

Efektivitas Penegakan Hukum Terhadap Pelanggaran Khalwat di Kota Langsa Berdasarkan Qanun Jinayat

The Effectiveness of Law Enforcement Against Khalwat Violations in Langsa City Based on The Qanun Jinayat

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ABSTRACT

This study aims to analyze the effectiveness of law enforcement on khalwat violations in Langsa City based on Qanun Aceh Number 6 of 2014 concerning Jinayat Law. The research employs an empirical juridical method with a qualitative approach through interviews and literature review. The findings indicate that law enforcement by Wilayatul Hisbah has not been fully effective, as reflected in the gap between normative provisions and actual practices. The main challenges include limited facilities and infrastructure, lack of human resources and investigators, insufficient operational budget, low public legal awareness, the dominance of customary settlement mechanisms, and weak coordination among law enforcement institutions. Nevertheless, preventive efforts such as routine patrols, public outreach, joint operations, and coordination with village authorities have been implemented to reduce violations. Therefore, strengthening institutional capacity, improving coordination, and enhancing public legal awareness are necessary to achieve effective and just law enforcement.

Keywords: *Khalwat, Law Enforcement, Wilayatul Hisbah, Qanun Jinayat, Legal Effectiveness.*

ABSTRAK

Penelitian ini bertujuan untuk menganalisis efektivitas penegakan hukum terhadap pelanggaran khalwat di Kota Langsa berdasarkan Qanun Aceh Nomor 6 Tahun 2014 tentang Hukum Jinayat. Metode yang digunakan adalah yuridis empiris dengan pendekatan kualitatif melalui wawancara dan studi kepustakaan. Hasil penelitian menunjukkan bahwa penegakan hukum oleh Wilayatul Hisbah belum berjalan efektif, yang ditandai dengan adanya kesenjangan antara ketentuan normatif dan praktik di lapangan. Kendala utama meliputi keterbatasan sarana dan prasarana, kekurangan sumber daya manusia dan penyidik, minimnya anggaran, rendahnya kesadaran hukum masyarakat, dominasi penyelesaian melalui mekanisme adat, serta lemahnya koordinasi antar lembaga penegak hukum. Meskipun demikian, upaya preventif seperti patroli rutin, sosialisasi, razia gabungan, dan koordinasi dengan aparat gampong telah dilakukan untuk menekan pelanggaran. Oleh karena itu, diperlukan penguatan kapasitas kelembagaan, peningkatan koordinasi, serta peningkatan kesadaran hukum masyarakat guna mewujudkan penegakan hukum yang efektif dan berkeadilan.

Kata Kunci: *Khalwat, Penegakan Hukum, Wilayatul Hisbah, Qanun Jinayat, Efektivitas Hukum*

INTRODUCTION

Aceh Province occupies a distinctive position within the constitutional framework of the Republic of Indonesia due to its special autonomy, which grants the region broader authority in regulating its internal affairs than other provinces.¹ This special status is constitutionally recognized through Law Number 44 of 1999

¹ Suharno, S. (2021). Aceh's special autonomy in the perspective of asymmetric decentralization policies. *Jurnal Civics: Media Kajian Kewarganegaraan*, 18(2), 276-285. <https://doi.org/10.21831/jc.v18i2.43607>

concerning the Implementation of the Special Status of the Province of the Special Region of Aceh, which provides Aceh with specific authority in the fields of religious life, customary institutions, education, and the role of Islamic scholars in public governance (Law No. 44 of 1999). The enactment of this legislation marked the beginning of the Indonesian government's formal recognition of Aceh's historical, cultural, and religious distinctiveness. Subsequently, Aceh's autonomous status was significantly reinforced through Law Number 11 of 2006 concerning the Governance of Aceh, enacted following the Helsinki Memorandum of Understanding (MoU) signed in 2005 between the Government of the Republic of Indonesia and the Free Aceh Movement (*Gerakan Aceh Merdeka*).² This law provides Aceh with broader legislative and administrative authority, including the constitutional mandate to formulate and implement Islamic law (*Sharia*) as an integral component of its regional legal system (Law No. 11 of 2006).³

The implementation of Islamic law in Aceh extends beyond the regulation of religious rituals and encompasses a comprehensive legal framework governing individual morality, social interaction, economic transactions, family law, and criminal justice.⁴ In accordance with the provisions of the Law on the Governance of Aceh, the provincial government possesses the authority to enact regional regulations known as *Qanun*, which serve as legally binding instruments incorporating Islamic legal principles into positive law. These regulations are supported by specialized legal institutions established to administer and enforce Islamic law, including the Sharia Courts (*Mahkamah Syar'iyah*) and the *Wilayatul Hisbah* (Islamic Religious Police). The *Wilayatul Hisbah* performs a strategic function in monitoring compliance with Islamic legal norms, providing public education regarding religious obligations, conducting preventive supervision, and enforcing the provisions of the *Qanun Jinayat*, particularly in relation to offenses against Islamic morality and public order.⁵

Among the offenses regulated under the *Qanun Jinayat* is *khalwat*, which refers to the unlawful seclusion of a man and a woman who are neither legally married nor within a prohibited degree of kinship (*mahram*) in circumstances that may create opportunities for immoral conduct, particularly adultery (*zina*).⁶ *Khalwat* is categorized as a moral offense because it is considered a precursor to more serious violations of Islamic criminal law. The legal basis governing this

² Mukhlis, Sulthanah, and Hanri Aldino. "Pertimbangan Hakim Dalam Putusan Perkara Nomor 15/Pid. B/2021/PN. Sgi Terhadap Tindak Pidana Makar Atas Aksi Pemasangan Spanduk Aceh Merdeka." *Meukuta Alam: Jurnal Ilmiah Mahasiswa* 6, no. 2 (2024): 299-313. <https://doi.org/10.33059/majim.v6i2.10868>

³ Sanur, D. (2020). Implementasi kebijakan otonomi khusus di Aceh [implementation of special autonomy policies in Aceh]. *Jurnal Politika Dinamika Masalah Politik Dalam Negeri Dan Hubungan Internasional*, 11(1), 65-83. <https://doi.org/10.22212/jp.v11i1.1580>

⁴ Iqbal, Muhammad, Muksalmina Muksalmina, and Radhali Radhali. 2025. "Rekognisi Hukum Terhadap Adat Haria Peukan Dalam Praktik Perdagangan Tradisional Di Aceh: Studi Dalam Perspektif Hukum Dagang Dan Hukum Adat". *REUSAM: Jurnal Ilmu Hukum* 13 (1):42-57. <https://doi.org/10.29103/reusam.v13i1.21941>.

