigo Jangko, Lintau Buo District, Tanah Datar Regency, the perpetrator was subjected to customary sanctions, including a public parade before the community and temporary detention in a 1 × 1.5 meter “Nagari Customary

---

[3] Marina Sorochinski and Abigail K. Wall, “Rates, Risk Factors, and Consequences of Technology-Facilitated Sexual Violence in the U.S. Adult Population: A Survey Study,” *Journal of Child Sexual Abuse* 34, no. 4 (May 2025): 424–45, https://doi.org/10.1080/10538712.2025.2517546.

[4] Ingrid Walker-Descartes et al., “Sexual Violence Against Children,” *Pediatric Clinics of North America* 68, no. 2 (2021): 427–36, https://doi.org/10.1016/j.pcl.2020.12.006.

[5] Gede Rhama Sukmayoga Wiweka, Ida Bagus Surya Dharma Jaya, and I Wayan Suardana, “Penyelesaian Kasus Kekerasan Seksual Terhadap Anak Berdasarkan Hukum Adat Bali Di Desa Sudaji Kecamatan Sawan Buleleng,” *E-Journal Ilmu Hukum Kertha Wicara* 8, no. 11 (2019): 1–15.

Prison," as a form of social punishment for violating customary and religious norms. [6]

The discourse on the role of customary law within the framework of legal pluralism in resolving criminal cases in Indonesia has thus far evolved around three principal paradigms. First, the formal–legal approach emphasises legal certainty through mechanisms such as criminal mediation. This perspective is reflected, for instance, in Dinda Difia Madina's research, which underscores the need for a clear normative framework to ensure legal certainty in non-litigation dispute resolution practices in accordance with the principles of legality and the protection of human rights.[7] Second, customary law is viewed as an alternative legal instrument that is formally recognised for resolving criminal cases outside the state judicial system. Third, scholarly attention has been directed toward the persistence of customary law practices among various Indonesian communities, such as the Madurese, Batak Toba, Kampar, Kerinci, Jambi, Dayak, Papuan, and Acehnese, which continue to function as relevant and effective instruments of justice in contemporary society.

The studies discussed above generally conclude that customary law in Indonesia plays a dynamic role in the resolution of criminal cases, aligning with governmental efforts to balance legal certainty and substantive justice. Although the legality of criminal mediation based on customary law still requires further recognition and reinforcement within the national legal system, such mechanisms continue to operate in various regions due to their perceived effectiveness in producing restorative outcomes that are socially accepted by local communities.[8] In this context, customary law functions as a complementary system to state law and as a mechanism for social

---

6 Efren Nova, "Penerapan Restorative Justive Dalam Penyelesaian Tindak Kekerasan Terhadap Perempuan Dan Anak Sebagai Perwujudan Hak Asal Usul Di Sumatera Barat," *Unes Journal of Swara Justisia* 7, no. 2 (August 2023): 817–35, https://doi.org/10.31933/ujsj.v7i2.383; Welhendri Azwar et al., "Nagari Customary Justice System in West Sumatra," *Jurnal Bina Praja* 11, no. 1 (May 2019): 53–62, https://doi.org/10.21787/jbp.11.2019.53-62.

7 Khamim Khamim, Moch. Choirul Rizal, and Andi Ardiyan Mustakim, "Convergence of Restorative Justice and Al-'Afwu: Reforming Criminal Procedure Law in Indonesia," *Justicia Islamica* 22, no. 2 (November 2025): 277–302, https://doi.org/10.21154/justicia.v22i2.9807.

8 Elco Pebriantoro and Arpangi Arpangi, "Penal Mediation as an Ideal Effort to Realize Restorative Justice in Class II B Open Prison, Kendal Regency," *Ratio Legis Journal* 4, no. 2 (June 2025): 1812–29, https://doi.org/10.30659/rlj.4.2.%2525p; Emmanuel Arianto Waluyo Adi, "Penal Mediation as the Concept of Restorative Justice in the Draft Criminal Procedure Code," *Lex Scientia Law Review* 5, no. 1 (May 2021): 139–64, https://doi.org/10.15294/lesrev.v5i1.46704.

reconciliation, prioritising the restoration of social relationships and moral balance rather than the imposition of punitive sanctions.

This approach is highly relevant in Aceh, considering that customary law is recognised within the national constitutional system, particularly through Law No. 44 of 1999, Law No. 18 of 2001, and Law No. 11 of 2006, as well as through qanuns and institutional arrangements governing the implementation of customary courts. This study found that cases of child sexual abuse in Aceh, in relation to customary law, can be addressed through three levels of qualification. First, cases involving severe sexual abuse must be processed through formal courts to ensure law enforcement and the protection of children's rights. Second, in moderate cases, there are two possible approaches: resolution through customary law may be pursued if both parties agree and strict prerequisites are met, including legal certainty, comprehensive case resolution, and victim-oriented protection covering physical, psychological, and educational continuity. However, in practice, this option is not advisable, as customary law mechanisms in Aceh have not yet provided adequate protection guarantees, human resources remain limited, and supporting facilities and infrastructure are insufficient. Third, if a case is classified as minor harassment, resolution through customary law may be carried out with the consent of the parties. Thus, it can be concluded that customary law can function only in a limited capacity as a restorative mechanism in minor cases of child sexual abuse, provided that it adheres to the principle of child protection as the primary maqāṣid (*ḥifẓal-nafs* and *ḥifẓ al-nasl*).

This finding is supported by previous studies that have highlighted the role of customary law in handling cases of sexual violence against children, each advancing either supportive or critical perspectives based on different assumptions.[9] However, unlike earlier research that largely emphasised theoretical analysis or relied on a single assumption, this study engages with practical issues in Aceh courts by applying a legal pluralism and maqāṣid al-sharīa approach. In doing so, it synthesises and accommodates these differing viewpoints into a unified conclusion.

---

[9] Ifeyinwa L. Ezenwosu and Benjamin S. C. Uzochukwu, "Prevalence, Risk Factors and Interventions to Prevent Violence against Adolescents and Youths in Sub-Saharan Africa: A Scoping Review," *Reproductive Health* 22, no. 1 (February 2025): 23, https://doi.org/10.1186/s12978-024-01926-7.

Empirical data were collected through interviews with the Head of the Banda Aceh Sharia Court, the Head of the Aceh Besar Sharia Court, the Chairman of the Aceh Provincial Customary Council, the Chairman of the Banda Aceh and Aceh Besar Customary Councils, officials from the Provincial Islamic Sharia Office, as well as customary and community leaders and academics. All data were analysed descriptively and comparatively to identify similarities and differences in viewpoints, which were then examined in light of the concepts of legal pluralism and maqāṣid al-sharīa. Through this approach, the study seeks to contribute to the development of criminal law and customary law scholarship in Aceh, particularly in the resolution of cases of sexual violence against children. The findings are intended to serve as a reference for the community and the Aceh provincial government, especially the Religious Courts, in taking appropriate action against perpetrators of sexual violence against children.

