

A Siyāsah Qaḍā'iyah Perspective on the Implementation of Article 67 of Qanun Aceh No. 6/2014 in the Mahkamah Syar'iyah of Banda Aceh

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Abstract

Aceh, as a region with special autonomy to implement Islamic law, holds the authority to enforce *jināyah* (criminal) law, as stipulated in Qanun Aceh Number 6 of 2014 concerning *Jināyah* Law. Notably, Article 67 of the Qanun provides special treatment for children who commit *jarimah* (criminal acts), including the limitation of *'uqūbah* (punishment) to a maximum of one-third of the adult sentence, and rehabilitative alternatives such as returning the child to their parents or placement in a rehabilitation institution. However, implementation in the *Mahkamah Syar'iyah* (Sharia Court) of Banda Aceh reveals inconsistencies in judicial decisions and a lack of standardized technical procedures, partly due to the absence of sufficient implementing regulations, as noted in paragraph (2) of the article. This study aims to evaluate the application of Article 67 by the *Mahkamah Syar'iyah* of Banda Aceh and assess its alignment with the principles of *siyāsah qaḍā'iyah* (judicial policy). The research adopts a qualitative methodology using a normative juridical approach and case studies of two *jināyah* verdicts involving children from 2021 and 2022. The findings indicate that the court has made efforts to implement the article; however, the forms of *'uqūbah* applied vary, ranging from limited imprisonment to rehabilitation. This reflects a flexible implementation adapted to the social and psychological conditions of the child. While the decisions generally align with child protection principles, consistency remains a significant challenge. This study highlights Article 67 as a potential meeting point between Islamic law and the national juvenile justice system.

Keywords: *Siyāsah Qaḍā'iyah*, Qanun *Jināyah*, Sharia Court

Introduction

Indonesia is a country of law that upholds the principles of democracy and the diversity of the legal system. This diversity is reflected in the regional autonomy system that gives specificity to several regions, including Aceh Province. Based on Law Number 11 of 2006 concerning the Government of Aceh (UUPA), Aceh is given special authority to formally implement Islamic sharia in its legal system and government. This autonomy allows Aceh to compile and enforce Qanun as a special regional regulation, one of which is in the field of criminal law or *Jināyah* (Munajat, 2022).

As a manifestation of the UUPA, Aceh Qanun Number 6 of 2014 concerning *Jināyah* Law was born, which is an important legal instrument in the implementation of Islamic sharia-based criminal law in Aceh (Efendi, 2024). This Qanun contains various types of *jarimah* (criminal acts), such as *khamar*, *maisir*, adultery, *liwath*, *qadzaf*, and sexual harassment. Qanun *Jināyah* not only regulates the elements and sanctions of Sharia criminal acts, but also emphasizes moral, social, and community protection aspects against social damage (Sahara & Suriyani, 2019).

One of the important aspects regulated in this Qanun is special treatment for perpetrators who are still children. This is regulated in Article 67, which reads:

"(1) If a child who has reached the age of 12 (twelve) years but has not reached the age of 18 (eighteen) years or is not married to perform *Jarimah*, then the child may be subject to '*uqūbah* at most 1/3 (one third) of the '*uqūbah* that has been determined for adults and/or returned to his parents/guardians or placed in a place provided by the Government of Aceh or the Regency/City Government.

(2) The procedure for the implementation of '*uqūbah* for children that is not regulated in the laws and regulations regarding the juvenile justice system is regulated in the Governor's Regulation. (Qanun Aceh Number 6 of 2014 concerning the Law of *Jināyah*).

This provision reflects the integration between Islamic law and the principles of child protection in the national legal system. The maximum limitation of '*uqūbah* to 1/3 of the punishment for adults is a more lenient form of treatment and follows the principle of restorative justice. This also reflects that the *Jināyah* law is not only repressive, but also educational and corrective, especially when dealing with child perpetrators (Yuslem, 2019).