⁵ Djasas, Mursyid, Abidin Nurdin, Muslim Zainuddin, Idham Idham, and Zahratul Idami. "Harmonization of State, Custom, and Islamic Law in Aceh: Perspective of Legal Pluralism." *Hasanuddin Law Review* 10, no. 1 (2025): 64-82. <https://doi.org/10.20956/halrev.v10i1.4824>

⁶ Kirana, Andi, Mohd Din, Husni Jalil, and Iman Jauhari. "REFORMULATION OF SEXUAL HARASSMENT REGULATION IN JINAYAT LAW: A VICTIM-CENTERED APPROACH IN THE WORKPLACE." *PETITA: JURNAL KAJIAN ILMU HUKUM DAN SYARIAH* 11, no. 1 (2026): 445-463. <https://doi.org/10.22373/petita.v11i1.864>

offense is stipulated in *Qanun Aceh* Number 6 of 2014 concerning *Jinayat Law*, which classifies *khalwat* as a *jarimah* punishable through discretionary sanctions (*ta'zir*). These sanctions may include public caning, monetary fines, or imprisonment, depending on the severity of the offense and judicial consideration. The primary objective of criminalizing *khalwat* is not merely punitive but also preventive, aiming to preserve public morality, protect social values, and safeguard the objectives of Islamic law (*maqāṣid al-sharī'ah*), particularly the protection of religion, lineage, and societal order (Qanun Aceh No. 6 of 2014).⁷

The adoption of the *Qanun Jinayat* reflects Aceh's commitment to integrating Islamic legal principles into its regional governance. Nevertheless, the practical implementation of these legal norms presents significant challenges. Although the regulatory framework provides detailed legal provisions governing *khalwat*, the consistency and effectiveness of law enforcement remain subjects of considerable academic and public debate. Effective law enforcement requires not only comprehensive legal regulations but also impartial implementation, institutional integrity, procedural consistency, and public acceptance. Consequently, evaluating the practical operation of the *Qanun Jinayat* is essential to determine whether its normative objectives are being realized in everyday legal practice.

Langsa City, one of the municipalities within Aceh Province, constitutes a particularly relevant setting for examining the implementation of Islamic criminal law. As a regional government responsible for enforcing the *Qanun Jinayat*, Langsa has established institutional mechanisms involving the *Wilayatul Hisbah*, the Sharia Court, law enforcement agencies, and local government authorities to address violations of Islamic law. However, empirical evidence indicates that the enforcement of *khalwat* regulations in Langsa has encountered various practical obstacles. Statistical data concerning *khalwat* violations between 2021 and 2025 demonstrate fluctuations in the number of reported cases, reflecting both variations in public compliance and inconsistencies in law enforcement practices. Furthermore, not all reported violations proceed through formal judicial mechanisms. Instead, a considerable number of cases are resolved through customary dispute settlement processes at the village or community level, involving traditional leaders, village heads, or religious figures.

The coexistence of formal legal enforcement and informal customary dispute resolution illustrates the pluralistic nature of Aceh's legal system. While customary mechanisms may contribute to social harmony and conflict resolution within local communities, their widespread application in *khalwat* cases raises important legal questions regarding consistency, equality before the law, and legal certainty. The selective application of formal legal procedures may generate disparities in the treatment of offenders and undermine public confidence in the impartiality of the legal system. Consequently, the interaction between Islamic criminal law, state law, and customary law represents an important area of scholarly inquiry within the broader context of legal pluralism in Aceh.

⁷ Taniro, Suhada, Anhar Nasution, Muhammad Iqbal, Jummaidi Saputra, and Muksalmina Muksalmina. "Penyebaran Konten Ikhtilat Melalui Media Sosial Menurut Hukum Pidana Islam Di Aceh." *Suloh: Jurnal Fakultas Hukum Universitas Malikussaleh* 12, no. 1 (2024): 73-89. <https://doi.org/10.29103/sjp.v12i1.15821>

From a theoretical perspective, the effectiveness of law enforcement is influenced by multiple interconnected factors. According to legal effectiveness theory, successful implementation of legal norms depends upon the quality of legal substance, the competence and integrity of law enforcement institutions, the availability of adequate facilities and institutional support, the level of public legal awareness, and the prevailing legal culture within society. Similarly, Friedman's theory of the legal system emphasizes that the achievement of legal objectives depends upon the harmonious interaction between three essential components: legal substance, legal structure, and legal culture. Weaknesses or imbalances within any of these components may significantly reduce the effectiveness of law enforcement, regardless of the comprehensiveness of the legal framework itself.⁸

Empirical observations concerning the enforcement of *khalwat* regulations in Langsa further reveal several indicators of inconsistency. These include unequal treatment of individuals accused of similar offenses, the frequent preference for informal settlements rather than formal judicial proceedings, inconsistent prosecutorial practices, and allegations of selective law enforcement influenced by social status or other non-legal considerations. Such conditions demonstrate a substantial discrepancy between the normative expectations embodied in the *Qanun Jinayat* and the realities of legal implementation. This discrepancy not only affects the realization of legal certainty and justice but also raises broader concerns regarding institutional accountability, public trust, and the credibility of Islamic criminal law as an instrument of regional governance.

Considering these legal and empirical challenges, a comprehensive examination of the effectiveness of law enforcement against *khalwat* violations in Langsa City is both timely and necessary. Such a study is expected to provide a systematic analysis of the institutional, legal, and socio-cultural factors influencing the implementation of the *Qanun Jinayat*, while also identifying the obstacles that hinder effective law enforcement. Furthermore, the findings are anticipated to contribute to the development of more consistent, transparent, and equitable strategies for implementing Islamic criminal law in Aceh.

