



Universiteit
Leiden
The Netherlands

Forum-shopping in criminal law: power and pragmatism in gayo, Aceh, Indonesia

Arfiansyah; Bedner, A.W.

Citation

Bedner, A. W. (2024). Forum-shopping in criminal law: power and pragmatism in gayo, Aceh, Indonesia. *Legal Pluralism And Critical Social Analysis*, 56(3), 479-496.
doi:10.1080/27706869.2024.2385233

Version: Publisher's Version
License: [Creative Commons CC BY 4.0 license](#)
Downloaded from: <https://hdl.handle.net/1887/4177541>

Note: To cite this publication please use the final published version (if applicable).



Forum-shopping in criminal law: power and pragmatism in gayo, Aceh, Indonesia

Arfiansyah & Adriaan Bedner

To cite this article: Arfiansyah & Adriaan Bedner (2024) Forum-shopping in criminal law: power and pragmatism in gayo, Aceh, Indonesia, *Legal Pluralism and Critical Social Analysis*, 56:3, 479-496, DOI: [10.1080/27706869.2024.2385233](https://doi.org/10.1080/27706869.2024.2385233)

To link to this article: <https://doi.org/10.1080/27706869.2024.2385233>



© 2024 The Author(s). Published by Informa UK Limited, trading as Taylor & Francis Group



Published online: 07 Aug 2024.



Submit your article to this journal [↗](#)



Article views: 359



View related articles [↗](#)



View Crossmark data [↗](#)

Forum-shopping in criminal law: power and pragmatism in gayo, Aceh, Indonesia

Arfiansyah^a and Adriaan Bedner^b

^aUniversitas Islam Negara Ar-Rainiry, Banda Aceh, Indonesia; ^bLeiden University, Leiden, The Netherlands

ABSTRACT

In one of her earliest publications Keebet von Benda-Beckmann examined how villagers in West Sumatra engaged strategically in forum shopping and with shopping forums under conditions of legal pluralism. The insights in her article how this influenced the power constellation in the village have inspired many researchers to look at the interplay between justice seekers and forums for dispute resolution in a plural legal landscape, and how in this process authority is produced. Our article builds on Keebet's work, looking at forum shopping in cases of sexual offences in Gayo (Aceh). We discuss how the post-conflict reform of criminal law in Aceh has led to a state-sanctioned condition of legal pluralism consisting of national law, customary (adat) law and Aceh *jinayat* (Acehnese Islamic criminal law). Village officials, human rights activists, police and prosecutors channel crimes into the legal system that best suits their goals – sometimes in conformity with, sometimes in violation of the formal rules of jurisdiction. The result is a new balance of power between these actors, in which – surprisingly – adat officials and police have gained most from the introduction of Aceh *jinayat*. However, the introduction of state legal pluralism has not produced competition between the constituent legal systems, but rather expanded the potential for more differentiated responses to sexual offences in a society characterized by profoundly conservative values.

ARTICLE HISTORY

Received 18 December 2023

Accepted 24 July 2024

KEYWORDS

Legal Pluralism;
Indonesia; Islamic law;
criminal law; forum
shopping

Introduction

In the aftermath of the devastating tsunami that hit Aceh in December 2004, the Indonesian government and the Free Aceh Movement (*Gerakan Aceh Merdeka*) resumed peace negotiations which led to the end of a civil war that had been going on for several decades. Aceh remained part of Indonesia but retained the special autonomy it had been given in 1999 and used this status to introduce new Islam-based legislation, including Islamic criminal law (*jinayat*). To most observers this came as a surprise, as the introduction of Islamic law had never been a major demand of the rebels (Aspinall 2005, 30–31). Moreover, the introduction of orthodox forms of Islamic criminal law seemed somewhat of a leap into the dark.

CONTACT Adriaan Bedner  a.w.bedner@law.leidenuniv.nl

© 2024 The Author(s). Published by Informa UK Limited, trading as Taylor & Francis Group

This is an Open Access article distributed under the terms of the Creative Commons Attribution License (<http://creativecommons.org/licenses/by/4.0/>), which permits unrestricted use, distribution, and reproduction in any medium, provided the original work is properly cited. The terms on which this article has been published allow the posting of the Accepted Manuscript in a repository by the author(s) or with their consent.

Nonetheless, the introduction of Islam-based legislation quickly became a way for the Acehese political elite to distinguish the province from other parts of Indonesia. Even before the Peace Agreement was concluded the Aceh government already enacted four *Qanun* (provincial Shari'ia laws) on Islamic criminal law offences (11/2002, and 12, 13 and 14/2003). These prescribed conservative Islam-inspired dress codes for women, and contained prohibitions on gambling, and on consuming alcohol, and on the being together of an unmarried man and woman in a secluded place in such a way that it might lead to sexual contact (*khalwat*). The *Qanun* also introduced caning and flogging as punishments. Later on the entire body of *jinayat* was compiled in *Qanun* 6/2014, with some provisions added – including a prohibition on homosexual relations and sexual relations outside of marriage (*zina*).¹ Article 72 explicitly states that if acts are punishable under the Aceh *jinayat* and national criminal law, the former prevails (Butt 2018, 420).

These developments did not go unnoticed and raised considerable protest from human rights activists in Indonesia and abroad. They argued that Aceh *jinayat* should respect the human rights guaranteed in the Human Rights Law of 1999 and the Constitution, because Aceh's Special Autonomy Law (11/2006) does not contain a clause authorizing such an exception. However, the lawsuit the Indonesian Center for Criminal Law Reform (ICJR) brought to the Supreme Court on this topic was rejected for procedural reasons, most likely because the Court was unwilling to address the highly politicised issue (Butt 2018, 423).

The *jinayat* thus became firmly entrenched in Aceh's legal system, which suggests that criminal law in Aceh now consists of two partly overlapping bodies of criminal law. However, matters are more complicated, as in fact Acehese criminal law now comprises *three* such bodies: national law, Aceh *jinayat* and customary (*adat*) law. This actually should not come as a surprise, given that customary law is an official source of criminal law anywhere in Indonesia. In 1951 the national government recognized *adat* as a valid source of law for addressing offences that are not regulated in national criminal law, up to a maximum punishment of 10 years imprisonment (Emergency Law 1/1951 Art. 5(3)).

In the case of Aceh it is important to notice that Aceh *adat* differs considerably from Aceh *jinayat*, both in substance, procedure and punishment. For instance, under *adat* law those engaging in sexual relations outside marriage can be expelled from the village, which is not possible under Aceh *jinayat*. Thus, seen from a state law perspective Aceh now has three criminal law systems, each with their own rules, procedures and institutions and with jurisdictions that are partly separate and partly overlapping.