The *Mahkamah Syar'iyah*, as a sharia judicial institution in Aceh, has jurisdiction to adjudicate cases of adultery, including those committed by children. In practice, the *Mahkamah Syar'iyah* in Banda Aceh has handled several important cases involving children as perpetrators, such as Decision Number 2/JN. Children/2021/MS. BNA and Decision Number 1/JN. Children/2022/MS. Bna. In the first case, the child perpetrator was sexually abused, and then the judge included consideration of psychological conditions and recommendations from the Correctional Center as a rehabilitative approach. In the second case, the child perpetrator committed rape and was sentenced to 1/3 of the maximum adult threat.

Although both rulings show that the *Mahkamah Syar'iyah* has tried to implement Article 67, there are still differences in approach in imposing '*uqūbah*. This difference may be due to the subjectivity factor of the judge or the absence of standard standards regarding the application of child justice in Islam and Child Protection, because it requires consistency in the application of the principle of legal certainty and equal justice (Hanapi & Fuadhi, 2023).

From the perspective of *siyāsah qaḍā'iyah*, i.e., the politics of Islamic justice, judges are required not only to enforce the law textually, but also substantively and contextually. In *siyāsah qaḍā'iyah*, consideration of the benefits, social justice, and sociological condition of the perpetrator are the main considerations in imposing a sentence. Therefore, the application of Article 67 to child offenders should not only look at the normative side, but also uphold the principles of *maqāṣid al-sharī'ah*, namely the protection of the soul, intellect, and offspring of children (Ali Abubakar & Zulkarnain Lubis, 2019). The approach explains that the Islamic justice system is ideally able to realize substantive justice that is in favor of human values and the social integrity of society (Ali, 2022).

However, the implementation of Article 67 in the field is also faced with limitations, one of which is the lack of child-certified judges in the *Mahkamah Syar'iyah*. According to data from the Directorate of Religious Justice Agencies, many *Mahkamah Syar'iyahs* in the regions still handle children's cases without the support of specially trained human resources from the perspective of child psychology and juvenile justice. In the long run, this can affect the quality of sentences and the approach to sentencing children, which should be kinder and more constructive (Analiansyah, A., & Abubakar, 2021).

Research Methods

This study uses normative juridical approaches and empirical juridical approaches. A normative approach is used to study laws and regulations, especially Qanun Aceh Number 6 of 2014, Article 67, as well as the concept of *siyāsah qaḍā'iyah* in Islamic law. This approach is suitable for examining legal norms and principles of children's justice in the context of the Aceh sharia justice system (Soekanto, S., 2004).

The empirical juridical approach is used to see the implementation of Article 67 in the judicial practice of the *Mahkamah Syar'iyah*, especially in the two children's decisions that are case studies, namely Decision Number 2/JN. Children/2021/MS. BNA and Decision Number 1/JN. Children/2022/MS. Bna. With this approach, the research can capture the social reality and dynamics of criminal practices against children in cases of *Jināyah*.

This type of research is a case study with a comparative approach, namely analyzing the two Decisions of the Banda Aceh *Mahkamah Syar'iyah* from the aspect of legal considerations, the type of *'uqūbah* imposed, and the conformity with the principles of child protection and *siyāsah qaḍā'iyah*. This method is useful for comparing how the law is applied in concrete situations and assessing its consistency (Wijaya et al., 2025).

The data source used is secondary data, which contains primary legal materials and secondary legal materials. Primary legal materials are in the form of copies of the

Mahkamah Syar'iyah Decisions and Qanun Aceh, while secondary legal materials come from journals, books, and other legal articles.

Data collection techniques are carried out through documentation studies, literature studies, and legal observations on the content of the decision. Data analysis was carried out using content analysis and a comparative analysis approach to the two decisions. The purpose is to examine the implementation of Article 67, which reflects the values of *siyāsah qaḍā'iyah* and the principle of child protection.