RESEARCH METHOD

This study employs an empirical juridical approach, combining field research and literature review. Primary data were collected through interviews with selected respondents and key informants, while secondary data were obtained from relevant legal documents, books, and academic literature.⁹ The research was conducted in Langsa City, Aceh Province. The respondents consisted of two officers from *Wilayahul Hisbah* and three village (*gampong*) officials. In addition, key informants included an Islamic criminal law academic, an investigator from *Wilayahul Hisbah*, the Head of the Islamic Sharia Office of Langsa City, and a judge from the Sharia Court of Langsa. All collected data, both primary and secondary,

⁸ Halim, Mustafa' Afifi Ab, Shabrina Zata Amni, and Mufti Maulana. "Legal System in the Perspectives of HLA Hart and Lawrence M. Friedman." *Peradaban Journal of Law and Society* 2, no. 1 (2023): 51-61. <https://doi.org/10.59001/pjls.v2i1.83>

⁹ Yulis, Sari. "Metodologi Penelitian Hukum sebagai Kerangka Analisis Isu Hukum Kontemporer." *Locus Journal of Academic Literature Review* 4, no. 9 (2025): 808-818. <https://doi.org/10.56128/ljoalr.v4i9.800>

were analyzed qualitatively using an empirical juridical approach. The data were systematically organized, interpreted, and examined in light of relevant legal theories and regulations to draw conclusions and formulate recommendations.¹⁰

RESEARCH OUTCOME AND DISCUSSION

1. Legal Regulations Concerning *Khalwat* Violations Under the *Qanun Jinayat* in Langsa City

The legal regulation of *khalwat* in Aceh constitutes one of the most distinctive manifestations of the province's special autonomy in implementing Islamic law within Indonesia's national legal system. Unlike other provinces, Aceh possesses constitutional authority to formulate and enforce regional legislation based on Islamic legal principles, as guaranteed by Law Number 11 of 2006 concerning the Governance of Aceh.¹¹ Within this legal framework, the prohibition of *khalwat* represents not merely a criminal regulation but also a reflection of the close interaction between Islamic legal norms, customary values (*adat*), and the sociocultural identity of Acehnese society. Consequently, the regulation of *khalwat* should be understood as part of a broader legal policy aimed at preserving public morality, maintaining social order, and safeguarding the objectives of Islamic law (*maqāṣid al-sharī'ah*).¹²

Acehnese society has long regarded religion and customary law as inseparable normative foundations governing social life. The well-known Acehnese maxim, "*hukom ngon adat lagee zat ngon sifeut*" (law and custom are inseparable like substance and its attributes), illustrates the philosophical relationship between Islamic law and customary institutions.¹³ Within this normative framework, conduct that violates Islamic moral principles is simultaneously perceived as an offense against communal values and local traditions. Consequently, the prohibition of *khalwat* derives not only from religious doctrine but also from deeply rooted customary norms that emphasize modesty, family honor, and communal responsibility. Both normative systems operate harmoniously in regulating social interactions between men and women and collectively contribute to maintaining public morality within Acehnese.

From the perspective of Islamic criminal jurisprudence, *khalwat* refers to the unlawful seclusion of a man and a woman who are neither legally married nor within a prohibited degree of kinship (*mahram*) in circumstances that create opportunities for immoral conduct, particularly adultery (*zina*).¹⁴ Although

¹⁰ Iqbal, Muhammad, Zaki Ulya Radhali, Andi Rachmad, Hanri Aldino, and Muhammad Iqbal Asnawi. "*Metodologi Penelitian Hukum (Panduan Teoritis Dan Praktis)*." CV Sangpena Media (2025).

¹¹ Nasrullah, Nasrullah, Carissa Shifa Novendra, and M. Farel Reyhan. "The Challenges of Islamic Criminal Law Implementation in Aceh Shariah Court." *Diponegoro Law Review* 9, no. 1 (2024): 121-135. <https://doi.org/10.14710/dilrev.9.1.2024.121-135>

¹² Bastiar, Bastiar, Bukhari Bukhari, Anwar Anwar, Iswandi Iswandi, and Mowafg Abraham Masuwd. "Syariat in Action: Assessing the Impact of Jinayat Law on Social Order in Aceh." *Justicia Islamica* 22, no. 1 (2025): 159-184. <https://doi.org/10.21154/justicia.v22i1.9913>

¹³ Mansur, Teuku Muttaqin, Sulaiman Sulaiman, and Hasbi Ali. "Adat Court in Aceh, Indonesia: A Review of Law." *Jurnal Ilmiah Peuradeun* 8, no. 2 (2020): 423-442. <https://doi.org/10.26811/peuradeun.v8i2.443>

¹⁴ Reza, Muhd Reza Mahrizal, and Imam Yazid. "The Ngembakh Tradition of the Alas Tribe in Kute Mejile Village: An Islamic Criminal Law Perspective." *Jurisprudensi: Jurnal Ilmu Syariah, Perundang-Undangan dan Ekonomi Islam* 17, no. 1 (2025): 310-325. <https://doi.org/10.32505/jurisprudensi.v17i1.11323>

khalwat itself is not categorized as *zina*, classical Islamic jurisprudence considers it a prohibited act because it may facilitate more serious criminal behavior. The prohibition is therefore grounded in the principle of *sadd al-dharā'i'* (blocking the means to unlawful acts), which seeks to prevent the occurrence of greater harm by prohibiting conduct that potentially leads to prohibited actions. Accordingly, the criminalization of *khalwat* under Acehese law reflects a preventive legal policy rather than a purely punitive approach, emphasizing the protection of public morality and the preservation of social order before more serious violations occur.