This resembles the legally plural constellation Keebet von Benda-Beckmann encountered in West Sumatra when she and her husband Franz conducted research there in the 1970s. Just as in Aceh today, law in West Sumatra was (and still is) characterized by a triangle of state law, Islamic law and *adat* law. Her observations on this triangle led Keebet to write her classic article on forum shopping and shopping forums (K. Von Benda-Beckmann 1981, see also Lund 2021), which laid the foundation for many studies in the field of dispute resolution in situations of legal pluralism.² Most importantly, Keebet demonstrated how forums are not passive, but actively seek out which cases they want to decide and which ones they try to avoid, how they do this and what the effects on their authority are.

The present article discusses how legal pluralism in criminal law in Aceh works out in practice. To what extent are these systems competing, how do actors involved try to use them for their own purposes, and what are the outcomes? In answering these questions we take Keebet's article as the point of departure for our analysis. Our account is based on fieldwork conducted by the first author in Gayo, Central Aceh, from August 2014 to July 2015 and from July to September 2017.³ Having read Keebet's work prior, we did expect to encounter attempts at forum shopping by victims of crimes and also to see forums shop for cases. However, these expectations were met in part only.

Forum shopping indeed occurred. Other similarities were that formal jurisdictional rules were of limited importance,⁴ intermediaries played key roles, arguments were often framed in terms of promoting peace, and the most powerful actors were adat officials, as they decide which cases should be brought to the higher legal institutions of the state and which ones should be handled internally by the adat tribunal. Certain actors also reinforced their power by forum shopping, such as adat/village officials, police and prosecutors.

However, forums in Gayo were not shopping themselves. They were embedded in legally plural constellations that did not push them to. Furthermore, intermediaries in Aceh pursued different goals: their main objective was to protect victims and not to promote their own authority. The process of deciding land disputes in West Sumatra was hence far more contentious than the criminal law processes we found in Gayo. Overall the three legal systems operate in relative harmony rather than that they are competing: forum shopping in Gayo today seems far less driven by political considerations than forum shopping in the 1970s in West Sumatra.

The main objective Gayo village officials, police and prosecutors seem to pursue in dealing with jurisdictional rules is to protect victims of sexual offences as well as juvenile offenders, who both traditionally have a weak position in the harsh legal reality of a conservative, patriarchal society. The existence of three criminal law systems in one social field enables the legal agents to move cases from one system to the other, sometimes following the official rules, sometimes bending them to what they think is right. Which legal system is selected is determined by the creativity of legal actors, who will not hesitate to overrule the formal design of legal jurisdiction of the three legal systems.

This article is divided into six sections. The first one discusses how the present arrangement of legal pluralism in Aceh evolved and what the formal design of its legal boundaries is. The second section discusses the Gayonese understanding of sexuality and how it affects the case proceedings. The third section looks at a particular case, discussing the role of non-state legal agents, paralegals and activists in influencing the local ideas on sexuality, and how together with state actors they drive the choice for a particular combination of interventions based on different legal systems. The fourth section zooms in on the role of the police and public prosecutors in cases involving sexual abuse, while the fifth and sixth look at the non-abusive sexual offences of premarital and extramarital sex respectively. This discussion is followed by the conclusion, where we examine our findings in the light of the forum shopping/shopping forums nexus.

The arrangement of legal pluralism in criminal law in contemporary Aceh

That today officially Aceh has three legal systems to deal with criminal offences – adat law, Aceh *jinayat* and Indonesian national law – is a political outcome of the turmoil following the economic and political crisis of 1998. The Free Aceh Movement (GAM) used this situation to intensify their campaign for secession and in response the national government offered special autonomy to Aceh. Laws 44/1999 and 18/2001 provided for autonomy in religious, cultural, and educational affairs, and for reinforcement of the position of Islam and adat in the system of government. This included the introduction of Islamic commercial law and Islamic criminal law. The Aceh government at the time and the Indonesian military saw the introduction of these as a way to reinforce their Islamic credentials at the expense of the GAM. However, in response the GAM started to promote a similar agenda (Arfiansyah 2009) and thus both parties committed themselves firmly to the introduction of Aceh Shari'a.⁵

Between 2002 and 2004, the Aceh government enacted a series of provincial regulations (Qanun) that laid the foundation for making Aceh *jinayat* part of the provincial plural legal architecture.⁶ The Qanun changed the name of the Islamic court (*pengadilan agama*) into Mahkamah Syar'iyah and expanded its jurisdiction from family matters (*ahwal al-syakhshiyyah*) to trade and commerce (*muamalah*), and to *jinayat* offences. These criminal offences included eating and drinking in public spaces during Ramadan, dressing in non-Islamic attire, drinking liquor, gambling, as well as paying insufficient *zakat* (alms) or misusing and misdistributing them. In the field of sexual offences the relatively minor offence of *khalwat* – the being together of two unmarried people of the opposite sex in a private place – was introduced.

The Helsinki Peace agreement of 2005 widened the scope of special autonomy and the new Law on the Government of Aceh (11/2006) expressed the wish to introduce more Islamic law, specifically mentioning *jinayat* (Art. 125(2)). It took seven years before Qanun 7/2013 started realizing this objective by regulating the authority of the police, public prosecutor, and judges in *jinayat* offences. The list of such offences was considerably expanded in the next year, when Qanun 6/2014 introduced the prohibition of homosexual acts (*musahaqah* and *liwath*), *zina* (pre-marital and extramarital sex), rape, sexual abuse, dating in public space and false allegations of *zina* (*Qazhab*).⁷

Concurrently with the introduction of Aceh *jinayat*, the Aceh government re-organized adat institutions. It established the Adat Aceh Assembly (MAA, *Majelis Adat Aceh*) at the provincial level and made local adat institutions part of the state structure by turning them into village institutions. This means that village officials are at the same time adat officials. The government also provided a new legal basis for punishing adat crimes, when in 2011 the Adat Aceh Assembly (MAA, *Majelis Adat Aceh*) – representing the Aceh government – and the regional police department signed a joint agreement on the jurisdiction of adat institutions, followed by Aceh Governor's Decree 60/2013. The joint agreement and the Decree delineated the jurisdiction of the police, the *mukim* (hamlet community institution) and village officials. Adat institutions have no authority now to deal with cases concerning crimes against life, or with theft

involving losses exceeding IDR 2,5 million. However, they can be involved in cases ranging from minor theft to any act that offends 'local norms'. This allows adat authorities wide discretion to assume jurisdiction over acts they judge as criminal, including sexual offences. The new regulation thus created a huge overlap with both Aceh *jinayat* and national law, blurring the existing jurisdictional boundaries.