Limitations of a State-Centred Punishment Approach in Addressing Child Sexual Abuse Cases

Relying on punishment as the main policy in handling cases of Child Sexual Abuse (CSA) does not always yield satisfactory results.[10] Although strict disciplining through punishment aims to deter perpetrators and protect victims, statistically, in America alone, there are about 300,000–400,000 domestic violence cases that are still ongoing and have been postponed for four years. This means that there is not yet a truly effective system to handle these cases.

Relying on punishment as the primary policy for addressing cases of Child Sexual Abuse (CSA) does not always produce satisfactory outcomes. Although punitive measures are intended to deter perpetrators and protect victims, statistical data show that in the United States alone, approximately 300,000–400,000 domestic violence cases remain unresolved and have been delayed for up to four years. This indicates that an effective and comprehensive system for handling such cases has yet to be fully realised.

[10] Fathayatul Husna and Ainal Fitri, "Gender-Based Dayah: The Role of Female Ulama in Trauma Recovery Strategies for Sexual Violence Victims in Aceh," *Sawwa: Jurnal Studi Gender* 18, no. 2 (October 2023): 169–94, https://doi.org/10.21580/sa.v18i2.17416.

This suggests that harsh punishment does not necessarily produce a strong deterrent effect and often remains largely symbolic, as it fails to address the root causes of sexual violence, including psychological, social, and environmental factors.[11] Furthermore, such an approach tends to overlook offender rehabilitation and the recovery of victims' welfare—both of which are essential for preventing recidivism and rebuilding public trust. In practice, victims are frequently left without adequate support services, while broader social harms remain unaddressed. A judicial system that operates in this manner perpetuates a cycle of stagnant punishment, in which victims continue to experience neglect and ongoing social harm.

The formal trial process has been widely criticised for its rigid procedures and its inability to adequately deliver justice for victims of Child Sexual Abuse (CSA) cases.[12] Similarly, the shortcomings of the judicial system stem from its limited emphasis on restoration and substantive justice, as it tends to focus more on determining winners and losers.[13]

In addition, slow and rigid court procedures can delay victims' recovery. According to Bondestam and Lundqvist, this lengthy processes also lead to increased costs, which in turn generate public suspicion and scepticism regarding the courts' ability to resolve cases effectively and promptly. As a result, communities often choose non-judicial resolution mechanisms, viewing them as more participatory, restorative, and beneficial for both parties, while also preserving social harmony. [14]

The limitations of the formal legal system have led many indigenous communities in Indonesia to favour resolving CSA cases through customary law rather than formal legal processes. This is evident, for example, in the practice of criminal mediation among the Gayo tribe in Central Aceh, even after

---

[11] Nashriyah Nashriyah, Alfiatunnur Alfiatunnur, and Tya D. J. Hermawan, "Examining the Efforts of the Aceh Government in Dealing with Child Victims of Sexual Violence," *Gender Equality: International Journal of Child and Gender Studies* 7, no. 2 (September 2021): 273–87, https://doi.org/10.22373/equality.v7i2.10903.

[12] Ni Luh Gede Hadriani, "Kontribusi Hukum Adat Dalam Pembangunan Hukum Nasional," *Maha Widya Bhuwana: Jurnal Pendidikan, Agama Dan Budaya* 4, no. 1 (2021): 1–9.

[13] Yanto Sufriadi, Laily Ratna, and Syarifudin, "The Violence in Conflict of Natural Resources Tenure Rights- Companies Vs Traditional Communities in Indonesia," *UUM Journal of Legal Studies* 15, no. 1 (2024): 197–220, https://doi.org/10.32890/uumjls2024.15.1.9.

[14] Mulya Sarmono, "Pembaharuan Hukum Pidana Kehutanan Terhadap Eksistensi Masyarakat Hukum Adat Di Indonesia," *Jurnal Adhikari* 2, no. April (2023): 468–78.

the enactment of Law No. 23 of 2004 on the Elimination of Domestic Violence, which categorises domestic violence as a serious crime. Communities continue to prefer customary mechanisms[15] because they prioritise values of harmony, sincerity, and social relationships. As a result, customary courts remain widely accepted as a means of restoring kinship within the community and avoiding a rigid win–lose approach.

In West Sumatra, the Nagari Tigo Jangko in Tanah Datar Regency applies symbolic sanctions by publicly displaying offenders before placing them in a *nagari* customary detention facility, to create a deterrent effect and prevent similar violations. This form of moral sanction reinforces local wisdom grounded in religious and customary values. Similarly, in Bali, a case involving a father who impregnated his own daughter was addressed under customary law through the Kertha Desa Forum in a *Paruman Prajuju* (village council meeting), employing the village marriage customary system to restore a sense of justice and social harmony.

These examples demonstrate that some communities rely on and legitimise customary mechanisms as culturally grounded and socially restorative alternatives to the formal justice process, particularly in contexts where the state system is perceived as slow, costly, and emotionally distant from victims. Such practices provide a strong normative basis for integrating community-based justice mechanisms as a complementary component within the formal legal system.

However, child sexual abuse cases in Indonesia constitute serious crimes and, under Indonesian law, must be adjudicated through the formal court system.[16] Pursuant to Articles 13 and 59 of Law No. 35 of 2014, the state is obligated to provide special protection to children who are victims of sexual violence. Furthermore, Law No. 11 of 2012 stipulates that sexual crimes are excluded from cases that may be resolved through diversion or purely restorative justice mechanisms. Accordingly, resolutions outside the criminal justice process—including customary mechanisms that remove or diminish the

---

[15] Karmila, "Pola Penyelesaian Kasus Kekerasan Dalam Rumah Tangga Dalam Adat Gayo," *Journal of Society Innovation And Development* 2, no. 2 (2017): 1–15; Salami Salami et al., "Portrait of Sexual Harassment Victims and Religious Support of the Parents in Aceh," *Jurnal Ilmiah Peuradeun* 8, no. 2 (May 2020): 313–26, https://doi.org/10.26811/peuradeun.v8i2.470.

[16] Abdurrakhman Alhakim, "Diversion As a Legal Concept That Is Equitable for Children in Indonesia," *Mizan: Jurnal Ilmu Hukum* 11, no. 2 (2022): 147, https://doi.org/10.32503/mizan.v11i2.3102.

perpetrator's criminal accountability are inconsistent with positive law. The state, therefore, bears the responsibility to ensure deterrence, victim rehabilitation, and the prevention of repeat offences.