The principal legal basis governing *khalwat* in Aceh is *Qanun Aceh* Number 6 of 2014 concerning *Jinayat Law*, which codifies various offenses under Islamic criminal law applicable within the province. This *Qanun* classifies *khalwat* as one of the *jarimah ta'zir*, namely offenses for which the type and severity of punishment are determined by governmental authority rather than being explicitly prescribed in the Qur'an or Sunnah.¹⁵ Unlike *hudud* crimes, which involve fixed punishments, *ta'zir* sanctions provide judges with discretionary authority to determine appropriate penalties based on the circumstances of each individual case. This flexibility reflects the adaptive nature of Islamic criminal law in responding to varying social contexts while preserving the overarching objectives of justice, deterrence, and public welfare.

Specifically, Article 23 of *Qanun Aceh* Number 6 of 2014 stipulates that individuals found guilty of committing *khalwat* may be sentenced to a maximum of ten lashes of public caning, a fine equivalent to 100 grams of pure gold, or imprisonment for a maximum period of ten months (*Qanun Aceh* No. 6 of 2014). The availability of alternative sanctions illustrates the legislature's intention to ensure proportionality in sentencing while allowing judges to consider the seriousness of the offense, the offender's personal circumstances, evidentiary factors, and the broader social consequences of the violation. Judicial discretion therefore constitutes an essential element of the *ta'zir* system, enabling courts to balance legal certainty with substantive justice in individual cases.

Beyond prescribing criminal sanctions, the *Qanun Jinayat* serves broader normative objectives within Acehese society. The regulation of *khalwat* is designed not only to punish offenders but also to promote moral education, strengthen public awareness of Islamic ethical values, and encourage responsible social behavior. In this respect, the criminalization of *khalwat* embodies two complementary objectives within Islamic legal philosophy. First, it functions as a preventive mechanism through the doctrine of *sadd al-dharā'i'*, preventing opportunities for conduct that may lead to *zina*. Second, it contributes to *tahdhīb al-nafs* (moral self-discipline), encouraging individuals to internalize ethical values rather than merely complying with legal rules due to fear of punishment. Consequently, the regulation seeks to integrate legal enforcement with moral development as part of a comprehensive approach to social governance.

The implementation of substantive criminal provisions concerning *khalwat* is further supported by *Qanun Aceh* Number 7 of 2013 concerning *Jinayat*

¹⁵ Ali, Bukhari. "Legal Policy on the Enactment of Criminal Law for Homosexuals in Aceh Province, Indonesia." *JALR: Journal of Arraniry Law Review* 1, no. 2 (2025): 116-131. <https://doi.org/10.15294/jalr.v1i2.10404>

Procedural Law, which establishes procedural safeguards governing investigation, prosecution, adjudication, and execution of criminal sanctions.¹⁶ The procedural *Qanun* aims to ensure that enforcement activities are conducted in accordance with due process while maintaining fairness, transparency, and legal certainty throughout criminal proceedings. By regulating procedural aspects separately from substantive criminal law, Aceh seeks to strengthen the legitimacy and accountability of Islamic criminal justice institutions.

In Langsa City, the enforcement of *khalwat* regulations generally begins with preventive supervision conducted by the *Wilayatul Hisbah*, the institution responsible for monitoring compliance with Islamic law. Officers routinely conduct patrols and inspections in locations considered vulnerable to *khalwat* violations, including hotels, boarding houses, tourist attractions, recreational parks, cafés, and other public facilities where unlawful seclusion may occur. When a suspected violation is identified, officers undertake preliminary investigative measures by securing the location, verifying the identities of the individuals involved, collecting initial evidence, interviewing witnesses, and documenting relevant facts. If sufficient evidence exists, the case is formally transferred to investigators and public prosecutors before being adjudicated by the *Mahkamah Syar'iyah* (Sharia Court). During judicial proceedings, judges evaluate not only the legal elements required to establish criminal liability but also mitigating and aggravating circumstances, ensuring that any sanction imposed remains proportionate and consistent with the principles of justice embodied in Islamic criminal law (*Qanun Aceh* No. 7 of 2013).

In addition to formal judicial mechanisms, the regulation of *khalwat* in Langsa City recognizes the continuing role of customary institutions in resolving social disputes. This recognition is provided under *Qanun Aceh* Number 9 of 2008 concerning the Development of Customary Life, which authorizes village-level customary institutions to facilitate the settlement of certain disputes through restorative and community-based mechanisms. Within this framework, community leaders, *Keuchik*, religious leaders, and customary elders may participate in resolving relatively minor incidents through mediation, reconciliation, public apologies, or other customary sanctions intended to restore social harmony. These mechanisms emphasize restoration rather than punishment and reflect the longstanding tradition of communal dispute resolution within Acehnese society. Although customary settlements do not legally replace criminal sanctions under the *Qanun Jinayat*, they function as complementary mechanisms that strengthen community participation, encourage voluntary compliance with social norms, and reduce the burden on formal judicial institutions (*Qanun Aceh* No. 9 of 2008).

The coexistence of formal legal institutions and customary dispute resolution illustrates the pluralistic character of Aceh's legal system. Rather than operating in isolation, Islamic criminal law, state law, and customary law interact dynamically to regulate social behavior according to both legal principles and local

¹⁶ Yezar, Dimas Muhammad, and Faisal Riza. "Legal Harmonization Between Aceh's Qanun Jinayat and Indonesia's National Criminal Code." *Abdurrauf Law and Sharia* 3, no. 1 (2026): 111-131. <https://doi.org/10.70742/arlash.v3i1.572>

cultural values. This legal pluralism enhances the legitimacy of law enforcement by ensuring that legal norms remain socially acceptable while maintaining consistency with constitutional principles and Islamic teachings. Nevertheless, the interaction between formal and informal mechanisms also requires careful coordination to avoid inconsistencies, unequal treatment, or uncertainty regarding the application of criminal law.