In addition to Aceh *jinayat* and adat, Indonesian national criminal law also applies in Aceh. This is logical given that criminal law is much broader than what has been regulated in adat and Aceh *jinayat*, but in the field of sexual and moral issues national law only has a residual function. As already mentioned above, Article 72 of Qanun 6/2014 clearly stipulates priority of Aceh *jinayat* over national criminal law. The result is that Aceh province now formally has three criminal law systems. They are all designed as autonomous, with national law providing a residual category for offences that do not fall under Aceh *jinayat* or adat.

The hierarchy between these systems is not completely straightforward. The scope of application of Aceh *jinayat* is the clearest. Public prosecutors are under the obligation to indict all offences mentioned in the Qanun on Aceh *jinayat*, with the Mahkamah Syar'iyah as the single competent court. Cases are brought to the public prosecutor by the regular police or the special Aceh Moral Police (*Wilayatul Hisbah*). Adat institutions deal with all minor offences. However, in rural areas adat institutions act as a port of entry for virtually all criminal offences. Cases are brought to them by villagers or by the Village Moral Police (*Wilayatul Hisbah Kampong* or *WH Kampong*). When adat authorities feel they cannot resolve these cases, they can transfer them to the (national) police. If members of the community bypass the adat institution and directly file a report to the local police station, they will be referred back to the adat level. Usually, the police officer will call the village head (*reje*) concerned to inform him that a case is coming.

While this seems straightforward, the arrangement of legal pluralism sometimes works out in unexpected ways and as a result is applied differently across the province. Police, village officials and other legal actors regularly address cases in a creative manner, leading to results that are quite different from the ones that would have resulted from a formal application of the jurisdictional rules. As we will discuss in the next section, legal actors' sympathy with victims in rape cases and with suspected juvenile offenders may lead them to avoid the Aceh *jinayat* they are supposed to apply, channeling cases that legally speaking do not belong there into the national or the adat system.

However, before we further discuss this matter, we first need to briefly discuss the development of local norms in Gayo concerning sexuality and criminal offences of a sexual nature.

Local knowledge and choice of law

Many Gayonese rely for their normative ideas about sexuality on religion and adat, which both are grounded in Sharia.⁸ Informed by adat, many Gayonese are convinced that only heterosexual relations exist in their community. Hence they acknowledge only two types of sexual offences: premarital and extramarital heterosexual relations. To these rape has been added more recently; rape here meaning a man forcing a

woman or a girl to engage in sexual intercourse against her will. Marital rape is not categorized as rape; it is widely considered permissible and seen as the result of the failure of a wife to fulfil her sexual obligations towards her husband. In the Gayonese male imagination women should be sexually passive and submissive, just as Gayonese men expect them to be polite and dutiful in social intercourse. Women defying such stereotypes are considered as flirty or even as prostitutes, and in case of rape they are readily accused of having provoked this crime by their own improper conduct.

This categorization of sexual crimes has unexpected consequences. Homosexual acts, for instance, are not punishable under adat, as they are supposed not to exist (Arfiansyah 2022, 134). Another example is sexual abuse of children, which according to traditional Gayo norms is qualified as premarital sex – as if it would concern a mentally healthy man engaging in sexual intercourse with a consenting minor.

However, these local norms are not static and have come under pressure. A good example is sexual abuse of children, which NGOs and national state authorities have recently started to label as a separate type of sexual offence. The objective is not only to increase rights awareness among sexually abused children and their parents, but also to protect them from social stigma. Some NGOs offer legal and other forms of support to victims and attempt to have perpetrators of sexual offences prosecuted in a state court. As we will discuss below, these efforts have been successful to a certain extent.

Of the three legal systems found in Gayo, adat law is the one closest to these local norms. However, adat relies to a large extent on tradition and therefore substantive norms commonly adhered to in village society may start to diverge from what members of that same village society refer to as adat. The problems this creates in case of norm violations can often be resolved by the flexibility of adat procedure and the opportunity this offers to differentiate between offences. Nonetheless, as any rule system adat has a conservative character and may serve to justify severe punishment for acts that are no longer deemed as reprehensible as they were before.

Aceh *jinayat* and Indonesian national criminal law include a more elaborate typology of sexual offences. Sexual abuse and rape of children are punishable under both Aceh *jinayat* (Articles 57 and 50 Qanun 6/2014) and national law, while sexual relations with minors are defined as criminal acts under the Child Protection Law (35/2014, Articles 76(c), (d), (e) jo. 80). The main difference between Aceh *jinayat* and national criminal law is the nature and weight of the punishment. As opposed to national law, Aceh *jinayat* is not so concerned with protection of victims and offers less room for taking into account the specific circumstances of a case. What this means for the strategies of actors to move cases from one legal system to another we will now discuss in the following case study.

The Tingkem abuse case⁹

Tingkem is a village in Bener Meriah district.¹⁰ In 2017 the village experienced a huge shock when a case was exposed that involved sexual abuse of at least 17 girls between 4 and 17 years old, most of them still in elementary school. In some cases the abuse had been going on for years. None of the villagers had noticed anything, as in Gayo it is common for elderly males and females to show affection and care

for children, and the perpetrator was considered to be merely a nice person. His victims did not dare to speak out, because the perpetrator threatened to kill them if they would.

The case came to light when one of the victims' mothers, Evi Sasterawati, told her cousin Hasanah, a local social worker/lawyer living in a village close to Tingkem, that her four-year-old daughter had been sexually harassed by Bayak Mico. This young man lived in the same village next to the only playground. Eva also said that she had started an adat procedure to get compensation from Mico and was prepared to settle the case amicably. Hasanah was shocked and urged Evi to terminate the adat procedure. She also spoke with Evi's daughter and found out that there were at least six other victims in the village. She informed her cousin about her findings and explained that the adat procedure would allow the suspected offender to continue living in the village, where he would remain a danger to other children.

Hasanah and her colleague Yusdarita then informed the village heads about the case.¹¹ These were shocked as well and agreed to approach the six families concerned, asking them to allow Hasanah and Yusdarita to also speak in private with the victims. The following investigation indicated that there were at least 17 victims. Hasanah and Yusdarita convinced the parents of the victims that they had to go to the police, instead of following an adat procedure. Importantly, the two *reje* agreed, probably happy that the case was removed from their plate.

After they had reported the case to the police station of Bener Meriah district, Hasanah and Yusdarita sought the help from paralegal and legal assistance organizations in North Aceh with experience in such matters. These organizations provided legal advice as well as psychological counseling for the children whom they also accompanied during the investigation.