A closer examination of the criminal mediation cases mentioned abovein Gayo (Central Aceh), Nagari Tigo Jangko in West Sumatra, and Bali shows that in cases resolved through customary law, the perpetrator and the victim are often bound by kinship ties. In this context, the use of customary mechanisms is frequently driven more by efforts to preserve family dignity and social harmony than by the fulfilment of justice for the victim. Within strong kinship structures, victims—particularly children—tend to occupy a vulnerable position. Consequently, normative concerns arise when customary law replaces formal legal processes, as it may undermine criminal accountability and fail to fully protect the best interests of the child.

Therefore, from an academic perspective, the most appropriate approach to resolving the tension between customary law and positive law in cases of sexual violence against children is an integrative–complementary model within the framework of controlled legal pluralism. This model rests on the premise that legal pluralism is a sociological reality that cannot be eliminated, but must be normatively regulated to prevent the erosion of human rights protection and the supremacy of state law. In this sense, legal diversity is recognised as an enduring social fact that requires clear normative boundaries to ensure the protection of human rights and the authority of the formal legal system.

The Position of Customary Law in Criminal Justice Pluralism in Indonesia

Customary law reflects the diversity of Indonesian law and illustrates a dynamic interaction between local wisdom and the framework of state legislation. It should not be viewed as a rival to criminal law, but rather as a body of normative values. Within a pluralist criminal justice framework, customary law does not compete with positive law; instead, it operates as a normative system that functions socially, culturally, and restoratively in addressing criminal conflicts in context.[17] This perspective is consistent with

[17] Khamim, Rizal, and Mustakim, "Convergence of Restorative Justice and Al-'Afwu," 277; Dedy Ardian Prasetyo and Rahimah Embong, "The Impact of Human Rights Principles on the Criminal Act of Caning: Asymmetric Decentralization Insight," *Journal of Human Rights, Culture and Legal System* 5, no. 1 (March 2025): 60–90, https://doi.org/10.53955/jhcls.v5i1.528.

legal pluralism, in which the state does not unilaterally monopolise law, but recognises that social communities also possess a legitimate space for dispute resolution at certain stages, in accordance with local traditions.[18]

Kaarlo Tuori distinguishes three types of legal pluralism:[19] the pluralism of legal sources, the pluralism of legal orders, and the pluralism of legal systems. The first refers to the existence of multiple sources of law, including state law, customary law, religion, and other social values. The second, legal order pluralism, concerns the coexistence of different legal orders, each with its own authority, within a particular social space. The third, pluralism of legal systems, challenges claims of exclusivity and the sole supremacy of state law. In this context, legal pluralism acknowledges that legal decision-making is shaped by various sources of normative authority, such as positive law, ethics, social norms, and religion, thereby providing a conceptual basis for recognising customary law as part of Indonesia's pluralistic criminal justice landscape.

In the development of modern criminal law, this space has become increasingly relevant with the strengthening of the restorative justice paradigm, which emphasises recovery, victim participation, and social reconciliation. The spirit of resolving cases through peaceful and dialogical approaches has gained significant momentum with the emergence of restorative justice, a concept that is gradually reshaping and, in many contexts, replacing the retributive justice paradigm within contemporary criminal justice systems. [20]

Initially, peaceful approaches were more commonly applied in the field of civil and non-criminal law through mechanisms such as mediation, arbitration, and other forms of Alternative Dispute Resolution (ADR), as regulated by Law No. 30 of 1999 on Arbitration and Alternative Dispute Resolution. These

---

[18] Keebet Von Benda-Beckmann and Bertram Turner, "Legal Pluralism, Social Theory, and the State," *The Journal of Legal Pluralism and Unofficial Law* 50, no. 3 (September 2018): 255–74, https://doi.org/10.1080/07329113.2018.1532674.

[19] Guillaume Tusseau, *Debating Legal Pluralism and Constitutionalism: New Trajectories for Legal Theory in the Global Age*, Ius Comparatum 41 (Cham: Springer, 2020); Susanne Epple and Getachew Assefa, *Legal Pluralism in Ethiopia: Actors, Challenges and Solutions* (Transcript Verlag, 2020).

[20] Ludfi Ludfi, Jumati Jumiati, and Febriana Hidayati, "Mediasi Penal: Alternatif Penyelesaian Perkara KDRT," *Hukum Islam* 18, no. 1 (2018): 19, https://doi.org/10.24014/hi.v18i1.6168; Fernenda Purdiantika and Lukman Santoso, "Pengaturan Marital Rape Di Indonesia Perspektif Fiqh Jinayah Tentang Keluarga," *Jurnal Antologi Hukum* 4, no. 2 (October 2024): 340–64, https://doi.org/10.21154/antologihukum.v4i2.3965.

approaches were further institutionalised through Supreme Court Regulation (PERMA) No. 2 of 2003 on Court-Annexed Mediation Procedures, which was subsequently revised by PERMA No. 1 of 2008 and PERMA No. 1 of 2016. Subsequent developments indicate that the restorative spirit has gradually extended into the criminal law domain, marked by the emergence of various regulations that create space for the peaceful resolution of certain cases.

One of the important milestones in the development of the restorative justice paradigm is Law No. 11 of 2012 on the Juvenile Criminal Justice System (UUSPPA), which introduced the concept of diversion, namely the transfer of the settlement of juvenile cases from the formal criminal justice process to an out-of-court mechanism. This law positions children as perpetrators of criminal acts rather than as victims; nevertheless, the restorative approach it adopts emphasises recovery, social responsibility, and the best interests of the child, rather than retribution. In this context, the concept of justice reflects a paradigm shift in juvenile criminal law from a retributive model toward a corrective and rehabilitative approach. In addition, the Letter of the Chief of the National Police No. B/3022/XII/2009/SDEOPS dated 14 December 2009, which addresses Alternative Dispute Resolution (ADR), provides further policy guidance by allowing minor criminal cases involving low material loss to be resolved through non-litigation mechanisms based on deliberation and consensus.[21]

However, in its implementation, the UUSPPA imposes clear normative limitations by excluding sexual offences. This exclusion is intended to ensure optimal protection for victims and to guarantee the enforcement of criminal accountability. Accordingly, restorative justice within Indonesian criminal law operates in a dynamic, selective, proportional, and context-dependent manner, and is guided by fundamental human rights principles. [22] Similarly, the Letter of the Chief of the National Police No. B/3022/XII/2009/SDEOPS on

---

[21] Satria Juanda, Burhanuddin Abdul Gani, and Syarifah Rahmatillah, "The P2TP2A's Effort to Cope with the Intensification of Sexual Abuse of Children in Perspective of the Islamic Family Law (A Case Study at the City of Banda Aceh)," *El-Usrah: Jurnal Hukum Keluarga* 6, no. 1 (September 2023): 115–30, https://doi.org/10.22373/ujhk.v6i1.11992.