Overall, the legal framework governing *khalwat* violations in Langsa City represents a comprehensive and integrated regulatory system that combines substantive criminal law, procedural safeguards, institutional enforcement, and customary dispute resolution. This multidimensional approach reflects Aceh's constitutional authority to implement Islamic law while simultaneously accommodating the sociocultural realities of Acehnese society. The regulation of *khalwat* therefore extends beyond the mere imposition of criminal sanctions, functioning instead as a broader legal instrument for preserving public morality, strengthening legal consciousness, promoting social cohesion, and advancing the objectives of Islamic law. Consequently, understanding the legal regulation of *khalwat* requires an appreciation not only of its statutory provisions but also of its broader role in harmonizing legal certainty, religious values, customary traditions, and social justice within Aceh's unique pluralistic legal system.

2. The Effectiveness of Law Enforcement by the *Wilayatul Hisbah* in Addressing *Khalwat* Violations in Langsa City Based on the *Qanun Jinayat*

The effectiveness of law enforcement is not determined solely by the number of criminal cases detected, investigated, or prosecuted, but rather by the extent to which legal norms are consistently implemented in accordance with established procedural standards and are capable of achieving the objectives of justice, legal certainty, and social order. Within the context of Islamic criminal law in Aceh, the effectiveness of law enforcement is measured by the ability of legal institutions to translate the normative provisions of the *Qanun Jinayat* into practical enforcement capable of preventing violations, ensuring accountability, and fostering public compliance with Islamic legal principles. Consequently, evaluating the performance of law enforcement institutions requires an assessment not only of quantitative indicators but also of the consistency, integrity, and sustainability of legal processes.

Wilayatul Hisbah (WH) occupies a central position within Aceh's Islamic criminal justice system. As the institution specifically mandated to supervise compliance with Islamic law, the *Wilayatul Hisbah* functions as the primary agency responsible for enforcing the *Qanun Jinayat*, particularly in relation to offenses involving public morality, including *khalwat*. Its responsibilities extend beyond routine supervision and preventive education to include receiving public complaints, conducting preliminary investigations, securing evidence, interviewing witnesses, coordinating with investigators and prosecutors, and referring criminal cases to the *Mahkamah Syar'iyah* (Sharia Court) once sufficient legal evidence has been established. Accordingly, the effectiveness of the *Wilayatul Hisbah* significantly influences the overall implementation of Islamic criminal law in Aceh,

particularly in municipalities such as Langsa City where the *Qanun Jinayat* is actively enforced.¹⁷

Normatively, the legal framework governing *khalwat* enforcement is clearly established. *Qanun Aceh* Number 6 of 2014 concerning *Jinayat* Law classifies *khalwat* as a *jarimah ta'zir*, subject to criminal sanctions in the form of public caning, monetary fines, or imprisonment. Article 23 specifically authorizes the imposition of a maximum of ten lashes, a fine equivalent to 100 grams of pure gold, or imprisonment for up to ten months. These substantive provisions are complemented by *Qanun Aceh* Number 7 of 2013 concerning *Jinayat* Procedural Law, which regulates procedural stages including investigation, prosecution, adjudication, and execution of criminal sanctions.¹⁸ Collectively, these regulations establish a comprehensive legal framework intended to ensure that every proven *khalwat* violation is processed through formal judicial mechanisms while guaranteeing procedural fairness and legal certainty.

From a doctrinal perspective, every reported *khalwat* offense that satisfies the evidentiary requirements should proceed through the formal criminal justice process. Following the detection of a suspected violation, the *Wilayatul Hisbah* is expected to conduct preliminary investigations, secure relevant evidence, identify the individuals involved, and coordinate with competent law enforcement authorities. Where sufficient evidence exists, the case should be transferred to the public prosecutor and subsequently adjudicated by the *Mahkamah Syar'iyah*. This procedural sequence reflects the normative expectation embodied in the *Qanun Jinayat*, whereby legal certainty and equality before the law are maintained through consistent institutional implementation. Under this framework, the *Wilayatul Hisbah* serves as the principal gatekeeper responsible for ensuring that *khalwat* violations enter the formal judicial process.

Despite the clarity of the legal framework, empirical observations indicate that the implementation of these normative provisions has not consistently corresponded with legal expectations. The persistence of *khalwat* violations, despite the existence of comprehensive regulations and enforcement institutions, suggests that the legal framework has not yet achieved its intended deterrent effect. This condition illustrates the classical distinction between *das sollen* (the law as it ought to operate) and *das sein* (the law as it actually functions in practice), revealing a substantial implementation gap between statutory regulation and institutional reality. The continued occurrence of *khalwat* offenses raises important questions regarding the practical effectiveness of law enforcement rather than the adequacy of the legal norms themselves.

Empirical findings obtained through interviews with officers of the *Wilayatul Hisbah* further demonstrate that not every reported *khalwat* case proceeds to formal prosecution. Several practical obstacles frequently hinder the

¹⁷ Heliany, Ina, Widowati Widowati, and Muhenni Sihotang. "The pluralism of Indonesian criminal law: implications and orientations in the post-new criminal code." *SASI* 29, no. 3 (2023): 514-523. <https://doi.org/10.47268/sasi.v29i3.1494>

¹⁸ Mulizar, Mulizar, Asmuni Asmuni, and Dhiauddin Tanjung. "Maqashid Sharia Perspective of Legal Sanction for *Khalwat* Actors in Aceh." *Al-Istinbath: Jurnal Hukum Islam* 7, no. 1 May (2022): 161-182. <https://doi.org/10.29240/jhi.v7i1.3587>

continuation of criminal proceedings, including insufficient admissible evidence, limited investigative capacity, intervention by community leaders, social and familial pressures, and the widespread preference for resolving disputes through informal or customary mechanisms before formal legal action is initiated. These factors collectively reduce the number of cases reaching the judicial stage, thereby weakening the consistency of law enforcement and diminishing the deterrent function of Islamic criminal law.

A notable illustration of these institutional challenges is the *khalwat* incident that occurred in Gampong Baro, Langsa Lama, in October 2024. The case involved a village official who was allegedly apprehended under circumstances indicating a possible *khalwat* violation. Owing to the individual's public position, the incident attracted considerable public attention and generated widespread discussion within the local community. Nevertheless, despite the public significance of the case, its legal disposition remained uncertain. Reports indicated that the matter was ultimately returned to village authorities for local settlement rather than being processed through formal judicial procedures. The absence of a definitive judicial resolution demonstrates the existence of ambiguity concerning institutional authority and illustrates the tension between formal law enforcement institutions and customary governance structures in addressing *khalwat* offenses.