The matter thus spilled out into the open, which caused embarrassment to the victims' parents who felt that they had failed their parental duties. Some village members indeed accused the parents of having been careless and irresponsible: "*urang tue sana ke pakea, ogoh, gere mudedek, murusak kampung*" ("what kind of parents they are, stupid, not educating, and damaging the village"). Some parents were also disappointed in their children, whom they blamed for getting involved in premarital sex – thus returning the facts the case under the traditional Gayo adat conception of *zina*.

The case also caused social ruptures in the village. Families closely related to Mico's mother were shunned by the victims' parents and their supporters. Many community members who were related to neither the victims nor the offenders considered both sides as morally corrupt. The situation became worse when two persons of the NGO support team shared the case with local newspapers. This triggered an angry reaction from middle-aged male villagers¹² and local politicians. The publicity impeded the work of the paralegals and led the parents to feel deeply ashamed. Two parents even withdrew their report to the police. Hasanah and Yusdarita tried to control the damage by limiting access to the victims and their families, preventing them from speaking with strangers without their consent.

These developments caused concern at a higher level of government. Ahmadi, the District Head of Bener Meriah, invited the parents and the advocacy team to a meeting with the heads of all major state agencies at the district level (including

the police, the Mahkamah Syari'iyah, the district court and the Prosecution Counsel).¹³ With the support from all of the officials present, Achmadi promised that the suspected offender would be prosecuted under both Aceh *jinayat* and under the Child Protection Law. Under the Aceh *jinayat*, those found guilty of child rape can be convicted to 150–200 lashes of corporeal punishment, fines from 1,500 to 2000 grams of pure gold, or incarceration with a maximum of 16 years and seven months – or to a combination of these. Under Article 81 of the Child Protection Law the options is incarceration, for a minimum of five and a maximum of 15 years and a fine of IDR 5 billion.

During the meeting the victims' parents complained about Mico's mother, who never apologized to them. She simply acted as if nothing had happened. Achmadi then suggested to use adat law to expell her from the village. However, the village officials responded that this would be difficult because human rights resisted such enforcement of adat law. They feared Mico's mother would take legal action against them if they tried to move her out of the village. The District Head then offered to sign such an adat law order himself. However, the village officials had not drafted the intended adat order yet, and in the end nothing happened.

At the meeting some of the victims' fathers indicated that they wanted to take revenge on Mico. They intended to make him suffer as badly as they could, even if this would kill him. The District Head tried to dissuade them from taking the law into their own hands, but information about the meeting spread through the village afterwards and apparently Mico sensed that things were not developing in his favour. Soon after the meeting had taken place he fled the village. He did not get very far however, as four days later he was arrested by the police in North Aceh.

In order to calm the mood in the village, Hasanah and her colleagues organised a meeting with village officials and victims' parents. In this meeting Hasanah tried to make the parents understand what she thought the case was about. She shared her knowledge concerning pedophilia, who might become victims, how to treat a perpetrator, what the relevant Gayo adat rules were and how Indonesian national law had developed with regard to sexual abuse of children as compared with other countries. She stressed that although the case might appear as *zina*, in fact it is an extraordinary crime because it involves a minor who does not understand herself, her body, and her sexuality. She added that the Gayonese tend to tolerate *zina* conducted by an unmarried man with an unmarried woman, that is if they accept to be married after the act. This will eventually lead to their readmission as members of the community. This is different, Hasanah said, from when a married person is involved in a case of *zina*. This is never acceptable to Gayonese. "We see how we have perceived *zina* and treated the offenders so far, [so there is] no need to explain the difference if an innocent girl is involved in the act. That is why I said that this case is an extraordinary crime, which is incomparable to the regular *zina*."

Hasanah also explained the limitations of adat law in handling the case. Adat only governs religiously mature men and women. If a child is involved in any kind of offence the community will "punish" the parents. Moreover, this particular case differed from the adat conception of sexual offences and hence it should be prosecuted under national state law. The national legal system would also lead to a proper retribution, making the offender suffer in jail. Finally, she emphasized that

expelling Mico's mother from the village was not a solution. Mico's mother might have been complicit in the crime, or at least she might have been aware of her son's wrongdoing, so expelling her would complicate the investigation process.

Hasanah's arguments were well received by those present and she managed to cool down emotions. The fact that Mico was no longer present in the village was helpful as well, as were the rapid completion of the police investigation and the subsequent indictment of Mico before the district court. Instead of using Aceh *jinayat* the public prosecutor charged Mico with violation of Article 76(d) of the Child Protection Law, which carries a maximum prison sentence of 15 years. His justification was that the judges of the Mahkamah Syar'iyah have had no obligatory training as required by Law 11/2012 on the Juvenile Court System, which could mean that they were not capable of trying a case like this and might only order corporal punishment. The Bener Meriah District Court accepted jurisdiction and convicted Mico to eight years in prison plus a fine of IDR 900 million.

This sentence was lighter than Hasanah and her colleagues had hoped for, but heavier than they would have expected from the Mahkamah Shari'iyah. This illustrates the concerns of activists regarding the effects of Aceh *jinayat* on victims of sexual crimes. In the eyes of local communities, punishment under Aceh *jinayat* means that offenders have passed through God's punishment. This absolves them from sin and guilt and they can return to their community without having to take into account the feelings of their victim(s), whose traumas as a result will increase. Importantly, such concerns are not limited to activists such as Hasanah and her colleagues, but they are shared by village heads, higher officials, the police and public prosecutors. By selecting national criminal law rather than adat or Aceh *jinayat*, these actors can keep the offender away from the victim and the community for longer periods.

However, this does not go without saying. In the case of Mico, Hasanah and Yusdarita played a crucial role. They influenced the legal choices of the village officials and the police, but they also managed to prevent the application of adat law to the offence. In other words, they 'shopped forums' to secure what they thought was an appropriate punishment for the crime concerned. However, in the end they were dependent on the state legal institutions involved, as these ultimately determine where a case will go.

The following section looks closer at this process in situations where there is no involvement of activists. It will show how the police play a key role in determining whether a case is brought to the district court, the Mahkamah Syar'iyah, or whether it should be returned to the community to be decided by the village officials. This indicates that the warnings of activists about the harm Aceh *jinayat* may cause to women and children (Afrianty 2015, pp. 127–133) have been heeded by police officers and public prosecutors.

Cases involving sexual abuse: abuse of children and rape

In the case of Mico, our research suggests that the forum choices made by the police and public prosecutors of Central Aceh and Bener Meriah were informed by their assumptions about the effects the punishment might have on the victims. We encountered several cases similar to Mico's, in which police and prosecutors chose

to ignore the mandatory jurisdiction of Aceh *jinayat* because of the consequences its application might have on victims.