[22] Siti Zubaidah et al., "Integrating Tradition into Legal Reform: Reconstructing the Role of Reconciliatory Customary Judges in Diversion Processes within the Interplay of Islamic, Customary, and National Law," *Jurnal Ilmiah Mizani: Wacana Hukum, Ekonomi Dan Keagamaan* 12, no. 2 (July 2025): 447–61, https://doi.org/10.29300/mzn.v12i2.8439.

Alternative Dispute Resolution (ADR) emphasises that specific conditions and limitations must be observed, including that cases resolved outside the judicial process are limited to minor offences, do not generate ongoing public unrest, and are based on the voluntary consent of the parties involved.[23] From this perspective, Indonesia's criminal law system recognises restorative justice not as a universal principle, but as a contextual approach whose application is selective, proportional, and consistent with human rights standards.[24]

Through Kaarlo Tuori's framework of legal pluralism, which situates customary law within the diversity of legal sources, legal orders, and legal systems that coexist alongside state law, the pluralistic character of Indonesian criminal justice can be more fully understood.[25] This perspective recognises customary law as a legitimate normative source, grounded in community values and social consensus. At the level of legal order pluralism, customary law and state criminal law operate concurrently within the same social space, particularly in addressing community-based criminal conflicts through restorative approaches. Nevertheless, while customary law possesses social and functional legitimacy within a plural legal system, the supremacy of state law remains essential to ensure the protection of human rights and the enforcement of criminal accountability, especially in serious offences. Accordingly, within the Indonesian criminal justice system, the relationship between customary law and state law is best understood through the framework of controlled legal pluralism, in which customary law functions as a complementary and contextually recognised restorative mechanism, while remaining subject to the normative boundaries of national law.

---

[23] Yogi Febriandi, Muhammad Ansor, and Nursiti Nursiti, "Seeking Justice Through Qanun Jinayat: The Narratives of Female Victims of Sexual Violence in Aceh, Indonesia," *QIJIS (Qudus International Journal of Islamic Studies)* 9, no. 1 (July 2021): 103–40, https://doi.org/10.21043/qijis.v9i1.8029.

[24] Misran Ramli et al., "State, Custom, and Islamic Law in Aceh: Minor Dispute Resolution in the Perspective of Legal Pluralism," *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 8, no. 2 (May 2024): 872–90, https://doi.org/10.22373/sjhk.v8i2.15924.

[25] Hans Lindahl, "Kaarlo Tuori on Legal Positivism and Modern State Law," *Revus. Journal for Constitutional Theory and Philosophy of Law / Revija Za Ustavno Teorijo in Filozofijo Prava*, no. 56 (December 2025), https://doi.org/10.4000/15fz5; Kaarlo Tuori, "The Levels of the Law," in *Critical Legal Positivism* (Routledge, 2002).

Prospects and Challenges of Customary Law in CSA Cases in Aceh: A Maqaṣid Approach

With the enactment of Law No. 44 of 1999 on the Special Status of Aceh—later reinforced by Law No. 11—Aceh was granted special authority in the fields of religion, education, customs, and the role of Islamic scholars. In particular, the administration of customs and customary law is regulated through nine legal instruments, including regional regulations and qanun governing mukim and gampong governance, the Aceh Customary Council (MAA), customary institutions, village administration, customary courts, and procedures for the settlement of customary disputes.[26]

However, these nine regulations do not provide detailed classifications or standards for criminal sanctions, as they primarily focus on institutional arrangements, authority, and mechanisms for resolving customary disputes. Their emphasis lies in strengthening the social function of customary law through deliberation, reconciliation, and the restoration of community harmony. Among these instruments, only Aceh Qanun No. 9 of 2008 on the Development of Customary Life and Traditions explicitly identifies the types of disputes that may be resolved through customary law. This qanun enumerates eighteen categories of disputes or conflicts, including: household disputes; disputes between families related to faraidh; disputes between residents; khalwat; disputes over property rights; theft within the family (minor theft); disputes over sehareukat property; minor theft; livestock theft; customary violations concerning livestock, agriculture, and forests; disputes at sea; disputes in markets; minor assault; small-scale forest fires that harm customary communities; harassment, slander, incitement, and defamation; minor environmental pollution; threats (depending on their nature); and other disputes that violate customs and traditions.[27]

Aceh Qanun No. 9 of 2008 lists eighteen categories of disputes or conflicts, many of which are criminal in nature rather than civil, including what is broadly referred to as “harassment”. The general wording of this category may give rise to the interpretation that cases of sexual harassment can be

---

[26] Bastiar Bastiar et al., “Syariat in Action: Assessing the Impact of Jinayat Law on Social Order in Aceh,” *Justicia Islamica* 22, no. 1 (June 2025): 159–84, https://doi.org/10.21154/justicia.v22i1.9913.

[27] Lauren Rumble et al., “Childhood Sexual Violence in Indonesia: A Systematic Review,” *Trauma, Violence, & Abuse* 21, no. 2 (April 2020): 284–99, https://doi.org/10.1177/1524838018767932.

resolved through customary law, even when they involve serious violations of morality or legal norms. However, the qanun does not provide clear definitions or specify sanctions for such violations, including harassment, which creates normative ambiguity in its application.[28]

In Aceh, sanctions for child sexual abuse are regulated under Qanun Jinayah No. 6 of 2014. Article 47 stipulates *ta'zīr* penalties for sexual harassment against children, including up to 90 lashes, a fine equivalent to 900 grams of pure gold, or imprisonment for up to 90 months. The Qanun clearly distinguishes sexual harassment from rape: sexual harassment involves indecent acts without consent, whereas rape entails sexual intercourse committed through violence, coercion, or threats. Consequently, rape is subject to substantially heavier sanctions under Articles 48 and 49, particularly when the victim is a *maḥram.*[29]

From the perspective of Acehnese Islamic criminal law, sexual violence against children is absolutely intolerable; no room for customary compromise that undermines victim protection. Islam views violence against children as causing serious harm to their physical, psychological, social, mental, and behavioural well-being, often resulting in long-term trauma and health consequences. Accordingly, protecting children from all forms of violence is not merely a moral responsibility, but also a religious obligation rooted in the core objectives of Sharia (*maqasid al-sharia*). For this reason, Islam prescribes severe criminal sanctions for perpetrators in proportion to the magnitude of the harm (*mafsadat*) caused, with the level and type of punishment corresponding to the seriousness of the act, with the main goal of the punishment being *al-iṣlaḥ wa al-tahdhib* (rehabilitation and development) and *ar-rad' wa az-zajr* (deterrence and warning). In Islam, besides retribution, punishment also serves to uphold a just social order, protect human dignity, and prevent the recurrence of crimes.[30]

---

[28] Yusrizal Hasbi et al., "Criminalising Women, Silencing Victims: Human Rights and Sharia Enforcement in Aceh," *De Jure: Jurnal Hukum dan Syar'iah* 17, no. 1 (June 2025): 175–203, https://doi.org/10.18860/j-fsh.v17i1.29635.