The validity of the data is maintained through triangulation of sources, which involves comparing information from decisions, literature, and expert opinions. Meanwhile, reliability is guaranteed by developing research procedures in stages, starting from problem identification, data collection, analysis, to the preparation of final reports under academic principles.

Result and Discussion

Overview of Article 67 and Perspective of *Siyāsah Qaḍā'iyah*

Qanun Aceh Number 6 of 2014 concerning *Jināyah* Law is a regional legal instrument that represents the application of Islamic criminal law in the Indonesian national legal system, specifically in Aceh Province. One of the articles that shows the progressivity of this law is Article 67, which regulates special treatment for perpetrators of *jarimah* who are still children. This article states that if a child, namely an individual over 12 years old but not yet 18 years old and not married, commits a *jarimah*, then the form of *'uqūbah* (punishment) that can be imposed is limited to a maximum of 1/3 of the adult punishment. In addition, there are alternatives in the form of return to parents/guardians, or placement in institutions that have been provided by the Aceh Government or the Regency/City Government.

This clause in Article 67 affirms a more humanist approach in the system of *peradilan Jināyah* towards children, and is proof that Qanun Aceh is not only oriented towards repressivity, but also contains the values of child protection as regulated in the national juvenile justice system and international law. The purpose of this provision is to prevent the long-term impact of criminalization on children, as well as to provide space for social, psychological, and spiritual rehabilitation of perpetrators to return to become responsible members of society (Nurdin, 2018).

The *Mahkamah Syar'iyah*, as a sharia judicial institution in Aceh, is a manifestation of the implementation of special autonomy authority granted to Aceh through Law Number 11 of 2006 concerning the Government of Aceh (UUPA). This Court has absolute jurisdiction to adjudicate *Jināyah* cases, including children's cases, based on Qanun Aceh Number 7 of 2013 concerning the Procedural Law of *Jināyah*. In practice, the *Mahkamah Syar'iyah* not only carries out judicial functions, but also

becomes a strategic institution in fostering community morality and fairly enforcing sharia (Teuku Abdul Manan, 2018).s

The *siyāsah qaḍā'īyyah* view emphasizes that substantive justice can be achieved if the judge's decision is based on contextual considerations, such as the child's social background, psychological condition, level of involvement in the crime, and potential rehabilitation. In this context, judges should ideally not be fixated on the number of sentences alone, but rather consider whether the sentence can achieve the goals of the sentence, which include protection, education, and rehabilitation (Ahyar, 2017).

Similarly, in practice, Qanun Aceh provides space for a restorative justice approach, especially in children's cases, following the mandate of Article 67 paragraph (2), which opens up space for technical arrangements in the form of a Governor's Regulation. Unfortunately, until now, not all technical implementing provisions have been issued, which results in inconsistency in application and opens up a wide interpretation space for the panel of judges (Isna mauliza, faisal, 2024).

Decision Number 2/JN. Children/2021/MS. Bna

Decision of the Banda Aceh *Mahkamah Syar'īyyah* Number 2/JN. Children/2021/MS. Bna is a case involving a 17-year-old child and 4 months old as a perpetrator of sexual abuse against girls. This case is important because it shows how the *Mahkamah Syar'īyyah* applies the principle of child protection that conflicts with the law based on the provisions of Qanun Aceh Number 6 of 2014 concerning *Jināyah* Law, especially Article 67. The incident began on February 8, 2021, when a number of teenagers traveled from Banda Aceh to Aceh Jaya and stayed at the house of the parents of one of their colleagues. At around 04.30 WIB, while the victim was sleeping, the perpetrator entered the room, hugged the victim from behind, kissed her neck, and squeezed the victim's breasts. The victim suddenly woke up, reprimanded, and pushed the perpetrator until he finally came out of the room in a state of fear (*Mahkamah Syar'īyyah Decision Number 2/JN. Children/2021/MS. Bna*)