These state officials provide different justifications to avoid Aceh *jinayat*. The first, as in the case of Mico, is that the judges of the Mahkamah Syar'iyah do not have the right qualifications to try cases involving minors. Police and prosecutors therefore are of the opinion that the judges do not take the interests of the victims sufficiently into account (cf. Fadlia and Ramadani 2018, 460–461). Second, Aceh *jinayat* is felt to cause harm to victims, as the perpetrator of a crime might be allowed to quickly return to the village. And third, the Aceh *jinayat*'s punishment does not contribute to preventing recidivism by allowing this return (cf. Febriandi, Ansor, and Nursiti 2021, 109).

These views were corroborated by Commissioner Elviana, a police officer at the Women's and Children's Service of the Aceh Provincial Police department, whom the first author of this article interviewed in her office in June 2015. She stated that police and prosecutors have found that many sexual offences against girls are conducted by close relatives. Once the offenders have been flogged in front of the public, they can go home and may re-approach the victim. The mere reappearance of the offender is already traumatizing for the victim when she has not had enough time to recuperate – a process that according to Elviana may take years.

Second, according to Elviana, Aceh *jinayat* has reinforced Aceh's patriarchal culture. In particular the view that girls or women are to be blamed for sexual offences by having been flirtatious seems to be the cause of many injustices. Elviana gave the example of a case in Lembah Seulawah village in 2015, where an elderly man sexually abused his 14-year-old granddaughter. After having been flogged and then released, the man returned to his village and was reaccepted by the community as relieved from his sin by having suffered the religious punishment (i.e. the flogging) embodied in the Aceh *jinayat*. The community even started accusing the victim of having seduced her grandfather and in the end expelled her and her (nuclear) family from the village. This girl's family was poor and had no place to go until the mother managed to find a shelter from a local organization focused on the protection of women and children. In the end the police and the sub-district head intervened and convinced the local population that they should allow the family's return to the village.

Elviana's observations were confirmed by first Inspector of Police Sumiyatun, who was the head of the Women and Children Service unit of the District Police station of Central Aceh from 2012–2017.¹⁴ According to her, the police in Aceh generally prefer the Child Protection Law when they have to deal with sexual abuse cases involving minors.

Public prosecutors seem more divided on this matter. Some public prosecutors follow a formal legal interpretation which leads them to apply Aceh *jinayat*. In the end, they have the last word in deciding which law to apply, so the police have to negotiate. According to Elviana, these prosecutors ask the police to revise the case file to bring it into conformity with Aceh *jinayat*.¹⁵ In such cases, the police have no choice, because only the public prosecutor can bring the case to court. As a result of the different ways in which public prosecutors apply the jurisdictional rules, the enforcement of Aceh *jinayat* varies from one district to another.

Altogether, the majority of cases involving sexual abuse in Gayo that end up in court are prosecuted in the district court under national law. A search in the archives of the Central Aceh District Court showed that between 2014 and 2017 it received 49 such cases, most of them involving minors as victims or as perpetrators or both. A similar search at the Mahkamah Syar'iyah showed that they tried 17 cases of *zina* and *khalwat*. We could not establish how many of these 17 cases involved sexual abuse, but the preference of police and prosecutor for national criminal law as opposed to Aceh *jinayat* is clear.

It should be noted that for at least one district in Aceh this pattern is different because of the attitude of the district court. Research in North Aceh (*Aceh Besar*) confirms that the police and prosecutors prefer the Child Protection Act over Aceh *jinayat* in cases of sexual abuse of children. However, the North Aceh (*Aceh Besar*) District Court refuses such cases and refers the public prosecutor to the Mahkamah Syari'iyah (Fadlia and Ramadan, 2018, 457–458). This means that here the gate to forum shopping has been closed by the court.¹⁶

Premarital sex

Other than those involving sexual abuse, police officers return 'lighter' cases to the village/adat officials. Most of these involve juvenile offenders and concern premarital sex, usually consensual and without abuse. However, according to adat and Aceh *jinayat* premarital sex is a serious issue and villagers, the Aceh Moral Police and the Village Moral Police will report such cases to the (national) police. Police officers prefer these cases to be dealt with under adat law, as they fear that sending the perpetrators to prison will expose them to physical and psychological abuse from adult inmates. There is no juvenile prison in Central Aceh and neither is there a good mechanism for returning juvenile offenders to society after they have served their sentence. The alternative, to lodge a case against the boy in the Mahkamah Syari'iyah and thereby avoid the marriage as suggested by adat law, is time-consuming and beside the point. As a result, very few such cases are brought to the Mahkamah Syar'iyah.

Interviews with police officers at the Crime Unit of Central Aceh, *reje* of several villages, members of the Village Moral Police and activists indicate that virtually all sexual offences involving minors start as a romantic relationship between teenagers. The problems only arise when they become sexually engaged. Gayonese consider such premarital sex as an undesired outcome of what they call "*pergaulan muda mudi*" ("interaction of young people"). The expression suggests that the behaviour is not out of the ordinary, even if it is cannot be tolerated.¹⁷ When a couple is found out the parents of the girl may report the boy to the police, in particular if the girl is pregnant.¹⁸ This puts pressure on the boy – and his family – to marry the girl during an adat process of negotiation led by the village officials. Alternatively, if the couple is caught by the Aceh Moral Police, they will be threatened with public shaming (i.e. flogging them under the Aceh *jinayat* law in front of the public) unless they get married. Usually, the negotiation results in an early marriage with dispensation from the Mahkamah Syari'iyah because of the age of the bride and/or groom,

and the police will terminate their investigation. In addition, adat provides a mechanism to readmit the offenders as members of the community.¹⁹

However, in a few cases parents of girls did *not* want their daughter to get married, as this would spoil her educational prospects. They refused to co-operate in the negotiation process and managed to convince the police and prosecutor to bring the case against the boy concerned to the Mahkamah Syari'iyah, to avoid a marriage forced by adat. This 'success' came at great cost, however, as it meant that the family in question was forced to move away from the village because of the disrespect they showed for the village officials.

In conclusion, these cases mirror those in the previous section concerning sexual abuse of children. While most of the latter were first reported to village officials and then channelled upward, here many are reported to the police and then channelled downward for resolution through adat procedures. The involvement of authorities helps to force a resolution upon the families concerned in line with the local adat. However, as suggested by the few cases where parents of the girl refused the adat solution, new ideas about education and female emancipation may lead parents to "shop forum" against the wishes of the police and adat/village officials. However, this does not indicate that local norms are changing yet: those who refuse to conform and press charges must leave.