[29] Yuni Roslaili et al., "Mitigation Sexual Violence Against Children in Aceh," *Hikmatuna: Journal for Integrative Islamic Studies* 10, no. 1 (2024): 1–14; Ulvi Rohmatul Musyayyadah, Lukman Santoso, and Achmad Baihaqi, "Challenging Legal Injustice against Children in Incest Cases: A Progressive and Islamic Human Rights Approach," *De Jure: Jurnal Hukum Dan Syar'iah* 17, no. 2 (December 2025): 675–96, https://doi.org/10.18860/j-fsh.v17i2.36277.

[30] Ahmad Hanafi, *Asas-Asas Hukum Pidana Islam* (Jakarta: Bulan Bintang, 1990), 279.

When an offence is not subject to explicit ḥadd or qiṣaṣ provisions, then Islamic law imposes *ta'zir*, which is a sanction whose determination is left to the authorities or judge (*waliy al-amr*) through ijtihad for the public good. According to Wahbah al-Zuhaily, *ta'zir* is flexible, both in terms of its type and the level of its punishment, so it can be adjusted to the social context, the severity of the offence, and its impact on the offender.[31] This flexibility is not intended to weaken victim protection, but rather to ensure that punishment remains effective, educational, and proportionate.

However, despite the flexibility of the *taʿzīr* mechanism, it often gives insufficient attention to victims' rights, particularly in cases of child sexual abuse. The fiqh principle *lā ḍarar wa lā ḍirār* requires the elimination of harm, not its normalisation in the name of social harmony.[32] Accordingly, customary resolutions that risk prolonging trauma or enabling revictimization are inconsistent with the principles of Islamic criminal justice, as affirmed by the maxim *aḍ-ḍarar lā yuzāl bi al-ḍarar*.

Within the framework of *maqāṣid al-sharīa*, child protection is directly linked to *ḥifẓ al-nafs* (protection of life), *ḥifẓ al-ʿaql* (protection of intellect), and *ḥifẓ al-nasl* (protection of progeny), all of which fall within the category of *ḍarūriyyāt*.[33] Sexual violence against children, therefore, constitutes a grave violation of these essential objectives, making strict criminalisation, systematic prevention, and comprehensive victim rehabilitation imperative. In this context, law enforcement is not only a responsibility of the state but also a Sharia obligation to safeguard human dignity and ensure the continuity of future generations.

Field findings on the prospects and challenges of applying customary law in cases of child sexual abuse in Aceh indicate that the rising incidence of such cases is driven by interconnected social, economic, and cultural factors. These include low levels of religious literacy, moral decline, poverty, fragile

---

[31] Wahbah al-Zuhayli, *Al-Fiqh al-Islami Wa Adillatuhu*, VII (Damascus: Dar al-Fikr, 1985).

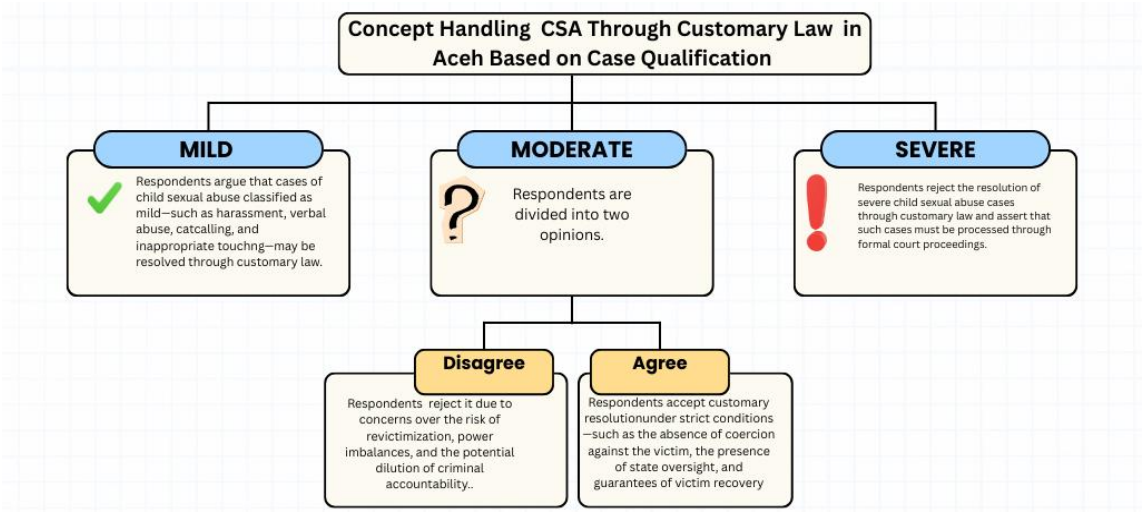
[32] Puja Aulia, Muhammad Fadil Alfarizi, and Khairul Mufti Rambe, "Punishment for Perpetrators and Performers of Immoral Acts in the Perspective of Islamic Criminal Law (Fiqh Jinayah)," *Al-Qanun: Jurnal Kajian Sosial Dan Hukum Islam* 3, no. 1 (March 2022): 14–24, https://doi.org/10.58836/al-qanun.v3i1.19681.

[33] Nur Lailatul Musyafa'ah et al., "Protection of Sexual Violence Victims from the Perspective of Maqāṣid Al-Sharīʻah," *Islamica: Jurnal Studi Keislaman* 18, no. 1 (September 2023): 134–56, https://doi.org/10.15642/islamica.2023.18.1.134-156.

family structures, and the erosion of customary values. This vulnerability is further intensified by the widespread access to digital media and pornography, along with weak social control and limited community supervision, particularly in rural areas, thereby increasing the risk of children becoming victims of sexual abuse and exploitation.

The interview findings reveal differing perspectives among respondents regarding the role of customary law in handling cases of child sexual abuse, largely depending on the severity of the offence. In general, respondents support the use of customary law for resolving minor cases, provided that the process is free from coercion and prioritises the interests of the victim, reflecting the limited and restorative function of customary law. For severe cases, all respondents favoured resolution through state courts, believing that formal legal processes offer better protection and accommodation for victims. Meanwhile, respondents were divided on moderate violation cases; some agreed while others opposed customary law as a mechanism for case resolution, due to the possibility of the case recurring and the suspicion that it could mitigate the punishment for the perpetrator.