The discontinuity of criminal proceedings has significant implications for the operation of the Islamic judicial system. As emphasized by judges of the *Mahkamah Syar'iyah* of Langsa, judicial authority can only be exercised over cases that are formally submitted through the prescribed procedural channels. Consequently, when cases are resolved outside the formal legal process, the court is deprived of jurisdiction to examine the evidence, determine criminal liability, and impose legally binding sanctions. Numerous *khalwat* cases therefore never progress beyond the preliminary stage because they are diverted into customary dispute resolution mechanisms before reaching formal. Such practices interrupt the criminal justice process and prevent the legal system from achieving its intended objectives of legal certainty, accountability, and consistency.

Evidence obtained from interviews with village leaders further indicates that informal settlement has become the dominant mechanism for resolving *khalwat* cases within many communities in Langsa City. Rather than referring offenders to the *Wilayatul Hisbah* or encouraging formal judicial proceedings, community leaders frequently address incidents through customary deliberation involving mediation, counseling, public apologies, or other restorative measures. Although these mechanisms may contribute to maintaining social harmony and preventing communal conflict, their extensive use effectively positions formal criminal law as a secondary or exceptional mechanism rather than the principal means of enforcing the *Qanun Jinayat*. Consequently, the preventive and deterrent objectives underlying Islamic criminal law are only partially realized because many violations are resolved without formal judicial accountability.

From a theoretical perspective, these empirical findings demonstrate that the principal challenges affecting law enforcement effectiveness lie not in the substantive provisions of the *Qanun Jinayat*, but rather in their institutional implementation. This observation is consistent with Soerjono Soekanto's theory of

legal effectiveness, which identifies five interrelated determinants of effective law enforcement: legal substance, law enforcement personnel, supporting facilities and infrastructure, societal attitudes, and legal culture. Within the context of *khalwat* enforcement in Langsa City, the substantive legal framework is relatively comprehensive, while the most significant obstacles arise from institutional coordination, law enforcement practices, community legal culture, and the interaction between formal judicial institutions and customary dispute resolution mechanisms.

Furthermore, Lawrence M. Friedman's legal system theory provides additional analytical insight into the implementation gap observed in Langsa City. According to Friedman, an effective legal system depends upon the harmonious interaction of legal substance, legal structure, and legal culture. Although Aceh possesses a well-developed body of substantive Islamic criminal law, the effectiveness of its implementation is constrained by structural weaknesses including overlapping institutional authority and by a legal culture that continues to prioritize customary reconciliation over formal adjudication. This imbalance prevents the legal system from functioning as an integrated mechanism capable of achieving the objectives of justice, deterrence, and legal certainty.

Overall, the available evidence indicates that the enforcement of *khalwat* regulations by the *Wilayatul Hisbah* in Langsa City has not yet achieved the level of effectiveness envisaged by *Qanun Aceh* Number 6 of 2014 concerning *Jinayat* Law. This conclusion is supported by persistent inconsistencies in case handling, interruptions in the formal criminal justice process, overlapping institutional authority between formal and customary institutions, limited continuity of prosecution, and the predominance of informal settlements that do not produce legally binding judicial decisions. As a result, the deterrent effect intended by the *Qanun Jinayat* has not been fully realized, thereby reducing both legal certainty and public confidence in the implementation of Islamic criminal law.

Accordingly, enhancing the effectiveness of *khalwat* law enforcement requires comprehensive institutional reform rather than merely strengthening criminal sanctions. Priority should be given to improving coordination between the *Wilayatul Hisbah*, the police, public prosecutors, the *Mahkamah Syar'iyah*, and customary institutions through clearly defined procedural guidelines. In addition, increasing the investigative capacity of the *Wilayatul Hisbah*, providing adequate operational resources, strengthening professional training for enforcement personnel, and establishing mechanisms to ensure that cases satisfying legal requirements proceed consistently through the formal judicial process would substantially improve legal certainty and institutional accountability. Such measures would reinforce the implementation of the *Qanun Jinayat*, enhance public trust in Islamic criminal justice institutions, and contribute to the realization of a more effective, transparent, and equitable system of law enforcement in Langsa City.

3. The Challenges and Efforts Undertaken by the *Wilayatul Hisbah* in Handling *Khalwat* Violations in Langsa City

The implementation of Islamic criminal law in Aceh represents one of the most distinctive features of the province's special autonomy within Indonesia's constitutional framework. Pursuant to Law Number 11 of 2006 concerning the Governance of Aceh, regional governments are authorized to formulate and enforce Islamic legal norms through regional legislation (*Qanun*). One of the principal manifestations of this authority is the regulation and enforcement of *khalwat*, which refers to the unlawful seclusion of a man and a woman who are neither legally married nor within a prohibited degree of kinship (*mahram*) under circumstances that may give rise to suspicion of immoral conduct. The criminalization of *khalwat* reflects the preventive philosophy of Islamic criminal law, which seeks to preserve public morality and prevent conduct that may ultimately lead to adultery (*zina*).

The substantive legal basis governing *khalwat* is contained in *Qanun Aceh* Number 6 of 2014 concerning *Jinayat* Law, particularly Article 23, which categorizes *khalwat* as a *jarimah ta'zir* punishable by public caning, monetary fines, or imprisonment. The implementation of these provisions is entrusted primarily to the *Wilayatul Hisbah* (WH), the institution responsible for supervising compliance with Islamic law, conducting preventive education, monitoring public behavior, investigating alleged violations, and coordinating criminal proceedings before the *Mahkamah Syar'iyah* (Sharia Court). Although the legal framework governing *khalwat* enforcement is relatively comprehensive, the practical implementation of these responsibilities has encountered numerous institutional and societal obstacles. Consequently, the effectiveness of law enforcement depends not only upon the existence of adequate legal norms but also upon the institutional capacity of the *Wilayatul Hisbah* and the level of public acceptance of Islamic criminal law.¹⁹

The challenges confronting the *Wilayatul Hisbah* in Langsa City may generally be classified into two broad categories, namely internal institutional constraints and external societal constraints. These challenges collectively influence the consistency, effectiveness, and credibility of *khalwat* law enforcement while simultaneously shaping public perceptions of Islamic criminal justice.