In the next section we will discuss the situation of adults engaging in consensual extramarital sexual relations. Focusing on one case study in particular we will show how the police and prosecutors are under pressure to take firm action, as these cases threaten the internal harmony and social arrangements of the community.

Extramarital sex

Most adults reported for extramarital sex cases are caught immediately after the act by a group of (male) locals. First, both of them will be subjected to a local adat trial. Unlike in the case of minors Gayonese traditionally have no tolerance for extramarital sex, and the adat punishment is permanent banishment from the community. This is called *jeret naru* (a long grave), which suggests that both offenders are considered dead. After the adat trial they will be handed over to the police, who will carry out an investigation and then transfer the case to the public prosecutor. Police and prosecutor treat all of these cases under Aceh *jinayat* as they feel that flogging offenders in public better satisfies the community's feeling of justice than sending them to jail.²⁰

The different punishments for those involved in pre- and extramarital sex reflect the Gayonese ideas about immorality. Gayonese norms about *zina* are not accommodated by the Aceh *jinayat*, which categorizes both pre- and extramarital sex as *zina*. National criminal law is even further removed from local morals, as it only defines extramarital sex as an offence when the cheated husband or wife reports the case.²¹ This lack of correspondence between law and local morality has led the Gayonese to continue punishing extramarital affairs by adat sanctions. Because in extramarital sex cases the adat institution will first impose the *jeret naru* on the offenders and then transfer the case to the state legal system, the offenders may end up getting double punishment.

An example of this is the case of Bunge and Lebah, who were caught in the remote village Toweren Toa on a Friday shortly before the start of the Friday prayer. There had long been suspicions about their relation. Bunge had come to live in the village after she married Manok, while Lebah came from North Sumatra and now lived in a village nearby. In the past Lebah had worked for more than three years as a garden keeper for Bunge's father. He often paid visits to the village and then stayed at Manok's house during the night. Bunge and Lebah were often seen together riding on Lebah's motorbike or walking together. Local interlocutors said that villagers had warned Manok several times to remind his wife that she should be careful not to violate the adat norms.

When Manok was hospitalized after an accident, Bunge left the key of their house with her neighbour for Lebah. On Friday, at noon, Lebah came to the village and picked up the key, not long before Bunge came home. Suspicious neighbors sent a female villager to check on them. She found the window covered by a curtain, uncommon during the daytime, and knocked on the front door but got no answer. She then entered through the back door and found Bunge half naked while Lebah was in the bathroom taking a shower. The presence of Lebah in the house itself was already a violation of the local adat, but Bunge's lack of appropriate dress and Lebah's shower suggested something much worse. The news rapidly spread and soon a number of villagers came to arrest the two, surrendering them to the police.

The next day, after the dawn prayer, all village officials of the villages around the valley, Toweren Toa, Toweren Antara, Toweren Uken and Toweren Waq,²² gathered in the mosque of Toweren Toa for a meeting to decide on the punishment of the offenders. In the evening, after the late-night prayer of Isha, each *reje* publicly announced the decision through the speaker of the mosque, "...Bunge and Lebah are prohibited from putting their feet on this village's land. Whoever accepts them at their house for whatever reason will be given the same punishment. They will also be expelled from the village."

Upon his dismissal from the hospital, Manok was supposed to divorce Bunga. His siblings offered him a portion of a coffee plantation and a house to restart his life, but he refused and wanted to have Bunge back. Manok's siblings were desperate and angry, but could not prevent that Manok was expelled from the village as well. In the meantime the investigation by the police was concluded and the case was brought before the Takengon Mahkamah Syari'iyah. In June 2015 Bunge and Lebah were sentenced to nine lashes each, reduced to six lashes because of the three months they had spent in jail during the investigation and trial (04/JN/2015/MS-Tkn).

What we observe in this case and others shows that the introduction of Aceh *jinayat* has led to heavier punishment of those involved in *zina*, although some interview respondents mentioned that in the past an adulterous couple would be badly abused when caught – worse than flogging. Villagers seem to be happy with the additional punishment prescribed by the Aceh *jinayat* and therefore report the culprits to the police after having decided on expulsion. We found several such extramarital sex cases recorded at the local Mahkamah Syari'iyat. The concerns of the community about morality, village dignity and preserving social arrangements drive villagers to put pressure on the police and public prosecutors to bring by

them to court. These state legal agencies consider the punishment under Aceh Shari'a as the most expedient way to satisfy villagers' anger.

How important villagers deem the extra punishment by the Mahkamah Shari'iyah can be seen from a case in 2016, when a village head was caught by members of his own community because of an extramarital relation. The adat procedure ended with this *reje* marrying the woman concerned and the couple moving somewhere else (Lintasgayo.com, 2016b; Media, 2016b). The news about the case spread across the region, and newspapers interviewed Gayonese who wished to see Aceh *jinayat* enforced on the *reje* as well (L. Post, 2016). Some commented on social media that the Aceh *jinayat* was unjust, as it was enforced only on ordinary people and never on the elites. Members of the District House of Representative were asked to intervene but they declared themselves unable to do something about the adat officials' refusal to report the case to the police. As the adat officials persisted in their refusal the case ended with the adat punishment only (Lintasgayo.com, 2016a) (Lintasgayo.com, 2016b; Media, 2016b).²³

Conclusion

Aceh *jinayat* was introduced with the aim of Islamizing criminal law and as a symbol of Aceh's special autonomy. The consequence is that Aceh currently has three parallel systems of criminal law: on paper each governs different offences, but in practice they overlap. While Aceh *jinayat* has gained by far the most attention from media and international observers, the adat criminal law system has benefited most from the legal reform. The offences concerning consensual sex we discussed in this article are commonly punished under adat law, with Aceh *jinayat* serving as an additional punishment only. Neither has Aceh *jinayat* replaced national criminal law and in Gayo, severe cases of sexual abuse are still prosecuted under national law. Although officially Aceh *jinayat* applies, police and prosecutors prefer to ignore it.

What we see at work is not interlegality, where different systems rely on each other for their operation, but three different systems which are cleverly deployed by different actors to further their aims. Just as in the case of West Sumatra discussed by Keebet von Benda-Beckmann, in Gayo different actors use the opportunities offered by the legally plural situation to further their goals. The main difference is that in our case the actors seem less concerned about reinforcing their own authority, which invariably was the primary incentive of Keebet's forumshoppers and shopping forums. In Gayo the actors were more concerned to achieve objectives of a substantive nature, although the two may go together.