For this act, the perpetrator's son was charged by the Public Prosecutor with violating Article 47 jo. Article 46 of Qanun Aceh Number 6 of 2014. The article regulates sanctions for perpetrators of sexual harassment, including against children. In his demand, the Prosecutor requested that the Panel of Judges impose a prison sentence of two years. However, because the perpetrator is still under 18 years old and not married, the provisions of Article 67 of the Qanun *Jināyah* apply. This article stipulates that for child offenders, *'uqūbah* can only be imposed a maximum of 1/3 of the adult *'uqūbah*, and/or the child can be returned to the parents/guardians or placed in a place provided by the Government.

In the trial, the perpetrator's son did not file an exception to the indictment. He admitted most of his actions, although he stated that his actions were not done with

malicious intent. On the other hand, the victim gave testimony accompanied by her mother and social workers, and said that she felt traumatized by the incident. The victim emphasized that the perpetrator's actions were carried out secretly while he was sleeping, so he felt harassed and threatened. This testimony was corroborated by other witnesses who saw the victim in a state of fear after the incident.

The Panel of Judges, in its consideration, stated that the elements of sexual harassment as stipulated in Articles 46 and 47 of the Qanun *Jināyah* have been fulfilled, both in terms of the elements of the act, time, place, and consequences. Although there was no penetration or severe physical violence, the actions of the perpetrator's child violated sharia values and injured the victim's honor. However, because the perpetrator is still a child, the Panel considers that the penal approach must consider the educational and corrective sides.

The judge considered several mitigating factors, namely that the perpetrator behaved politely in the trial, had never been convicted before, admitted his mistake, and showed remorse. In addition, the results of community research from the Correctional Center and recommendations from Child Social Workers suggest that children should not be sentenced to prison, but should be given guidance in appropriate institutions for children. This suggestion was accommodated by the Assembly.

In its ruling, the *Mahkamah Syar'iyah* decided to impose *'uqūbah* in the form of child development for 12 (twelve) months at Rumoh Seujahtera Jroh Naguna (RSJN) managed by the Aceh Social Service. RSJN is an official government-owned institution that handles the rehabilitation and development of children who are in conflict with the law. The Assembly also ordered that during the coaching period, children receive religious and moral education, as well as activities that support the development of positive character. This shows that the Banda Aceh *Mahkamah Syar'iyah* applies a restorative and rehabilitative approach that is in line with the spirit of child protection in Islamic sharia and national regulations.

This decision is a concrete representation of the implementation of Article 67 of Qanun *Jināyah* as a whole. The Assembly not only limited *'uqūbah* to one-third of the adult sentence, but also opted for non-prison alternatives as allowed in the article. This approach also shows the implementation of the principle of *siyāsah qadā'iyah*, which is very important in the Islamic legal system. In *siyāsah qadā'iyah*, judges not only apply the law textually, but also consider the benefits, social context, psychological context of the perpetrator, and broader values of justice (Marsaid, 2015).

The application of *siyāsah qadā'iyah* in the case of child sex requires the courage of the judge to make progressive decisions for the benefit of the child and society. In this case, the Assembly's choice to impose the construction in the institution is a form of judicial *ijtihad* that is not only legal-formal, but also substantial. This shows that the Banda Aceh Sharia Court not only performs its role as a law enforcer but also as a

guardian of the values of *maqāṣid al-sharī'ah*, such as the protection of the soul (*hifz al-nafs*), honor (*hifz al-'ird*), and generation (*hifz al-nasl*) (Yuslem, N., & Zulfikar, 2019).

Although in general this ruling has met the elements of child protection, there are critical notes that can be submitted. The Assembly has not yet determined in detail the monitoring or evaluation scheme after the development of Marsaid. Ideally, after the coaching period is over, the *Mahkamah Syar'iyah* conducts follow-up supervision to ensure that the child has truly changed behaviorally and returned to society in a mentally and socially healthy condition. However, in general, this approach is very worthy of being used as a reference in the practice of sharia-based juvenile justice in Aceh.