Figure 1. Concept Handling CSA Cases in Aceh

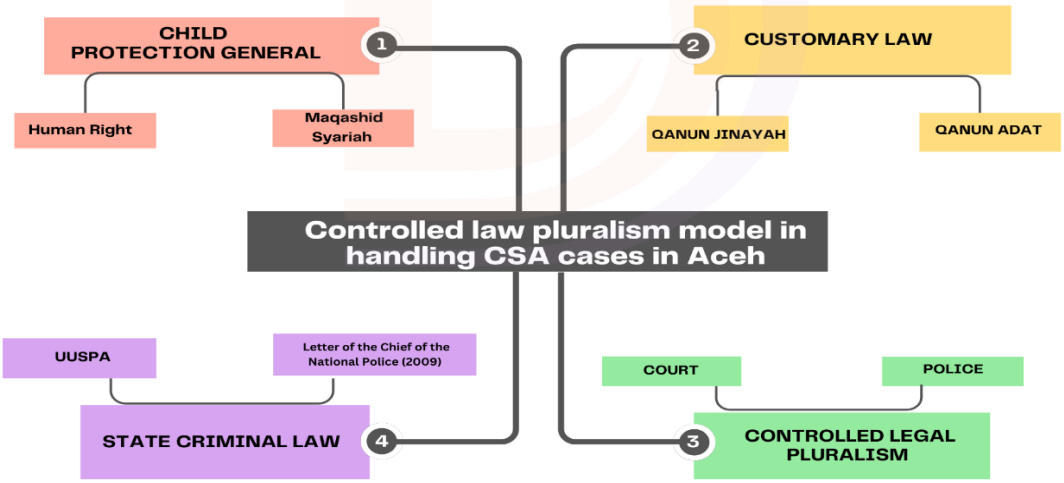


Source: authors, 2025.

The following illustration represents a model of controlled legal pluralism in the resolution of child sexual abuse cases in Aceh. In this case, both customary law and state criminal law operate in a complementary manner with the shared objective of protecting victims, while upholding *maqāṣid al-sharīa* and human rights as the highest normative standards. In addition, the function

of the state is the ultimate authority, ensuring accountability and protection for the victims.

Figure 2. Legal Pluralism Model for Handling Child Sexual Abuse (CSA)



Source: Authors, 2025.

In conclusion, the application of customary law is permissible under *maqāṣid al-sharīa* and *taʿzīr* only in cases of minor child sexual abuse, subject to strict state supervision and with justice and child protection as the primary priorities. In moderate and severe cases that constitute serious violations of human rights, customary law cannot be applied, and enforcement must fall under national law. Nevertheless, the application of customary law continues to face challenges, particularly in developing an integrative model that enables it to function as a supplementary restorative mechanism, while ensuring that national law and Islamic criminal law remain the primary instruments of adjudication to guarantee justice and effective protection for victims of child sexual abuse.

From a restorative justice perspective, Acehnese customary law has the potential to complement national law, particularly state courts, through its emphasis on deliberation, community participation, and social reintegration. However, the application of customary law in cases of sexual violence against children must be strictly limited to minor cases and centred on protection and recovery. When applied proportionally and within clear normative boundaries, customary mechanisms may support—rather than replace—the role of formal law.

Conclusion

This study found that Acehnese customary law represents a form of living law within a system of legal pluralism, recognised and protected by the state as a functional normative order. It operates primarily as a restorative and complementary mechanism rather than as a substitute for state criminal law. Its application remains subject to the supremacy of law and the protection of human rights, with state involvement ensuring the fulfilment of public interests and victims' rights. Furthermore, customary law in Aceh is applied in a limited manner, addressing only cases of minor sexual abuse against children, while serious cases are pursued through the formal judicial system. With regard to cases of moderate severity, community opinions remain divided, with some supporting customary resolution and others favouring state criminal proceedings. Accordingly, to effectively address cases of child sexual abuse, the government has established clear operational guidelines that distinguish levels of severity and emphasise victim consent, state supervision, and psychosocial recovery, to prevent injustice and revictimization.

From the perspective of *maqāṣid al-sharīa* and *taʿzīr*, the primary priority in addressing cases of sexual violence against children in Aceh is child protection as a *ḍarūriyyah* objective. Although *taʿzīr* allows flexibility, it must place strong emphasis on prevention, victim recovery, and perpetrator accountability. This approach requires comprehensive and inclusive legal policies that integrate strict enforcement of the Qanun Jinayah with robust victim protection measures and the reinforcement of religious and customary values. This is an effort to achieve justice, prevent recurrence of cases, ensure controlled restorative measures, and sustainability.

Further research would be valuable in examining more deeply the integration of customary law, national criminal law, and Islamic law in addressing cases of sexual violence against children in Aceh. This includes comparative studies across regions and research that directly incorporates the perspectives of victims. Analysis from this standpoint can help assess long-term impacts and evaluate the effectiveness of existing resolution mechanisms. In addition, there is a need for policy development and detailed normative guidelines to implement legal pluralism in a controlled manner, consistent with *maqāṣid al-sharīa* and human rights standards.

Acknowledgements

The authors would like to thank all sources and institutional stakeholders in Aceh for their valuable contributions. They also express their appreciation to the Justicia Islamica journal for publishing this research. The authors acknowledge the use of AI tools, including ChatGPT, solely for linguistic and conceptual assistance; all scientific judgment, data analysis, and legal interpretation remain the sole responsibility of the authors.

Disclosure Statement

Author 1 conceptualised the study, developed the theoretical framework, designed the methodology, conducted the research, interpreted the empirical data, and led the drafting and revision of the manuscript. Author 2 revised and translated the manuscript. Author 3 analysed and interpreted the empirical data and contributed to the discussion of the findings. Author 4 carried out data collection and fieldwork, including interviews and document review. Author 5 critically reviewed the manuscript and ensured its coherence, academic rigour, and compliance with journal standards. All authors read and approved the final manuscript.

References

Adi, Emmanuel Arianto Waluyo. "Penal Mediation as the Concept of Restorative Justice in the Draft Criminal Procedure Code." *Lex Scientia Law Review* 5, no. 1 (May 2021): 139–64. https://doi.org/10.15294/lesrev.v5i1.46704.

Abbas, Syahrizal, Head of the Modern Fiqh Study Program, Graduate School, UIN Ar-Raniry Banda Aceh, *Interview*, 5 June 2024.

Alhakim, Abdurrakhman. "Diversion As a Legal Concept That Is Equitable for Children in Indonesia." *Mizan: Jurnal Ilmu Hukum* 11, no. 2 (2022): 147. https://doi.org/10.32503/mizan.v11i2.3102.