Internal constraints refer to obstacles originating from within the institutional structure of the *Wilayatul Hisbah*. These challenges primarily concern organizational capacity, human resources, financial support, and institutional infrastructure, all of which directly influence the agency's ability to implement the *Qanun Jinayat* effectively.

One of the most significant institutional challenges is the inadequacy of operational facilities and supporting infrastructure. Effective law enforcement requires appropriate detention facilities, interview rooms, evidence storage, administrative equipment, patrol vehicles, and communication technology.

¹⁹ Sari, Nur Mala, Febiawan Suparman Mustar, Abdul Manan, Jailani Jailani, and Cut Maya Aprita Sari. "Legal Pluralism and the Enforcement of Zina Offences: Analysis of Customary and Jinayat Law in the Alas Community, Aceh." *Justicia Islamica* 23, no. 2 (2026): 449-476. <https://doi.org/10.21154/justicia.v23i2.12655>

However, the *Wilayatul Hisbah* office in Langsa City continues to experience substantial deficiencies in these essential facilities. In particular, the absence of proper temporary detention or rehabilitation facilities frequently results in individuals apprehended for alleged *khalwat* violations being released shortly after arrest pending further legal action. This recurring "*catch-and-release*" practice diminishes the perceived authority of the institution, weakens the deterrent effect of law enforcement, and contributes to public skepticism regarding the seriousness and consistency of Islamic criminal justice. Furthermore, inadequate transportation and operational equipment significantly restrict routine patrol activities, particularly during nighttime operations and in geographically dispersed areas where *khalwat* violations are more likely to occur.

A second major internal constraint concerns the limited availability of qualified human resources. The number of *Wilayatul Hisbah* personnel currently assigned to Langsa City remains insufficient relative to the geographical coverage and operational demands of law enforcement. Officers are expected to perform multiple functions simultaneously, including preventive education, routine supervision, investigations, administrative reporting, community outreach, and coordination with other law enforcement agencies. This excessive workload inevitably reduces institutional efficiency and limits the frequency and effectiveness of monitoring activities. The shortage of personnel becomes particularly problematic during evenings, weekends, and religious holidays, when the potential occurrence of *khalwat* violations is generally higher.

Another fundamental institutional weakness lies in the limited number of Civil Servant Investigators (*Penyidik Pegawai Negeri Sipil-PPNS*) assigned to the *Wilayatul Hisbah*. Under the procedural framework established by *Qanun Aceh* Number 7 of 2013 concerning *Jinayat* Procedural Law, properly trained investigators are indispensable for conducting legally valid criminal investigations. The insufficient number of certified PPNS officers substantially restricts the institution's capacity to investigate alleged violations in accordance with procedural requirements. Consequently, some cases experience significant delays or cannot proceed beyond the preliminary investigation stage because the available investigative personnel are unable to manage the increasing workload. This institutional deficiency not only affects administrative efficiency but also raises concerns regarding procedural legality and the admissibility of evidence before the *Mahkamah Syar'iyah*.

Financial limitations constitute an additional internal obstacle affecting institutional performance. Effective enforcement of the *Qanun Jinayat* requires adequate operational funding to support routine patrols, surveillance activities, professional training, public education campaigns, investigative operations, and institutional development. However, budget allocations for the *Wilayatul Hisbah* remain relatively limited compared to its expanding responsibilities. Insufficient financial resources restrict opportunities for professional capacity-building, procurement of modern investigative equipment, technological modernization, and community outreach programs. Consequently, institutional development has not kept pace with the increasing complexity of law enforcement responsibilities, thereby limiting the agency's overall effectiveness.

In addition to institutional challenges, the *Wilayatul Hisbah* encounters numerous external obstacles arising from the broader social, cultural, and legal environment. These external factors significantly influence both public compliance with Islamic law and the effectiveness of enforcement activities.

One of the principal external challenges is the relatively low level of public legal awareness concerning the objectives and legal consequences of *khalwat* regulations. Although Aceh formally implements Islamic law, not all members of society fully understand the legal rationale underlying the criminalization of *khalwat*. Some individuals continue to perceive *khalwat* as a purely private matter that should be resolved within families or local communities rather than through state intervention. Such perceptions are influenced by differing interpretations of privacy, changing social values, and the growing influence of individualism associated with modernization. Moreover, Langsa City's increasing population mobility has resulted in a substantial number of migrants originating from regions where Islamic criminal law is not implemented. Many newcomers therefore possess limited knowledge regarding the legal obligations established under the *Qanun Jinayat*, increasing the likelihood of inadvertent violations. Public misconceptions portraying the *Wilayatul Hisbah* primarily as a punitive institution rather than an educational and preventive agency further reduce community cooperation in law enforcement activities.

Another significant challenge concerns the community's preference for resolving *khalwat* cases through customary (*adat*) mechanisms instead of formal judicial proceedings. Acehnese society has a longstanding tradition of resolving disputes through community deliberation involving village leaders (*keuchik*), religious scholars, customary elders, and family representatives.²⁰ Although such mechanisms contribute to social harmony and conflict resolution, their widespread application in *khalwat* cases frequently diverts criminal matters away from formal legal institutions. Consequently, many cases are resolved through mediation, public apologies, or community sanctions without proceeding to prosecution before the *Mahkamah Syar'iyah*. This practice creates a degree of normative dualism between *Qanun Aceh* Number 9 of 2008 concerning the Development of Customary Life and *Qanun Aceh* Number 6 of 2014 concerning *Jinayat* Law, thereby generating uncertainty regarding institutional authority and reducing the deterrent effect intended by formal criminal sanctions. Accordingly, greater harmonization between customary dispute resolution mechanisms and the formal Islamic criminal justice system remains necessary to ensure consistency and legal certainty.