This is most obvious for village officials. They get involved in almost all criminal cases, as these are brought to them either directly by villagers or village police, or indirectly by the (national) police. Village officials can transfer cases to the system they consider most suitable, sometimes deciding a case by themselves and sometimes transferring it to the police. In the latter situation they may impose their own sanction as well, as we saw with extramarital sexual relations. However, their discretion is limited. They need to take into account how the case is perceived other villagers, what the district authorities think of it, and they need to maintain a good relation with the (national) police. This opens space for legal activists to influence

village officials decisions. Nevertheless, the developments in Aceh constitute one of the rare examples in Indonesia where the state recognition of customary justice has reinforced the local legal system instead of leading to a strengthening of the central state's grip on it (Utama 2021, 281).

The other key position is for the police. They decide whether to channel the cases reported to them away from Aceh *jinayat* and the Mahkamah Syari'iah – either to adat law and village officials or to the national criminal law and the district court. They are the bridge between legal systems in the plurality of criminal law in Aceh in severe cases, deciding which legal system best suits the victims' offenders' and their own interests. Public prosecutors weigh in as well, since they decide whether to make an indictment on the basis of national criminal law or Aceh *jinayat*. While it is true that ultimate authority resides in the district court, in Gayo the court has never made any objections against the approach of the police and the prosecutor.

An important similarity with Keebet's findings is that institutions representing the central state, such as districts heads, police and courts, try not to get involved too much in local disputes and have as their main objective to maintain quiet and order. Only when serious trouble may arise are they prepared to interfere (Von Benda-Beckmann 1981, 133–134). But if this is the case they act decisively. In the case of Mico, the District Head of Bener Meriah was even prepared to go as far as assuming the responsibility for an adat order when adat leaders hesitated.

A major difference with Keebet's study is the role played by local activists, who were absent in the Minangkabau of the 1970s. They are part of wider national and even international networks and spread new ideas about justice and human rights about sexual abuse in particular (cf. Salim 2010, 20). They have managed to introduce these into the conservative environment of Gayo and are supported by police, prosecutors and many higher officials. In that sense they extend the power of the central state over local affairs. The introduction of Aceh *jinayat* went straight against their agenda, but they have managed to adapt to the situation and to make sure that Aceh *jinayat* does not interfere with what they think are solutions in the best interest of victims and juvenile perpetrators.

Two questions remain. First: why did we not find shopping forums in Gayo, as Keebet did in West Sumatra? The most obvious explanation would be that the land conflicts in West Sumatra offered more opportunities for this, as they were mainly about ownership and potential forums had more leeway in trying to become involved in them. However, more important than the nature of the cases is that in Aceh the competition to become involved in these cases at the village level is far more limited than it was in West Sumatra. As a result of the unification of village and adat authorities in Aceh a multiplicity of actors has been reduced to only a single authority. Where in West Sumatra there were adat councils, heads of clans, neighbourhoods, and village heads, in Gayo adat and village officials are one and the same. This has reduced both the opportunities and the need for potential forums to shop in order to reinforce their authority and it also explains why the cases Keebet discussed were mainly concerned with jurisdiction and procedure, not with substance. Trouble was exploited – or perhaps even created – for political reasons (Benda-Beckmann 1981, 134–135). This clearly is different in the case of Gayo.

This leaves us with the final and arguably most important question: why is it that Aceh *jinayat* has been relatively unsuccessful in Gayo? The first explanation we propose is that Aceh *jinayat* does not respond to the Gayonese evolving social ideas about justice (cf. Febriandi, Ansor, and Nursiti 2021, 114–118 about North Aceh). For instance, many Gayonese think Aceh *jinayat* is too limited in its conception of *zina* and how it should be punished. Therefore, Aceh *jinayat* can neither replace nor nuance adat law, it can only provide an additional punishment. And the second explanation is that neither does Aceh *jinayat* correspond to ideas about justice of activists and state officials. That the former appear to have more progressive ideas about cases concerning sexual abuse was to be expected, but that this also applies to the latter comes perhaps as a surprise. The result, in any case, is that they have fairly consistently avoided the application of Aceh *jinayat*, unless pressed to do so to contain local disturbances.

As a result, there is no competition between the three systems, as there is for instance in Aceh family law (Salim 2010, 26). There is no actor who will push for the application of Aceh *jinayat* against the wishes of other actors. Generally speaking, village officials, police and prosecutors work together harmoniously. As we could see in the case of Mico, concerning sexual abuse of children, the incorporation of adat officials into the state structure moreover provides leverage to officials at the sub-district and district level to influence local adat-inspired responses they deem undesirable. Paralegals and activists, promoting different ideas about female sexuality and male privilege, can also exert influence on the proceedings of a case.

Thus, the limits of Aceh *jinayat* and the ability of different actors to creatively navigate the system have disrupted the formal hierarchical design of legal pluralism in Aceh. The advantage is that in morally and socially complex situations, actors can look for pragmatic solutions to provide better justice for individuals and protect victims and juvenile offenders. In that sense they differ from most actors in Keebet's West Sumatra, whose primary purpose was to further their own authority.

Notes

1. For the history of how these Qanun came about see Großmann (2016) and Feener (2016).
2. According to Google Scholar the article has been cited 619 times (on 15 July 2024).
3. For an account of the nature of the fieldwork, positionality, etc. see Arfiansyah (2022, 21–30). The materials used for this article draw mainly from chapter 5 of this unpublished PhD-thesis.
4. While the land disputes in West Sumatra were mainly of a civil law nature many of them involved violence and therefore also qualified as a criminal offence (Benda-Beckmann 1981, 127).
5. For a detailed account of this process see Aspinall (2014).
6. This process was not a smooth trajectory, as it had to overcome considerable resistance from political forces at the national level (see Salim 2010, 9–16).
7. By lack of such a legal basis, before the enactment of this Qanun all of these sexual offenses were categorized as *khalwat* and consequently carried the same punishment.
8. For a brilliant analysis of the relation between Islam and adat in Gayo see Bowen (2003).
9. All the names of villages and persons in this article have been changed for reasons of privacy.