Aulia, Puja, Muhammad Fadil Alfarizi, and Khairul Mufti Rambe. "Punishment for Perpetrators and Performers of Immoral Acts in the Perspective of Islamic Criminal Law (Fiqh Jinayah)." *Al-Qanun: Jurnal Kajian Sosial Dan Hukum Islam* 3, no. 1 (March 2022): 14–24. https://doi.org/10.58836/al-qanun.v3i1.19681.

Azwar, Welhendri, Muliono Muliono, Yuli Permatasari, Huriyatul Akmal, Syamsul Ibrar, and Melisa Melisa. "Nagari Customary Justice System in

West Sumatra." *Jurnal Bina Praja* 11, no. 1 (May 2019): 53–62. https://doi.org/10.21787/jbp.11.2019.53-62.

Bastiar, Bastiar, Bukhari, Bukhari, Anwar Anwar, Iswandi Iswandi, and Mowafg Abrahem Masuwd. "Syariat in Action: Assessing the Impact of Jinayat Law on Social Order in Aceh." *Justicia Islamica* 22, no. 1 (June 2025): 159–84. https://doi.org/10.21154/justicia.v22i1.9913.

Benda-Beckmann, Keebet Von, and Bertram Turner. "Legal Pluralism, Social Theory, and the State." *The Journal of Legal Pluralism and Unofficial Law* 50, no. 3 (September 2018): 255–74. https://doi.org/10.1080/07329113.2018.1532674.

Danial, Danial, Yoesrizal M. Yoesoef, and Nur Sari Dewi M. "Sexual Violence in the Islamic Law Perspective: Aceh Islamic Law and Local Wisdom Approach." *Ulumuna* 27, no. 1 (September 2023): 367–89. https://doi.org/10.20414/ujis.v27i1.677.

Epple, Susanne, and Getachew Assefa. *Legal Pluralism in Ethiopia: Actors, Challenges and Solutions*. Transcript Verlag, 2020.

Ezenwosu, Ifeyinwa L., and Benjamin S. C. Uzochukwu. "Prevalence, Risk Factors and Interventions to Prevent Violence against Adolescents and Youths in Sub-Saharan Africa: A Scoping Review." *Reproductive Health* 22, no. 1 (February 2025): 23. https://doi.org/10.1186/s12978-024-01926-7.

Fadhlan, Head of the DP3A Office of Aceh Besar, *Interview*, 16 May 2024.

Febriandi, Yogi, Muhammad Ansor, and Nursiti Nursiti. "Seeking Justice Through Qanun Jinayat: The Narratives of Female Victims of Sexual Violence in Aceh, Indonesia." *QIJIS (Qudus International Journal of Islamic Studies)* 9, no. 1 (July 2021): 103–40. https://doi.org/10.21043/qijis.v9i1.8029.

Hadriani, Ni Luh Gede. "Kontribusi Hukum Adat Dalam Pembangunan Hukum Nasional." *Maha Widya Bhuwana: Jurnal Pendidikan, Agama Dan Budaya* 4, no. 1 (2021): 1–9.

Hanafi, Ahmad. *Asas-Asas Hukum Pidana Islam*. Jakarta: Bulan Bintang, 1990.

Hasbi, Yusrizal, Ferdy Saputra, Hadi Iskandar, Laila Muhammad Rasyid, and Harun Harun. "Criminalising Women, Silencing Victims: Human Rights and Sharia Enforcement in Aceh." *De Jure: Jurnal Hukum Dan Syar'iah* 17, no. 1 (June 2025): 175–203. https://doi.org/10.18860/j-fsh.v17i1.29635.

Hasibuan, Darmansyah, Vice Chief Justice of the Aceh Sharia Court, *Interview*, 5 June 2024.

Husna, Fathayatul, and Ainal Fitri. "Gender-Based Dayah: The Role of Female Ulama in Trauma Recovery Strategies for Sexual Violence Victims in

Aceh." *Sawwa: Jurnal Studi Gender* 18, no. 2 (October 2023): 169–94. https://doi.org/10.21580/sa.v18i2.17416.

Juanda, Satria, Burhanuddin Abdul Gani, and Syarifah Rahmatillah. "The P2TP2A's Effort to Cope with the Intensification of Sexual Abuse of Children in Perspective of the Islamic Family Law (A Case Study at the City of Banda Aceh)." *El-Usrah: Jurnal Hukum Keluarga* 6, no. 1 (September 2023): 115–30. https://doi.org/10.22373/ujhk.v6i1.11992.

Karmila. "Pola Penyelesaian Kasus Kekerasan Dalam Rumah Tangga Dalam Adat Gayo." *Journal of Society Innovation And Development* 2, no. 2 (2017): 1–15.

Khamim, Khamim, Moch. Choirul Rizal and Andi Ardiyan Mustakim. "Convergence of Restorative Justice and Al-'Afwu: Reforming Criminal Procedure Law in Indonesia." *Justicia Islamica* 22, no. 2 (November 2025): 277–302. https://doi.org/10.21154/justicia.v22i2.9807.

Lindahl, Hans. "Kaarlo Tuori on Legal Positivism and Modern State Law." *Revus. Journal for Constitutional Theory and Philosophy of Law / Revija Za Ustavno Teorijo in Filozofijo Prava*, no. 56 (December 2025). https://doi.org/10.4000/15fz5.

Ludfi, Ludfi, Jumati Jumiati, and Febriana Hidayati. "Mediasi Penal: Alternatif Penyelesaian Perkara KDRT." *Hukum Islam* 18, no. 1 (2018): 19. https://doi.org/10.24014/hi.v18i1.6168.

Musyafa'ah, Nur Lailatul, Ahlam Nugraha, Muhammad Ilham Akbar, and Cecep Soleh Kurniawan. "Protection of Sexual Violence Victims from the Perspective of Maqāṣid Al-Sharī'ah." *Islamica: Jurnal Studi Keislaman* 18, no. 1 (September 2023): 134–56. https://doi.org/10.15642/islamica.2023.18.1.134-156.

Musyayyadah, Ulvi Rohmatul, Lukman Santoso, and Achmad Baihaqi. "Challenging Legal Injustice against Children in Incest Cases: A Progressive and Islamic Human Rights Approach." *De Jure: Jurnal Hukum Dan Syar'iah* 17, no. 2 (December 2025): 675–96. https://doi.org/10.18860/j-fsh.v17i2.36277.

Nashriyah, Nashriyah, Alfiatunnur Alfiatunnur, and Tya D. J. Hermawan. "Examining the Efforts of the Aceh Government in Dealing with Child Victims of Sexual Violence." *Gender Equality: International Journal of Child and Gender Studies* 7, no. 2 (September 2021): 273–87. https://doi.org/10.22373/equality.v7i2.10903.