Socio-cultural considerations also constitute an important factor influencing law enforcement. Acehnese communities traditionally place considerable emphasis on maintaining family honor, social cohesion, and communal harmony. As a result, many families prefer resolving *khalwat* incidents privately to avoid public embarrassment and social stigma. While such approaches are understandable within the local cultural context, they often discourage victims,

²⁰ Iqbal, Muhammad, Azhari Yahya, and Husni Kamal. "Pola Penyelesaian Sengketa Dalam Rumah Tangga Melalui Peradilan Adat Gampong Di Aceh." *Jurnal Geuthèë: Penelitian Multidisiplin* 3, no. 1 (2020): 383-392. <https://doi.org/10.52626/jg.v3i1.72>

witnesses, and community members from reporting violations through official channels. Consequently, informal settlements have become institutionalized as the preferred mechanism for handling *khalwat* cases, thereby limiting the broader educational and deterrent functions of Islamic criminal law.

A further external challenge concerns the relatively weak coordination among institutions responsible for enforcing the *Qanun Jinayat*. Although the *Wilayatul Hisbah* serves as the primary supervisory agency, effective law enforcement requires close collaboration with the Indonesian National Police, public prosecutors, the *Mahkamah Syar'iyah*, local government authorities, and customary institutions. In practice, however, coordination among these institutions remains inconsistent. Differences in institutional priorities, administrative procedures, evidentiary standards, and interpretations of legal authority frequently delay case processing or prevent cases from progressing through the formal criminal justice system. Ineffective communication during the transfer of cases from the *Wilayatul Hisbah* to investigators and prosecutors often results in procedural delays, incomplete investigations, or the discontinuation of criminal proceedings. These coordination problems ultimately undermine both legal certainty and public confidence in the enforcement of Islamic criminal law.

Despite these challenges, the *Wilayatul Hisbah* has undertaken several initiatives to strengthen the enforcement of *khalwat* regulations in Langsa City. Preventive strategies have been prioritized through continuous public education programs, religious outreach, and legal awareness campaigns conducted in schools, universities, mosques, and local communities. Routine patrols have been intensified in locations considered vulnerable to *khalwat* violations, including hotels, cafés, recreational areas, and boarding houses. The institution has also sought to enhance cooperation with village governments, religious leaders, and community organizations to encourage early reporting of suspected violations and promote voluntary compliance with Islamic legal norms.

At the institutional level, efforts have also been directed toward improving professional capacity through specialized training for *Wilayatul Hisbah* officers, advocating for increased recruitment of PPNS investigators, and proposing greater budget allocations from the regional government to strengthen operational capabilities. Furthermore, initiatives have been undertaken to improve inter-agency coordination through regular meetings, joint operations, and the development of standardized procedures for case referrals involving the *Wilayatul Hisbah*, the police, prosecutors, and the *Mahkamah Syar'iyah*. These collaborative measures are intended to reduce procedural inconsistencies and establish a more integrated system of Islamic criminal law enforcement.

In conclusion, the challenges confronting the *Wilayatul Hisbah* in handling *khalwat* violations in Langsa City are multidimensional, encompassing institutional limitations, legal and procedural deficiencies, socio-cultural dynamics, and weaknesses in inter-agency coordination. While Aceh possesses a comprehensive legal framework for enforcing the *Qanun Jinayat*, the effectiveness of implementation ultimately depends upon strengthening institutional capacity, improving public legal awareness, harmonizing customary and formal legal mechanisms, and enhancing cooperation among all relevant law enforcement

institutions. Addressing these interconnected challenges is essential for ensuring that the objectives of Islamic criminal law namely justice, legal certainty, public morality, and social welfare are effectively realized within the unique legal and cultural context of Aceh.

CONCLUSION

The findings of this study demonstrate that the legal framework governing *khalwat* violations in Langsa City is normatively comprehensive, as it is founded upon *Qanun Aceh* Number 6 of 2014 concerning *Jinayat* Law and supported by *Qanun Aceh* Number 7 of 2013 concerning *Jinayat* Procedural Law. These regulations provide a clear legal basis for defining *khalwat* as a *jarimah ta'zir*, prescribing criminal sanctions, and establishing procedural mechanisms for investigation, prosecution, and adjudication. Furthermore, the implementation of these provisions reflects Aceh's constitutional authority to enforce Islamic law while integrating Islamic legal principles with local customary values. Nevertheless, the existence of an adequate legal framework alone has not been sufficient to ensure the effective realization of the objectives of the *Qanun Jinayat*.

The empirical findings reveal that the effectiveness of law enforcement by the *Wilayatul Hisbah* remains constrained by both internal and external factors. Internally, the institution faces significant challenges related to limited operational facilities, insufficient human resources, an inadequate number of Civil Servant Investigators (*PPNS*), and budgetary constraints that reduce its capacity to perform effective supervision and investigation. Externally, law enforcement is influenced by low levels of public legal awareness, the predominance of customary (*adat*) dispute resolution, socio-cultural preferences for informal settlements, and weak coordination among law enforcement institutions. These interconnected challenges contribute to inconsistencies in case handling, prevent many *khalwat* cases from reaching the *Mahkamah Syar'iyah*, and diminish the deterrent effect intended by Islamic criminal law.

Accordingly, improving the effectiveness of *khalwat* law enforcement requires a comprehensive and integrated approach that extends beyond strengthening criminal sanctions alone. Institutional reforms should prioritize increasing the operational capacity of the *Wilayatul Hisbah*, expanding the number of qualified investigators, enhancing inter-agency coordination, and ensuring adequate financial and logistical support from the regional government. At the same time, greater efforts should be directed toward strengthening public legal awareness and harmonizing the relationship between formal Islamic criminal law and customary dispute resolution mechanisms. Such measures are essential to promote legal certainty, reinforce public confidence in Islamic criminal justice institutions, and ensure that the implementation of the *Qanun Jinayat* effectively advances the principles of justice, public morality, and social welfare in Aceh.

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