Decision Number 1/JN. Children/2022/MS. Bna

Decision of the Banda Aceh *Mahkamah Syar'iyah* Number 1/JN. Children/2022/MS. Bna is one of the *Jināyah* cases that shows the direct application of Article 67 of Qanun Aceh Number 6 of 2014 concerning the Law of *Jināyah*. In this case, a 17 year old boy 9 months old was charged with allegedly raping a 14 year old girl. The act was carried out repeatedly in the period between July and October 2021. Based on the facts of the trial, the defendant was proven to have committed violence and coercion of sexual relations that caused physical and psychological trauma to the victim, as confirmed by the results of the autopsy and expert testimony (*Mahkamah Syar'iyah Decision Number 1/JN. Children/2022/MS. Bna*).

The Panel of Judges imposed *'uqūbah* in the form of imprisonment for 7 years minus the period of detention. If referring to Article 50 of the Qanun *Jināyah*, the crime of rape of an adult child can be sanctioned by a maximum of 200 months in prison. Thus, the sentence of 7 years (84 months) against the defendant is exactly 1/3 of the maximum threat as stipulated in Article 67 of the Qanun *Jināyah*.

The legal considerations used by the Panel of Judges in this case are very complex. First, the judge emphasized the aspect of strong evidence through the confession of the perpetrator, consistent victim testimony, the results of the *visum et repertum* that showed old injuries to the victim's intimate organs, and the psychological impact in the form of severe trauma. Second, the Panel also emphasized that even though the defendant was still a child, he had shown malicious intent (*mens rea*) and clear acts of violence in his actions. Third, the judge also considered that the crime was committed repeatedly and involved the manipulation of the victim, who was still very young and in a position of emotional dependence.

In this context, the Panel of Judges stated that *'uqūbah* must still reflect a sense of justice for the victim and the community, without ignoring the principle of child protection of the perpetrator. Therefore, the *'uqūbah* that is imposed is not only retributive but also contains educational and corrective elements. In addition to

imposing prison sentences, the Assembly also encourages the placement of defendants in child development institutions that support aspects of personality rehabilitation and moral education (Wahyuni, 2022).

Normatively, this approach reflects the principle of balance in *siyāsah qaḍā'iyah*, which is the principle of al-tawazun between the rights of the victim and the rights of the perpetrator. In the practice of *siyāsah qaḍā'iyah*, the judge not only decides based on the legal text ('illat qath'i), but also uses consideration of benefits ('illat ma'nawi) to achieve substantive justice. Therefore, this verdict can be considered as a form of response to serious social damage due to sexual crimes, as well as efforts to recover from perpetrators who are still at a vulnerable age.

In this case, the Panel explicitly stated that the decision took into account Article 67 as the basis for restricting '*uqūbah*, but did not use the approach of return to parents or alternative placement outside prison. This is likely due to the severity of the consequences caused, as well as the absence of social security that the perpetrator will be adequately fostered outside the correctional system. When referring to the concept of child protection in the national juvenile justice system as well as in *maqāṣid al-sharī'ah*, non-prison measures such as structured counseling and community-based rehabilitation programs can be more effective in the long term (Dinda, 2023).

However, the imposition of a criminal sentence that remains in the 1/3 corridor shows compliance with Qanun norms, as well as respect for the status of the perpetrator's child. In the context of a jinaat system that tends to be harsh and text-based, this flexibility reflects the progressive renewal of Islamic legal thought. The Banda Aceh *Mahkamah Syar'iyah* began to show a progressive tendency in handling children's cases while still paying attention to the social context, family conditions, and the child's capacity to understand his actions.