10. The first author assisted paralegals and activists in dealing with this case, sometimes providing assistance to the victims and their parents such as driving them to a local hospital for collecting medical evidence and to the police station for investigation. This situation allowed him to interact closely with those involved, and particularly with the victims' parents.
11. There were two village heads involved, because the victims came from two adjacent villages.
12. These constitute an influential and often violent group within Gayonese villages.
13. This body is called the Forum for Communication of District Leaders (Forkopimda, *Forum Komunikasi Pimpinan Daerah*).
14. For a similar case where the victim and her family were expelled on the basis of adat see Fadlia and Ramadari 2018: 464.
15. This is remarkable, as usually Indonesian public prosecutors go along with the police, the latter being the more powerful institution (Afandi 2019).
16. It should also be noted that there are considerable differences between police officers in dealing with rape cases in particular. There are also reports about insensitive police officers who share the prejudices about rape victims discussed earlier (Febriandi, Ansor & Nursiti 2021).
17. See also the argument made by Hasanah above.
18. See Horii (2019) for a similar course of events in Bali, when the boy refuses to marry the girl he has impregnated. Here charges are pressed under adat, but they do involve the police.
19. Because Gayo is an outmarrying society, a complication occurs if the couple involved comes from the same village. In that case they are forced to move to another place, in conformity with the adat.
20. At the same time flogging is generally considered a lighter punishment because the perpetrators are set free as soon as it has been administered. As a result we see that non-Muslims who have been caught violating the Aceh *jinayat* rules on alcohol or gambling prefer to be punished under this law instead of national criminal law; a privilege of choice Muslims do not have (BBC 2016; Ismail 2016).
21. Article 284 (2) of the Criminal Code. The new criminal code extends this option to parents and children.
22. The four villages involved all originate from one village, called Toweren. In 2004, this village was divided into four because of its increasing population. The last word of each village's name indicates the geographical position of the village.
23. During his second fieldwork period, the first author asked Rudi Darmansyah, the public prosecutor in charge of Aceh *jinayat* at the Public Prosecutor's Office of Central Aceh, whether anything had happened in this case. He responded that many people had come to ask him about it, but that indeed the police could do nothing because the community never filed a report.

Disclosure statement

No potential conflict of interest was reported by the author(s).

References

- Afandi, F. 2019. "Maintaining Order: Public Prosecutors in Post-Authoritarian Countries, the Case of Indonesia." In *The Politics of Court Reform: Judicial Change and Legal Culture in Indonesia*, edited by Crouch, M. Cambridge: Cambridge University Press.
- Afrianty, D. 2015. *Women and Sharia Law in Northern Indonesia: Local women's NGOs and the reform of Islamic Law in Aceh*. London: Routledge.
- Arfiansyah. 2009. *The politicization of «Shari'ah»: behind the implementation of «Shari'ah» in Aceh-Indonesia*. Master thesis, Montreal, Institute of Islamic Studies, McGill University.

- Arfiansyah 2022. State legal pluralism: the intersection of adat, jinayah, and national penal law in Gayo, Indonesia (Doctoral dissertation, Leiden, Leiden University).
- Aspinall, E. 2005. The Helsinki Agreement: A more promising basis for peace in Aceh? Washington, East West Center, Policy Studies 20.
- Aspinall, E. 2014. *Special autonomy, predatory peace and the resolution of the Aceh conflict*. Regional dynamics in a decentralized Indonesia. In Hill, H. Regional dynamics in a decentralized Indonesia. Singapore, ISEAS Publishing, 460–481.
- Benda-Beckmann, K. von. 1981. "Forum Shopping and Shopping Forums: Dispute Processing in a Minangkabau Village in West Sumatra." *The Journal of Legal Pluralism and Unofficial Law* 13 (19): 117–159. <https://doi.org/10.1080/07329113.1981.10756260>.
- BBC. 2016. *Cambuk Perempuan non-Muslim, pusat diminta tegur Aceh*, BBC Indonesia. https://www.bbc.com/indonesia/berita_indonesia/2016/04/160414_indonesia_aceh_qanun_hakim, last accessed 28 October 2023.
- Bowen, J. R. 2003. *Islam, Law, and Equality in Indonesia: An Anthropology of Public Reasoning*. Cambridge: Cambridge University Press.
- Butt, S. 2018. "Religious Conservatism, Islamic Criminal Law and the Judiciary in Indonesia: A Tale of Three Courts." *The Journal of Legal Pluralism and Unofficial Law* 50 (3): 402–434. <https://doi.org/10.1080/07329113.2018.1532025>.
- Fadlia, F., and I. Ramadani. 2018. "The Qanun Jinayat Discriminates against Women-Victims of Rape-in Aceh." *Indonesia. Journal of South East Asian Human Rights* 2: 448–470.
- Febriandi, Y., M. Ansor, and N. Nursiti. 2021. "Seeking Justice through Qanun Jinayat: The Narratives of Female Victims of Sexual Violence in Aceh, Indonesia." *QIJIS* 9 (1): 103–140. <https://doi.org/10.21043/qijis.v9i1.8029>.
- Feener, M. 2016. "State Shari'ah and Its Limits." In *Islam and the Limits of the State: Reconfigurations of Practice, Community and Authority in Contemporary Aceh*, edited by R. M. Feener, D. Kloos, & A. Samuels, 1–23. Brill.
- Großmann, K. 2016. "Women's Rights Activists and the Drafting Process of the Islamic Criminal Law Code (Qanun Jinayat)." In *Islam and the Limits of the State: Reconfigurations of Practice, Community and Authority in Contemporary Aceh*, edited by R. M. Feener, D. Kloos, & A. Samuels, 87–117. Leiden: Brill.
- Horii, H. 2019. "Pluralistic Legal System, Pluralistic Human Rights?: Teenage Pregnancy, Child Marriage and Legal Institutions in Bali." *The Journal of Legal Pluralism and Unofficial Law* 51 (3): 292–319. <https://doi.org/10.1080/07329113.2019.1683429>.
- Ismail, R. 2016. *Hukuman Cambuk Pertama Terhadap Non Muslim kdi Aceh Jadi Sorotan*, detiknews. <https://news.detik.com/berita/d-3187693/hukuman-cambuk-pertama-terhadap-non-muslim-di-aceh-jadi-sorotan>
- Lund, C. 2021. "Forum Shopping and Shopping Forums: Another 40-Year Anniversary." *The Journal of Legal Pluralism and Unofficial Law* 53 (3): 414–418. <https://doi.org/10.1080/07329113.2021.1996075>.
- Salim, A. 2010. "Dynamic Legal Pluralism in Indonesia: Contested Legal Orders in Contemporary Aceh." *The Journal of Legal Pluralism and Unofficial Law* 42 (61): 1–29. <https://doi.org/10.1080/07329113.2010.10756640>.
- Utama, T. S. J. 2021. "Between Adat Law and Living Law: An Illusion of Customary Law Incorporation into Indonesia Penal System." *The Journal of Legal Pluralism and Unofficial Law* 53 (2): 269–289. <https://doi.org/10.1080/07329113.2021.1945222>.