Nashriyah, Head of PSGA, UIN Ar-Raniry Banda Aceh, *Interview*, 6 June 2024.

Nova, Efren. "Penerapan Restorative Justive Dalam Penyelesaian Tindak Kekerasan Terhadap Perempuan Dan Anak Sebagai Perwujudan Hak Asal

Usul Di Sumatera Barat." *Unes Journal of Swara Justisia* 7, no. 2 (August 2023): 817–35. https://doi.org/10.31933/ujsj.v7i2.383.

Pebriantoro, Elco, and Arpangi Arpangi. "Penal Mediation as an Ideal Effort to Realise Restorative Justice in Class II B Open Prison, Kendal Regency." *Ratio Legis Journal* 4, no. 2 (June 2025): 1812–29. https://doi.org/10.30659/rlj.4.2.%2525p.

Prasetyo, Dedy Ardian, and Rahimah Embong. "The Impact of Human Rights Principles on the Criminal Act of Caning: Asymmetric Decentralisation Insight." *Journal of Human Rights, Culture and Legal System* 5, no. 1 (March 2025): 60–90. https://doi.org/10.53955/jhcls.v5i1.528.

Purdiantika, Fernenda, and Lukman Santoso. "Pengaturan Marital Rape Di Indonesia Perspektif Fiqh Jinayah Tentang Keluarga." *Jurnal Antologi Hukum* 4, no. 2 (October 2024): 340–64. https://doi.org/10.21154/antologihukum.v4i2.3965.

Ramli, Misran, Syamsul Rijal, Reni Surya, and Irhamni Malika. "State, Custom, and Islamic Law in Aceh: Minor Dispute Resolution in the Perspective of Legal Pluralism." *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 8, no. 2 (May 2024): 872–90. https://doi.org/10.22373/sjhk.v8i2.15924.

Rafi'uddin, Chief Justice of the Aceh Provincial Sharia Court, *Interview*, 5 June 2024.

Ridha, Legal Counsel at DP3A Aceh Province, *Interview*, 7 June 2024.

Roslaili, Yuni, Marina Ulfah, Muhammad Muzaky, Siti Aisyah, and others. "Mitigation of Sexual Violence Against Children in Aceh." *Hikmatuna: Journal for Integrative Islamic Studies* 10, no. 1 (2024): 1–14.

Rumble, Lauren, Ryan Fajar Febrianto, Melania Niken Larasati, Carolyn Hamilton, Ben Mathews, and Michael P. Dunne. "Childhood Sexual Violence in Indonesia: A Systematic Review." *Trauma, Violence, & Abuse* 21, no. 2 (April 2020): 284–99. https://doi.org/10.1177/1524838018767932.

Salami, Salami, Fadhilah Fadhilah, Miftahul Jannah, and Inayatillah Inayatillah. "Portrait of Sexual Harassment Victims and Religious Support of the Parents in Aceh." *Jurnal Ilmiah Peuradeun* 8, no. 2 (May 2020): 313–26. https://doi.org/10.26811/peuradeun.v8i2.470.

Sarmono, Mulya. "Pembaharuan Hukum Pidana Kehutanan Terhadap Eksistensi Masyarakat Hukum Adat Di Indonesia." *Jurnal Adhikari* 2, no. April (2023): 468–78.

Schwartz, Ivy L. "Sexual Violence Against Women: Prevalence, Consequences, Societal Factors, and Prevention." *American Journal of Preventive Medicine* 7, no. 6 (November 1991): 363–73. https://doi.org/10.1016/S0749-3797(18)30873-0.

Sorochinski, Marina, and Abigail K. Wall. "Rates, Risk Factors, and Consequences of Technology-Facilitated Sexual Violence in the U.S. Adult Population: A Survey Study." *Journal of Child Sexual Abuse* 34, no. 4 (May 2025): 424–45. https://doi.org/10.1080/10538712.2025.2517546.

Sufriadi, Yanto, Laily Ratna, and Syarifudin. "The Violence in Conflict of Natural Resources Tenure Rights- Companies Vs Traditional Communities in Indonesia." *UUM Journal of Legal Studies* 15, no. 1 (2024): 197–220. https://doi.org/10.32890/uumjls2024.15.1.9.

Tharp, Andra Teten, Sarah DeGue, Linda Anne Valle, Kathryn A. Brookmeyer, Greta M. Massetti, and Jennifer L. Matjasko. "A Systematic Qualitative Review of Risk and Protective Factors for Sexual Violence Perpetration." *Trauma, Violence, & Abuse* 14, no. 2 (April 2013): 133–67. https://doi.org/10.1177/1524838012470031.

Tuori, Kaarlo. "The Levels of the Law." In *Critical Legal Positivism*. Routledge, 2002.

Tusseau, Guillaume. *Debating Legal Pluralism and Constitutionalism: New Trajectories for Legal Theory in the Global Age*. Ius Comparatum 41. Cham: Springer, 2020.

Valevi, Muhammad Redha, Chief Justice of the Aceh Besar Sharia Court, Jantho, *Interview*, 20 May 2024.

Walker-Descartes, Ingrid, Gillian Hopgood, Luisa Vaca Condado, and Lori Legano. "Sexual Violence Against Children." *Pediatric Clinics of North America* 68, no. 2 (2021): 427–36. https://doi.org/10.1016/j.pcl.2020.12.006.

Wiweka, Gede Rhama Sukmayoga, Ida Bagus Surya Dharma Jaya, and I Wayan Suardana. "Penyelesaian Kasus Kekerasan Seksual Terhadap Anak Berdasarkan Hukum Adat Bali Di Desa Sudaji Kecamatan Sawan Buleleng." *E-Journal Ilmu Hukum Kertha Wicara* 8, no. 11 (2019): 1–15.

Zainun, Asnawi, Head of the Aceh Besar Customary Council, Jantho, *Interview*, 20 May 2024.

Zubaidah, Siti, Musakkir Musakkir, Syamsuddin Muchtar, Wiwie Heryani, and Ahmad Masum. "Integrating Tradition into Legal Reform: Reconstructing the Role of Reconciliatory Customary Judges in Diversion Processes within the Interplay of Islamic, Customary, and National Law." *Jurnal Ilmiah Mizani: Wacana Hukum, Ekonomi Dan Keagamaan* 12, no. 2 (July 2025): 447–61. https://doi.org/10.29300/mzn.v12i2.8439.

Zuhayli, Wahbah al-. *Al-Fiqh al-Islami Wa Adillatuhu*. VII. Damascus: Dar al-Fikr, 1985.