From a technical perspective, this decision also shows that there is collaboration between law enforcement officials, such as investigators, social workers, and the Correctional Center (Bapas), all of which provide input in the form of recommendations for the rehabilitation and assessment process of children. This practice follows the cross-sectoral and collaborative juvenile justice system, as stipulated in Law Number 11 of 2012 concerning the Juvenile Criminal Justice System.

Evaluation of the Suitability of the Decision with the Provisions of Article 67

Two decisions of the Banda Aceh *Mahkamah Syar'iyah* Number 2/JN. Children/2021/MS. Bna and Number 1/JN. Children/2022/MS. Bna provides a different portrait in the application of Article 67 of the Qanun *Jināyah* Aceh. Both are cases of *Jināyah* with child perpetrators, but the differences in the characteristics of the case, the condition of the perpetrator and the victim, and the approach of the judge in imposing '*uqūbah* are important reflection spaces in understanding the orientation of child punishment in the *Jināyah* law.

Decision Number 2/JN. Children/2021/MS. Bna shows a more lenient and rehabilitative approach. The perpetrator's son was proven to have committed sexual abuse of the girl while sleeping, without penetration or severe physical violence. Although he was still found guilty, the Panel of Judges did not impose a prison sentence, but chose an alternative in the form of coaching in the institution for 12 months at the Aceh Social Service Hospital. This approach is taken because the perpetrator shows remorse, is cooperative, and has social support from family and institutions. This shows the full application of Article 67, especially paragraph (1), namely the placement of children in coaching institutions as an alternative form of punishment.

Different from that, Decision Number 1/JN. Children/2022/MS. Bna involved a boy who repeatedly raped a 14-year-old girl. The act is carried out with physical violence and emotional manipulation, and has a serious impact on the psychological and physical condition of the victim. The *Mahkamah Syar'iyah* sentenced a maximum of 1/3 of *'uqūbah* to seven years imprisonment for adults as stipulated in Article 67. In this case, the judge chose a repressive route but remained within a legal framework that limits the maximum punishment for children. The judge's consideration focused more on the aspect of protecting victims and preventing future repeat crimes, even though the perpetrator was still a child. This approach shows that there is a priority for the sense of justice of the community and the victim, while still paying attention to the limits of child protection set by the Qanun.

A comparison of these two decisions shows that the Banda Aceh *Mahkamah Syar'iyah* has used its judicial discretion flexibly within the framework of Islamic law and qanun. In the first case, the judge prioritized the deterrent effect and protection of the victim, while in the second case, the judge chose rehabilitation and moral restoration as a solution. The two, although different in approach, have sought to strike a balance between firmness against violations and protection of the rights and future of the perpetrator's child. These two approaches are a valid form of *ijtihad qadhaiyyah* in *siyāsah qaḍā'iyah*, which indeed gives ample room for the judge to consider the merits of imposing *'uqūbah*.

However, from the perspective of comparative legal policy, this difference raises questions about procedural consistency and fairness. Without technical guidelines for the implementation of Article 67, there is a potential for disparities in the application of the law for perpetrators who have similar legal categories. Therefore, it is important for the Government of Aceh and the *Mahkamah Syar'iyah* to develop sharia-based child punishment guidelines that take into account objective parameters, such as the level of offense, the impact on the victim, the age and psychological condition of the child, and the potential for rehabilitation. This is in line with Article 67 paragraph (2), which states that further provisions regarding the implementation

of the article will be regulated in the Governor's Regulation, but until now, it has not been fully realized (Yusuf, 2019).

In the context of *siyāsah qaḍā'īyyah*, the difference in approach in the two rulings is valid and appropriate if read as part of the judge's *ijtihad*. *Siyāsah qaḍā'īyyah* provides space for judges to not only become law enforcers but also moral and social actors who determine the direction of society's justice. This is where the capacity of judges who have social sensitivity, strong Islamic insights, and understanding of the child protection system is important. Without these qualities, the discretion given risks becoming the door to inequality.

Table 1. Verdict Comparison

Decision Number	Contents of the Decision	The Judge's Approach
Decision Number 2/JN. Children/2021/MS. Bna.	In this case, a 17-year-old boy aged 4 months was charged with sexually abusing a girl while sleeping. Even though the act does not result in serious physical injury or penetration, the perpetrator's actions still hurt the victim's dignity psychologically and socially. The prosecutor demanded a prison sentence of two years. However, the Panel of Judges decided to impose a 12-month coaching <i>'uqūbah</i> at Rumoh Seujahtera Jroh Naguna (RSJN), which is a child rehabilitation institution under the management of the Aceh Social Service. The judge also ordered the implementation of religious education programs and character formation during the coaching period.	The Panel of Judges adopted a restorative and rehabilitative approach. Emphasis is placed on the moral and psychological recovery of perpetrators through coaching outside the correctional institution. The judge paid attention to the confession of the perpetrator, politeness at the trial, the recommendation of the social worker, and the results of social research from Bapas. There is no strong element of gross violence or malicious intent (<i>mens rea</i>) in this case. Thus, this decision reflects the values of <i>siyāsah qaḍā'īyyah</i> holistically, where the judge acts not only as an implementer of the legal text, but as a guardian of the welfare of the child and society, in line with <i>maqāṣid al-syarī'ah</i> , such as the protection of the soul (<i>ḥifz al-nafs</i>), honor (<i>ḥifz al-'ird</i>), and offspring (<i>ḥifz al-nasl</i>).
Decision Number 1/JN. Anak/2022/MS. Bna.	This case involves a 17-year-old boy and 9 months old as the perpetrator of repeated rape of a 14-year-	In this case, the Panel of Judges took a retributive-progressive approach with an educational dimension.

	<p>old girl. The crime lasted for several months, resulting in severe physical and psychological trauma to the victim. Based on the provisions of Article 50 of the Qanun <i>Jināyah</i>, adult perpetrators of this crime can be sentenced to 200 months in prison. However, according to Article 67, the judge sentenced him to 7 years (84 months) in prison, which is exactly one-third of the maximum threat. This verdict was accompanied by a statement that the perpetrator would receive coaching and education during the detention period.</p>	<p>Even though the defendant was a child, the judge still imposed a strict prison sentence because the act was considered severe and carried out repeatedly, accompanied by violence and emotional manipulation. The panel considers aspects of protecting victims and maintaining public trust in the justice system. However, due to the status of the perpetrator as a child, the crime is limited according to the provisions of 1/3 of Article 67 and the perpetrator is placed in a juvenile correctional institution. This approach reflects the principle of <i>al-tawāzun</i> (balance), which is to protect the rights of victims while still protecting child offenders legally.</p>
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Conclusion

The application of Article 67 of Qanun Aceh Number 6 of 2014 concerning *Jināyah* Law in children's cases shows that the Banda Aceh *Mahkamah Syar'īyyah* has tried to balance between a positive legal approach and the value of child protection. The two decisions analyzed – Number 1/JN. Children/2022/MS. Bna and Number 2/JN. Children/2021/MS. Bna – an example of how judges use judicial discretion differently but remain within the legal corridor. In the first case, the prison sentence was imposed because of the heavy and repetitive nature of the act, while in the second case, the judge imposed coaching in the institution because the nature of the act was lighter and the perpetrator showed remorse.

Both reflect the application of the principle of *siyāsah qaḍā'īyyah*, where the judge considers aspects of *maslahat*, the child's social background, and the degree of error contextually. In addition, both rulings have also been in line with *maqāṣid al-sharī'ah*, especially in terms of the protection of the soul, honor, and future of children.

However, guidelines for the implementation of Article 67 are needed that are more technical and applicable so that its application is consistent and measurable. That way, justice for children in the Acehnese *Jināyah* legal system can be realized not only

legally, but also ethically and humanistly, in accordance with Islamic values that uphold compassion and guidance for the younger generation.

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